



# EUROPEAN OBJECTS

THE TROUBLED DREAMS OF HARMONIZATION    BRICE LAURENT



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**THE TROUBLED DREAMS OF HARMONIZATION**

**BRICE LAURENT**

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# 1

## THE OBJECTS OF EUROPE

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### OF KIPPERS AND EGG MAYONNAISE

On July 17, 2019, Boris Johnson spoke during the final husting of the British Conservative Party's leadership contest, after which he would become prime minister. To an audience used to his tricks and jokes and perhaps half-expecting them, Johnson showed a plastic-wrapped kipper. He claimed that the cost of sending kippers such as the one he produced through the post had "massively increased" because of Brussels's bureaucrats "insisting that each kipper must be accompanied by a plastic ice pillow."<sup>1</sup> He added that this requirement was "pointless, expensive, environmentally damaging to health and safety." Johnson's assertion proved to be yet another episode in the national drama that Brexit had become in the United Kingdom. Shortly after this speech, a spokesperson from the European Commission (EC) explained that "the case described by Mr Johnson falls outside the scope of the EU legislation and it's purely a UK national competence." She added that she was "talking about the temperature case that he was explaining."<sup>2</sup> The statement was carefully formulated. There are indeed many rules governing the circulation of fish products, both for safety reasons and to ensure the harmonization of the European market, but the ice pillow was not a European requirement. Yet Johnson's anecdote did resonate with the Conservative Party members who listened to him, whose laughs showed

that they knew all too well what the kipper example was about. Johnson's point was less about the particularities of the rules determining the correct temperature range for fish products than about the pervasiveness of European regulation in everyday objects and the feeling that it could creep into everyday lives if not kept in check.

Johnson's kipper story can be paralleled with numerous tales of the absurdity of the bureaucratic state, of which European regulations are often the target. For example, in *Le retour du général*, a novel published in 2010 by French writer Benoît Duteurtre, a new European regulation prohibits restaurant owners from preparing their own traditional *oeufs mayonnaise* and compels them to use standardized mayonnaise strictly defined by painstakingly detailed standards.<sup>3</sup> In Duteurtre's novel, this irritating European intervention into the daily life of the narrator compels 120-year-old General Charles de Gaulle himself to come back to life to save France yet again from foreign threats. As Johnson and the Brexites ready to use the discourse of the sovereign nation at last freed from the shackles of the European bureaucracy, the novelist here opposes the strength of national politics to the faceless European goals pursued for the sake of the market and technical expertise.

These stories capture a diffuse feeling throughout Europe, of which Brexit is currently the most visible manifestation. Their narrative structures oppose the cold power of technocratic expertise and the rich texture of people's lives. These stories are based on the confrontation between the annoying yet pervasive bureaucratic interventions pursuing abstract ends and a political domain close to people's interests and concerns. This confrontation has a distinctive ring that can be heard in many contemporary democracies including the United States, where President Donald Trump framed his attacks on expertise as a fight against the "deep state" that would pursue its own interests at the expense of everyday Americans. The narratives opposing technocracy and people's concerns function particularly well in the European Union (EU), where they insist on the technicality of the European project as it manifests itself in our everyday lives through arcane procedures. They claim that this technicality requires no less than the radical reaffirmation of national interest if not the resurgence of a mythical national figure, such as de Gaulle himself in Duteurtre's novel.

Johnson's kipper story was false, and Duteurtre's story is a work of fiction. That narratives opposing the European bureaucracy and national concerns are often partly or entirely inaccurate is significant. Such inaccuracies can be seen as an additional sign of the indecipherability of the European regulatory system, which makes it possible for the unscrupulous politician or the skilled novelist to turn the description of this system to his or her advantage. Inaccuracies often spur a reaction from the pro-European camp consisting of contrasting the oversimplification (if not the outright deception) of these narratives of European bureaucracy with the reality of what Europe does and for what purposes. This reaction often uses the language of "populism" to dismiss critics' view of a technocratic Europe. But dismissing stories such as Johnson's kipper in an ice pillow as merely false accounts of the reality of European regulation risks missing the point. The narrators only glance over the details of the examples they use because their value, for their authors and their audiences, lies not in those details but rather in the questions they raise about the democratic (or undemocratic) nature of vast public institutions such as the EU. What is the appeal of an institution granted a constraining power to act on technical matters for objectives that appear remote from their expected beneficiaries if not in contradiction with what is meaningful to them? Should one consider that standardizing eggs and fish is the core of what Europe is currently about and as such affords no hope of grounding a collective order resembling democracy?

## ACTING ON AND THROUGH OBJECTS

Over the past few years, I have conducted a series of research projects about science, democracy, and the market in European contexts where these questions were regularly raised. I studied the use of labels for policy purposes, the governance of controversial technologies such as biofuels and nano-materials, and the anticipation of the risks caused by nuclear plants and financial institutions. In all these examples, the materiality of the objects at stake was entangled with market and policy concerns, and the debates about what to regulate and how were always about the type of a desirable Europe. To understand these debates, I had to delve into the intricacy of European regulations in relation to the technicalities of construction products, chemicals, and complex industrial facilities. Many discussions

about these objects were characterized by oppositions between the institutions of the EU (often the EC) and those of member states, and in many respects these oppositions echoed the narrative of a confrontation between European bureaucracy and people's concerns. But a closer look revealed a more complex picture in which the numerous debates about technical objects were also about the appropriate way of defining and governing them at the European scale and ultimately about the kind of Europe that was imagined. What the narrative of bureaucracy against politics does not grasp is the high stakes of choosing this or that descriptive criterion, this or that legal approach. However, this narrative does identify the difficulty of understanding the regulation of objects as an explicitly political task worthy of collective exploration. If acting on technical objects is so prevalent, does this mean that Europe has no way of answering people's concerns? Or could one use these objects to ground a renewed European project?

