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**‘Debating causality in the government of the EU: ‘territorial-  
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# **‘Debating causality in the government of the EU: ‘territorial-institutionalism’ and the reform of the common fisheries policy’**

**Caitríona A Carter**

## **Introduction**

As the papers in this panel contend, European integration has institutionalized the European Union (EU) as a new territory. Yet in EU studies the term ‘territory’ is seldom defined and used as an analytical tool. Moreover, theories of European integration rarely problematize its usage, often conflating it with that of each member state (e.g. Haas 1958; Moravcsik 1998; Marks et al 1996; Sandholtz and Stone Sweet 1998). This paper argues that in order for scholarship to grasp ‘what forms of government and rule are at work within the EU’ (Rumford 2002: 46), we need to theorise ‘territory’. To do this here, I develop and refine an approach first tested elsewhere, called ‘territorial institutionalism’ (Carter and Smith 2008, 2009). The central premise of this approach is that ‘territory’ is not a given - as many theories of European integration would have us believe - but a social construction whose causal and constitutive usage can and must be the object of research.

Territorial-institutionalism seeks to demonstrate different usages of territory deployed by actors in the government of their sector or industry. How actors use territory in the assignment of power through regulation is a central line of inquiry. Three such usages of territory are considered:

- Assigning power through determining the frontiers of public policy and the reach of regulatory instruments;
- Assigning power through determining the eligibility of actors to set those instruments, including their hierarchy and types of competition put in motion between them;
- Legitimizing assignments over both the reach of regulatory instruments and the ordering of actors (Carter and Smith 2008, 2009).

In proceeding in this way, ‘territory’ is not assumed to refer solely to a geographical area, e.g. of Europe, Finland, Scotland. Rather analysis is premised upon the assumption that territory is both contested and multifarious. Polity-building, sector-building and identity-building evocations are all classified as ‘territory’ and hence the object of study. Consequently, rather than assuming the EU to be fragmented along national ‘lines’ or ‘levels’ of governance, territorial-institutionalism seeks instead to *elucidate* the lines of division within EU government as institutionalised around these different representations of territory.

In order to develop this approach in this paper, I focus on its causal explanation. I do this by arguing that the primary causal logic of territorial institutionalism is an ideational one. Within political science, there is a wealth of scholarship whose common intellectual objective has been to give prominence to ‘ideas’ and/or ‘culture’ in explanations for political choices<sup>1</sup>. In this paper, I seek to engage with general debates raised by this literature in three ways. First, in discussing how territorial-institutionalism defines ideational explanation. Second, in setting out its core hypotheses aimed at demonstrating, rather than re-describing, assignments of power. Third, in developing tools to enable territorial-institutionalism to recover ideational causality in situations of ‘crisis’.

Critically, in order to evaluate how actors narrate regulatory dilemmas in order to resolve them, and the omnipresent role of territory therein, I introduce a new concept of the ‘ideational process of alignment’. I argue that examining actor resolution of contingencies through this tool not only enables research to grasp sector-territory dialectics shaping compromises reached (and hence assignments of authority made), but also facilitates a problematisation of the ‘shared’ cognitive template framing institutions following that resolution. As a result, we are able also to capture how ideational elements affect actor behaviour within institutions and in different ways (Section 1).

Having set out intermediary concepts for demonstrating ideational explanation, I then illustrate how the application of these notions to the reform of the Common Fisheries Policy in 2002-2004 enables research to explain how and why actors reformed both the policy frontiers of this sector and the type of actors eligible to set policy instruments – and, moreover, how a ‘shared’ resolution was found in a situation where actors interests were shaped by different interpretations of regulatory problems and their solutions and when a common response seemed unlikely (Section 2).

## **1. Challenges for ideational explanation: the ‘territorial institutionalist’ research agenda**

In this first section, we set out the central hypotheses and lines of inquiry as proposed by a territorial-institutionalist approach to the study of changing EU political processes. In order to do this in a systematic way, and taking our cue from on-going debates between scholars engaged in ideational explanation, we organise our presentation of territorial-institutionalism around three set of challenges discussed within the literature: defining ‘territorial-institutionalism’ as ideational explanation; demonstrating explanation as distinct from offering re-description; revealing ideational causality in political processes, and in particular in moments of crisis.

