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**Responding to Norm Indeterminacy outside the Nation-State
Frame**

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Abstract

I examine responses to norm indeterminacy in the transnational context, focusing on regional integration in post-War Europe. I argue that the development of the European Union has been facilitated by the use of a legitimising device whereby policy decisions at a European level are cast as beyond the scope of reasonable political disagreement and therefore distinct from the conditions which make democracy a desirable political form at the national level. This rejection of the political significance of norm indeterminacy has led to a widely diagnosed trend of “depoliticization” in European politics. The paper examines how best to understand this trend, and explores how an adapted account of “enlightened localism” might offer better ways of coping with indeterminate norms.¹

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Key words

European Union, norm indeterminacy, depoliticization, contestation, enlightened localism

Since the early 1950s, a growing number of European countries have committed themselves to dealing with certain political matters collectively, on the grounds that there are political goals which may best be achieved by some form of transnational coordination. Such moves represent an exercise in re-orienting political decision-making to contexts beyond the nation-state, turning what were once principally domestic issues into those of foreign-political negotiation or, in many cases, a new mode of political practice that defies categorisation in such terms. The range of issues placed in common has steadily increased over time, such that what could initially be called a Coal and Steel Community (1952-1967), an Economic Community (1957-67), and an Atomic Energy Community (1957-67) has come to be known as the European Union (EU) (as of 1993), with tasks touching on defence policy and law-and-order as well as matters economic. As these shifts indicate, multiple political objectives have underlain these moves, with varying agendas pursued by the parties involved. Yet even amid such pluralism, two core objectives are readily identifiable: peace and prosperity. The centrality of these goals was evident already in the international treaties which inaugurated what came to be known as an "integration process," and they have since been used

repeatedly as justifications for further acts of "Europeanization."²

Peace and prosperity, and cognate terms such as collective security and socio-economic development, are abstract concepts indicating normative orientations so broad that few would reject them. Yet they cannot tell us in what concrete forms they might best be realised, nor do they indicate how policy-making might appropriately evolve over time in response to changed circumstances. They are what, in discursive terms, one may call essentially contested concepts (Connolly 1974) and, in sociological terms, indeterminate norms (Gregg 2003). Normative indeterminacy is present to some degree in all forms of social life because the ends of social action are always in need of interpretation, and people will diverge in the interpretations they make. In many cases, the challenges this poses are easily met: some norms are relatively determinate, such as the direction indicated by an arrow, while others are so basic to social life that a convergence of practice is functionally necessary (for example, conventions of pronunciation). But the possibility that norm indeterminacy may generate complications

² See the Preamble to the ECSC Treaty: "Desirous of assisting through the expansion of their basic production in raising the standard of living and in furthering the works of peace." See also the Preamble to the Treaty of Rome: "Resolved to ensure the economic and social progress of their countries by common action to eliminate the barriers which divide Europe, ... Resolved by thus pooling their resources to preserve and strengthen peace and liberty, and calling upon the other peoples of Europe who share their ideal to join in their efforts." Peace and prosperity have more recently been supplemented with further normative goals such as human rights protection.

and disputes is persistently in the background. Indeed, democracy itself is arguably premised on this idea: democracy understood as a settled - though never static - set of procedures within which political actors seek to garner wider support for one of the many possible interpretations of this or that substantive norm, and to challenge temporarily achieved agreements on interpretation with reappraisal. Norm indeterminacy represents one important reason for rejecting despotic rule. As Hans Kelsen noted, "the impossibility of claiming - despite all subjective devotion or personal conviction - *absolute validity* for a political programme, a political ideal, imperatively forces a rejection also of *political* absolutism - be it the absolutism of a monarch, a priestly, noble or warrior caste, a class or an otherwise privileged group" (Kelsen 2000:108).

That conditions of indeterminacy are largely unavoidable, and that democracy is the political form peculiarly responsive to such conditions, hardly entails that these conditions are consistently respected as such. One move in the interplay between power and ideology is not only to "decontest" what was contestable, but to obscure that such a step was ever taken. In political terms, coping with norm indeterminacy has, in post-War European integration, often taken the form of masking it. As I will show, this may be seen in a whole range of developments discouraging and diminishing opportunities for applying public pressure to the decision-making process, a trend sometimes identified by contemporary European scholars as

"depoliticization." I examine how best to capture this trend, pointing beyond institutional changes to some of the conditions which have enabled them. Drawing on recent theoretical work, I then seek to indicate the kind of "enlightened localist" approach that offers an adequate response, highlighting the role of practices of transnational contestation in forming an appropriate response to norm indeterminacy outside the nation-state frame.

