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# **EUI Working Papers**

RSCAS 2007/25

Legitimizing the European Union:  
The Contested Meanings of an EU Constitution

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ISSN 1028-3625

© 2007 Florian Oberhuber

Printed in Italy in October 2007

European University Institute

Badia Fiesolana

I – 50014 San Domenico di Fiesole (FI)

Italy

<http://www.eui.eu/RSCAS/Publications/>

<http://cadmus.eui.eu>

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## **Abstract**

Following up on a previous study on the Convention on the Future of Europe, the present article investigates the reception of the EU's constitutional experience in the public. A qualitative analysis of the press coverage of the various phases of constitutionalisation between the decision on establishing a Convention in December 2001 and the provisional suspension of ratification in 2005 is carried out. While it is pointed out that the constitutional project entailed a bid for legitimacy which implied a strong engagement of the public, the reception of constitutionalisation in the press did not result in a democratic process of mobilisation. However, the failure of such an interpretation of the European Union as a democracy in the making did not amount to a de-legitimation of the EU in the coverage analysed. Rather, another semantic framework for making meaning of the Europolity was found which was based on a predominantly statist reading of its constituents and which legitimated co-operation over unilateral action, namely constructing a normative discourse of the EU member-states in search of a common "European" as opposed to their "national" interests. Hence, the article proposes to take note of the fact that discourses about the European Union show a large degree of polysemia and contestedness, and it develops a framework for empirically studying legitimation as a semiotic process involving the justification of the political system and its output.

## **Keywords**

Constitution building, European public space, media, European Convention, qualitative analysis, Austria, legitimacy, democracy



## Introduction\*

Since the 1990s, practitioners and observers of EU politics have been caught up in “constitutional debates”. These debates aimed not only at reforming the legal and institutional status quo of the EC/EU, but they projected onto the general foundations of the European Union as a political entity (cf. Hurrelmann, 2005; Jachtenfuchs, 2002; Laffan, 2006; Schabacher, 2003; Scholl, 2006; Serfaty, 2003; Weiss, 2002; Wessels, 2003). Various actors posed (and frequently left unanswered) questions about the nature and meaning of Europe/the EU: Who are we? What are the borders of Europe and of the EU? What are the goals and finality of integration? Traditional vocabularies of political community (such as democracy, citizenship, identity) have been recontextualised and transformed in those debates, and various visions of legitimate political order have been put forward. At the apex of this moment of political reflexivity (cf. Wiener, 2004), the EU’s Convention on the Future of Europe was launched by the European Council of Laeken (December 2001). As a new method to prepare the next round of negotiations on treaty change, it was expected to trigger a more open and thoroughgoing debate on the key issues of the Union’s future development.

In a previous project based on ethnographic fieldwork at the site of the European Convention (2002-2003) we looked at the divergent visions and expectations that fed into the Laeken mandate and that were present among the various constituents and observers of the Convention process (Krzyżanowski & Oberhuber, 2007). The present article takes this interest in meaning-making further to include the reception of the constitutional experience in the mass media. This research interest is based on the observation that the adoption of the constitutional register for the EU’s efforts of institutional reform entailed a strong engagement of the public by the EU political system. The Convention on the Future of Europe was explicitly entrusted to involve citizens in a broad debate about the Union’s objectives and organisation, and the constitution itself was presented as a means to foster generalised polity legitimacy. How was this ‘constitutional invitation’ received by a wider audience? What were the main schemas applied for making meaning of EU politics, what issues were politicised and according to which cleavages? How was the EU observed and interpreted in terms of a political entity, and what were the main conceptions of legitimacy implicit in the media coverage of constitutionalisation?

Since the groundbreaking study on a European public sphere by Jürgen Gerhards (1993), a growing literature on an EU communicative space or a ‘sphere of publics’ (Schlesinger, 1999) enhanced our empirical understanding of the transformation of the conditions and processes of political communication in the context of European integration (for recent reviews cf. Latzer & Sauerwein, 2006; Meyer, 2007; Trenz, 2006). A primary focus of this literature has been on the salience of EU actors and themes in national media as well as on the emergence of cross-national debates on EU issues, and a theoretical debate has linked these empirical findings to the question of the democratisation of EU politics (cf. recently Fossum & Schlesinger, 2007). While some of this literature feeds in the present analysis (see section 2.2), its main interest concerns an aspect which has

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\* This paper was written while I was a Jean Monnet Fellow at the Robert Schuman Centre for Advanced Studies at the European University Institute (Florence). It was presented at a luncheon seminar of the RSCAS, a conference on the *Lawmaker* organised by the Forschungsstelle Kulturtheorie (Konstanz) and the Max-Planck-Institute for European Legal History (Frankfurt/Main), and the conference *The Europeans* organised by the GARNET European network of excellence. I am grateful to the participants in these venues for their suggestions, help and criticism. Special thanks are due to Hagen Schulz-Forberg for reading an earlier version of this paper as well as to the reviewers from the EUI scientific community. Errors and mistakes that remain in this draft are of course mine.

been peripheral in the research on a European public sphere, namely not processual and structural features but the semantics of media discourses on the EU.<sup>1</sup>

Arguably, this question of meanings is brought to the fore by the EU's adoption of the constitutional register itself which can be read as an effort to disseminate a certain language of legitimacy to a broader public. In the shadow of this constitutional engagement mass media not only covered concrete events in the political sphere but they inscribed these events in general frameworks of understanding the EU as a political entity. These frameworks provided vocabularies for describing and justifying political order, and hence they set the semantic context in which the EU's quest for legitimation was received. From such a perspective, legitimation can be grasped as a process of meaning-making which is neither mastered by the sender nor the receiver of the message. The meaning of the constitutional experience is determined in an open process where "actors and ideas are discussed and distributed, negated and negotiated".<sup>2</sup>

The present working paper proposes a discourse-historical (Wodak, 2001) investigation of this semiotic process by looking at the press coverage<sup>3</sup> of EU constitutionalisation starting with the decision on establishing a Convention at the Laeken European Council in December 2001 and ending with the provisional suspension of ratification in the summer of 2005. According to the qualitative character of this project, the possible generalisation of findings is subordinated to the interest in theory-building by way of an in-depth analysis of small corpora of texts. Hence, the research design opts for a single national case (Austria), and instead of cross-national comparison it focuses on the differences between the coverage from various sites for the public staging of EU politics: the "supranational" forum of the Convention, the "intergovernmental" negotiations on the Treaty establishing a Constitution for Europe (TCE) with the highpoint of a series of crucial summit meetings, and the ratification phase which brought constitutionalisation to the political systems of the member-states. The problems for presenting and legitimating EU politics in a national arena are highlighted, as well as the challenges that national political languages and structures of opinion-formation meet in the context of European integration. The newspapers analysed are the liberal broadsheet *Die Presse*<sup>4</sup> (DP) and the tabloid *Neue Kronen Zeitung*<sup>5</sup> (NKZ). Detailed information on the methodological background of the study, on sampling choices, categories of analysis and on the data is provided in **Annex 1**.

The next section of the paper will elaborate on the theoretical approach by offering a constructivist interpretation of the so-called legitimacy deficit of the European Union. In the subsequent section, the project of giving a constitution to Europe is analysed in terms of a strong bid for legitimacy, and the reception of this bid in the press is looked at. As it is established in the analysis, the press did not serve as a media for polity-building in terms of a broad societal process of mobilisation where various actors

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1 An interest in competing visions and conceptions of the Europolity has increasingly marked academic discourse with the rise of the project of deepening of the EU in the aftermath of the Maastricht Treaty, namely in research on political discourse and on the transformation of European identities (for an overview cf. Waever, 2004; Risse, 2004).

2 EMEDIATE (Media and Ethics of a European Public Sphere from the Treaty of Rome to the 'War on Terror'), Project Proposal for the EU's 6th FP, Annex I – "Description of Work", 4.

3 Clearly, an analysis of the press gives only a selective access to public discourse, and it looks at media which reproduce rather "conservative" (Maigret, 2003: 169) and nationally coded visions of the European Union when compared to other actors such as social movements. On the other hand, the segmentation of public discourse along territorial and linguistic boundaries constitutes a crucial element of the EU-public relationship, and secondly the press is consistently reported among the most important sources for getting information on EU politics.

4 The DP was among the first newspapers in Austria to routinely cover EU politics and it currently has a permanent section on the "European Union" next to its coverage from abroad. In 2004, the average circulation of the DP was at 101.703 issues which placed it slightly before the main competing quality paper, Der Standard.

5 The NKZ is the most influential newspaper in Austria. In 2005, it reached on average 3,074 million readers daily, that is 44,9 % of the population of those more than 14 years old. The average circulation in the first semester of 2004 was at 1,006.134 issues.

make democratically legitimated claims and the political sphere responds to those claims and thus constructs a representative relation to the *demoi*. Owing to these structural characteristics of the press coverage, the bid for generalised polity legitimacy implied in giving-a-constitution-to-Europe was not vindicated. However, the failure of such a democratic-communitarian interpretation of the European Union as a polity in the making did not amount to a de-legitimation of the EU in the coverage analysed. Rather, another semantic framework for making meaning of the European Union was found which was based on a predominantly statist reading of its constituents and which legitimated co-operation over unilateral action, i.e. constructing a normative discourse of the EU member-states as being bound together in a common polity and in search of a common “European” as opposed to their “national” interests.

## 1. The Rise of Democracy and the Problematisation of the EU’s Legitimacy

In the tradition of political modernity, the concept of legitimate authority can be grasped in terms of the acceptance of decisions by its addressees irrespective of specific motives and contents (such as material justice). The analysis of the actual likelihood of this acceptance and of its conditions has proven to be “empirically elusive” (Bartolini, 2005: 165).<sup>6</sup> This predicament has frequently been commented upon. Among the major contributions in sociology, Niklas Luhmann (1983) drew on theories of learning to develop an empirical account of how the acceptance of decisions is brought about under conditions of bureaucratic rule. In his later work he abandoned this project, and, in a constructivist turn, he reconceptualised legitimation as a process of political communication (Luhmann, 2002: 358-359).

From such a perspective, the currently widely debated “legitimacy deficit” of the European Union can be reframed, i.e. rather than using the notion of legitimacy to normatively evaluate the political system we can look at the ways in which the EU stages, communicates and problematises itself as well as at the broader discourses that thematise the EU in terms of legitimacy and put forward competing visions of legitimate political order. Hence, the problem is reconstructed as one of second-order observation which is carried out below as a genealogical analysis of the changing self-descriptions of European integration.<sup>7</sup> This genealogy also serves as a contextualisation of the empirical case study on constitutionalisation presented in the subsequent sections.