### **a. Territorial-institutionalism as ideational explanation**

Territorial-institutionalism takes as its object of study the (changing) regulation of ‘sectors’ of EU government. A focus on sectors as regulatory venues is targeted because we hypothesize that many of the choices over the boundaries and scope of political action, including who can shape regulation, are taken during debates over sectoral decision-making and regulatory design. In keeping with a broad literature which stresses sector-polity dialectics (Hall, 1986; Jobert & Muller, 1987; Hollingsworth, Schmitter & Streek, 1994), one of underlying objectives of territorial-institutionalist analysis is to update and reaffirm a central contention that the building

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<sup>1</sup> E.g. Swidler 1986; Jobert and Muller 1987; Hall 1989, 1993; March and Olsen 1989; Weir 1992; McNamara 1998; Powell and DiMaggio 1991; Blyth 2002; Parsons 2002; Jabko 2006; Genieys and Smylr 2008.

of European policy sectors and markets has been crucial to the construction and reproduction of the EU as a polity (Webb 1977; Richardson 1996; Radaelli 1999).

In conceptualising sectors in this way we depart company from scholars who either fail to theorise the ‘sector’ in studies of EU policy-making (e.g. Bomberg and Peterson 1999) or who treat them as a ‘context’ for general arguments about balances of power between the European Commission and Member States (e.g. da Conceição-Heldt 2006). Instead, our line of questioning on the government of the EU concerns how all the actors in a sector have developed their respective institutionalized patterns of norms and rules in order to ‘regularize’ their economic and social activity (Boyer, 2004:6). More precisely, the underlying argument is that sectors are highly structured entities which need conceptualising as ‘Institutional Orders’ (IOs) made up of all the actors who participate in an industry’s regulation (Jullien and Smith 2008).

Significantly from the perspective of the lines of argumentation to be advanced in this piece on ideational explanation, regulation is not reduced to ‘rules’. Rather, we define IOs as comprising institutions – ‘ideational elements’ (e.g. socially constructed norms, expectations, values, beliefs) and ‘rules’ – and actors (public and non-public). This is important for the development of our causal explanatory argument and the need to specify which elements of the IO are the primary sources of its endogenous production and reproduction. For, in a seminal work entitled ‘How to map arguments in political science’, Parsons challenges scholars to be precise in identifying their core ‘logic of explanation’ (Parsons 2007). Within what he describes as a ‘typology of explanations of human [political] action’ (Parsons 2007: 3), Parsons identifies four distinct causal logics of action within political science - structural, institutionalist, ideational and psychological - each ‘named for the element that does their causal work’ (Parsons 2007: 12).

Critically, territorial-institutionalism, as a form of sociological/constructivist institutionalism, falls within ideational explanation. This is because of the prominence it accords to informal institutional mechanisms – or ideational elements – as sources of political change:

‘actions [are explained] as a result of people interpreting their world through certain ideational elements’ (96): ‘there is no clear rational course of action in the absence of interpretative filters’ (98) ‘ideational explanation addresses the subset of institutions ... *through which people interpret their world?*’ (100) (Parsons 2007).

Ideational elements of IOs include: ‘practices, symbols, norms, grammars, models, beliefs, ideas and/or identities that carry meanings about the world’ (Parsons 2007: 96). As Parsons details, and as has been discussed by others, ideational elements are therefore not just values and norms, but also include what Muller referred to as a ‘set of practical algorithms for dealing with specific situations’ (Muller 1995); or as Swidler named as the ‘tool-kit’ (Swidler 1986: 273). Having said this, ‘ideational elements .. should only include the subset of institutions which relate to action in an interpretative way’ (Parsons 2007: 100). These might be held as ‘shared’ logics of action (Deeg 2005), as le référentiel (Muller and Jobert 1987) or as individual beliefs.

I argue that, from within territorial-institutionalism, studying how and why actors engage in the government of the EU in the way that they do - and the forms of government at work (Rumford 2002: 46) – thus necessitates examining the causal role of ideational elements so defined in the stabilisation and densification of IOs (Lagroye 1997). Approaching this question from within a sociology of institutions, patterns of institutionalisation are not consequently studied as separate from social constructions of problems. Rather, interpretations of reality (both ‘as it is’ and ‘as it should be’) are viewed as being fed into a continuous process of EU policy-making within which public problems meriting treatment within the sector are socially constructed and stabilized before giving rise to the adoption of policy instruments (Rochefort and Cobb 1994). In order to

bring this about in EU policy-making, I argue that actors identify and respond to ‘dilemmas’ (Bevir and Rhodes: 35-37) posed within changing political processes and which can be the source of contingencies (Carter 2008, 2009).