The Post-National as the Post-Political

A distinctive feature of post-War European integration has been the creation of institutions, with considerable powers of policy formulation, whose office-holders are *not* intended to act directly as representatives of citizens or democratically elected governments. The most notable such institution is the European Commission, composed of officials whose job descriptions require them to be deaf to the political pressure of their national governments. Alongside it stands the European Court of Justice, whose role as authoritative interpreter of Community law has made it a sometimes decisive influence on policy-making. And then there are a growing range of functional agencies such as the European Central Bank and Europol (Flinders 2004). Such institutions are avowedly independent: the European Central Bank proclaims what it calls its freedom

from "political interference."³ Some are overseen closely by the Council, the European institution which houses representatives of member-state governments. But even this body enjoys considerable autonomy from national parliaments and from the EU's own representative assembly, the European Parliament, while its discussions and voting are largely hidden from public view. In short, the European level displays a substantial architecture which is weakly democratic, indeed technocratic, in character.

Underlying the emergence of this regime, and sometimes presented as its rationale, is a distinction between *national* and *Community interests*. In standard accounts, the member-state governments defend the former while the independent European-level institutions defend the latter. Importantly, this distinction has been overlaid with another, that between the many and the one. Walter Hallstein, Commission President in the 1960s and, as such, an important influence on early integration moves, liked to say that "the Commission *embodies* the Community interest,"⁴ whereas the Council is the domain of "particularist interests" (Oppermann 1979:504-5). National interests (and the sub-national interests which compete to define them) are treated as plural, whereas the Community interest is regarded as unitary and as susceptible to articulation by a corporate

³ See the ECB's own gloss on "central bank independence" at www.ecb.int/home/glossary/html/act1c.en.html.

⁴ Emphasis added.

institutional actor.⁵ In its own understanding, and in that of founding figures such as Jean Monnet, the role of the Commission backed by the Court of Justice has been to identify and safeguard this wider interest and thus overcome the tendency of national interests to collide (Monnet 1963:206). By giving the Commission (not the Council, nor the Parliament) the sole right to make legislative proposals for the Community, policy initiation at a European level was deliberately separated from member-state control, lest one or several of them capture the policy-making agenda and deploy it for narrower interests. The "Community Method," as this arrangement came to be known, was premised on the idea that the Community authorities at the top of the pyramid were peculiarly far-sighted for the purposes of "making" Europe -- that they uniquely could, in Monnet's phrase, take the "general view" and reveal the underlying commonality of interest which blinkered politicians overlooked (Duchêne 1994:366-7; Burgess 2000:33ff.).⁶

Moreover, many of those favourably disposed to the integration process assumed, quite explicitly in the early

⁵ Anticipating what would become the EU's motto, Hallstein suggested: "if federation is unity in diversity, the Commission represents the unity and the Council the diversity" (Oppermann 1979:510).

⁶ The need for a Community-level parliamentary assembly was acknowledged but its role was conceived more as a post-hoc scrutiniser than as an initiator. It was also intended to constrain the Council more than the Commission. For Hallstein on the Parliament, see Oppermann (1979:493). Note that Monnet's original vision had been more technocratic still, with a stronger High Authority (the proto-Commission) and a weaker role for national governments (Duchêne 1994:210ff.).

decades of integration, that an increasing number of policy-areas would need to be given over to decision-making at a European level, the only level at which certain technical challenges and interdependencies could be addressed. In pressing for greater Commission powers, Hallstein spoke of "simply following the command of political logic" (Oppermann 1979:491) and developed a theory of "material logic" (*Sachlogik*) which cast the integration process in quite determinist terms. His views were by no means idiosyncratic but rather in tune with contemporary scholarly efforts to theorise the process along functionalist lines (White 2003; Gilbert 2008).