As a backdrop of our simplified narrative, the early days of European integration can be grasped in terms of an understanding of legitimacy which did not yet place the issue of democracy at the centre. The beginning of the Cold War or the rearmament of Germany were much closer to politicians’ worries, and the broader public perceived the various efforts for transnational institution-building rather in the general framework of foreign policy than the formation of a new political centre (Milward, 2000; Schulz-Forberg & Stråth, *forthcoming*). The institutions of European integration were seen as international organisations among others. Their objectives seemed limited and far removed from the general competence for making collectively binding decisions as it defines the concept of the state. This limited, goal-oriented character of European integration was also communicated by the official names of the communities: *European Community for Coal and Steel*, *European Atomic*

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6 “For this reason, most of the debates about ‘legitimacy’ concentrate on a more manageable definition that understands legitimacy as the principles and procedures through which it can be rationally argued that collectivized decisions must be accepted by those who have not participated in them, or, while participating, have not had their preference satisfied.” (ibid., 166) Under these conditions, a theoretical debate on the EU’s legitimacy unfolded in recent years in which various kinds or types of legitimacy were proposed and their potential for legitimating the EU scrutinised (for an overview cf. Føllesdal, 2004; Kohler-Koch, 2007).

7 This analysis is inspired by Luhmann’s use of the concept of self-descriptions as a reflection of the system in itself, i.e. a description using the distinction system/environment in order to observe the unity of the system as a whole (cf. Luhmann, 1997: 393-401; Luhmann, 2002: 319-371). Further credit is due to André Brodocz’s (2003) study on the symbolic dimension of the constitution.

*Community, European Economic Community*. Those entities were perceived as constructions set up by contracts in the framework of international law, and hence their competences were to be understood as being derived not from the citizens but from the contracting states. In this view, European integration leaves the integrity of national democracies untouched since there is virtually no gap between the regulative activity of the communities and the preferences of member-state' governments which keep direct control through their veto power and remain accountable to their respective electorates.

Without attempting to give a comprehensive historical account, a turning point in the perception of European integration can be located in the 1970s when the impact of an eventual accession to the European Community on the domestic democratic structures and on national sovereignty were debated in the United Kingdom and in Denmark. The integrity of the formal circle of power in which political authority is imagined to speak the will of the people who thus governs itself seemed to be challenged by integration. Brussels appeared to be a place where the executive meets behind closed doors to make decisions and thus increasingly escapes the scrutiny by national parliaments and public opinions (cf. Marquand, 1979, Allot, 1974). Meanwhile, the topos of an opaque, technocratic, remote, self-centred mega-bureaucracy in Brussels has disseminated within public discourse, and images and metaphors of the ugly Eurocrat, the moloch Brussels, of dark Commission corridors or of elite deals behind closed doors are among the standard repertoire in media stories about the EU (cf. Musolff, 2004).

The attacks on an integration process that has gone "too far" undermined the inscription of EC politics into national democracies in terms of the delegation of limited tasks to a supranational authority. At the same time, Brussels did not retreat into the familiar framework of international law. On the contrary, it explicitly transgressed its semantics by adopting the question of democracy itself, i.e. going beyond the member-states as exclusive points of reference and beginning to construct a relationship to the European citizens as their addressees and their sources of legitimacy. Hence, elements of democratic vocabularies made their way into the selfunderstandings and political communication of the supranational institutions, and they also began to imprint on their legal framework and practices.

A first thread can be picked up with the European Parliament. Its representatives had soon accommodated the diagnosis of an insufficient parliamentarisation of the Europolity in comparison to the member-states, and this stance became an important *Leitbild* in subsequent debates about integration and institutional reform. Already in 1962, the "European Parliamentary Assembly" adopted the name "European Parliament" and thus positioned itself in the shadow of the model of a European federation. Another milestone was the decision from September 20, 1976, on the introduction of general European elections (first held in 1979). In subsequent years, a series of treaty revisions extended the competences of the EP and its weight in the institutional triangle. Furthermore, the democratic mission of the EP was emphasised, and respective practices were adopted such as the inclusion of civil society organisations in the decision-making process or the introduction of a right of petition for EU citizens.

A second thread leads into the European Commission. In the context of its Directorate General on Media, Education and Culture (DG X), the Commission programmed a number of initiatives which imagined and constructed a relationship of the Euopolity to a pan-European citizenry and public opinion. The latter became a tangible reality namely through the foundation of EUROBAROMETER in 1974. The term of a "citizen's Europe" was launched with the Tindemans report from 1976, and, nine years later (1985), the "Adonnino Committee for A People's Europe" programmed a series of activities aimed at building a European identity such as the European flag, a European anthem, a European passport and driver's licence, the Europe Day on May 9 and other initiatives in the areas of media policy, education and entertainment (cf. García, 1993; Shore 2000: 13-121). Another important moment was the Danish rejection of the Maastricht treaty in the 1992 referendum which was answered by incumbent elites with a renewed call to "bring the Union closer to its citizens". On June 30, 1993, the European Commission launched a new information policy (EC, 1994, Information, Communication, Openness, SEC (93) 916/9) with a view to broadly include citizens in the integration

process. In subsequent years, there were recurrent calls for “selling Europe” better, and “transparency”, “democracy” and “dialogue” became leading catchwords of the EU’s communication policy, while the Internet in particular was used for inviting “citizens” to “participate” in EU political processes (cf. Mak, 2002: 12-13, 50-85).

How could one understand these elements form the traditional vocabularies of political community which like erratic blocks began to populate the inscenations and practices of EC/EU politics? This question became pressing in the course of the decreasing plausibility of the simple cleavage between Euro-federalists and Euro-sceptics which was based on the assumption that the future of integration would bring about an ultimate decision between federation and confederation.<sup>8</sup> From an intergovernmental perspective, integration had left its legitimate framework and gone “too far”. From a federalist perspective, on the other hand, the same situation was described as “not far enough” since it still had to evolve in the direction of a final state of legitimate order. Both perspectives, thus, described the present in terms of a status quo and its deficits, and both were confident of the return of political reality to a state of normality in a not too distant future. But what if the status quo, this impossible “third” between confederation and federation, was there to stay?

It is the increasing plausibility of the perspective of a permanent status quo which fuels discourses on European integration as a problem in respect of legitimacy and democracy.<sup>9</sup> This does not necessarily imply an actual “crisis” of the political system, though, which is described by political scientists rather in terms of a stable normal state and a high degree of path-dependency of institutional change. Turning to the level of self-descriptions of the EU in terms of its nature, objectives, identity, finality, on the other hand, we find the familiar picture of contestedness and obscurity. This sense of crisis does not only result from a difficulty to make EU political reality readable. More important seems the presence of various and competing descriptions and visions which partly contradict and delegitimise each other. Like a chameleon, the European Union seems to show all colours at the same time and allow descriptions of its “nature” in opposite terms: the accretion of competences of the supranational centre coexists with the principle of limited individual authority, the introduction of majority voting in the Council coexists with a practice of consensus politics, the construction of a vertically integrated legal order coexists with the absence of a top of the pyramid with the final authority of deciding over conflicting claims (cf. Walker 2005a), and so forth.

The present article proposes to grasp this state of affairs as an absence of a hegemonial self-description of the political system which would provide a general model for systematising and organising the legal and institutional framework on the one hand and for communicating and staging the EU vis-à-vis the public on the other.<sup>10</sup> In such a situation, accounts of “what the EU is” are at the same time political projects, respectively are they read and used as such. Also academic descriptions are intertwined with the reproduction of political reality since they program expectations and work on the vocabulary through which the object-field thematises and organises itself. Hardly any concept of political language has remained untouched by this work of reformulation, be it democracy, legitimacy, government, sovereignty, public sphere or identity.

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8 Stanley Hoffmann forcefully expressed this imperative of federalise or perish in 1966: “Between the cooperation of existing nations and the breaking of a new one there is no stable middle ground. A federation that succeeds becomes a nation; one that fails leads to secession; half-way attempts [...] must either snowball or roll back.”

9 In recent decades, the search for an account of the EU beyond the statist paradigm, either federal or intergovernmental, has increasingly become a standard topos in various academic disciplines (e.g. Bach, 2000; Walker, 2003b; Weiler & Wind, 2003). However, the debate on the nature of the beast remains controversial, with debates in legal studies probably being the best example for the peculiar problems of the paradoxical endeavour of describing a plural polity as a unity (cf. Walker, 2005a).

10 Magnette (2003) analysed this state of affairs as a symptom of the absence of a shared political culture among the constituents of the EU, and he envisaged a benevolent coexistence of different principles of legitimacy in terms of a “légitimité mixte”.

This seems to be the fundamental condition of those “constitutional debates” that in the past two decades revealed fundamental disagreements about the nature and finality of the European polity. For the present article it is crucial to note that the various visions and descriptions of the EU put forward in these debates imply fundamentally different conceptions of what legitimacy means – ranging from intergovernmentalist approaches via notions of regulation and delegation to deliberative supranationalism or various proposals to make democracy work in a post-national and multi-level context. For the analysis of processes of legitimation in the EU’s constitutional experience presented below, this state of affairs necessitates to adopt a strictly empirical understanding of the concept of legitimation which does not presuppose a specific understanding of the nature of the European Union and its legitimacy but allows to study the various and competing meanings projected in the object-field.<sup>11</sup> Hence, legitimation is grasped here as a semiotic process involving the production of meanings which allow the justification of a political entity and its output. The mass media are an important means for communicating and negotiating these meanings. Politics explicitly stages itself for the mass media and tries to legitimate itself through public communication (cf. Söffner & Tänzler, 2002). On the other hand, politics does not master or control the process of meaning-making. Mass media are free to cover and “transcribe”<sup>12</sup> political events according to their own media logic, and also readers do not simply receive media content but actively take part in the process of semiosis (cf. Jäger, 2004).

## 2. The Constitutional Invitation and its Reception

### 2.1 *The Meanings of the Constitutional Sign*

On February 28<sup>th</sup>, 2001, Valéry Giscard d’Estaing, in the inaugural session of the Convention on the Future of Europe, announced the project of reaching “broad consensus” on a “constitutional treaty for Europe”. At that time, high hopes were in the air. For the first time, the highly contested “c-word” was formally placed on the EU’s political agenda. And this was done by an assembly that, by its very name, was reminiscent of the famous 1787 Philadelphia Convention which came to draft the most successful constitutional document known to political modernity. As it seemed, it would finally be possible to define the nature of the Union and at the same time to define who “we”, as Europeans, are: define the fundamental values and objectives of our political community, and decisively answer the question of the legitimacy of authority wielded through EU institutions.

To be sure, not all of the political elite shared such an heroic idea of the EU’s constitutionalisation but rather a set of pragmatic considerations prevailed (cf. Ludlow, 2002; Magnette, 2002).<sup>13</sup> On the other hand, the value of the constitutional sign itself has to be acknowledged which is not determined by the actors at the cradle of the EU’s Convention but refers to the powerful discourse of constitutionalism and the set of expectations which had historically developed in the (nation-)state tradition. Here, the meaning of the constitution goes beyond its instrumental (legal-administrative) function and is embedded in a semantic field of political community which is made up by notions such as citizenship, democracy, public sphere, identity, representation, and so forth. Arguably, this tradition “provides an inescapable backdrop for the constitutional understanding of the EU” (Walker, 2005b: 225).