Research must therefore grasp the various representations of reality through which actors interpret their industrial world, identify its regulatory dilemmas and seek to construct these as contingencies to be resolved. In proceeding in this way, onus is placed on isolating and evaluating actor representations of ‘territory’ in order to bring this about. Drawing on literature which links constructions of identity with the institutionalization of spaces (e.g. Donnan & Wilson, 1999), we argue that first, usages of territory are always present in day-to-day stabilisation of IOs; second, studying their usages in the resolution of contingencies is critical for explaining distributions of power across and within IOs (and hence the government of the EU). Contending that the stabilisation of IOs is constantly influenced by multiple representations of territory stems from the latter being the dominant basis for political representation in liberal democracies and consequently for the legitimacy of both collective and public action. This is because territory-linked arguments take strength from their relationship to ‘the general interest’ of the polity as a means of trumping references to the ‘efficiency’ of the sector. We posit that actor mobilisations and powering around social constructions of ‘territory’ as political resources will therefore be critical in our understanding of how sectoral institutional ordering occurs and, more precisely, how actor choices are legitimated (Jobert & Muller, 1987).

Finally, in keeping with its logic of ideational explanation, it is accepted that there are no ‘correct’ outcomes resulting either from how a dilemma is interpreted (Bevir and Rhodes 2003), nor from how contingencies are resolved. The notion of an objective hierarchy of beliefs is refuted: ‘what matters is the subjective or inter-subjective understandings of political actors’ in the identification of dilemmas (Bevir and Rhodes 2003: 36). Nonetheless, it is maintained that through resolving contingencies, actors institutionalise the dominance of certain beliefs over others - and legitimize the ‘appropriateness’ (March and Olsen 1989) of ‘some’ interpretations of dilemmas over others. For, as Genieys and Smylr argue, struggles over ideas are power politics: ‘ideas and institutionalized power are not antithetical; they are aspects of the same thing’ (Genieys and Smylr 2008: 11). Ideational elements are thus studied as sources of power and conflict in the institutionalisation of political processes (Carter 2008). How subjective understandings are rendered inter-subjective (Muller 1995) - whereby some beliefs become shared and institutionalised as ‘appropriate’ (March and Olsen 1989) – is a critical process for research to uncover. This is because in resolving contingencies, actor choices over both the type of regulatory instruments to be applied and the hierarchy of groups of actors within the IO to set those instruments are determined.

In summary through taking as its focus the process by which contingencies arise and are resolved within IOs, territorial-institutionalism firmly places its emphasis on ideational elements as the constraining parts of the IO: ‘people narrow their choices as they take on a certain subjective way of interpreting things’ (Parsons 2007: 99). In this manner, processes of institutionalisation are not conceptualised using the metaphor of the ‘path’ (Pierson 1996) which suggests institutions chosen by others at some point in the past produce independent constraints on those in the present (Parsons 2007: 67, 73). Actors are instead perceived as constantly participating in the construction of their own constraints through their interpretations of the world. As Lagroye, paraphrasing Bourdieu argued: ‘l’entretien de la domination suppose que les dominés en prennent leur parti’ (Lagroye et al. 2002: 37). Institutionalisation is thus conceptualised as an on-going cycle of framing and operationalizing institutions or as processes of institutionalisation, de-

institutionalisation and re-institutionalisation (Jullien and Smith 2008) wherein ideational elements are consistently causal.

## **b. Demonstrating explanation as distinct from providing re-description**

In a review of Mark Blyth's 'Great transformation: Economic Ideas and Institutional Change in the Twentieth Century' (2002), Colin Hay argues both that this work 'will serve to consolidate its author's already enviable reputation as a ... most powerful and convincing exponent and advocate of ideational explanation in comparative political economy' and 'it is not always clear that Blyth does adequately *explain* the outcomes whose origins he details' (Hay 2004: 207, 211, emphasis in original). The challenge for ideational explanation to 'explain rather than merely re-describe' (Hay 2004: 211) is one also discussed at length by Parsons (2007, 2009). For both scholars, explanation results from two central considerations. First, the exploring of 'counterfactuals' (Parsons 2009) or the 'adjudicat[ing of] preferences between contending accounts' (Hay 2004: 212). Second, the setting out of clear hypotheses or claims about the specific usages by actors of ideas to bring about political change which are both testable and tested during the course of empirical investigation (Hay 2004: 211; Parsons 2007: 109-110).

Meeting these challenges is a clear goal for territorial-institutionalism, even if to date its application has been more one of re-description rather than explanation (Carter and Smith 2008). With regard to the specifying of counterfactuals, and as argued in more detail elsewhere (Carter and Smith 2008), the analytical epistemological and ontological propositions which it makes are entirely against the theoretical foundations of rationalist institutionalist or structuralist approaches to the study of European integration – thus offering the researcher a number of possible contending accounts. This positioning is perhaps immediately clearer on questions of epistemology, whereby the prominence given to sociological institutions as causal underlines that interests which actors seek to defend are not judged to be spontaneously emerging from a-sociological 'cost-benefit' calculations. Rather, interests are regarded as shaped through the manner in which issues are interpreted and represented by actors – thereby pitching territorial-institutionalism against any approach rooted in a rationalist institutionalist theory of interest-formation and negotiation (e.g. Payne 2000).