This book draws on the outcomes of these research projects as well as numerous other studies conducted by scholars of European integration to explore the reasoning of European institutions as they act on objects and locate the political and economic order that this reasoning sustains. I argue that many European democratic issues can be understood by analyzing a mode of intervention based on objects. In doing so, my aim is not just to clarify how European regulation works but also to explore potential ways forward. If these narratives of European bureaucracy do not do justice to the actual practices of the EU's institutions, how do we build on what Europe knows how to do, namely acting on and through technical objects, to rethink its actions in democratic terms? Answering this question is crucial at a time of uncertainty about the future of the EU, where public debates are too often framed as expert-based technocratic approaches opposed to oversimplifying populist calls. This framing is not limited to the European scene and has become a persistent issue for contemporary democracies. It is exacerbated in Europe, where Brussels acts in ways that remain unfamiliar to the public yet can have distinctive effects. I am convinced that avoiding the opposition between expertise and populism requires extending the democratic project to new territories and forcing ourselves to rethink how this project might evolve.

This book argues that European objects are important ingredients for extending the democratic project in Europe, no less because they provide

significant levers of policy actions that have links to collective concerns. I use the expression “European objects” to describe technical entities that are regulated by European policies. These entities comprise food products, chemicals, financial products, consumer goods, drinking water, and occupational environments. They might be market objects expected to circulate across Europe, objects described by scientific expertise because of the risks they entail or can be subjected to, or both at the same time. Objects are European not only because they are caught in the European regulatory net. They are also manifestations of long-term objectives for European integration, such as a harmonized market or an objective expertise, and as such are crucial for envisioning and perhaps rethinking what a desirable Europe might be. This, however, requires both theoretical and practical reflection about how objects could renew the European project in ways that matter to its intended beneficiaries.

## FROM REGULATORY ISSUES TO EUROPEAN OBJECTS

Because they are at the core of the organization of European markets and European expertise, European objects epitomize the perceived flaws of European policies. Take, for instance, the standardization of consumer goods. The European institutions regularly face two sources of criticism: they are blamed for being entirely devoted to market considerations, allegedly at the expense of political objectives (such as common environmental or social goals), and they are seen as faceless bureaucracies, intervening in minute technical details for unclear intents. But European objects are not just problematic when in need of market harmonization. Consider European regulatory attempts at controlling hazardous substances such as endocrine disruptors. Whereas actors close to the industry would argue that attempts at excluding substances from the European market are based on a strategic instrumentalization of the precautionary principle that has little to do with scientific evidence, the recurrent inability of European institutions to convincingly withdraw problematic substances from the market has been linked to the proximity between industrial interests and European experts. In these situations, the harmonized market and expertise serve as reference points for grounding European policies. They are controversial because of what they entail in practice but are also problematic

because of their (un)democratic consequences. They result in actions on European objects that are at the heart of what is often described as the EU's "democratic deficit."

In 1998 scholar of European integration Giandomenico Majone commented on this alleged democratic deficit, arguing that the term often points to democratic norms inspired by parliamentary or presidential democracies with which the European institutions have little to do.<sup>4</sup> In fact, Majone argues that the democratic deficit is the consequence of a democratic choice: that of leaving matters of sovereign power to nation-states and delegating what he calls "regulatory matters" to European institutions. He argues that Europe is better understood as a "regulatory state" for which specific democratic norms should apply, such as efficiency and the accountability of the process whereby regulation is delegated to European institutions.<sup>5</sup> Majone's argument about the regulatory state is important because it invites us not to be naive about democracy or to claim that there is one single democratic format expected to be replicated in Europe as in nation-states. His argument also supposes that one can relatively easily define what "efficiency" stands for and how delegation to European institutions can be legitimate, two hypotheses that seem strikingly difficult to make today.

Majone's proposition ought to be situated in the gradual development of a field of academic work devoted to regulation in European contexts and the wider evolution of policy making in Europe. The scope of European policies was gradually enlarged to new domains. This extension was punctuated by a series of treaties including the 1986 Single European Act, making "a high level of health, safety and environmental protection" an objective of European integration, and the 1992 Maastricht Treaty, formally creating the EU. This evolution has made "regulation" a key word in European institutional practice, a term that has been used to analyze processes comprising the delegation of policy to independent agencies in charge of regulating economic and technical activities, the transformation of state-owned activities in domains such as transport and energy into privately led initiatives indirectly controlled by European legal norms, and the articulation of European and national laws in governing technical risks.<sup>6</sup>

In Europe as elsewhere, regulation marks a transformation of public institutions that connects with wider evolutions, from new ranges of public concerns such as risks to the growing role of economic reasoning in

the conduct of government affairs. These processes have extended the material dimension of European construction to new territories. Historians have shown that the extension of transportation and energy infrastructures has played a crucial role in making a shared European space even before European integration became an institutional matter.<sup>7</sup> But it is only through gradually developing European policies that objects became central components in what Andrew Barry has aptly called the “technological formation” of Europe.<sup>8</sup> By insisting on the material dimension of European construction, Barry’s work helps us understand that regulation is less a unifying force turning social conflicts into arcane legal matters than a complex apparatus connecting economic and social actors with European objects in conflicting ways. Rather than a neat set of ordered pieces of legislation, regulation is best understood as a “regulatory machinery”<sup>9</sup> bringing together various types of legal constraints, material interventions on objects, and imaginations of desirable futures.