From the outset then, important individuals in positions of power sought to shape European integration in terms of a dualism: national interests, overseen by democratic institutions as inherited from the immediate post-War period, and the Community interest, overseen by the obliquely democratic, perhaps even *non-democratic*, "post-national" institutions of the emerging transnational architecture. Stepping back, one might identify here a continuation of an older theme in modern European thought, whereby the European is cast as the universal and transcendental in contrast to the provincial and insular world of the national or local. The idea of "Europe" has this role in more than one system of beliefs, whether the nineteenth-century reading of Enlightenment ideals of reason, civilisation, and cosmopolitan law or the Christian humanist tradition embodied by post-War Catholic statesmen such

as Adenauer.⁷ There was, in the emerging institutional structure of what would become the EU, more than a hint of the European (or "supranational") as the rational- or moral-universal, as a sphere decoupled from the conditions of reasonable disagreement, in which the lead role in policy-formulation belonged in the hands not of partisan politicians but in those of supposedly neutral experts. (No doubt the fear was in part that, had policies not been presented as unambiguous goods or functional imperatives leaving little scope for debate, questions might have been raised about the desirability of regional integration more generally.) By contrast, those who sought to promote the Community cause were liable to treat the "national" as the domain of particularism in its distasteful guise: not so much the *enlightened* local as the *parochial* local. Visions for Europe different from those of the Commission were prone to be regarded not as plausible alternative perspectives on the "Community interest" but as base, even irrational, nationalist sentiment.⁸ In the dominant

⁷ See, e.g., Adenauer (1956:47-9) on the promise of European integration as a means to preserve for mankind the cultural achievements of the Christian tradition. For a more general sense of moral duty informing Adenauer's and Monnet's plans for Europe, see Duchêne (1994:207).

⁸ Cf. Loth (1993:408) on Hallstein at the time of the Commission's 1965 confrontation with de Gaulle's France: "Pour lui comme pour la plupart des Allemands de l'époque, de Gaulle n'était qu'un défenseur borné des intérêts nationaux. Il ignorait la dimension européenne des prises de position de ce dernier et il ne voyait aucun intérêt dans les réflexions stratégiques qui rendaient l'autonomie de la Communauté dans le domaine de la politique de sécurité aussi urgent dans la conception de de Gaulle." Hallstein had little doubt that reason and logic were on the side of the Commission and its vision of integration, announcing in the midst of the 1965

line of thinking, they represented precisely what the Community sought to leave behind: the divisions of war-time Europe.

Today the Union that has emerged from these sixty years of integration is commonly described as weakly politicised or even de-politicised (Hix 2008; Mair 2005; Schmidt 2006).

Parliamentary checks have been strengthened over time but the essential character of the EU is little changed.⁹ The Commission continues to present itself as "the voice of the common European interest" (Barroso 2007) and the EU's decision-making procedures still bear traces of this thought. Adopting the term "depoliticization" sets this idea in the context of wider trends in post-War European democracy towards technocratic and juridified forms of government, sometimes termed "distributed public governance" in which managerial control is shifted to non-majoritarian institutions, the role of elected politicians in policy-design is reduced and the political - that is, contestable - character of decision-making is set "at one remove" (Burnham 2001; Mair 2005; Flinders 2004). As a term, "governance" implies decision-making oriented to expertise, consensus and efficiency (Tsakatika 2007), and its ready usage by EU actors implies a willingness to normalise these developments (European Commission 2001). While an important

standoff: "No crisis can change the outcome, because in the long run reason is stronger than any error: and so the future still belongs to us" (Hallstein 1965:13).

⁹ These checks consist mostly of rarely used powers (for example, to express no confidence in the Commission) or reactive powers of amendment and approval (stronger in some policy-fields than others). This set-up encourages Members of the European Parliament to seek strength in unity, further diminishing the meaningfulness of their political differences.

scholarly tradition argues that member-state governments continue to be the key decision-makers in the EU set-up, the Council remains an opaque institution whose decision-making is weakly susceptible to monitoring by national publics: when national representatives gather in Brussels they, too, seem to acquire a capacity to identify the unique Community interest and so dispense with the need for political scrutiny. In its dealings with countries wishing to join it, the EU issues detailed entry conditions rationalised in the universal terms of "standards" and "best practice," evading dialog and debate in which these countries might influence the evaluative criteria deemed appropriate to them (Zielonka 2006:57ff.).