But, territorial-institutionalism also sets out to make a number of ontological claims about how we problematize the organisation of power within the EU. In so doing, it positions itself also against dominant ontologies of the EU which hold an image of its on-going power distribution as either 'binary' or organised in terms of 'levels'. For example, binary ontologies inform a variety of approaches, but identify in common dominant categories of analysis as either being 'the national' or the 'EU' – the supranationalism versus liberal intergovernmentalism debate (George 2004; Sandholtz and Stone Sweet 1998; Moravcsik 1993). Moreover, even when scholars seek to deconstruct the binary vision by arguing that it overlooks a third 'level' of governance – namely, the region (Marks et al 1996) – we argue that they do so without seeking to re-problematise in any fundamental way the ontology of public authority held by the binary vision. In rationalist multi-level governance, the formalistic image of power as organised in discrete 'levels' of government – the EU, the national – is simply extended to a third level – the regional (Hooghe and Marks 2001). Within this vision of the EU, political conflict is not one of cognitive struggles (Genieys and Smylr 2008: 11), but predominantly a conflict between levels which must be co-ordinated to prevent competitive de-regulation (Streeck and Schmitter 1991). This has resulted in an ontological debate wherein

‘neither multi-level governance nor its predecessors have managed to break away from the idea that the central issue in EU studies is the level at which state rule is exercised’ (Rumford 2002: 47).

Rather than regarding EU politics and regulation as cleaved in this way, territorial-institutionalism argues instead for studying the organisation of power as it is distributed within IOs and through a process of ‘political assignment of authority’ (Carter and Smith 2008). Given political sociology’s underlying intellectual inquiry to reveal power and domination in governing, the onus on research is to study how power is assigned and re-assigned within IOs, whilst understanding that power is never assigned purely on the basis of formal competencies as set out in Treaties (which are also judged to be ideationally determined). Rather, the source of hierarchy within IOs is one in which ideational elements are consistently causal. In the resolution of contingencies, territorial-institutionalism hypothesises that actor usages of territory will be mobilised to assign power over:

- a. the reach of regulatory instruments: usages of territory justifying the boundaries of decision-making arenas; justifying the boundaries of public policy instruments which institutionalise the ‘spaces’ around which EU interests are constructed, negotiated and defended;
- b. the hierarchy of actors and/or types of competition put in motion between them: legitimizing the eligibility of actors to participate in those arenas - legitimizing the eligibility of different types of actors to pursue collective action, i.e. those constructed as ‘belonging’ in those regulatory ‘spaces’;
- c. the legitimation of choices made concerning both the reach of regulatory instruments and the ordering of actors: mediating conflict between competing interests.

Of course, territory is generally a contested concept and representations of territory can be of different registers. Therefore, we anticipate actor evocations of different categories of territorial representation in order to assign power across the IO:

- polity-building evocations (e.g. EU as collective responsibility; France as protector of coastal communities);
- sector-building evocations (e.g. EU seas as common goods; Scottish langoustine; Catalan anchovy);
- identity-building evocations, both ethno-cultural (polity, e.g. the European collective; the ‘Scottish’ homeland) and professional (sector, e.g. the Scottish fishing industry; the European Fish Processors Association).

Territorial-institutionalism thus seeks to demonstrate the plurality of these evocations of territory, their usage in the assignment of power within an IO and how and with what effects actors articulate the connections between them. We return to these points more fully below.

In summary, whereas ‘the nation state is the point of departure for much of the current literature on supranational governance and the political system of the EU’ (Rumford 2002: 51), territorial-institutionalism by contrast starts with the IO and sets out lines of inquiry concerning actor usages of different social constructions of territory in the organisation of power within the IO,

and hence within the EU. Ontologically, counterfactuals can consequently be explored for example by reference to those whose ontology of the EU is posed in terms of ‘levels’ or ‘nested sites of decision-making’ (as we begin to do in Carter and Smith 2008), but also by reference to approaches which treat states as the universal unit of analysis from which one starts and ends research (e.g. Hall and Soskice 2001) or who treat ‘territory’ as uncontested (for fuller critique on this point, see Smith paper for this panel session 2009).

### **c. Recovering ideational causality in political processes, including in moments of crisis**

A third set of challenges for ideational explanation arise when considering the specific causal role for ideas in situations of change - at ‘critical moments’ (Collier and Collier 2002), ‘windows of opportunity’ (Lagendijk 2007: 1200-1201) or ‘crises’ (Blyth 2002). One of the core claims of ideational explanation is that at a moment of crisis, and in the resolution of contingencies, causal elements of ideas can be most easily discerned and recovered (Blyth 2002). As Swidler argued, in ‘eras of transformation’ cultural aspects can play an ‘independent causal role’ (Swidler 1986: 278).