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11 Working on the same object, Fossum and Trenz (2005) opted for a different approach and namely constructed their research agenda from a deliberate identification with a Habermasian reading of EU constitution making as a constructive process of polity and constituency building (cf. the next section). Here, sociological research inscribes itself in the performative meaning of the constitution and offers an additional justification of this project as a “functional requirement” for the EU.

12 The concept of “transcriptivity” was proposed by Ludwig Jäger to capture the reciprocal references within the realm of symbolic structures, i.e. processes such as translation, transformation and remediation. In a recent study, Jäger (2004) applied this concept for analysing the relations between discourses in the realm of politics, namely “discourses of political planning” and “discourses of public representation” (mass media).

13 For a typology of interpretations of the constitutional debate in academia cf. Walker 2005b.

The Convention on the Future of Europe explicitly referred to this discursive register at the level of its mandate, staging and practices. Already in the Laeken declaration, the “democratic challenge” of “bringing the Union closer to the citizens” looms large, and indeed “democracy” was not only an element of the official self-presentation of the Convention, but it was also part of its practice. To begin with, the composition of this body was predominantly parliamentary, with the majority of Conventioneers coming from either the European Parliament or national parliaments. It convened publicly in assembly halls of the European Parliament. There was a clear commitment to openness, transparency and the broad participation of civil society, as is manifested in the extensive Internet documentation of the Convention’s works. Furthermore, at the level of content, the Convention clearly signalled an opening up of the debate beyond the limited agenda of the post-Nice process, and the actual deliberations referred to a number of the background assumptions of the tradition of modern state constitutionalism – “from Charters of Rights to Madisonian conceptions of the horizontal division and vertical separation of powers” (Walker, 2003a: 30).

The underlying rationale of this self-presentation of the Convention has been interpreted in terms of a normative ideal of constitution-making as a deliberative process involving above all the various components and interest groups of civil society. From this perspective, in order to be legitimate, “law must be forged through procedures which respect the basic right of all those affected to participate in the deliberation and decision-making of legal norms.” (Fossum & Menéndez, 2005: 386) The process of will-formation is crucial here, i.e. its inclusiveness, intensity and quality in terms of deliberative standards. Constitution-making can be compared with the extension of an invitation, where those addressed as citizens are invited to interpret themselves as both the authors and the addressees of the constitutional message.<sup>14</sup> Within the constitutional language game, Jürgen Habermas has forcefully defended this “performative meaning” of the Convention experience. In his argument, constitutionalisation is described as a transformative process of demos-building, i.e. triggering a mutually reinforcing process of developing a transnational civil society, a European public sphere, and a shared normative frame of reference of political community (Habermas, 2001: 16-21). The establishment of a constitutional Convention, thus, is understood as a “momentum-building event in the search for polity legitimacy” (Walker, 2005b: 238), a “gambit” which carries the promise of future vindication (ibid.).

## 2.2 *The Reception of the Constitutional Invitation in the Press*

Turning to the reception of the constitutional invitation, the picture looks rather bleak.<sup>15</sup> In general, “transnational debates were hardly developed (...) and cross-national conflict cleavages dominated issue-related debates linked to left-right cleavages” (Meyer, 2007: 5; cf. Gleissner & de Vreese, 2005; Kurpas, 2007; Liebert, 2007; Packham, 2003). As Lucarelli and Radaelli (2005: 3, 9-16) concluded in their study on the resonance of EU constitutionalisation in Southern European countries, beyond the level of political elites, academia and some interested lobbies, the dog of mobilisation hardly barked; the broader public remained largely ignorant of the Convention.<sup>16</sup>

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14 Dirk Tänzler (2005) demonstrated this performative meaning of the modern concept of representation in a reading of the frontispice of Hobbes’s Leviathan.

15 To be sure, obstacles such as a lack of mobilisation or negative referenda cannot refute a constructivist understanding of the constitutional endeavour. The latter is not a claim about empirical reality but a framework through which political reality is interpreted, and transformed. As Neil Walker (2005b) put it “the meaning of the constitutional moment is not fatally compromised by the conditions of its origin” (ibid., 236) and “the symbolic value of the constitutional process does not expire with the process itself” (ibid., 235). Only at the subjective level could this Fichtean invitation fail, i.e. in case of a permanent lack of will of the potential citizens to appropriate the constitutional meaning and immerse themselves in the adventure of polity-building.

16 In June 2003, the question of whether they had already heard of the Convention on the Future of Europe was answered positively by only 45% of respondents (38% in September/October 2003), with only minor differences between member-states and accession countries. The subsequent question on the type of text that this Convention was working on yielded

Looking at previous research on the structural conditions for mass media coverage of EU politics (cf. Gerhards, 1993; Meyer, 2003), this difficulty with processes of mobilisation and contestation does not come as a surprise. Within the predominantly national audience and political context of the newsmedia, a politicisation of the rather technical issues debated within the Convention was unlikely. Secondly, EU politics in general and the constitutionalisation process in particular are mainly consensus politics involving all member-states and interested actors and forcing the main political parties to co-operate instead of compete for the control of the EU agenda (or in electoral campaigns). There is an absence of stable camps defined as government and opposition or along party-political<sup>17</sup> or ideological lines. Hence, media coverage of the Convention could not be a forum for actors who would make claims on behalf of opposing camps of Conventioneers, and the readers would have no means to identify groups favouring competing projects for the constitutional text. Moreover, throughout the constitutionalisation experience, there was no accountable actor who would present and defend this project before the public. Finally, owing to the absence of an effective electoral channel of bottom-up resonance,<sup>18</sup> the EU in general and the Convention in particular are rather insulated from processes of public mobilisation, and for collective actors it is usually more effective to lobby for their positions in Brussels itself than enter the fragmented European media sphere (Magnette, 2005: 146-187).

Owing to these and other structural conditions, public contestation about EU politics often takes place within the national political systems which are much more sensitive to processes of political mobilisation. Referenda on highly salient issues such as EU accession, major treaty changes or the Euro are the most spectacular examples for this. But also the elections to the European Parliament borrow national party systems and structures of opinion-formation and are therefore usually considered as “second-order national contests”,<sup>19</sup> i.e. they are not primarily about European but national political issues and parties.<sup>20</sup>

Turning from these structural conditions of the link between the EU political system and mass media to the coverage of constitutionalisation in the newspapers analysed in this article, we can trace the fate of the constitutional gambit in more detail. Starting with the more obvious, the way in which the tabloid paper *Neue Kronen Zeitung* (NKZ) observed the establishment of the Convention on the Future of Europe could be classified as explicit rejection of the constitutional invitation. In a

(Contd.) \_\_\_\_\_

even lower figures. Of those who had answered “yes” to the first question (already heard of the Convention?), in both surveys only about half of the respondents gave the correct answer to the second question (cf. EUROBAROMETER).

17 According to the model of “competitive democratic government”, parties make political life readable by shaping ideologies, presenting stable political orientations on the left/right spectrum, articulating easily understandable alternatives for public policy and selecting the elites running for office. The role of supranational parties, on the other hand, is confined to the co-ordination of MEPs actions and disciplining for voting. The European parties do not determine a stable political course, and they are not the main actors for selecting elites (Magnette, 146-187; Hix 2005, 175-207).

18 “Voters in Euro-elections are simply not offered an opportunity to choose between rival partisan elites presenting alternative programs at that level of aggregation. ... Most important, there is virtually no way that individual citizens voting in free, equal, fair, and competitive Euro-elections could influence the composition of Euro-authorities, much less bring about a rotation of those in office ... it remains impossible to translate a majority produced by the European electorate at large into an effective and predictable change in government or policy” (Schmitter, 2000: 7).

19 For quantitative data cf. Kevin, 2001, and de Vreese et al, 2006. For a theoretical debate on news media in relation to EU and national politics, cf. Trezn, 2004, 2006.

20 Diez Medrano (2003) analysed op-ed pieces in Spanish, German and UK newspapers between 1946 and 1997 and showed how those texts continuously negotiated the meaning of integration for the respective nation-states in the context of the specific national *Erwartungsräume* and *Erfahrungshorizonte* (Koselleck) and thus formed those topics and frames that would remain salient among a wider public until today. – In the present corpus, the politicisation of national public opinion was introduced because Austria had to ratify the TCE and a debate unfolded with regard to whether this should or must be done by a referendum or not. In the shadow of this possibility of a national referendum, a virtual debate on the TCE unfolded which produced opposing stances on how the country should react to the integration process. In both newspapers, national sovereignty, neutrality and atomic energy were the main areas of contention.

commentary from March 6, 2002, entitled “New EU Constitution” (*Neue EU-Verfassung*), this reads as follows:

Example 1:

Convention” is a bold word. During the French Revolution more than 200 years ago this was the revolutionary constitution-making assembly, supported by a powerful popular movement. Only the word remained from all this since it is so very beautiful. In terms of substance there is nothing. (cf. also the articles coded as K7, K8, K9)

As this extract shows, the NKZ did indeed share a strong reading of constitution-making as informed by the classical democratic tradition, i.e. it understood the constitution as “essentially an instrument of collective autonomy” (Somek, 2004: 316-320) which expresses the identity of a *demos* that articulates itself politically by creating representative institutions. The case of the EU’s project of constitutionalisation, however, is debunked as not living up to this standard. It has no substance and illegitimately appropriates the word “constitution” for something which is at best a public relations exercise.

Hence, the legitimating language that the Convention projected is not transported by the NKZ, but in a series of commentaries the EU is presented as an external force vis-à-vis the national political community which lacks democratic credentials.<sup>21</sup> This is particularly evident in the nine articles in the days before the ratification of the TCE in the Austrian parliament (May 11, 2005) and the parallel discussions about holding a referendum in Austria. As the editor of the NKZ explains in an article from May 6, 2005:

Example 2:

The “Krone” has always been in favour of Europe, but the EU never came through to us. It remained largely alien to Austria. ... a referendum is not foreseen, although the present issue is really decisive for the future of the country. ... Should we let the political elite sign the constitution? Why don’t we protest against it with all democratic might?

Owing to this rejection of the constitutional invitation, the NKZ chooses to ignore the Convention, i.e. the latter gets extremely low attention in quantitative terms (17 articles over a period of 577 day). Furthermore, those issues that are politicised throughout the NKZ’s coverage of constitutionalisation do not take up the agenda and debates at the EU level but they are situated in a specifically Austrian horizon of relevance, i.e. they are issues where the Austrian audience has a strong emotional investment, namely: does the EU compel Austria to lift its ban on atomic energy? Will the TCE trump the Austrian constitution and thus abandon the principle of popular sovereignty? Will we lose “our” neutrality and independence and be forced into a military alliance?

The liberal broadsheet *Die Presse* (DP), on the other hand, routinely covers EU politics through their correspondents in Brussels, and we found 188 articles on the Convention or the constitutional treaty over the same period of 19 months. Secondly, while the articles in the NKZ all have a specific Austrian topical reference or angle on the Convention, the DP follows the agenda of the Convention more closely, i.e. it reports what happens in the Convention, it presents and comments various material proposals, and it gives Conventioneers a stage for making claims.