This regime structure is not without supporters. Some scholars treat conventional democratic standards as irrelevant to what they consider to be essentially a series of interstate agreements between national governments (Moravcsik 2002). Alternatively, in one line of democratic theorising, institutional shifts of this kind are appealing insofar as they contribute to the efficiency or rationality of government, avoiding the misguided or internally-contradictory outcomes that can follow decision-making by voting (Pettit 2001; Pettit 2004). At the same time, such developments tend to downplay the significance of values other than efficiency, such as accountability, transparency, and popular involvement in decision-making. Moreover, to suppose that technocratic forms of policy-making at a European level can be endorsed while preserving vital democratic politics at the national level

seems doubtful, inasmuch as the one often sets the terms for the other. In a phrase "smacking, characteristically, of the counting-house rather than the forum" (Anderson 2007:15), observers have been speaking for some time of a "democratic deficit" in Europe, and while some scholars are willing to offer some creative accounting, this deficit appears to be rooted in political fundamentals. To explore it more fully requires looking beyond matters of institutional design and beyond relocations of decision-making authority. It requires looking to the commitments these express and the reasons why they have proved tenable.

A Supporting Consensus? The Difficult Underpinnings of Depoliticised Institutions

Observers note that while transfers of decision-making authority may somewhat diminish national leaders' hands-on control, politicians continue to set the terms of transfer and generally retain crucial powers (Buller and Flinders 2006). If their subsequent power is often underestimated, this seems less because of the shifts themselves and more because of the willingness of politicians to emphasise the limits to their capacities. In turn, this willingness may indicate that such constraints are found to be acceptable, perhaps even desirable. To better understand depoliticization is therefore to answer the question: under what conditions does the relocation of decision-making authority achieve outward acceptability?

One might think that because such transfers are largely inconsistent with the expression of political conflicts, they must reflect a consensus on the means and ends of policy-making - at least in those policy areas thus administered. As Hay correctly notes, one of the characteristic features of politics in any recognisable conception is that it occurs in situations of *choice*. Where there are no choices to be made, either because there is only one viable or desirable line of action, or because human agency cannot be exercised, politics is not in play (Hay 2007). Depoliticization might then be regarded as the withering away of meaningful choices and the substantive political disagreements they give rise to. Indeed this is one of the rationales sometimes given for the involvement of non-majoritarian institutions in the formulation of EU policy. While diagnoses of the obsolescence of ideas-based conflict have been a more general trope of the post-Cold War era, they have a natural home in EU discourse, given older notions of the Community interest. Some observers regard certain policy-areas as unsuitable to political contestation because they entail purely regulatory policy-making which, tending toward Pareto optimality, benefits some or all citizens while disadvantaging few or none (Scharpf 1999; Majone 1998). For example, some observers find the transfer to the European Central Bank of managerial competences in the monetary domain justifiable on the basis of a putative consensus on monetarism (as the best means to achieve economic stability) and on GDP growth and low inflation (as the principal indicators of stability).

Ideological convergence of this sort then implies that decision-making may be reduced to problem-solving mechanisms of a technocratic kind, with major political choices - for example, concerning levels of government spending - rendered obsolete or strongly circumscribed (hence the eurozone's Stability Pact, designed to limit member-states' annual budget deficit to 3% or less of GDP). More broadly, policy-makers may be guided only by what they consider to be in citizens' interests rather than - as in the tradition of national parliamentary democracy - what demonstrably accords with their *will* (Scharpf 1999:11ff.).