Three different processes require to be un-packed and studied here. First, specifying the determinants of a crisis (Hay 2004: 210); second, providing more attention to the narration of a crisis by actors, in order to prevent ‘turning the moment of crisis into something of a black box’ (Hay 2004: 210); third, problematising the ‘shared’ outcome of the resolution of a crisis – what sociological institutionalists refer to as the ‘shared’ institutional template (Hall and Taylor 1996). These considerations prompt two sets of questions in demonstrating causality: first, what triggers action and second, how are particular solutions chosen? How do we study the identification, mediation and resolution of a ‘crisis’ resulting in the institutionalisation or re-institutionalisation of an IOs’s institutions (ideational elements and rules) and actors?

*First*, according to territorial-institutionalism, what are the determinants of a crisis? Hay argues that determinants leading to moments of crisis can be both ideational and material (Hay 2004: 210). Territorial-institutionalism, by contrast, views determinants as always ideational. First, and as argued above, it locates the origins of a crisis in actor identification of a dilemma and, significantly, its construction as a source for contingencies to be resolved. Clearly, dilemmas can arise directly from tensions from within informal institutions, for example when learning experiences challenge the ‘shared’ institutional template (Carter 2008), or at moments of ‘Knightian uncertainty’ (Blyth 2002). Second, if we imagine an event which looks like a ‘material’ determinant – e.g. collapse of North Sea fish stocks 2003 – there are at least two ways in which we can consider this to be ideationally causal. First, this event did not ‘just happen’ – it was the result of a series of interpretations about the health of fish stocks in the North Sea held by scientists, managers, fishers and consumers leading to both regulatory choices and fishing and purchasing practices, all of which collectively brought about this crisis. Second, ‘events’ are not viewed as having independent causal effects – they require to be identified as dilemmas and interpreted as sources of contingencies: ‘causal mechanisms must pass through individuals ... to connect to action’ (Parsons 2007: 25). ‘Critical moments’ for change are indeed ‘critical moments’ if and when perceived by actors to be such. As we have argued above, in considerations of causes of crisis, territorial-institutionalism treats dilemmas as interpretative: ‘it is not for the observer to identify the dilemma – but for the observer to recover dilemmas as identified by actors’ (Bevir and Rhodes 2003: 36).

*Second*, in order to mitigate against ‘turning the moment of crisis into something of a black box’ (Hay 2004: 210), I propose the notion of *the process of alignment* (Carter 2009). The notion of alignment denotes an ideational process whereby contingencies are resolved. This is brought about primarily through the stabilisation of ‘shared’ interpretations of both regulatory dilemmas and their solutions. In this process of rendering subjective meanings held by actors inter-subjective - or rendering inter-subjective meanings held by groups of actors as ‘shared’ - I hypothesise that actors become involved in a ‘process of alignment’ of different representations and social constructions of reality. This is achieved when actors’ interests are interpreted, articulated, made to co-exist with others’ and, thereby, re-cast.

There are two different ways in which an alignment of ideas, values and beliefs might be brought about – accidentally and intentionally. First, we can think of accidental alignment as occurring when separate groups of actors (or individuals within the same group – e.g. fishers, scientists) come to the same ‘idea’ or social representation through separate processes of learning or ‘reflexivity’ (Kauppi 2008: 8), following the operationalisation of practices. Kauppi stresses that reflexivity must be

‘understood as sociological reflexivity, not philosophical reflexivity ... the power of knowledge to create, not just reflect, political reality’ (Kauppi 2008: 8).

We contend that through the acquisition of new knowledge following reflexivity, e.g. around the implementation of regulatory instruments, groups of actors might re-frame their representation of the regulatory problem to which that instrument was addressed. In some circumstances, it can also be anticipated that separate communities of actors may arrive at similar, although not identical, understandings following separate learning processes. When these similar interpretations or new ideas generated within different communities of actors are exchanged and their inter-connection realised, we can talk of an ‘accidental’ alignment. It is accidental in that there was no pre-conceived objective to align different communities’ representations of reality – it happened ‘unintentionally’. We hypothesise that accidental alignment might be particularly evident following from a *de*-coding of an IO’s ideational elements.