Turning to the reception of the constitutional discourse, we can note that the term of an EU Constitution (*EU-Verfassung*) is frequently employed to explain the objective of the Convention. Other than in the NKZ, though, it is only rarely read in terms of the modern state tradition (e.g. P31). Rather, a general reading of the Convention and the constitution as working for “more Europe” prevails. The actual content of what more Europe means remains rather unclear in the beginning and is

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21 This body was not elected by the people, as it should have been (K8), but it has been equipped with “professional Europeans” (*Berufseuropäern*, K8) and “second- or third rank politicians” (*zweit- oder drittrangigen Politikern*, K1), while the real power rests with the big member-states (several mentions), with big business (several mentions) or is diffused in the intransparent arena of “Brussels” (K8, K11), the “high Olympus of politics” (*hohen Olymp der Politik*, K2).

primarily explained through a comparison with the previous practices of treaty revision through IGC, namely the Nice European Council in 2000. As the content of the Draft Treaty Establishing a Constitution for Europe (DCT) becomes clearer in the course of the Convention's works, the notion of an EU Constitution, too, is explained by references to elements of the Convention's proposals such as an enhanced role for the European Parliament, a binding Charter of Fundamental Rights, and generally more efficient institutions through more majority voting in the Council.

Hence, the coverage in the DP does transport elements of the discourse and proposals of the Convention and of the legitimating language that is related to the project of constitution-making. An analysis of the structure of this coverage at the level of the representation of social actors and of political claims-makers (cf. Koopmans & Stratham, 1999), on the other hand, reveals that the "transcription" of constitutionalisation in the DP did not achieve the closing of the gap between the political sphere and its public which a strong reading of constitution-making implies. Rather than addressing its readers as part of a polity in the making, the media coverage presented events at a distant sphere of power to an audience of mere observers who are not part of this sphere and who do not have any formal channels (such as elections) to participate in its activities. This sphere of power is presented in the coverage as primarily populated and dominated by the member-states and their representatives.<sup>22</sup> Secondly, those actors are not portrayed as making claims in order to mobilise their audience or as speaking representatively for them. While this is not surprising as far as the representatives of the member-states are concerned, it holds also true for Conventioneers in general who are portrayed in the coverage either as bearers of individual opinions or as inside-commentators of what is going on in Brussels (see subsequent section for examples). Finally, the coverage does not function as a forum where the competing claims and opinions of the *demos* or civil society are articulated vis-à-vis the politicians, i.e. with the exception of two guest commentaries<sup>23</sup> and one report,<sup>24</sup> actors and claims-makers are exclusively national or EU politicians.

Hence, the constitutionalisation experience was transcribed in the DP along the same lines as previous efforts for treaty change,<sup>25</sup> i.e. rather than drawing the readers into the debate of a virtual political community about basic questions of the nature of the institutions of justice at an EU level, it placed them as mere observers. As such, they are in a position to comment, evaluate and criticise the performance of the political elite and reason about the likely effects that the TCE might bring about. They might even share the view that the Convention and the TCE represent a step forward in the democratic evolution of the EU. However, democracy was not performed through the Convention itself, i.e. the mobilisation and articulation of a *demos* did not take place.

### 3. Making Meaning of the Europolity

While the evidence presented above seems to suggest a failure of the constitutional endeavour, such a reading would presuppose a strong understanding of constitution-making at the level of theory and making it the normative yardstick for judging empirical reality. Rather than following that road, the

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22 Among the EU institutions, only the Commission plays a role and it is usually juxtaposed with the member-states as an organ that incarnates the community, i.e. the common good. Giscard and the Praesidium are mostly passivised in the coverage, i.e. they are not portrayed as an active agent but as a recipient of actions of others (such as the member-states).

23 This is an article from 10.10.2002 by a representative of the Austrian Workers' Chamber arguing for a more fully-fledged social and economic policy and a response by a representative of the Association of Austrian Industry defending the liberal policy-orientation of the EU.

24 This is an article from 21.5.2003 reporting on Austrian environmental organisations contesting the constitutionalisation of EURATOM through the works of the Convention.

25 The conclusions of a EUROBAROMETER (39, 1993, p. 29) survey on the ratification of the Maastricht treaty could also be applied to the Convention experience: that in each country the level of understanding of the treaty was low, and that orientation happened on "global ideas" such as "do you want more Europe, the same Europe, or less Europe", while those ideas often were mixed with considerations on domestic politics.

subsequent analysis will look at the coverage of the constitutional experience independent of such an understanding of the EU in order to empirically investigate the schemas and semantic frameworks through which these events in the political sphere were transcribed in the press (cf. **Annex 1** for an explanation of the categories of analysis).

### ***3.1 The Democratic Repertoire: Government for the Citizens***

While democracy has not been at the agenda in the first decades of European integration, talk about the EU's democratic deficit is today not only routinely part of academic discourse but also of the Union's own political communication. In the coverage of the Convention in the DP, the notion of democracy is first and foremost introduced through a reference to the official self-presentation of the Convention, namely its bid to bring the Union closer to its citizens by making it more efficient, democratic and transparent. Hence, a certain resonance of the legitimating language coined at the supranational level in the DP can be noted: giving a rough quantitative measure, from 27 uses of the words "democratic" or "democracy" in relation to the EU within the whole coverage of the Convention period, nine instances (33%) recontextualise these notions from the Laeken declaration or official Convention documents. Secondly, references to elements of a democratic language can be found at the level of argumentation by claims-makers as well as in opinion pieces authored by the staff of the DP. The most widely used discursive strategy in this context was to legitimise the EU's constitutionalisation by constructing an opposition between a more democratic Europe promised by the TCE (and the Convention method<sup>26</sup>) with the status quo portrayed in terms of a Europe of governments being caught up in national egoism and blocking progress through their veto-power (e.g. articles coded as P12, P22, P28).

As was established in a previous analysis of official texts as well as interviews with Conventioneers (Krzyżanowski & Oberhuber, 2007), within the Convention itself a group with a predominantly European parliamentarian background frequently made use of a such an argument, i.e. they would draw on a certain vision of an ongoing process of integration in order to justify claims about institutional reform and at the same time construct a dichotomy between those favouring "more Europe" vs. those favouring an intergovernmental approach. Within the coverage of the Convention in the DP, a condensed version of this argument can be found in claims made by Austrian Conventioneer Johannes Voggenhuber<sup>27</sup> who had been one of the most visible opponents of "Giscard and the governments" during the Convention. Already in the beginning of 2002, various elements of Voggenhuber's reading of the constitutional experience are transported, namely: the Convention is about transferring power from the governments to democratic institutions and such reforms are in the interest of the "citizens" (22.2.2002); such reforms mean "more Europe" and are opposed to claims for a re-nationalisation and an EU of the member-states (23.3.2002); and within the Convention Giscard and his presidium are the long arm of the governments (25.5.2002). Through such claims which were frequently adopted by the correspondents of the DP in Brussels, the distinction between more/less Europe is parallelised with the one between governments/parliaments-citizens. This allows, on the one hand, to dramatise events within the Convention in terms of a conflict between two opposing camps. On the other hand, it allows to put forward a general idea of what is at stake in the constitutionalisation of the EU in democratic terms.

In an article from April 15, 2003, both strategies are combined. The heading of the text frames the Convention as an effort for a thoroughgoing refoundation of the Union (*Es geht um die Neugründung*

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26 Already at the time of the Laeken Council of December 2001, the Convention was contrasted with the practice of intergovernmental negotiations (namely during the previous summit of Nice), and similar arguments can be found throughout our corpus.

27 Giving a rough quantitative measure, the name "Voggenhuber" appears 77 times in the DPs coverage of the Convention period, compared to 79 mentions of Austrian chancellor Schüssel, 36 of French president Chirac or 39 of German chancellor Schröder.

*der Union*). Then, a crisis of the integration process is identified and attributed to a stronger position of the opponents of integration in the context of the Iraq war. This regressive moment, it is argued, also plays out in the Convention, namely through the influence of its chairman Giscard. While this body should limit the power of the governments in order to push forward the democratisation of the EU, Giscard and other opponents of this deepening, on the other hand, imply the danger of Europe falling back into the 19<sup>th</sup> century, in times of political axes and hegemonies (*in Zeiten von Achsen und Hegemonien*).

Through such claims, a metonymical chain of identities is constructed on both sides of the more/less distinction, namely, on the less-side: member-states – governments – particularistic interests – veto – nationalism – a Europe in crisis. And on the more-side: parliaments – general interest – citizens – majority voting in the EU – a Europe in order. Thus, the strong representative claim of governments which characterises a large part of the corpus (cf. below) is countered since the latter are debunked as acting not in the general interest but in the interest of the rulers themselves. The identification of the people's interest with national autonomy and self-rule is backgrounded, and another representative link is established which involves the (denationalised) citizens and a democratically organised EU.

Owing to the contrastive construction of this argument, “more Europe” is primarily legitimised through the negation of its opposite which is also identified with the status quo. In other words, the concrete meaning of the “more” that the EU brings is left unclear while only its opposite, i.e. the Europe of the governments, is portrayed in negative terms. Through such an argument, the promise of democracy can be upheld without having to provide a concrete idea of its realisation. Democracy is constructed as the other side of a status quo which is interpreted as a Europe managed by the member-states in an intransparent way, which does not care for or work in the interest of normal people, and which is in danger of being run by “the big” and their lobbies only (several mentions).

While such argumentative strategies create a strong motivation for change, they lose their purchase and even aggravate the perception of crisis in the moment of the consumption of the impetus for change with the French and Dutch referenda in May and June 2005. In two leading articles from May 28 and June 7, 2005, the DP articulates this moment of disappointment which implies giving up the hopes in more Europe and more democracy which had been linked to the constitutionalisation project. While the previous coverage of the ratification period had kept up the pathos of constitutionalisation and critically commented on the no-camps in the various countries, those two texts affirmatively observe the two negative referenda and adopt a stance which highlights the less-side of the more/less distinction. Hence, the head of the leading article from June 7 reads “The bubble of ‘Europe’ burst – shrinking back to healthy dimensions” (*Die Blase "Europa" ist geplatzt – Gesundheitskrumpfung*), and the leading article from May 28 criticises the EU as “partly too dictatorial, too supranational and too bureaucratic“ (*zu diktatorisch, zu supranational und zu bürokratisch*) as well as “totally intransparent” (*völlig undurchsichtigen Entscheidungskanäle in Brüssel*).<sup>28</sup>

### Example 3:

What does that mean? That in the coming months EU-leaders have to tell people what was partly foreseen in the constitution: that Brussels is going to deal exclusively with transnational issues. And that the voters will be included as closely as possible. Maybe this will imply slowing down integration. But how else could consensus be found for a viable *modus vivendi* of 25 and soon more different nations?