But are certain policies so fundamentally incontestable that they may be decided at a transnational level with limited recourse to public debate? Have the policies instituted at a European level enjoyed universal esteem as the best means to realise shared goals of peace and prosperity? Such a possibility seems remote in light of norm indeterminacy. Norms such as peace and prosperity are likely to be subject to considerable diversity of interpretation. Policies that might realize such endpoints are underdetermined by the concepts themselves: they are in need of elucidation, something that can be done in multiple ways (Gregg 2003:19, 22, 32). Moreover, different interpretations differently weigh the sacrifices acceptable to the pursuit of these endpoints. Norm interpretation is likely to be especially diverse in settings outside the nation-state frame, where a particularly wide range of cultural repertoires are deployed (Wiener 2008). Even if one

supposes one interpretation superior to all others, epistemological barriers which prevent the universal demonstration of that superiority are likely to remain. The fact that considerable changes of policy orientation across time are evident even within the Commission alone reminds us of this pluralist tendency: the emphasis on market-led growth characteristic of the institution's early phase was interrupted in the 1980s and 1990s by the Delors Commission's emphasis on "social" policies (even as this shift in orientation was hardly subject to public debate). A more recent shift has resubordinated social policies to the market, now redescribed as adaptations to the pressures of global competition (Bernhard 2009). Such variation in interpretation - variation that can hardly be attributed merely to contextual changes - suggests that the unthinkability of political alternatives is insufficient to explain the technocratic trajectory of the Community's development. In normative terms, such variation does not support the idea that legitimate decision-making capacities may be placed beyond democratic control at the European level and that the European sphere may be cast as a post-political one (Hix and Follesdal 2006).

More likely than deep consensus on the policies supranationally administered is the *appearance* of consensus, as well as the *appearance* that political choice no longer exists, even as reasonable dissenting perspectives are available. This outcome may follow from the orchestrated efforts of certain powerful political actors to marginalise such perspectives, on

grounds of perceived interest, or because of a more diffuse ideological climate that casts substantive disagreement as something unreasonable or dangerous, thus encouraging its privatization. Indeed, the two explanations may coalesce as efforts are made to solidify the authority of a certain set of ideas, and as that authority in turn influences perceptions of interest. In either case, one sees "depoliticization" if one judges dissenting perspectives (significant if voiced by many or if they raise important objections) as insufficiently articulated and contested in public debate. Institutional depoliticization then marks a "superficial" consensus that fails to reflect wider currents in society as a whole. This perspective fits well with the elite-driven process of European integration, and with the fear that open disagreements might undermine its appeal.

Such consensus is not without cost. Indeed, its political consequences are predictably negative, regardless of whether one approves of the policies it promotes. Political campaigning will start to lose its programmatic aspect as substantive political differences cease to be articulated. Citizens will then be deprived of the opportunity to acquaint themselves with political alternatives and to exert choice and develop confidence in their choices. A kind of fatalism will likely ensue, undermining democratic practices and leaving consensus and depoliticised forms of decision-making to persist undisturbed. Such problems would only be exacerbated when the ideas forming the basis of consensus themselves discourage

collective forms of political agency. A tendency to cast citizens in individualistic terms, for example as consumers, is evident in much EU discourse as it is in contemporary political discourse more widely, and is likely to reinforce feelings of powerlessness before wider socio-economic forces. The tendency to diminish popular expectations of what politics may achieve points to what "depoliticization" may really mean. For a true political community is surely one in which the citizenry holds firmly to the basic conviction that political engagement is meaningful, whatever the limitations of existing structures. This residual conviction needs to persist despite the imperfections of a given political regime; only then is popular disenchantment toward political institutions likely to take the form of critique rather than disinterest or cynicism. Only then are citizens likely to interrogate the ideological consensuses which more powerful groups in society claim to have identified, and to challenge the insulation of decision-making from democratic mechanisms.

Recent EU history has revealed as merely cosmetic any would-be political consensus on the policies administered by the EU. Though challenged in the past by singular statesman such as de Gaulle, it has now been punctured more than once by wider publics, as with the 2005 French and Dutch rejections of the proposed, highly policy-specific Constitution. While some dismiss these results as a return to "nationalism" (if not to "populism"), leading back to the very dualisms described above, undeniable is that a substantial number of votes cast in these

referenda reject policies pursued over the course of European integration. These votes are reactions against the attempt to suppress indeterminacy in matters of how best to pursue basic political goals of peace and prosperity. Whether these expressions of discontent signal a new "politicisation" of the EU space is a different matter (and they probably do not). Referenda provide opportunities for the expression of dissent but limited opportunities for the articulation of alternative programmes, and even fewer opportunities for their maintenance and development over time. Outbursts of disapproval would need to be followed by a sustained political focus if they are to translate into meaningful and constructive opposition, otherwise the dissatisfaction they express might assume destructive forms. Even if talk of "politicisation" is premature, the idea of a supporting consensus is discredited.