Second, alignment can also be intentional and brought about by actors within the IO through ‘political work’ (Jullien and Smith 2008). ‘Political work’ (PW) denotes two types of actor strategies to bring about change in an IO through the making of arguments and the building of alliances: problematisation and politicisation. Problematisation denotes actor activity to transform immediate concerns into collective and public problems to be regulated; ‘politicization’ denotes strategies of action to transform the meaning of values (Smith 2009). We can think of PW as a form of intentional alignment of the ideational elements of an IO. It is intentional because actors are actively seeking to construct dilemmas as contingencies through a simultaneous *de*-coding of ‘old’ alignments and a re-coding of new ones. We hypothesise that intentional alignment is often associated with actor attempts to re-code an IO’s ideational elements at times when they have become *de*-coded (possibly following their accidental *de*-alignment).

<i>Source of contingency/mechanisms and actors</i>	<b>Accidental Alignment</b>	<b>Intentional Alignment</b>
<b>Key Activities</b>	Separate processes of learning and/or reflexivity of individuals or groups of actors	Political work of actors, i.e. problematisation and politicisation, alliance-building

	=> accidental alignment of similar social representations of reality	and making of arguments => intentional alignment of different and/or various social representations of reality
<b>Key Actors</b>	No actors emerge as leaders, but relationships between groups across the IO can be re-articulated	Actors conducting political work emerge as leaders and actively seek to change relationships between groups across the IO

Table 1: Sources of contingencies

Alignment can thus be both accidental and intentional and in situations of change will involve a de-aligning of existing ideational elements and a re-aligning of new ones. With regard to the former we hypothesise that during this process, no actors emerge as leaders, but relationships between groups across the IO can be re-articulated. By contrast we also anticipate that actors conducting an intentional alignment through PW will emerge as leaders through their actively seeking to change relationships between actors across the IO. How successful they are at bring this about has consequences for the collectivity of different communities of actors – e.g. producers, processors, managers, scientists – within the IO – and the stabilisation or not of newly aligned ‘shared’ ideational elements.<sup>2</sup>

Finally, and in keeping to the fore territorial-institutionalism’s focus on usages of ‘territory’ in the resolution of contingencies, I suggest that representations of territory will be omnipresent in the mix of alignment legitimising its successful outcome. To explain ideas as causal in defining the frontiers of public policy (including type and scope of regulatory instruments) and eligibility of actors to access decisional arenas (including their hierarchy within the IO) research must recover how social constructions of territory are aligned with other sector-based representations of the IO, e.g. social constructions of marine biological or oenological science (fisheries and wine); social constructions of markets; social constructions of actors industrial behaviour and/or professional identities.<sup>3</sup> In this way a focus on ideational alignment permits research to grasp sector-territory dialectics shaping compromises reached.

*Third*, once different social constructions are aligned they require to be stabilised as the ‘shared’ template of the IO. Sociological institutionalism places a central importance on the existence of a shared cognitive frame leading to a construction of the ‘appropriateness’ of certain behaviours. We suggest that the under-problematisation of the notion of a ‘shared’ template can be an obstacle to demonstration of ideational explanation, and particularly following the de-stabilisation of the informal institution and the instatement – or re-instatement – of ideational elements. Examining actor resolution of contingencies through ideational alignment, I contend, can also facilitate a re-problematisation of the ‘shared’ cognitive template.

<sup>2</sup> In a completely different context and in the discussion of translation, Callon argued thus: '[A] concern with translation focuses on the process of mutual definition and inscription... A translation that is generally accepted tends to shed its history. It becomes self-evident, a matter on which everyone can agree... A successful process of translation thus generates a shared space, equivalence and commensurability. It *aligns*. But an unsuccessful translation means that the players are no longer able to communicate' (Callon 1991, p 143, p 145; italics in original).

<sup>3</sup> This idea speaks to the concept developed social constructivist approaches to the role of regulatory science in politics, namely the ‘co-production’ of natural and social orders (Jasanoff and Wynne 1998: 16; Jasanoff 2004).

A useful way of thinking about this is offered by Parsons (2007: 100-101). He argues that ideational elements can affect actors in different ways and suggests distinguishing between 'believers', i.e. those affected by ideational elements in an interpretative way versus other groups of actors affected in an institutional way, i.e. 'as a convention, but not as means of interpretation' (Parsons 2007: 100). Drawing on this idea that not all actors within an IO are complying for the same reasons, but keeping within an ideational explanatory logic<sup>4</sup>, I propose identifying different categories of actors within the IO whose behaviour is affected differently regarding its ideational elements.