Such articles in the context of the two negative referenda present a realist perspective on what politics can do, i.e. a search for a *modus vivendi* of a Union primarily made up by member-states

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<sup>28</sup> An analysis of the concordances on “demokrati” in the coverage of the whole Convention period reveals only three instances of these conventional topoi of criticising the EU (which inform a large part of the corpus of the NKZ, on the other hand).

divided on key issues and in need of rethinking its objectives independent of a vision of ever closer integration. Hence, the perception of the EU within a temporal scheme turns around: the optimism of change disappears, and the right strategy is presented as either “less Europe” or as “neither more nor less”, namely waiting (*Innehalten*), reflecting, and exchanging the illusions created by high hopes and expectations with consolidation, realism and pragmatism.

### 3.2 *The Co-Operative Repertoire: Power versus Solidarity*

The media coverage analysed in the present study can be divided according to the phases of the constitutionalisation project which involved very different stages of EU politics and brought different aspects of the Europolity to the fore: (1) the Convention itself which lends itself to transcriptions of the debates about the content of the TCE and the actors involved in the Convention; (2) the intergovernmental negotiations with the highpoint of the concluding sessions of an IGC which lends itself to covering the strategies, interests and struggles between the member-states; (3) ratification which lends itself to coverage of domestic political landscapes, debates, and effects of outcomes of referenda; (4) and a fourth phase after the two “Nos” in the French and Dutch referenda which initiated a pause of the ratification process and a phase of re-considering constitutionalisation at the political level.

In all of these phases,<sup>29</sup> the member-states were by far the most visible actors,<sup>30</sup> they were frequently interpreted as those actors truly holding power within the EU, while events in the political sphere were mainly dramatised in terms of conflicts between individual member-states or camps of several member-states. Looking closer at the semiotic resources through which member-states were presented, the sedimented metaphor of A NATION STATE IS A PERSON plays a crucial role. Hence, states are usually not decomposed into various constituents, population groups, institutional or bureaucratic structures and actors, but the notion of a unitary actor with a single national interest prevails. National politicians represent these states which in turn represent or are cosubstantial with their peoples. This representative function of politicians (often expressed through the rhetorical trope of synecdoche such as *Paris said, France wants*, etc.) is usually not questioned or deconstructed, and so is the ability of states to indeed satisfy and express the identities and will of their populations.

Proceeding in the analysis, the potential of a statist perspective for making meaning of the Europolity and especially for communicating legitimacy can be scrutinised. With regard to the NKZ, it was already argued above that the rejection of the constitutional invitation was based on the notion of a constitution as expression of a democratic political collective. Consequently, the idea of a people as a political subject with its legitimate self-interests is frequently referred to when talking about the Europolity as made up by its member-states. Furthermore, “Brussels” is often constructed as an external and illegitimate force with regard to the democratic will of the people in each country. “Brussels” is a threat for popular sovereignty, it is heteronomy (*Fremdbestimmung*) as opposed to autonomy (*Selbstbestimmung*) (NKZ, 19.12.2003).

When looking at the NKZ coverage of the breakdown of the IGC 2003, on the other hand, another interpretation could be found which allows a positive evaluation of European integration. Covering the IGC mainly through the schema of power struggles between governments, the NKZ constructed the possibility of a general failure of the EU which was read in terms of either breakdown of the EU

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29 While during an IGC, this perspective on the EU through the member-states seems dictated by the structure and staging of the event itself, this is less evident for the Convention which deliberately placed government representatives on the same footing as parliamentarians and was structured in a way as to avoid intergovernmental bargaining and rather treat each Conventioneer as individual. Nevertheless, a statist scheme was widely used to select, identify and present actors as well as to stage and explain conflicts on the constitutional agenda.

30 Cf. also the data on French and German quality newspapers presented by Vettters, Jentges & Trenz (2006). Those authors counted instances of claims-making in the coverage and distinguished between domestic, foreign and EU claims-makers as well as between claims-makers from different backgrounds such as civil society, state or party organisations.

(*Spaltung*) or a Union run by “the big” (“core Europe”, *Kerneuropa*). Clearly, those alternatives were rejected by the NKZ. However, which alternative, positive visions of European integration could it put forward when at the same time “more Europe” in terms of deepening was rejected?

Apparently, there exists a way of talking about European integration which goes beyond the dualism of federation or confederation which – maybe surprisingly – was only rarely drawn on in both newspapers analysed.<sup>31</sup> Looking at our coverage in the DP, such accounts of the Europolity were presented in the most refined way in claims of or contributions by current or previous members of the European Commission (four articles in our sample). Indeed, an account of the EU in terms of the famous “community method” constitutes an important narrative within this organisation’s culture. As the representative of the EC in Austria, Hatto Käfer, explains in a guest commentary from July 18, 2002:

Example 4:

Putting it briefly, the community method involves the acting together of the three independent bodies of the European Commission, the European Parliament and the Council of Ministers. This institutional triangle assures the member-states an exercise of sovereignty in a democratic way and at the same time an action in the general interest of the Union.

In this brief account we find, firstly, a conception of the EU which is not opposed to member-state sovereignty like in a zero-sum game, but where the EU’s peculiar institutional constellation is the medium for the exercise of its member-states’ sovereignty. Secondly, the notion of democracy is appropriated for the description of this method (“in a democratic way”). Thirdly, it is argued that the community method produces results which are in “the general interest” of the Union, a phrase reminiscent of the definition of the European Commission in Art. 213 EC-Treaty as performing tasks “in the general interest of the Community”.

According to this conception of the Union, the latter can and should not become a state (“superstate”, *Überstaat*, 18.4.2002) itself, but it should remain “a Union of peoples and states which is active in those areas where the individual states on their own cannot develop satisfactory policies” (DP, 18.7.2002).<sup>32</sup> A similar claim is also made in a guest commentary by social-democratic Conventioneer Caspar Einem, who, in the context of the Iraq crisis, paints a picture of the EU as a system of co-operation in concrete areas which helps Europeans to share burdens in a spirit of solidarity without creating the threat of a superstate. Hence, what the new constitution should do is allowing member -states to solve problems which cannot be solved at the national level.<sup>33</sup>

Finally, a more dramatic version of this reading of the Union is provided by three articles from the DP staff which juxtapose the community method and its guardian, the Commission, with the threat of a Union dominated by the big member-states. Namely it is argued that through the establishment of a stable Council presidency the Commission might lose its function as a counterweight to the big EU-countries such as the UK, France or Spain who prefer operating at the government level (articles P18, P19). Adding an Austrian dimension to this analysis, former Commissioner Franz Fischler explains in an interview (30.4.2003):

Example 5:

Pure intergovernmental co-operation would mean to create a new League of Nations. Integration on the other hand means to identify tasks and delegating those to the community institutions. This is a big qualitative difference. And another important aspect: in the intergovernmental co-

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31 Such an idea was already at the cradle of the integration project when leading politicians from the six devised an institutional framework which would both avoid a gradual subordination of the member-states by a central power and assure more efficient co-operation than known from the practice of intergovernmental negotiations (cf. Milward, 2000).

32 “eine Union der Völker und Staaten, die in jenen Bereichen, in denen einzelne Staaten auf sich allein gestellt keine zufriedenstellende Politik entwickeln können, aktiv wird”.

33 “europäische Verfassung, die hilft, Probleme europäisch zu lösen, die wir national nicht mehr zu lösen in der Lage sind” (DP, 5.4.2003).

operation of course the big dominate; in the integration model, on the other hand, the significance of the small countries is higher.

Arguably, the power of this language to make meaning of the EU and to resonate with mass audiences depends on concrete events in the political sphere to be applied to. During the Convention period, the conflicts surrounding the proposal of a stable Council presidency and their interpretation in terms of a co-operative Union vs. a hegemony of “the big” worked in this way. However, an even stronger purchase of a co-operative repertoire can be found in the coverage of the breakdown of the concluding session of the IGC launched to finalise the TCE after the end of the Convention’s works.

An IGC represents an important and recurrent event in EU politics with a certain dramaturgy: high profile politicians from the member-states meet to negotiate crucial changes to the treaties which organise the political life of the Union. Before the breakdown of negotiations in the IGC’s concluding session (December 12 and 13, 2003), the press coverage concentrated mainly on presenting the positions of various countries and the main contested issues, namely the conflict over voting weights in the Council with France and Germany on the one side, and Poland and Spain on the other. Furthermore, the more/less schema was used in order to explain what was at stake with the decision on the TCE, namely achieving “more Europe” to which several governments were presented as being opposed to (cf. Oberhuber et al., 2005).

After the breakdown of the Summit, though, perspectives changed. It was the failure to come to an agreement which was placed at the heart of the coverage, and this failure was further dramatised by the presentation of two possible scenarios, namely (1) a break-up of the Union, and (2) stronger intergovernmental co-operation meaning ultimately a hegemony of the big member-states. The TCE, on the other hand, was presented as the exact other of these scenarios, namely as securing stability and unity, and institutionalising co-operation in a fair way, i.e. avoiding hegemony of any of the member-states. In this context, the more/less schema is re-contextualised within a co-operative interpretation of the Europolity, now not meaning going further down the federal road but allowing to distinguish a European interest achieved through co-operation from a national interest signifying conflict, stalemate and the threat of a break-up of the EU.

In the DP, those other sides of order and co-operation in the EU are most often portrayed in terms of an image of the establishment of a “core Europe” dominated by France and Germany. In an interview with ex-Commissioner Franz Fischer, this threat is painted in vivid colours:

Example 6:

EU-Commissioner for agriculture, Franz Fischler, has advised against the establishment of a core Europe “that would no longer care for other countries”. ... If some states assert themselves, there is a danger that two or three other groups are formed that want to push their own interests, says Fischler. “That would be the beginning of the end of a common Europe.” (15.12.2003)

Co-operation and integration, on the other hand, are opposed to the myopic going after national interests: governments would not see that EU-interests are the interests of all, argues Fischler in the said article, and that problems can be solved better and more efficient at an EU level. The conclusions to be drawn from such a perspective on the EU as an added value through co-operation and an antidote to the resurgence of nationalisms and hegemony, though, are underdetermined by the event. In the DP, several articles affirm the road of deepening represented by the TCE; in the NKZ, on the other hand, this option is hardly available, and thus there remains a vague argument for plurality and respect of national peoples and interests:

Example 7:

The debacle of the summit could also be a healthy shock when the EU acknowledges again the reality of European diversity and stops forcing the citizens in a straitjacket that they don’t want. (15.12.2003)

Finally, we need to turn to another context in which the co-operative language lends itself to be applied, namely the observation of parliamentary ratification or referenda in other countries than Austria. While in the NKZ articles on this period of constitutionalisation are virtually absent, in the DP they constitute a corpus of roughly 55 articles (without counting the period immediately before and after the French and Dutch referenda which follows its own logic). Arguably, this coverage of ratification in other countries produces a different kind of relation between the political system and mass media than both, the Convention period and the IGC 2003. Firstly, the perspective it takes at the EU is clearly one of a Union of states, a composite polity where each member-state is given the possibility to decide freely on whether to accept the changes to the treaties, or not. Secondly, there is an awareness of all those sovereign decisions on the TCE taking place within a common political entity binding the member-states together, i.e. a failure of even one ratification will stop the whole process.<sup>34</sup>

Hence, covering the various national referenda differs from the usual coverage of domestic politics in foreign countries: it takes place against the background of those countries being part of a common polity, and thus it allows observing those events from the viewpoint of what they mean for the EU as a whole (e.g. articles coded as PR2, PR3, PR4). Especially in the articles on the referendum in the UK, the DP develops an explicit idea of a common polity where the political leaders of the member-states should display responsibility and solidarity vis-à-vis each other, and this imperative is contrasted with a general suspicion that holding referenda is done for strategic reasons of those in power rather than on authentic democratic grounds (e.g. 5.11.2004). Hence, it is expected from leaders such as Tony Blair to civilise their domestic anti-European forces and not to use the referendum to gain more leverage in negotiations at the EU level.<sup>35</sup> Through such claims, national leaders are observed as more than national, namely they are perceived as also (at least morally) responsible vis-à-vis the EU polity where they can be held accountable by the other member-states in the common institutional framework.