I would summarize my points so far as follows. A principal current of regional integration in Europe has involved side-stepping the indeterminacy at the core of political normativity. The side-stepping has been both institutional and rhetorical. Until recently, integration has been widely presented and justified to European populations as a necessary functional response to certain technical challenges. Attention to *normative* concerns - how best to interpret a rather open set of basic goals and to justify integration in terms of such goals - has been suppressed in favour of an emphasis on technical or conventional concerns (Gregg 2003:19-20). Matters of potential normative disagreement have been treated as the

preserve of the national sphere whereas European-level decision-making has been presented as going beyond the parochialism of that sphere. Its alternative has been envisioned not in terms of an enlightened localism that recognises the contestability of political choices but rather as a kind of universalism founded on a technocratic idea of the "Community interest" that admits little possibility of reasonable political dissent. The conditions that would legitimise this technocratic idea - deep consensus - seem quite implausible. On grounds of both democracy and political prudence, this then seems a poor way of coping with indeterminacy.

Enlightened Localism in the EU

The challenge is to imagine ways of recasting the European sphere so as to avoid positing it as a consensual, post-political space in which decision-making authority is beyond the realm of democratic control. And the challenge is to do this without simply valorising the local, for instance by renouncing the idea of a European polity and calling for a return to the European nation-state system. The material achievements and further potential of regional integration are real enough, even if hobbled by a lack of debate over political alternatives. Rather than abandoning the pursuit of peace and prosperity at a regional level, we might seek to re-establish it on a different footing.

Gregg's project of developing a theory of enlightened localism, as a politics "overshooting any particular worldview without positing some universal one" (Gregg 2003:8), resonates with the challenge described. His concern to conceptualise a politics characterised by cooperation and compromise between those who at the end of the day continue to disagree, rather than positing political consensus or some kind of "thick normativity" as the basis for social integration, is particularly well attuned to the conditions of diversity found in the contemporary EU (Gregg 2002:747-8). As a set of sensitising ideas, it is richly suggestive and deserving of closer attention, even as its application to the problematic outlined here needs care.

The account developed in *Coping in Politics with Indeterminate Norms* seems best suited to a landscape of well-defined social groupings. Vital democratic life in Gregg's conception centres on groups able to articulate the distinctive experiences shared by their members in ways that challenge, yet speak to, the viewpoints of other similarly established groupings. Indeed, the very ability to distinguish enlightened localism from particularism of less appealing kinds depends on the presence of identifiable social groups or communities who both embody the local and who "overshoot" it by thinking beyond their own narrow interests and self-understandings. Gregg speaks of "interest-based coalitions with specific political goals"; this notion invites open discussion of how interests themselves might be indeterminate, and how the groups which

form around interpretations of them are contingent. Correspondingly, Gregg's notion of "groups based on shared identities" invites consideration of the nature of identity and its relationship to groupness (Gregg 2003:52-4). Yet when developing the account he deploys examples - generally based on US race relations - where these groups and their interests present themselves, perhaps to an unusual degree, as self-evident. "Racial equality," a norm he returns to frequently, is one which refers exactly to groups of this well-formed kind. Sensitive as the author is to the dangers of positing homogeneous groups - the problem of overlooking internal disagreements and power relations within them, and of neglecting each individual's *multiple* lines of identification (Gregg 2003:88) - his account nonetheless takes readily identifiable groups as its point of departure (as well as a settled political arena in which they act). Because his conception of "enlightened" is closely linked to perspectives which extend *beyond* such groups, the existence of well-bounded entities which encapsulate the initial localism must be assumed.