More specifically, we can think of three such categories; believers (borrowing from Parsons), tolerators and rebels. Believers are those whose behaviour is affected by ideational elements in an interpretative way (Parsons 2007: 100); they believe this is the only solution. Tolerators are those whose behaviour is not affected by all the ideational elements of an IO in an interpretative way. Tolerators will conform to the ideational elements of the IO, even if they are not interpreting the world through all of them, as long as they construct the compromises arrived at through the resolution of contingencies as 'legitimate'. Their behaviour is thus affected by some meta-belief or trans-sectoral representation over the meaning of compromise within an IO. They are actors who believe that this is the best possible alternative but have not stopped seeking other solutions. Finally, we have rebels whose behaviour is non-compliant and who are interpreting the problem through a different frame or sets of ideas, and moreover, who do not accept any meta-belief that the compromise has been arrived at in a fair and legitimate manner. Rebels thus believe they have an alternative.

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<sup>4</sup> i.e. I am seeking not to introduce an institutional explanation of actor behaviour.

<i>Types of actors within an IO</i>	<i>Ideational elements as causal</i>	<i>Beliefs held</i>
<b>Believers</b>	those whose behaviour is affected by an IO's ideational elements in an interpretative way (Parsons 2007: 100-101)	believers are those who believe this is the only solution
<b>Tolerators</b>	those whose behaviour is not affected by all the ideational elements of an IO in an interpretative way. Tolerators will conform to the ideational elements of the IO, even if they are not interpreting the world through all of them, if they construct compromises following resolution of contingencies as 'legitimate'. Their behaviour is this affected by some meta-belief concerning the legitimacy of compromise within an IO	tolerators are those actors who believe that this is the best possible alternative but have not stopped seeking other solutions
<b>Rebels</b>	behaviour is non-compliant and affected by a different interpretation (or frame) and who do not accept that the compromise has been arrived at in a fair and legitimate manner.	rebels are those actors who believe they have an alternative

*Table 1: Problematising the causal explanation of the 'shared' informal institution*

Of course, actors can change group and tolerators might become believers and vice versa. This is the de-stabilisation of the IO and/or the de-alignment of ideational elements. Moreover, and as Parsons states, the notion that ideational elements affect different actors differently means that they will either react differently to future crises or shocks (Parsons 2007: 101) and/or might not interpret the same event as a 'crisis'.

In summary, alignment offers new ways of thinking about actors' behaviour around the stabilisation of its ideational elements and which can be the object of study. Additionally, unpacking different behavioural types into believers, tolerators and rebels also permits greater demonstration of causality. For, if we are correct about 'what' causes 'what', then power struggles and competitions put in motion following a resolution of contingencies should play out around alignments - constantly re-enacting them, until such time as processes of de-alignment unfold. If an act is ontologically inseparable from the ideational elements which make it an option (Parsons 2007: 108), then we can anticipate that tensions and competitions between actors across the IO will provide further evidence of the kinds of compromises which have been reached. In other words, if one has correctly identified the right causes then the outcomes should indicate this – we should find tensions around what has been aligned and actors behaving in the

way we describe. In our case study, therefore, it is critical to show these struggles and tensions as they are institutionalised following from reform processes.

## **2. Illustrating territorial-institutionalism: the 2002-4 reform of the Common Fisheries Policy**

In this second section, we set out to illustrate some of the different claims of territorial-institutionalism as set out above through examining the 2002-2004 reform of the Common Fisheries Policy (CFP). Evidently, and as we have already stipulated, the ultimate goal for territorial-institutionalism is to demonstrate, rather than re-describe, political processes of change – in this case the EU government of sea fisheries. In this section, we only take a first step towards this goal in an initial organisation of findings from a research project on the transformation of the UK-EU IO of sea fisheries. Two caveats apply. First, as this is an initial attempt to present findings in this way, they are presented at times more in the form of hypotheses requiring further consideration than as results. Second, findings presented here originate from a project which focused primarily upon the role of UK actors in the reform process (although did include interviews with individuals from within for example, the Commission, the EP and WWF). Having said that, it appears (although this requires to be confirmed) that UK actors – and more precisely Scottish actors - were pivotal in resolving contingencies, and in particular through the conduct of political work to align social re-constructions of both science and territory. Indeed, the central outcome of the reform – the setting up of new Regional Advisory Committees (RACs) of stakeholders to provide regulatory advice to the Commission – strongly resonated with ideas informing the expressed interests of UK actors during the reform process (and was against those initially informing interests of other key actors in this process, for example, actors within the Spanish government).

The section is organised as follows. First, to explain the construction of the 2002-2004 reform of the CFP by actors as both a dilemma and source of contingency, I start by setting out the initial institutionalisation of the IO in the 1970s and ideational effects on actor behaviour (2.1). Second, I illustrate how through both accidental and intentional ideational processes of alignment, contingencies were resolved by actors resulting in new ideational elements giving rise to new assignments of authority within the IO. These are manifest in the adoption of RACs (2.2). To illustrate this further I finish by discussing initial tensions resulting from newly stabilising ideational elements. I focus specifically on new competitions set up over a) frontiers of public policy and b) the eligibility of new groups of actors to engage in regulation.