The flipside of such a notion of solidarity among member-states is a general tendency of the coverage in the DP as well as the NKZ to communicate a respect for diversity within the EU and for the interests of other countries, i.e. to be able to take their perspective and to avoid scapegoating (for the coverage of the IGC 2003, cf. Oberhuber et al., 2005). Here, the language of co-operation works within the framework of a statist scheme and produces a conception of the EU as a family of states respecting each other and working together to foster the common good (cf. Musolff, 2004). Especially after the breakdown of the constitutional promise with the Dutch and French referenda, such a statist perspective is again at the centre of the commentaries in the DP.

## Conclusions

Commenting on the deepening of European integration including such issues as an accretion of competences, the spreading of majority voting in the Council, or the constitutionalisation of EU law through the European Court of Justice, it has been argued that “the EU has made itself sufficiently omniscient, controversial, and indispensable in the lives of Europeans that its ‘real existing’ practices cannot simply be tolerated or ignored” (Schmitter, 2000: 18). The present article shares this view insofar as it seems hardly to be contested that the EU is indeed routinely observed by a general public, that its actions can be and are scrutinised by actors from civil society, and that the political system itself is concerned with public support, observes public opinion in various ways and also tries to present and motivate its programs and decisions and thus to legitimate itself before the public.

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34 Covering the debates unfolding abroad allows, firstly, to observe how others observe the EU, and, secondly, it also allows observing oneself by observing the other. Within our corpus the majority of articles focussed on the no-camps in the various countries, and through a strategy of othering produced an indirect legitimation of what the EU stands for in strong oppositional terms such as European vs. nationalist (cf. also the analysis of the debates on the Haider case by van de Steeg, 2005).

35 E.g. an article from 18 June, 2004, is entitled “British Prime Minister Tony Blair turning into problem for Europe: With special interests and the announced referendum he endangers EU-Constitution.”

On the other hand, the question of how this relationship between the EU political system and its public can be understood and should be organised is anything but clear. This pertains to the institutional structures of the said link (such as elections or the procedure for nominating the Commission President) as well as to the organisation and media of opinion-formation (bottom-up) and political communication (top-down). Moreover, the present article contends that the question of meanings cannot be avoided when tackling this issue since the basic understandings or leading images (*Leitbilder*, cf. Schneider, 1992: 6) of the Europolity do not only help to orient actions, define objectives and provide a framework for observing and interpreting a given situation. The semantic resources provided by those frameworks of meanings are also indispensable for mediating the EU-public relation in concrete processes of communication.

As it was argued above, the current state of the European Union is characterised by contestedness instead of one widely shared, hegemonial self-description, and this holds true for the meanings drawn on and projected in the political system (cf. Kzyzanowski & Oberhuber, 2007) as well as for its observation in academics or a general public. Coming back to the empirical data analysed for the Austrian case, two competing sets of meanings were highlighted. On the one hand, this is a conceptualisation of the European Union as a new centre of political authority which ultimately both addresses and is based on its citizens as a political collective of equals. On such an account, the issue of the relation between the EU and its public is put in the familiar terms of a circular relation between rulers and ruled: the people are constituted as a political *demos* through the establishment of a unitary locus of authority while this authority speaks the will of the people who is thus imagined to govern itself.<sup>36</sup> Such a notion of a democratic polity holds a promise of stable and generalised legitimacy and it especially enables an emancipation of the political centre from intermediary powers such as the member-states. Thus, the language of democracy carries a strong performative meaning of creating future expectations about an efficient and just political order. On the other hand, when confronted with elements of the current state of the EU which are alien to those expectations, the same discourse constitutes maybe the most powerful resource for delegitimizing the EU's status quo which has notably been described as suffering from a lack of legitimacy based on a triple deficit of democracy, public sphere and identity.

The other main semantic framework reconstructed in our case study is closer to the status quo, notably due to its fit with the largely statist schema used for presenting EU political actors and cleavages. Hence, it lends itself less to projecting a vision for the EU's future but for making meaning of the various events that made up the different phases of constitutionalisation. From a theoretical point of view, it is crucial to note that such an understanding of the Europolity neither conceptualises the EU in terms of a unitary locus of authority with a generalised potential for making collectively binding decisions nor presupposes the notion of citizens as the addressees and sources of political authority.<sup>37</sup> The identification of individuals as ruled with the rulers via the notion of citizenship is not part of this claim for legitimacy, but the member-states remain the primary loci and addresses of expectations and identifications. Arguably, the conservative<sup>38</sup> character of such an understanding of

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36 Secondly, the issue of identity cannot be avoided, since a collective of citizens is more than an aggregate of individuals, i.e. it is a political subject which needs an awareness of itself as a subject and a shared set of values and principles which allows minorities and majorities to recognise each other as belonging to the same "we" (cf. Cerutti, 2006).

37 Some authors critically observed the rise of the language of democracy, legitimacy and identity, and they provided a principle rebuttal of a reading of the EU in terms of the relation between a polity and its citizens. Rather than wielding generalised authority over a political collective, it has been argued, the European Union has to be described as a means for co-ordinating the preferences of its member-states (Moravcik), or as a regulatory state which performs certain delegated tasks in areas of low salience for democratic publics (Majone). In this context, also the project of a "constitutionalism beyond the state" can be mentioned which tries to adopt and adapt the resources of the constitutional register beyond naive emulation.

38 From a socio-semiotic perspective, mainstream newsmedia can be considered at the centre of a "semiosphere" (cf. Lotman, 1990) and hence they reproduce rather "conservative" and nationally coded visions of the European Union (i.e. reproducing the semiotic structures of the centre) when compared to peripheral actors such as social movements.

the Europolity resonates with many aspects of the political system as well as with the legal definition of the Union put forward in the treaties. On the other hand, it is at odds with those tendencies of integration that escape a statist reading as well as with articulations of political subjectivity beyond allegiances to nations and states (cf. Della Porta, 2003, 2005).

Turning to its potential for justifying the European Union, the co-operative repertoire places a premium on sacrificing own interests for the common good and it provides a language of respect and solidarity with those simultaneously constructed as others and as members of the same polity.<sup>39</sup> Legitimacy is constructed here as a permanent search for common ground between member-states which are not dissolved into a new, unitary structure of authority but remain present and capable of acting, their identities thus being rather affirmed than dissolved (cf. Art. I-1 and I-5 of the TCE). This can be considered a weak claim since it does not demand compliance irrespective of the content of policies but it keeps political authority bound to manufacture consent (of its constituents<sup>40</sup> as well as the general public) for each political project by material arguments. Hence, legitimation appears as an ongoing task which needs to deal with the communication of concrete issues in specific contexts. The division of power, competences and policies between the various levels of the Europolity remains an open question, and the political system cannot presuppose identification but needs to stay responsive to the complex dynamics of public opinion.

Both semantic repertoires, the democratic and the co-operative, are drawn on and projected by the selfunderstandings and political communication of the European Union. The mass media transcribe these meanings according to their own logic and use them in order to dramatise and explain political events. While the specific ways in which the constitutional experience was received in the Austrian press cannot and should not be generalised, it can be expected that the two semantic repertoires reconstructed in the presented paper are central for mass media discourses on EU legitimacy also in other countries. On some occasions, the option for a democratic or a co-operative understanding of the EU might be politicised according to the schema of more vs. less Europe. An ultimate hegemony of each of them, on the other hand, seems unlikely, and hence we might continue to see a tension between those and other conceptions of the Europolity as well as efforts to make them compatible with each other through bricolage, synthesis and integration. – Not least the works of the Convention can be read along these lines.

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39 In legal discourse, Joseph Weiler has elevated this principle to the heights of a European *Grundnorm* of “constitutional tolerance”: namely the acceptance in a range of areas of the legitimacy and authority of decisions that have been made outside of the framework of democratic self-rule (Weiler 1999: 346). “They accept it as an autonomous voluntary act, endlessly renewed on each occasion, of subordination, in the discrete areas governed by Europe to a norm which is the aggregate expression of other wills, other political identities, other political communities.” (Weiler, 2003: 16)

40 For recent debates on the prospects of politicisation of the EU in order to overcome institutional gridlock cf. Bartolini, 2006; Follesdal & Hix, 2005; Hix, 2006; Scharpf, 2006.

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## **Annex 1: Methodology and Data**

The analysis presented in this article builds on a well established tradition of research on EU-institutions and discourses in the context of a qualitative and discourse-historical approach which, as far, has focused on such issues as: EU-policy making in multiple institutional settings (cf. Muntigl, Weiss & Wodak, 2000), the individual and collective identification of members of EU institutions such as, for example, Euro-Parliamentarians (cf. Wodak, 2000, 2003 and 2004) as well as various forms and instances of the recent Future of Europe Debate (cf. Wodak & Weiss, 2004; Weiss, 2002; Krzyżanowski & Oberhuber, 2007; Krzyżanowski, forthcoming).

In line with the key methodological principles of this research tradition (Fairclough & Wodak, 1997: 258-284; cf. Wodak, 2001), the research process documented in this article can be characterised as non-linear, grounded and reflexive. Rather than working with predefined models or categories of analysis, theories, methods and ‘conceptual tools’ are integrated in the analysis which are adequate for an understanding and explanation of the object under investigation. By the same token, the links established between theory, methodology and empirical data help to retain an abductive stance which implies a constant movement back and forth between all of those levels and thus allows modifying the theoretical and methodological approach in a processual way. Furthermore, beyond media texts only, various loci and different sites of production and reception of the EU constitutional discourse were included in the analysis, thus allowing a multi-level contextualisation of data. Hence, the basic decisions on the research design and throughout the sampling process were an outgrowth of a broad overview of the object-field, of its historical and socio-political context, and of ongoing theoretical reflections on EU constitutionalisation in academia and in various public spaces.