What this regulatory machinery has become today is hardly consensual. What a regulatory state does, who it benefits, and its understanding of what is “regulatory” and what should remain in the domain of national politics are all contentious matters. Twenty years after Majone’s paper, the regulatory state seems highly unstable and its would-be democratic norms barely consensual, as member states are still reeling in the aftermath of the financial crisis, anti-European political parties are on the rise, and the United Kingdom has left the EU. In this context, the study of European objects offers an empirical entry point for exploring regulatory work in action and making sense of the controversies that originate from it. But the interest of European objects goes beyond that. First, European objects can be seen as the manifestation of what remains of long-term perspectives for regulation, from Jacques Delors’s vision of the Single Market to Jose-Manuel Barroso’s Better Regulation program seeking to optimize the recourse to the European legal norm.<sup>10</sup> Thus, analyzing European objects will allow us to explore what regulation has become after years of evolution that have made it a central component of the European policy world. This analysis will offer practical illustrations of how the regulatory machinery functions today and where its cogs and wheels face friction. Second, instead of the technocratic and somewhat abstract policy and legal conceptions of regulation, European objects

are tied to collective concerns, be they consumer needs, human health, energy, or the environment. People care about the food they eat and the chemicals they are exposed to, the quality of their living environment and the access they have to affordable everyday goods, and the energy they can have access to and the future of the climate. The corresponding European objects are parts of the regulatory machinery. But as bearers of pressing collective issues, they might offer analytical and practical directions for transforming this machinery so that what is often described as a technocratic nightmare can hear and deal with public concerns.

## LOCATING EUROPEAN OBJECTS

European objects are discussed in the institutional arenas through which European legislation is produced. The EC submits propositions for new European legislation to the European Council and the European Parliament, which then act as legislative bodies. The European texts and their applications may be contested before the European Court of Justice. However, discussions about European objects take place beyond these formal institutional processes. The machinery of the EC involves an intricate dynamic of internal and external consultations that is activated before any proposal is submitted. The EC functions in conjunction with numerous expert groups and consultation committees in which member state and stakeholder representatives participate.<sup>11</sup> Once issued, the directives and regulations often provide only general considerations, which then need to be refined. This is the case for consumer goods following the so-called New Approach, according to which European legislation provides only guidelines that are the basis for standardization undertaken at the European Committee for Standardization.<sup>12</sup> Expert agencies might also be in charge of implementing European legislation. For example, the European regulation of chemicals known as REACH (Registration, Evaluation and Authorization of Chemicals) tasks the Helsinki-based European Chemicals Agency (ECHA) with evaluating registration dossiers submitted by companies, which means that the ECHA is directly involved in discussions pertaining to the description of chemicals.<sup>13</sup> In all these instances European objects are examined with particular objectives in mind, such as organizing the Single Market, labeling products, banning hazardous

chemicals, and defining environmental conditions for air and water. These objectives require actions undertaken for the sake of governing European objects. Such actions often imply creating entities from scratch, as labels and immaterial permits become new European objects that in many cases can also be traded. The regulatory machinery functions on a flurry of material and immaterial objects, some transformed by European policies, others created by them.

Throughout this book, I will call the set of regulatory operations undertaken on objects “European interventions.”<sup>14</sup> The regulatory operations involve devices, such as labeling and standardization, designed to organize the European market as well as the mechanisms expected to evaluate and control risky entities. These devices are policy instruments in the sense that Pierre Lascoumes and Patrick Le Galès use. They “are not tools with perfect axiological neutrality, equally available; on the contrary, they are bearers of values, fueled by an interpretation of the social and by precise notions of the mode of regulation envisaged.”<sup>15</sup> As such, they imply sensitive decisions likely to impact the actors involved and are explicitly discussed when regulatory categories are crafted. For example, setting standards intended to allow consumer goods to circulate on the European market implies that certain objects are included while others are excluded. Defining technical criteria for chemicals, water, and air directly impacts what companies and public administrations in member states will have to do. In turn, the arenas in which European interventions are debated are places where European objects are brought into the discussions. Consider, for instance, these questions: Should European policy label chemicals or exclude them from the European market? Should food products be protected and if so how? Should energy be considered a market object equivalent to the consumer goods expected to circulate on the European market? These questions directly impact the European interventions and the objects on which they are expected to act and demonstrate that studying European objects can be a way of analyzing the European regulation in action.

This latter consideration points to an important aspect of our study of European objects, namely that European objects matter if they are more than pure bureaucratic constructs. Accordingly, there would be little analytical value in limiting our analysis to the categories introduced in regulatory texts. Science and technology studies (STS) scholar Javier Lezaun

spoke about the “pragmatic sanction of materials” to point to the connection between regulatory categories and material practices:

The pragmatic sanction of materials is thus never a matter of applying a legal principle to a singular object, of fitting the abstract ideal to the mundane exemplar. Nor is it a mere attempt to embed a value—legal or otherwise—in a piece of matter. It is, rather, the manufacture of radically original legal substances, substances that allow the law to become of the world.<sup>16</sup>

The language might be theoretical, but what it describes is a practical problem for the actors involved and an empirical resource for us as we study would-be European objects. When regulators, company directors, and experts talk about regulatory categories, they do not seek to apply an abstract legal principle on yet another chemical or food product, nor do they seek to label an already singularized object. Rather, they attempt to craft an entity that could provide meaningful ways of regulatory action. This implies that actors need to discuss the practical dimensions of European interventions to sustain or contest the categories they argue for or against. Examining European interventions is in turn a way for us to analyze European objects. For example, I will discuss the case of energy in chapter 4, particularly the objective of unbundling the ownership and operation of energy production and distribution. This is a European intervention meant to turn energy into a European market object. While European texts often imagine desirable marketplaces for European electricity (including a new one for green electricity) where supply and demand freely meet, the fact that electrons circulate on networks in ways that cannot physically be monitored and controlled introduces a disruption in this ideal vision. This case, like many others explored in this book, illustrates the close connection between legal productions and material practices that sustains European objects. If they are to make a difference, European objects cannot remain pure discursive bureaucratic creations or entirely material constructs. They are mixed entities that associate material components in the physical sense of the term and discursive elements originating from legal sources.