At first glance it is unclear what the analogues of such groups might be in the transnational European context, and thus to what extent the theory of enlightened localism might be applicable. One of the salient aspects of this context, due in particular to the processes of boundary change entailed by European integration, is that not only regulative moral and legal norms are significantly indeterminate. Indeterminacy

extends also to what one might call the *constitutive* norms of the subjects of political claims. While one might be tempted to see the member-states of the Union as "carriers of the local," this analogy is unlikely given the degree to which they no longer resemble *nation*-states each characterised by a homogeneous way of life. The member-states are diverse within themselves as well as in the aggregate and thus constitute the conditions which might prompt a theory of enlightened localism in the first place. At the same time, however, they can hardly be considered discrete units composed of well-bounded social groups, in part because the processes of integration render groups increasingly amorphous, with some straddling national boundaries. One thinks for instance of the migrant worker communities from Eastern Europe that emerged in Western member-states following the 2004 enlargement of the Union (Polish communities in Britain, for example). These communities are fluid in their composition, possibly transient in existence, and open up new social cleavages when members return to their country of origin after a period of wage-earning abroad. Nor can one speak confidently of an emerging pan-European space made up of transnational social groupings and classes, at least in the short term (Medrano 2009). Further, those most in need of representatives who can articulate political claims on their behalf (and of "enlightened recognition" by others), such as migrants, are those whose lives are most fluid, based on patterns of exit and the struggle to find voice. This presents

a problem of representation - by whom, and of what - that cannot be settled by appeal to established social groupings.

Such reservations notwithstanding, I propose an account of enlightened localism adapted to the EU context. Rather than mapping political perspectives onto existing social groupings defined by reference to a secondary principle (such as race, ethnicity, or class) and regarding them as particularist in *this* sense, localism might be identified in the positions adopted in political conflict. Political contestation involves the competitive promotion and clash of normative interpretations of the public good, with protagonists couching their programmes in terms of widely endorsed political goals (prominently: peace and prosperity). All such interpretations are "local" in the sense that they are contestable, as so evident in the context of political struggle. What would allow some interpretations to be regarded as "locally enlightened" is their success in an expanded political debate. Rather than appealing only to a nation-based constituency or a chauvinistic sub-national one, such views would be framed so as to engender the support of citizens dispersed across multiple EU member-states - a transnational constituency, even if persistently marked by some degree of dissent. Political demands unable to muster this wider constituency of support need not be dismissed outright. After all, there may be certain desirable claims which are best articulated in geographically localist terms, and which therefore would need to be pursued in national or subnational arenas. But those that did gain acceptance in a

debate played out at a European level would have a reasonable claim (naturally never beyond dispute) to be articulating a wider public good and to deserve recognition as "enlightened".¹⁰ In this way the idea of enlightened localism may be re-embedded in political debate, such that it is a designation made not by the scholar in advance of such debate but one generated by the outcome of political contestation. As an approach, enlightened localism promises a way to circumvent the dualism that has too long characterised the commonsense of European integration: that of the national as parochial and the European as universal. In its place one would have the outcome of transnational contestation as the enlightened local.

So understood, enlightened localism offers the enticing prospect of political goals pursued democratically in the face of norm indeterminacy.¹¹ It offers an image of political

¹⁰ This quality should be understood relatively: depending on the issue involved, such a designation may be appropriate also in the nation-state context, or alternatively may demand contexts wider than the European.

¹¹ This reading of enlightened localism is also compatible with localism in another of the senses envisaged by Gregg: the spatial one having to do with the location of decision-making authority. For political contestation at the European level may be (perhaps should be) more about the setting of ultimate objectives of policy-making than deciding details of its execution. The latter may properly draw on local knowledge found close to the many sites where legislation is administered, yet without generating "parochial" effects so long as there is a wider framework by which to assess the results of these practices. The relationship between different levels of authority is thus contractual or "horizontal" rather than hierarchical and centralised (cf. Gregg 2003:15). Scholarship on the EU includes attempts to conceive such a system, drawing on the idea of "democratic experimentalism" (Gerstenberg and Sabel 2002; Sabel and Zeitlin 2007). Given their common origin in pragmatist philosophy, these attempts resonate well with notions of enlightened localism. While