It has to be stressed that the ideals established within a certain understanding of social research (such as objectivity, validity and reliability) are not suitable criteria for evaluating the quality of such type of research. Qualitative analysis seeks to reconstruct and understand the specificity of the worlds it purports to study; it does not strive for general and replicable results. Furthermore, the researcher is inextricably part of the research process. Data gathering is always selective, and it is subjective since it necessarily reflects the particular experience of each researcher in and with his or her field. Doing away with subjectivity, thus, seems to be a futile endeavour, and consequently other criteria for assessing the quality of research have been conceived of such as transparency, groundedness, “indication” or reflexivity (cf. Steinke, 2000; Angrosino & Mays de Pérez, 2000).

### **A Processual Sampling Strategy**

This project grew out of a previous analysis of constitutionalisation based on ethnographic observations, interviews and discourse analysis of the Convention on the Future of Europe. When designing the present case study, the historical context of EU institutional reform and constitutional debates had already been studied, and also media reception of the Convention process had been looked at in an unsystematic way. Furthermore, an in-depth qualitative analysis of the coverage of the concluding session of the 2003 IGC under the Italian presidency had been carried out which looked at quality newspapers in eight countries (Oberhuber et al., 2005).

The determination of the actual corpus to be analysed took place in a series of steps. Firstly, media coverage of the Convention period was looked at and compared in three countries: Germany, the United Kingdom and Austria. Secondly, this data were contrasted with our previous analysis of coverage from the 2003 IGC, and additional data on coverage from the French and Dutch referenda in May and June, 2005, were collected. On this basis, it became clear that an emphasis on diachronical analysis was more promising than a focus on national differences since the various stages of constitutionalisation involved very different processes and stages of EU politics, and they presented very different conditions for media text production. The decision to look at Austria was motivated on

pragmatic grounds: both the media system of this country and its previous history of publicly debating European integration were already known to the author (cf. Schaller, 1994, 1997; Spohn & Minkenberg, 2002; Krzyżanowski, 2006; Saurwein, Brantner & Dietrich, 2006).

The further decision on which newspapers to analyse was based on experiences from previous research. Namely, in the context of the IGC, 2003, differences between the two quality newspapers analysed were largely irrelevant. On the other hand, it was known from other studies on media coverage of EU politics that the yellow press substantially differed from broadsheets. Consequently, the *Neue Kronen Zeitung* was included in the analysis which in terms of coverage is the dominant newspaper in Austria. Among the quality press, the liberal broadsheet *Die Presse* was selected since it showed the most extensive coverage of EU politics in terms of quantity of articles.

At this point, a first reading of the corpus took place which included articles on the entire Convention period, on the week of the concluding session of the IGC, 2003, and on two weeks before and after the French referendum on May 29, 2005. On the basis of this reading, an additional database search on the entire period between December 2001 and December 2006 was carried out in order to check for the feasibility of the periods chosen. As it turned out, coverage was substantial not only around May, 2005, but throughout the whole ratification period of the TCE where a number of topical series of articles could be found.<sup>41</sup> Hence, it was decided to enlarge the sample to cover the whole period from the final agreement on the TCE during the Irish Presidency until the reflection period after the two negative referenda. The exact choice of dates was made on the basis of the intensity of the coverage which was very low before June 2004 and after September 2005. With regard to 2006 and after, coverage was sometimes more intense (as during the Austrian presidency in the first semester 2006), however, a rough overview of the articles revealed no substantial differences to the time immediately after the referenda where already the main notions of crisis, alternative scenarios, reflection, and dialogue had been introduced. (The time periods looked at are described in **table 1** below which gives an overview of the quantity of coverage in each of them.)

In a second reading of the corpus, a subset of articles was selected for closer analysis. Here, the approach followed the notion of theoretical sampling which caters to the need of openness and flexibility of the research process on the one hand and avoidance of opportunistic sampling on the other. The key idea of theoretical sampling is not to look for representativeness in terms of a population but in terms of concepts,<sup>42</sup> i.e. the researcher does not count individual occurrences but he or she looks for incidents and events that will “maximise opportunities to discover variations among concepts” (Strauss & Corbin, 1998, p. 201). This does not mean to bias the sample towards outliers but to choose articles which (a) provide a maximum of information (both in terms of quantity and quality) with respect to categories of analysis, and (b) allow to distinguish as sharply as possible between different types within categories. Clearly, this kind of sampling cannot be designed from scratch but evolves with the research process in which relevant concepts are gradually discovered. This implies that analysis should be performed immediately after data collection in order to guide further sampling choices. While the sampling strategy is open in the beginning it becomes more focused over time aimed at “developing, densifying, and saturating those categories” (ibid., 203).

In our case, the initial formulation of research questions implied looking for articles which would (a) transcribe events at the political level such as the Convention and thus highlight specific topics, actors and conflicts, and which would (b) display various ways of talking about and making meaning of the Europolity in general. As the analysis proceeded, the focus would extend to the relation between the political sphere, mass media and readers as it is established through the coverage. This implied

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41 The coverage between July and December, 2003, on the other hand, was only sparse and did not show important differences to the condensed period of the concluding session of the IGC 2003.

42 In other words, the analysis aims at reconstructing in a detailed and grounded way the structures of meaning present in the data while the quantitative distribution of those structures is considered contingent, i.e. secondary. Nevertheless, if possible simple quantitative indicators such as word counts or concordance tables were used.

systematically focussing on different objects of coverage such as ratification of the TCE in Austria or referenda in other countries which displayed very different characteristics. Finally, after a process of reviewing various categories applied in previous research on Europe in the media in particular and on mass media in general, it was decided to adopt from the literature the notions of “interpretative repertoires” and “schemas” (see below) and consequently to adapt the sub-sample for closer analysis in order to achieve maximum variation on those concepts.

At this point, the final in-depth analysis could be prepared by drawing together the observations from pre-analyses and the parallel literature review as well as theoretical fieldnotes taken throughout the research process in order to construct a protocol to systematically guide the textual analysis. This entailed breaking up questions into a set of more researchable categories (cf. Altheide, 1996). The whole protocol is reproduced in **Annex 2**. It was divided in the following sections: (1) observing and transcribing EU politics, (2) politicisation, (3) resonances between the political sphere and the press.

On the basis of this protocol, an analysis sheet was filled out for each article (90 in total, see **table 1**) which would include basic information on date, heading, genre, topics, a brief summary as well as an in-depth analysis by categories. As the analysis proceeded, not every article in our sub-selection was fully analysed, but, according to the notion of theoretical sampling, saturation of categories was aimed at: as soon as new articles would not yield new information on a category, they were subsumed under existing categories, while only articles yielding additional information would be analysed in detail. At the same time, after having carried out most of the analysis the entire corpus was looked at again and some articles previously not included in the sub-samples were added to the analysis.

This procedure of analysis was implemented for each subset of the corpus separately, i.e. the whole corpus was divided into phases of constitutionalisation which were governed by different logics of media coverage: the Laeken Council in December, 2001, the Convention period, the IGC, 2003, and various aspects throughout ratification, namely coverage of ratification in Austria, coverage of ratification in other countries, and general reflections on constitutionalisation before and after the referenda in May and June, 2005. Then, for each of these periods and each newspaper, a case study was written up which would summarise the results of the analysis. Finally, these individual case studies were drawn together in the final analysis parts of which are presented in this article.

**Table 1: Press Coverage from the Main Periods of Constitutionalisation**

		Laeken	Convention	IGC 2003	Ratification	Total
		31 ds, 1.12.01 to 31.12.01	577 ds, 1.1.02 to 31.7.03	DP 12.-16.12.03 NKZ: 12.- 19.12.03	518 ds, 1.5.04 to 30.9.05	
NKZ	Number of articles	1	17	7	69	94
	Full analysis	1	11	3	13	28
	Partial analysis / subsumption	-	5	4	22	31
DP	Number of articles	15	188	38	203*	444
	Full analysis	3	33	3	23	62
	Partial analysis / subsumption	2	29	21	122	174

\* For the ratification period only texts longer than 250 words were selected.

Explanation of the table:

The figures represent the number of articles in the corpus for each period of constitutionalisation. This corpus was established on the basis of database searches and subsequent manual selection. The search terms were chosen separately for each period.<sup>43</sup> The selection of articles was performed by browsing through the list of hits (focussing on headlines, leadttexts and first paragraphs) and discarding all articles which did not have the constitutional treaty, EU-constitutionalisation in general or events linked to constitutionalisation as one of their main topics. In general, short notices or special genres such as calendars or summaries of weekly events were not included in the corpus. For the NKZ, a comparatively large portion of hits was made up by letters to the editor. Those as well as articles shorter than ten lines were not included in the corpus.

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43 Laeken period: "laeken" or "konvent"; Convention period: "konvent" or "eu-verfassung"; IGC period: selected by manually going through the print-versions of the newspapers; ratification period: NKZ: "eu-verfassung" or ("EU" and "referendum"), DP: "eu-verfassung" or "verfassungsreferendum".

## Main Categories of Analysis

In contemporary societies, for the vast majority of the population the mass media are the key source of information on EU political processes. Mass media observe the political system according to their own criteria of relevance and means of representation. Drawing on a concept proposed by Ludwig Jäger (2004), this productive semiotic work of the press can be grasped as “transcribing” the various phases and stages of EU constitutionalisation according to its own media logic. Such perspective implies shifting the focus from content only to structural conditions of media transcriptions and to the relations established between the politic sphere and its public through the newsmedia. Within the analysis, the following main categories were used:

(1) *Constructing topics*: In general, mass media only cover selected aspects of political processes, and they do so by constructing certain macro-topics which organise the coverage into series of interconnected articles. The analysis of those topical series in each newspaper and for each period of constitutionalisation constituted the first step of analysis and it fed already into the decisions on sampling.

(2) *Selecting and representing actors and claims-makers*: Another key element of transcription is the selection of political claims-makers (cf. Koopmans & Stratham, 1999) as well as the selection and presentation of relevant political actors. Following Theo van Leeuwen’s (1996) actors analysis, the ways in which social and political actors were represented, portrayed and positioned was analysed. According to our research questions, we did not use the entire, broad apparatus proposed by van Leeuwen, but we focussed on such categories as: (a) *nomination and predication* of actors, (b) *role allocation* (specific roles that social actors play in particular representation), (c) *genericisation and specification* (representing social actors as either classes, or as “specific, identifiable individuals”, van Leeuwen 1996: 46), (d) *categorisation* (representation of social actors in terms of identities or functions they share with others), and (e) *personalisation and impersonalisation* (presentation of actors as human beings capable of agency on the one hand, and abstraction/objectivation on the other).