## PROBLEMATIZING EUROPEAN OBJECTS

Where can we look for European objects, and how do we understand their roles? There are multiple examples to choose from, including wine and

cheese of protected geographic origin by virtue of European policies, standardized consumer goods bearing European labels such as the “CE” mark, and regulated chemicals. In fact, whole libraries of European policy scholarship could be reinterpreted as contributions to the study of European objects. I will not attempt to be exhaustive in this book. I choose selected examples related to construction products, food products, financial instruments, energy sources, and chemicals. But I am not trying to propose an exhaustive review of *all* European regulations of technical objects. Such a task would be daunting, and there is little chance that it would provide convincing elements to challenge the narrative of the meaningless bureaucratic Europe. And a mere exposé of European laws and their rationales and consequences would not be enough for us to understand why the imaginative novelist or the unscrupulous politician can so easily oppose the cold European bureaucracy and the texture of everyday life, the multiplicity of obscure administrative actions, and the simple clarity of political will. Understanding Europe’s current democratic issues and envisioning potential ways forward requires a deeper analytical exploration able to identify who is supposed to benefit from the European intervention, who is involved and who is excluded, and whose concerns are addressed.

To do so, what is needed is not an exhaustive coverage of all European regulations and their links with objects but rather a selected gaze able to locate the sites where objects and the corresponding interventions raise issues of how public concerns are dealt with and ultimately what type of Europe is desirable. These sites are the places where these objects are deemed problematic because of what they are and what they entail. In other words, these are the sites in which European objects are problematized. The term “problematization,” stemming from Michel Foucault’s work as well as STS, points to the mechanisms whereby problems are defined and the range of acceptable solutions is made explicit.<sup>17</sup> Foucault used the term in his late works on the history of sexuality to point to the mechanisms whereby sex was constituted as it was turned into an object of concern. His study of problematization proposes that we shift the analytical attention away from the issue of representation. His analytical question is not “is the discourse about sex a correct representation of the reality of the human self?” but rather “what human self is imagined when sex is constituted as a problem?” Instead of asking whether or not European objects as discussed

in the arenas outlined above correctly represent what would be “real” material entities, I ask how European objects are defined when they are constituted as topics of concern. Thus, the arenas in which I will conduct the analysis of European objects are “sites of problematization,” that is, the various places where European objects and the corresponding European interventions are explicitly discussed as problems to be dealt with.<sup>18</sup>

Focusing the analysis on sites of problematization of European objects means that in the language of policy analysts, I am more interested in policy formulation than policy implementation. I therefore do not look at how industries deal with new regulatory constraints introduced in categories aiming to define chemicals and food products or how national public administrations adapt to European regulation.<sup>19</sup> But the very opposition between policy formulation and policy implementation is at odds with the study of European objects that I conduct in the following chapters. First, analyzing problematization implies that one examine how considerations related to implementation are brought into debates about formulation. Actors routinely argue for or against regulatory choices by referring to what they will entail when implemented. And the sites in which policy implementation is contested, such as the European Court of Justice, are also places where what European objects are and do is questioned. As European objects are problematized, so are the European interventions deemed appropriate. Second and more importantly, the language of formulation and implementation suggests an analytical question related to the evaluation of the discrepancy between what European policies state and what they achieve in practice. There is clear value in such a question, which is explicitly asked by many actors involved in European regulatory settings. But in studying the problematization of European objects, I focus on a different question. Rather than asking if the European regulation of European objects does what it is said it would do, I ask what problems it seeks to address and what European objects and European interventions it undertakes when doing so. This means that the politics of European objects is analyzed in particular ways.

## THE POLITICS OF EUROPEAN OBJECTS

Defining European objects and acting on them implies negotiating technical criteria that have direct consequences. Defining what technical entities

are never a neutral process in this context, as inclusion or exclusion from a regulatory category might mean including or excluding products from the European market or extending the perimeter of action of constraining legal actions such as labeling and risk studies. It is therefore not surprising that the sites in which regulatory categories are discussed are particularly prone to lobbying as member states, companies, and other stakeholders defend their interests by anticipating the effects of future regulation.

There is a politics of making European objects in that regard related to who is involved and who benefits from certain choices. In that sense, sites in which regulatory categories are made offer an empirical lens for examining struggles between stakeholders. That these struggles happen behind closed doors is connected to the particular position of expert debates in European circles, expertise being a way for stakeholders to negotiate and for lobbying to be exercised.<sup>20</sup> As described through the important body of work that has examined lobbying practices connected to the making of European regulations,<sup>21</sup> creating European objects is a strategic game whereby the resources needed to play are unevenly distributed and particular stances regarding a category are directly connected to how the actors define their interests. In that sense, examining the elaboration of regulatory categories and analyzing debates about the appropriate European interventions will provide elements illustrating this strategic game. We find industries, nongovernmental organizations, and member states arguing for or against a particular category, in disagreement about the feasibility of an intervention, or contesting the need for regulatory action altogether. They argue in expert groups and/or through the numerous lobbying activities occurring at the EC and the European Parliament when new regulations are prepared. They may also intervene at the European Court of Justice to contest European regulation. In doing so, these actors show where their interests and values lie and attempt to shape regulatory choices to their benefit. In a sense, the study of European objects is a vehicle for exploring European negotiations in action.