community as developing through adversarialism, much in the tradition of conflict theorists such as Georg Simmel (Simmel 1904). Political contestation of this kind is identified by some scholars as already an emerging reality in the European Parliament, one that might be accelerated with modest institutional changes such as the direct election of the Commission President (Hix 2008). Certainly enlightened localism would have a logical home in the Parliament, inasmuch as MEPs face the task of formulating positions sufficiently "local" as to appeal to their constituents at home while at the same time being sufficiently "enlightened" as to allow coalitions at a transnational level. Yet the prospect of political demands being pursued at a transnational level still presupposes that citizens themselves are committed to such pursuit. Again, such an assumption may be plausible for certain marginalised, self-conscious social groups with a clear sense of the injustices they face and of the concrete changes they seek - perhaps the kind Gregg focuses on - but such commitment is more difficult to assume elsewhere. Not least because of the consensus-tendencies of EU politics, political engagement among citizens is in question. Voting levels in the 2009 European

democratic experimentalism is, like deliberative approaches more generally, generally understood as a departure from the contestatory politics characteristic of representative democracy, the practices it entails - communication and learning across multiple sites of political action - is fully consistent with contestatory politics in compound or federal political structures. Indeed, such an approach seems suited to preventing the slide into fragmented and disjointed politics - or into parochialism, in the terminology of "enlightened localism" - that may follow decentralisation of decision-making (though cf. Büchs [2008]).

Parliamentary elections were at a historical low (43%) and many of those who did vote chose to support anti-system parties offering little in the way of a positive programme. With the Parliament weakly connected to wider publics, it is likely to depend for its animation on outside actors for relevance and vitality.

One such instance in recent European politics is the mobilisation against the Commission's Draft Services Directive (the so-called Bolkestein Directive) that began in 2004 and successfully broke through an initially favourable consensus in the Council and Parliament (Crespy 2009). Led by coalitions of national-level political parties, backed by social movements and trade unions, and ultimately finding voice in the Parliament itself, opposition to the proposals and the promotion of alternatives generated significant citizen engagement. The episode remains a rare one and subsequent failures of leadership (notably on the French Left) prevented its consolidation as a political movement. Nonetheless it shows what can still be achieved under the existing institutional regime and in the face of political scepticism. It is to further such campaigns, and to transnationally-coordinated political programmes at the national level which build on them, that one would need to look for a politicisation of the EU space and more generally for the emergence of a political bond among EU citizens (White, in press).

Conclusion

Regional integration in Europe presents a challenge to the political methods modern states have employed for coping with norm indeterminacy. In place of institutional structures which are professedly democratic, Europe's leaders have given a leading entrepreneurial role to non-elected institutions whose independence from political control has frequently been valorised. If the national world is then cast as the place of partisan and parochial disagreement, the supranational sphere assumes opposite connotations as a site of determinate norms, where interests and policy-orientations are beyond reasonable contestation and which may therefore be left to the interpretation of experts and to weakly accountable elites. While this way of coping with the uncertainties of international politics was arguably an appropriate response in the immediate post-War context, indeed one deserving some credit for its role in advancing continental security and economic development, ultimately it has weakened democratic practices at the national level without adequately generating new ones at the European level. Such a regime would be justified only if the conditions of norm indeterminacy had been erased: if there were a strong and readily identifiable consensus on the policies administered supranationally. Such a consensus seems hard to infer, however, given political dissent in recent years as well as cross-temporal variations in belief concerning how the basic goals of peace and prosperity should be achieved.

Encompassing a broad family of responses to norm indeterminacy, enlightened localism offers certain guidance here, pointing up the inadequacy of casting supranational decision-making as a mainly technocratic process and indicating why certain related trends of depoliticization are problematic. It captures the merits of a politics able to transcend the nation-state container while remaining faithful to the contestability of claims to articulate the transnational good. In a globalising world characterised by increasing transborder flows and transnational attempts to respond to such flows, such thinking will have application beyond the European context. At the same time, any such account must acknowledge the role of political conflict and debate in giving definition to what is "local" and to what is "enlightened local." The kind of enlightened localism needed in today's Europe is arguably one centred on the pursuit of certain political projects on a transnational scale. Enlightened localist standpoints would be those that could claim transnational support when pitched in this wider adversarial struggle. To be sure, such a scenario is challenged by a crucial aspect of contemporary depoliticization - weakening public conviction in possibilities for exercising political agency. But it also offers the promise of countering trends towards disaffection and fatalism, reasserting the contestability of how political norms are interpreted and applied, and giving reminder of why seeking to influence this process is worthwhile.

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