(3) *Schemas*: The notion of schemas became a central focus in cognitive psychology and anthropology in the 1970s and has since then been used in various disciplinary settings. Generally, schemas can be defined as “culturally shared mental constructs” (D’Andrade, 1995: 132). Hence, the concept of schema allows to highlight the aspect of the conventionalised and redundant organisation of information in the mass media. Schemas can be understood as rules which govern selectiveness and simplification. In the most simple cases they are categorisations which allow to designate something *as something*. Schemas can be used repeatedly and applied to various situations. Consequently, Niklas Luhmann (2002; 155pp., 298pp.) argued that schemas are the main elements of public opinion and that they are responsible for coupling mass media and politics.

The present analysis does not aim at drawing up a complete list of schemas used in the corpus which would include a large number of conventional schemas unimportant for the present research questions. Rather, the objective was to identify those schemas that allowed the newspapers analysed to organise their coverage and especially make meaning of the events in the political sphere and of the Europolity as a political entity.

The most prominent schema in these terms was a distinction between *more and less Europe* which was used, among other things, for grouping and classifying various actors and political proposals, and for making meaning of what the constitutional experience is about. In several articles and claims, this schema was coupled with a distinction between *governments and parliamentarians* (see section 3.1 above). Another discursive strategy was to deconstruct a reading of the TCE in terms of achieving “more Europe” by applying a *schematic reading of the Europolity in terms of power*, i.e. stripping the TCE off any normative or efficiency-oriented meanings and re-reading it as purely about who gets more power.

Secondly, a *statist schema* was widely used to select, identify and present actors as well as to stage and explain conflicts on the constitutional agenda. This schema could be combined with a *distinction between big and small* member-states in order to construct an interpretation of a key cleavage organising the constitutionalisation process. Another way to use the statist scheme was to combine it with the one of more/less Europe in order to *distinguish between particular interests of member-states and a common, European interest* (see section 3.2 above).

Other, less widely applied schemas included the classical topoi of a distant, non-democratic, *elitist Brussels*, a schema of reading the constitutionalisation experience in terms of *popular discontent* and ways to tackle it, or a schema of making meaning of the Europolity by the counterfactual *assumption of its breakup*.

(4) *Semantic repertoires*: In the course of the analysis it turned out that another notion than the one of schemas was needed to account for broader complexes of meaning through which media texts interpreted the Europolity and EU politics. The concept of “interpretative repertoires” had first been introduced in 1984 in a study on the sociology of science and later employed by Potter and Wetherell to account for the existence of two contradictory but internally coherent sets of constructions within their data. Those authors characterised interpretative repertoires as “basically a lexicon or register of terms and metaphors drawn upon to characterise and evaluate actions and events” (Potter & Wetherell 1987: 138). The present study conceives of those repertoires as language games available for talking about and making sense of European integration in general and specific EU political events in particular. These language games – or semantic repertoires – are rooted in the long history of Western political language, they have developed parallel to the process of European integration (and in specific ways in each national semiosphere), and they are employed in a condensed and simplified way in the mass media.

In the guidelines for analysis (cf. **Annex 2**), a set of such repertoires was proposed which were taken from the academic literature on European integration.<sup>44</sup> However, the actual construction of the two repertoires presented in the analysis above was performed in a grounded way, i.e. by working closely with the data themselves. It has to be noted here that while those repertoires were the most widespread ones in our corpus and namely present throughout the whole time period analysed, they do not account for all of the articles in our sample. Namely, some articles interpret the stakes of the constitutional project by drawing on the general opposition between *Staatenbund* and *Bundesstaat* as the only feasible forms of a political order. In such arguments, Europe and the member-states are like connected containers of liquid where an increased “sovereignty” at one level means less at the other. Frequently, issues such as the division of competences (e.g. 23.3.2002) or the issue of majority voting vs. the veto are framed in these terms of a zero-sum game of power/sovereignty.<sup>45</sup> In a condensed way, we find this construction of an alternative between Europe vs. the members state in the context of the Iraq crisis in early 2003 when the perception of a weak and divided EU is contrasted with the dream of strength and unity. Clearly, the domain of foreign policy is most pervasively interpreted along these lines since it highlights both the claim of sovereignty of the member-states and the need to speak with a single voice as a united European actor (cf. also the analyses by van de Steeg, 2005, and by Siapera, 2004).

(5) *Argumentation*: Finally, the press coverage was analysed as a medium for the unfolding of a political debate which involved the confrontation of competing stances about the meaning, legitimacy and objectives of the Europolity. Specifically, it was analysed which issues were politicised in the coverage, and whether and how the coverage was an arena for opposing political claims. In terms of analytical tools, the analysis of discourse and discrimination in the discourse-historical tradition (cf.

44 For previous studies designed in a similar way cf. Jachtenfuchs, 2002, Diez, 1999.

45 A rough quantitative indicator of the salience of this repertoire in the corpus is the number of mentions of the letters “souverän\*” (sovereign\*), namely 10 times (Convention period) and 15 times (ratification period), or the number of mentions of the USA as the main “other” against which the European unity is constructed (14 times during the Convention period and 30 times during the ratification period).

Reisigl & Wodak, 2001) was drawn on which, among other things, focused on an analysis of strategies of predication, mitigation and perspectivation, as well as on the application of various context-dependent topoi (i.e. characteristic for the particular context of the textual material analysed).

## **Annex 2: Guidelines for Analysis**

### **Observing and transcribing EU politics**

#### ***1. Selection & visibility of actors/claims-makers & events***

- 1.1 Which aspects of the actual events are covered? (and which not)
- 1.2 Topics / schemas through which the coverage is organised.
- 1.3 Actors/claims-makers and their representation: EU actors, national politicians, non-national politicians, states... – also look at non-presence of actors.
- 1.4 Presentation of actors/claims-makers in terms of their role for the EU political bond: e.g. the Commission as neutral arbiter.
- 1.5 Presence/absence of overarching codes (such as left/right) for reading the political sphere

#### ***2. Semantic frameworks for making meaning of the EU as a polity***

- 2.1 International law / intergovernmentalism / concepts such as sovereignty, competences, etc.
- 2.2 Representation
- 2.3 Democracy
- 2.4 Pluralist languages (the EU as a condominium)
- 2.5 “Values” and other formula for collectivity, inclusion / exclusion, othering
- 2.6 Other

#### ***3. Semiotisation of collectivity and locus of authority***

- 3.1 Construction of an address/notion of collectivity
- 3.2 Is an EU locus of power constructed and how?

### **Politicisation**

#### ***4. Politicisation of constitutionalisation***

- 4.1 Look at elements of what discourse does (instead of represent), e.g. through argumentation, mitigation, evaluation, emotionalisation, politicising alternatives, etc.
- 4.2 What is politicised vs. merely observed? Look for issues, events, persons, etc. which allow a condensation and politicisation of the constitutional issue (e.g. the Iraq war)
- 4.3 Are there demands/issues where a relation of the readers as citizens to the EU is implied?
- 4.4. Are themes and discourses from abroad covered? How are they recontextualised and evaluated?

#### ***5. Resonance of constitutionalisation in national semiospheres***

- 5.1 Placing coverage within semantic horizon of the nation: e.g. historical references, names, etc.
- 5.2 Politicisation of constitutionalisation in Austrian political system (e.g. context of ratification)
- 5.3 Was constitutionalisation made sense of in terms of where “we” (Austria) should go? Or was it rather framed as a pan-European issue?
- 5.4 How are events evaluated? What are actors expected to do (arguments)? (e.g. states expected to defend national interests on an EU level (“fight hard”))

#### ***6. Linguistic realisations***

- 6.1 Role of key metaphors, figurative language, etc.

## **Resonances between the political sphere and the press**

### **7. At the mimetic plane**

7.1 the presence / non-presence of parts of the official discourse on constitutionalisation (e.g. "bringing Union closer to its citizen", democratic elements of the Convention, etc.)

7.2 statements from politicians quoted: what do they transport in terms of legitimation

### **8. At the semiotic plane (analysis based on whole periods of coverage)**

8.1 Placing the reader in a certain position (e.g. as a citizen, as a spectator) through the coverage

--> *E.g.: what does the observation of referenda in other countries do in terms of making meaning of the Europolity? Compare the different phases in terms of the structure of the coverage*

## **Annex 3: Original Language Versions of Examples**

### Example 1:

"Konvent" ist ein kühnes Wort: In der Französischen Revolution, vor mehr als zweihundert Jahren, war das die revolutionäre verfassungsgebende Versammlung, getragen von einer mächtigen Volksbewegung. Hievon ist nur das Wort geblieben, weil es gar so schön ist. Substanz hat es keine.

### Example 2:

Die "Krone" war zwar immer für Europa, aber die EU fand nicht zu uns. Sie ist Österreich weitgehend fremd geblieben. ... an Volksabstimmung denkt man nicht, obgleich es sich hier um eine wirklich schicksalhafte Frage handelt. ... Lassen wir unsere Regierenden unterschreiben? Warum protestieren wir nicht mit aller demokratischen Kraft dagegen?

### Example 3:

Was das bedeutet? Dass in den nächsten Monaten die EU-Spitzen den Menschen klar machen müssen, was teilweise ja sogar in der Verfassung angelegt gewesen wäre: dass Brüssel sich ausschließlich um jene Angelegenheiten kümmern will, die grenzüberschreitend oder gar nicht funktionieren. Und dass dabei die Wähler so direkt wie möglich eingebunden werden. Mag sein, dass dadurch der Einigungsprozess verlangsamt wird. Aber wie sonst könnte man Konsens herstellen für einen haltbaren Modus vivendi von 25 und bald mehr unterschiedlichen Nationen?

### Example 4:

Kurz gefaßt, besteht die Gemeinschaftsmethode aus dem Zusammenspiel der drei eigenständigen Organe Europäische Kommission, Europäisches Parlament und Ministerrat. Dieses institutionelle Dreieck gewährleistet den Mitgliedstaaten, Souveränität auf demokratische Weise auszuüben und gleichzeitig im allgemeinen Interesse der Union tätig zu sein.

### Example 5:

Reine Regierungszusammenarbeit würde bedeuten, einen neuen Völkerbund zu schaffen. Integration heißt hingegen, dass man Aufgaben identifiziert und diese den Gemeinschaftsorganen überträgt. Das ist ein großer qualitativer Unterschied. Und noch ein wichtiger Aspekt: In der Regierungszusammenarbeit ist es natürlich so, dass die Großen dominieren. In der Integration ist hingegen das Gewicht der kleinen Länder relativ größer.

### Example 6:

EU-Agrarkommissar Franz Fischler hat vor der Bildung eines Kerneuropas, "das sich nicht mehr um die anderen Staaten kümmert", gewarnt. ... Wenn einige sich durchsetzten, bestünde zudem die Gefahr der Bildung von zwei oder drei weiteren Gruppen, die ihre eigenen Interessen durchsetzen wollten, sagte Fischler. "Das wäre der Anfang vom Ende eines gemeinsamen Europas."

Example 7:

Das Gipfel-Debakel könnte auch ein heilsamer Schock werden, wenn die EU zur Realität der europäischen Vielfalt zurückkehrt und aufhört, die Bürger in ein Korsett zwingen zu wollen, das sie nicht mögen.

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