But this is not the only layer of the politics of European objects, because how the problem of European objects is posed is never neutral. Consider the operations needed to define regulatory categories. Categories can be defined using thresholds, and we will see that a form of regulatory action based on thresholds is indeed regularly used in Europe (chapter 7). Making categories might also imply that several cases are examined one by

one or that a general category is introduced. We will see in chapter 6 that when chemicals are discussed within European institutions, a frequent problem relates to the possibility of adopting a case-by-case approach whereby each substance is examined or creating large categories such as “nanomaterials” and “endocrine disruptors,” thus potentially reshuffling how chemicals are controlled. Hence, certain styles of category making imply that certain objects are constituted and not others. This means that how to act on European objects is controversial in many cases. The following chapters analyze numerous conflicts about the appropriate European intervention. For instance, chapter 2 shows that the conditions under which construction products should receive European labels called “CE marks” are vehemently contested. Officials at the EC in charge of regulating construction products consider that CE marks should be granted to all construction products expected to circulate on the European market, while representatives of member states and the construction industry propose to tie them to technical characteristics that ensure their quality. Chapter 2 discusses this conflict as an opposition between the EC envisioning a unified European space of competition and national actors considering markets that should be locally embedded—propositions that are seen as disguised attempts by the EC to reintroduce trade barriers. Conflicts such as this one show that European objects can sustain various European interventions.

In many situations the very idea of acting on objects is itself problematic. Whether or not policy issues should be dealt with as a matter of making European objects is indeed a sensitive question. Protecting a food product by tying it to a regulatory category protecting geographical origin in European law implies standardizing production processes and the food product itself, which may benefit some actors over others (chapter 3). Implementing environmental policy through immaterial market entities such as permits and certificates is based on new and often unstable European objects. This implies that environmental issues are significantly rewritten so that dealing with them using quantitative mechanisms becomes possible (chapter 4).

In other terms, understanding the politics of object making requires that one analyze the consequences of defining and acting on objects in particular ways. Here, one can build on STS works that have shown that making categories is a political undertaking in a deep understanding of

the term pertaining to the organization and meaning of everyday life.<sup>22</sup> The instruments needed to make categories, such as standards and labels, do more than just describe the world, possibly by reflecting existing social interests. They are also “recipes for reality,” in Lawrence Busch’s terms, in that they create certain technical and social identities at the expense of others, open up certain possibilities for action, and close down others.<sup>23</sup> Making categories is thus a sensitive matter because, as Geoffrey Bowker and Susan Leigh Star remind us, “each category valorises some point of view and silences another. This is not inherently a bad thing—indeed it is inescapable. But it *is* an ethical choice.”<sup>24</sup>

In that sense, making categories is a coproduction bringing together ontological and normative operations.<sup>25</sup> Regulatory categories are particularly interesting in that regard insofar as they entangle the functioning of legal institutions with the technical interventions needed to shape technical problems. The notion of problematization allows us to analyze such coproduction processes. Problematising implies constituting particular technical and social realities that correspond to the problems deemed important and to the range of solutions considered appropriate. Problematising European objects also means defining them and displaying the desirable values one should pursue in acting on them. In previous works, I have shown that sites of problematization are indeed sites of coproduction: problematising emerging technologies is also problematising the collective organizations expected to deal with them.<sup>26</sup> The question to ask, then, is a broad one: For the sake of what collective order are European objects problematised?

## A DREAM OF MARKET HARMONIZATION

As we focus on European objects, we will see how delegates from member states, officials at the EC, members of nongovernmental organization, and representatives of companies struggle around such questions as how to expand or limit the scope of European power and how to craft legitimate modes of government and for the benefit of whom. The answers to these questions often refer to the overall perspective of harmonization. “Harmonization” is now part of the vocabulary used within European institutions to describe the European project. It relates to the integration of the Single Market but also to the possibility of ironing out differences

across Europe. Harmonization plays on similarity and difference as it seeks to create a space of competition whereby individuals, companies, and territories can be participants in a fair market game.<sup>27</sup> Thus, a “cohesion policy” is meant to “support the overall harmonious development of Member States and regions” and refers to an ideal Europe of evenly distributed economic prosperity.<sup>28</sup> Harmonization is inherently ambivalent. It is a promise of social harmony that might also represent the worst of a faceless bureaucracy imposing constraining regulation with little democratic oversight, to the dismay of people attached to local particularities.

Harmonization is, in the words of Andrew Barry, “an art of European government” whereby regulatory action is conducted and attempts at reducing variations across the EU are undertaken in various policy domains.<sup>29</sup> This art of European government should not be understood as a perfectly functioning system based on a well-oiled regulatory machinery. Rather than an already well-entrenched state of affairs, harmonization is an expected outcome of European interventions that are not always successful. Harmonization might be better described, in Sheila Jasanoff’s terms, as a “socio-technical imaginary,” that is, an “imagined form of social life and social order that centers on the development and fulfilment of technological projects.”<sup>30</sup> The language of sociotechnical imaginary is useful for analyzing harmonization because it suggests that harmonization has a dreamlike quality, that of a project not always well articulated and at best imperfectly realized by existing practices. Throughout this book, we will see that what this dream is and what it entails can be observed when analyzing European objects and their problematization. The two parts of this book correspond to two dreams of harmonization, sometimes aligned, sometimes in tension. As the following chapters show, these dreams can be identified when analyzing the sites of problematization of European objects and the connections and similarities among them.

