
PREFACE

In my professional activities relating to Europe during the past 30 years, including teaching, law practice and government service, I have often discussed with European friends what it means to be a European, and how that compares to being Dutch, Czech, Italian, etc. Invariably these conversations turn to deeper levels of identity, loyalty and political expectations. The EU and European integration are always swirling around these conversations, and it is clear that none of my acquaintances ever expects to lose his or her nationality, even in a highly integrated Europe. There are some lines, such as loss of one's language or culture, that nobody – even today's students who are possessed of a strong sense of European-ness – wants to cross. But what about significant loss of political power at the national level? Before the EU Constitution was proposed, such a prospect surfaced occasionally, especially at key moments of integration such as institution of the euro. However, most Europeans continued (and still continue) to view the Union as an undertaking of sovereign nations.

The Constitution and its successor, the Lisbon Treaty, have renewed public interest in the overall course of European integration. It is widely felt that the Constitution represented a major change in the landscape – change was ultimately unacceptable in the form proposed. The discussions raised first by the Constitution and now by the Lisbon Treaty have inspired the theme of this treatise: What are the existing dividing lines between the European Union and its Member States, and how will they be impacted by amending the existing Treaties? Because the Lisbon Treaty retains most of the Constitution's substantive changes, and because of the great amount of scholarly commentary on the Constitution, the analysis in this treatise will approach the Lisbon Treaty through its own text, but also through the lens of the Constitution.

In the process of preparing this treatise, I have drawn upon three articles that I have written on the Constitution during the past several years. The first, titled "The Proposed European Union Constitution: Will it Eliminate the EU's Democratic Deficit?" was published at 10 *Columbia Journal of European Law* 173 (2004). Portions of this article are the basis for Chapters 1 and 9 of this treatise. The second is entitled "How the New European Union Constitution Will Allocate Power between the EU and its Member States – a Textual Analysis," and it was published at 37 *Vanderbilt Journal of Transnational Law* 993 (2004). This work provided a conceptual framework and outline for parts Two and Three of the text. The third piece, "Worth Doing Well – The Improvable European Union Constitution," appeared at 26 *Michigan Journal of International Law* 587 (2005), and it is reflected in Chapters 2 and 3. Each journal has kindly consented to my re-use of the relevant material.

Work on this project has taken place at the University of Oregon School of Law, in Slovakia at the Comenius University Institute of International Relations and Approximation of Law, at the University of Tennessee College of Law and at my current professional home, the Creighton University School of Law. I would like to thank the administrators of those institutions for their support in this work, which came in the

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Finally, I would like to dedicate this treatise to my parents, Steve and Lois, and to my wife, Carmelicia.

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Stephen C. Sieberson, J.D., Ph.D.
Member of the faculty
Creighton University School of Law