The first dream of harmonization is also the most visible and the most clearly undertaken. This is a dream of disentanglement, which consists of envisioning European interventions as initiatives meant to ensure that European objects circulate on the European market. These initiatives envision the European market as a distinct domain of social life, expected to be distinguished from policy negotiations while being a direct outcome

of conscious regulatory interventions. The disentanglement at stake in the European case has both an institutional and a material dimension and refers to the institutional work needed to separate the functioning of the market from policy making.<sup>31</sup> This disentanglement also points to the extraction of objects from their local contexts of production and use so that they become European and fit for circulation as market entities. Chapter 2 thus shows that the disentangling of European objects expected to circulate on the Single Market operates by setting boundaries. Some are expected to define objects freed from their national ties, while others are intended to isolate market standardization from negotiations deemed political. I speak of the power to disentangle to characterize the constraining interventions required to set these boundaries. The power to disentangle is an ingredient of a problematization of European objects that envisions the European citizen as an economic agent who, whether a producer or a consumer, exercises his or her choices across a European space defined as a space of competition. CE-marked consumer goods circulate in this space and are not described by anything other than the fact that they are European. Harmonization here produces an economy “without qualities,” which resists attempts by member states and private organizations to introduce quality marks in lieu of or in addition to the CE mark.

There are multiple examples where European interventions seem to protect local specificities against market harmonization or attempt to constrain what economic actors do for reasons that go beyond the market, such as protecting human health. In chapter 3, I discuss European objects such as food products and cigarettes that illustrate such interventions. But these cases are counterintuitive. Rather than exceptions to the harmonization project, they are best understood as manifestations of its extension. European market objects acquire additional characteristics, such as geographic origins or health hazards. The ability of these objects to circulate on markets makes it possible for the European intervention to act on them and through them in new domains, such as rural development or health policy. Thus, chapter 3 analyzes how market harmonization has provided a legal and moral grounding to numerous European interventions and a practical way of extending European policy interventions. European objects are powerful levers of action, but they are ambivalent resources. They have direct connections with what directly

matters to consumers or producers of quality food products or to citizens exposed to health risks. They are the vehicles through which Europe can act on these concerns. But these actions are often convoluted, as they use market harmonization as a strategic legal argument and rely on complex standardization operations. Is it possible to envision European objects providing resources to act on public concerns *and* being collectively discussed in more democratic manners? This would require rethinking the objectives and practices of disentanglement.

The case of energy is particularly useful for this reflection. Chapter 4 comments on various attempts at turning energy (and particularly green energy) into a European market object. Because they constitute flows of electricity and fuel, electrons and carbon-based molecules cannot easily be tracked or differentiated from one another. These material characteristics make energy particularly resistant to disentanglement. While this situation has actually reinforced a European commitment to harmonizing electricity and gas markets, it has also resulted in failed attempts at introducing harmonized immaterial entities carrying the green value of energy. I propose understanding these failures not as outcomes of obstacles that should be eliminated to ensure, at last, that harmonization happens but instead as signs that other imaginations of market harmonization are needed. It might be possible to relocalize political debates within the organization of markets or in the construction of their boundaries. Markets can be “concerned markets” that reconnect economic exchanges with collective concerns.<sup>32</sup> Whether this reconnection offers a renewed perspective for harmonization is then a question to ask. The exploration of a second and even less stable dream of harmonization will help us do that.

## **AN ELUSIVE DREAM OF OBJECTIVITY**

The dream of disentanglement makes the market an objective and a means of European intervention and imagines that whole chunks of social life can be separated from discussions construed as political. A second dream of harmonization functions on a similar boundary. This second dream, that of objectivity, is based on science and is particularly visible when European objects are regulated because of the risks they cause or are to be protected from. These risks are evaluated by scientific methods and require

the mobilization of expertise. Here, harmonization is not only about the market; it is also about the ability to describe European objects in scientific terms. That science can provide a universal language above local contingency is a common trope of modernity and a definite (if problematic) characteristic of liberal democracy.<sup>33</sup> In Europe, science is regularly summoned to settle controversies and to participate in the constitution of an objective voice to ground the legitimacy of European interventions. The second part of this book shows, however, that the dream of science-based harmonization is elusive.

Commenting on situations where technical expertise is required to shape European objects, chapter 5 discusses attempts at ensuring a European objectivity, that is, a convincing scientific evaluation of technical objects conducted by legitimate European institutions. European objectivity occupies an ambiguous position. The practice of expertise in European circles entangles the representation of various interests and the examination of technical matters. This practice points toward a form of what I call “interested objectivity,” always tied to political objectives yet at odds with how European institutions often self-describe the use of science for policy making, that is, as a unique and authoritative source of knowledge devoid of political considerations. I argue that the impossibility to realize this vision is less a failure of objectivity than a failure of renarrating the dream of objective science. A way of rethinking the dream of objectivity could consist of taking interested objectivity seriously and exploring how it could answer people’s concerns.

The following chapters are illustrations of the practices of interested objectivity, its articulation with the making of concerned markets, and the challenges it faces for providing legitimate paths for dealing with public concerns. Chapter 6 discusses the case of chemicals and the precautionary principle, showing that a dominant type of European intervention is a case-by-case approach that mixes technical examination and discussions about public concerns and consists of creating a new regulatory category for each new case of chemicals. Because this intervention operationalizes the precautionary principle while manipulating regulatory constraints with precaution, the chapter characterizes it with the term “regulatory precaution.” Regulatory precaution is a proposition for both European objectivity and European decision making whereby the construction of

regulatory categories is also a platform for negotiations between stakeholders. As such, regulatory precaution could rewrite the dream of objective science. But the chapter also shows that this potential alternative is not understood as such and is not grounded on enough institutional support to counterbalance pervasive asymmetries about what is regulated and who is involved in policy choices.

This ambivalent position is visible in other domains as well. Chapter 7 focuses on the European environment and on interventions designed to protect it. In many cases, turning air and water into European objects implies redefining environmental milieus by introducing thresholds. Breathable air, potable water, and the occupational environment become European objects as associations of material elements and regulatory choices defining limits for certain pollutants in ways that are far more diverse across Europe than they might seem. I contrast this approach with a mode of governing the environment *without* thresholds by introducing new market objects called “best available techniques” for limiting pollutant emissions. These examples allow me to discuss reconfigurations of objectivity and disentanglement. The establishment of thresholds is less a matter of claiming that a European decision is objective than of setting up modalities of action that make negotiations between various social actors possible. The use of market-based instruments to govern the European environment imagines not a neatly disentangled market but rather tightly woven market operations with negotiations among stakeholders. Again, we will see that the dreams of market and science can be rewritten at the price of serious institutional work.

The last empirical chapter is about crisis, which has often been Europe’s default state. Chapter 8 examines European reactions to financial and nuclear crises framed as interventions on European objects (banks and nuclear plants) based on stress tests. The chapter discusses the extension of the European ability to monitor and control these objects in ways that differ significantly. While the European Central Bank acts as a centralized body of expertise acquiring new regulatory competences to control banks, nuclear plants are tested by diverse European teams. The official narrative of these interventions is that the objective and transparent evaluation of banks and nuclear plants will ensure a renewed trust in the robustness of technical systems. What objectivity and transparency entail is then a matter of

investigation: certain objects are constituted rather than others, and transparency implies that certain beneficiaries of European interventions are imagined and that some elements are kept opaque. As a result, the complexity of large-scale technical systems in crisis is turned into a problem of governing individual objects, such as banks seen through the investor's gaze and nuclear plants threatened by natural disasters, and wider issues related to economic and energy policy choices are kept at bay.

This last empirical chapter will lead me to develop a reflection on Europe's current crisis and the potential contribution of European objects. The crisis might well provide an opportunity for furthering European integration, particularly by using objects as policy levers. Yet the challenge is to do so by rewriting the dreams of harmonization. There are possibilities for replacing the abstract disentangled market and the would-be unique voice of science with other perspectives. In practice, European objects populate concerned markets, and their risks are governed by interested objectivity. What is needed is a constitutional reflection, which can provide theoretical and institutional support to these practices and eventually make European objects matter for the publics who live with them.

### **WHOSE DREAMS OF HARMONIZATION?**

The overall perspectives for harmonization are not always formulated in explicit terms, even less so when they do not adopt the language of the neatly disentangled market or that of universal science. It is the task of the analyst to connect discourses and policy instruments and their practical uses in order to make these perspectives for harmonization visible. This is what the following chapters will undertake by examining European interventions on objects and the debates and conflicts they have raised. The EC and its associated bodies will be the main protagonists in these explorations. In many respects, the dreams of harmonization indeed originate from the EC. This directly raises the issue of who participates and who benefits from the European interventions based on objects. If harmonization is conducted through objects crafted in Brussels's arcane procedures, then what about Europe's human subjects?

An important literature in political science and European studies has examined this question by studying phenomena occurring far from Brussels

politics. Thus, scholars of European “socialization” have sought to shift analytical attention away from the discourse of European institutions in order to study the construction of a would-be European society.<sup>34</sup> Neil Fligstein’s analysis of the de facto and unequal integration through economic exchanges and the circulations of people and ideas shows that the stated objective of integration faces a fractured reality of actual integration, happening in connection with but not necessarily as a direct consequence of European regulation.<sup>35</sup> This book adopts a perspective that differs from these contributions and contends that any intervention on European objects is also about human subjects as expected beneficiaries. This hypothesis builds on STS not only about technical objects and their scripted users<sup>36</sup> but also about how policy programs imagine various subjects.<sup>37</sup> Thus, when European objects are standardized for circulation on a market expected to be neatly disentangled, the intended beneficiary of European interventions is an economic agent defined by one’s ability to choose consumer goods. When European objects are problematized as technical entities in need of objective evaluation, the imagined European subject is an individual ready to trust experts to deliver technical assessments. By directing attention to the joint production of regulatory categories and desirable collective orders, STS suggests that we connect the reflection about objects with an interrogation about human subjects. When looking at European objects, this means that we need to bring together two streams of STS, one related to the construction of markets and the other to democratic ordering in relation to technology.<sup>38</sup>

The important question, then, is what about the subjects that are left out? The literature in political science and European studies provides resources on this point. By examining the social characteristics of the European officials, the trajectories of European experts,<sup>39</sup> the role of commissioners and their relationships with other European actors and national stakeholders,<sup>40</sup> and the influence of policy networks and their interactions with the making and implementation of EU policies,<sup>41</sup> these works display the social identities of the participants in European policy making and demonstrate that certain actors are more powerful than others in shaping decisions. These approaches have spurred a trend in European studies that seek to uncover relationships between certain positions

of social actors and decisions taken at the European level. Some have spoken of a “political sociology of Europe” to describe an analytical approach that empirically accounts for the relationships between social groups and European decision making.<sup>42</sup> The proponents of this approach are often critical of another trend in European studies labeled as “constructivist,” which seeks to identify broad cultural or discursive influences behind European decisions.<sup>43</sup> In turn, scholars from the constructivist side have refined their studies of the articulation between “state, society and the individual,”<sup>44</sup> and others have attempted to show that the influence of “representations,” “ideas,” or “discourse”<sup>45</sup> can be (and have been) complemented by analysis of “how actors use ideas strategically.”<sup>46</sup>

What I take from these scholarly debates at this point is an invitation to analyze exclusion effects related to the types of problems being discussed and the European subject in the name of who European interventions are conducted for and who can benefit from them. In the following chapters, I undertake this analysis not by focusing on a particular group of actors or by exploring causal relationships between social or cultural factors and European decisions but instead by showing that conflicts about European objects are also conflicts about who the European subject is and ought to be. We will see that the tensions that emerge from European interventions targeting objects, of which the narrative of the European bureaucracy is an illustration, are also about the desirable European polity. This reveals the difficulty in imagining European publics in other terms than the economic agents acting on the harmonized market or the trustful individual delegating technical issues to experts. Some of the European interventions we will encounter have had to take the particularities of objects into account, such as the uncertain risks of chemicals and the material characteristics of energy flows. In doing so, they reinvent the practice of harmonization by mixing together the organization of markets, the conduct of technical expertise, and negotiations between various actors. As such, they might offer perspectives for redefining the identity of the European political subject. As we explore these perspectives, we will also need to analyze the constraints these potential alternatives face and at what costs other European political subjects could be envisioned.

## SEEING AND ACTING THROUGH OBJECTS

When European institutions see complex issues through the lens of objects, they inevitably narrow their vision as they acquire abilities to intervene. James Scott's words come to mind here:

Certain forms of knowledge and control require a narrowing of vision. The great advantage of such tunnel vision is that it brings into sharp focus certain limited aspects of an otherwise far more complex and unwieldy reality. This very simplification, in turn, makes the phenomenon at the center of the field of vision more legible and hence more susceptible to careful measurement and calculation. Combined with similar observations, an overall, aggregate, synoptic view of a selective reality is achieved, making possible a high degree of schematic knowledge, control, and manipulation.<sup>47</sup>

Defining and acting on European objects is “a form of knowledge and control” that is undertaken at the European level and makes it possible to envision European interventions while necessarily reducing complex issues to matters related to objects. This is meant to be a vehicle for pursuing the long-term objectives of disentanglement and objectivity even if in practice it gives rise to more complex constructs.

The above quote is also a forceful reminder of what the perspective advocated here entails. It could, after all, be applied to this very book. We need to ask what we don't see when we look at objects. The previous considerations lead me to consider that we can actually see a lot. But this analysis does not capture *all* the forms of European policy action. Regional development, justice, and external affairs have become domains of European intervention that do not directly relate to technical objects. Approaches to harmonization such as the open method of coordination propose using instruments such as benchmarks or self-reporting to ensure that member states voluntarily converge toward common policy goals (such as R&D and social spending).<sup>48</sup> As these examples show, there are European interventions that do not target objects. They are not the primary focus of this book, but we will see that some of them are transformed when European objects are introduced—for instance, the protection of food products that is hoped to become an engine for rural development and the reorganization of the Common Agricultural Policy (see chapter 3).

More generally, the fact that there are other types of European intervention than those based on objects should direct our interest toward

a wider question: what does it take to turn public issues into a problem of European objects? In the following chapters, we will encounter conflicts relating to the very fact that complex policy issues should be dealt with by making European objects instead of adopting other approaches. For instance, I analyze the European responses to contemporary crises (chapter 8) and to sustainability issues (chapter 7) and show that these responses were based on the making of new European objects or on the redefinition of existing ones. This happened much to the dismay of proponents of a general overhaul of the European approach to industrial, environmental, or economic policies. But objects also offered a path for action at the European level that no other regulatory approaches could have provided.

Scott's words in the quote above apply well to scientific practices, where the reduction of complexity also provides means for vision and action.<sup>49</sup> In policy contexts, the means for vision and action granted by regulatory interventions based on objects might not be as powerful. But still, if seeing and acting through objects eliminates alternative views of the world, it also provides the European institutions with a lever of action. If turning large-scale policy issues into problems of object making is such a lever (and we will see that this is the case), then we can ask whether this lever is always associated with the dreams of disentanglement and objectivity. If not, can it provide resources for a renewed European project?

Thus, if European objects necessarily imply a "narrowing of vision" for both the European institutions acting on them and the analyst studying them, they also make it possible for the European actors to envision a wide range of policy interventions and for the analyst to examine the challenges that European harmonization faces. European objects can then appear as entry points for a reflection about Europe that cuts across various policy fields. Whether this reflection can take the format of yet another theory of Europe is debatable. The field of European studies is crisscrossed by pervasive references to theories of integration, and scholars in the domain often engage in theoretical elaboration and metadiscourses about what theories are and what they entail.<sup>50</sup> These theories have evolved alongside European construction and in many respects contributed to shaping it.<sup>51</sup> Such theories have proposed various analytical frameworks through which the regulatory choices made by European

institutions, if not the whole dynamics of European integration, can be explained.<sup>52</sup> The study of the problematization of European objects does not concern itself with the elucidation of causal relationships, even less so with the elaboration of explanatory models that could circulate from one case study to the next. In that sense, problematization is not a theory but does point to a series of empirical sites where the modalities of European interventions and the sources of their legitimacy are questioned. As such, problematization offers a path for the study of how Europe is governed in ways that examine the practical functioning of its institutions and how they imagine their beneficiaries and their priorities. Thus, the study of European objects is a proposition for understanding the current challenges that the EU faces and possibly a vehicle for reimagining its future evolutions.

In Europe, harmonization is a promise of social harmony, of peaceful integration, thanks to science and the market. Present in the most explicit ways in the European project, this promise has been a part of the public life of liberal democracy more generally. Liberal democracies have developed complex regulatory machineries, and current challenges, from climate change to the COVID-19 crisis, have only increased the number and complexity of the technical objects these machineries target, fueling new controversies and reactions such as Boris Johnson's calculated rejection of an expertise framed as technocratic. Trying to make the corresponding regulatory interventions more legitimate or at least palatable to suspicious publics by appealing to the universal dreams of science and the market is always at risk of cementing the opposition between expertise and populist responses. In this context, what is needed is a reimagining of these dreams of harmonization, and we will see that European objects provide elements for starting this reflection.

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