Throughout I seek to identify actor usages of social constructions of territory to bring about change in the political assignment of authority. In particular, how these constructions were aligned with others – for example, constructions of regulatory science and representations of professional reality of fishers – is a central focus of discussion.

### **2.1 From stabilisation to de-stabilisation of the CFP (1970s-1990s)**

The reform of the EU's CFP in 2002-2004 was mandated by EU legislation because rules over access of fishing vessels to coastal waters (e.g. 6-12 mile limit) were due to expire at the end of 2002. However, this reform, unlike the previous one in the early 1990s, was constructed by groups of actors across its IO as constituting a 'crisis moment' in sociological institutionalist terms. In order to understand why actors both identified reform as a 'dilemma' and constructed it as a 'source of contingency' we have to examine what had happened during the period leading up to the reform and in particular events of the 1990s. During this time, we argue, those

ideational elements of the IO initially stabilised throughout the 1970s and 1980s, resulting in adoption of its rules and instruments in 1983, became de-stabilised. In order to illustrate what occurred during this period, we will first set out the initial institutions of the IO and how these were arrived at before considering actor behaviour as affected by them.

*a. Initial stabilisation of the IO's institutions and actors 1970s/1980s*

The central policy instruments which determine the level and allocation of fisheries resources, and justify the policy frontiers of the CFP, are 'Total Allowable Catches (TACs) and Quotas' (TQs). Although not presented exactly in these terms, there is evidence in the secondary literature to suggest that the decision to adopt TQs in the 1980s resulted from an aligning of a specific representation of territory, social construction of science and representation of professional reality of fishers.

Scholars at the time argued that TACs were 'not universally recognised as the most effective' (Leigh 1983: 89) instruments to conserve resources (see also Farnell and Ellis 1984: 107; Symes and Crean 1995: 398). Rather, acceptance of international constructions of the seas as 'enclosed estates' (Farnell and Ellis 1984: 8) - 'Exclusive Economic Zones' (EEZs) - structured EU choices. First, the claiming of EEZs by third countries (such as Iceland) enabled the Community<sup>5</sup> to claim an EU-EEZ in 1977 (Leigh 1983: 63), thereby institutionalising a 'common' EU resource. Second, acceptance of the boundaries of EEZs, bolstered by constructions of an objective biological science informed choices of 'appropriate' policy instruments (Leigh 1983: 88-9). This is because understandings in both international rules (e.g. Article 61 of the Law of the Sea Convention) and practice (international fishing commissions) were that EEZs were regulated by TACs (Leigh 1983: 88-9). Third, the recognition of a 'common resource' assigned authority over that resource to the Commission, which was 'alone in a position to come forward with quota proposals for the entire Community' (Farnell and Ellis 1984: 107) and, in so doing, institutionalised the frontiers of common EU public policy.

As we state above, choosing TACs cannot be grasped by considering that they were the most 'effective' regulatory choice. Rather, in the mediation of the dilemma identified by actors on how to apply EEC treaty rules to fisheries and how to make these fit with inherited norms from international conventions, actors within the Commission appear to have aligned representations of sea territory with specific constructions of science. In bringing this about, a critical role was accorded to quantitative science, premised on an accepted notion of 'objective science'. Choosing TACs as the way to manage fisheries 'even if not entirely reliable, was at least capable of numerical expression' (Leigh 1983: 89). As Commission officials writing at the time expressed, with its limited own resources and expertise in fisheries, early Commission proposals required the 'authority' of 'objective' 'independent' advice (Farnell and Ellis 1984: 114-115, 167). The provider of this advice came to be the International Council for the Exploration of the Seas (ICES) and contracts were signed between the EU and ICES to regularise this relationship. The legitimacy of this advice, its provider (and consequently the Commission) was premised on a conviction of its superiority derived from an uncontested vision of quantitative science as 'objective' and constructions of scientists as 'distant' from politics (Wilson and Hegland 2005: 21). These constructions, which resonated with common discourses at the time on the rationality

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<sup>5</sup> This is one of areas where more research is required to demonstrate ideational causality.

of ‘modern’ science, went largely unchallenged for a long time. The effect was to simultaneously de-politicise and legitimate the provision of advice and its provider.<sup>6</sup>

Significantly, whereas scientists were represented as legitimate ‘holders of knowledge’ about ‘common EU goods’, at least in this first institutionalisation of the IO, fishers were not. Indeed, the initial institutionalisation of EU regulatory arenas was premised upon an unstated but implicit construction of fishers’ role in industry derived from neo-classical economics as one of ‘exploiters’ of the common resource. According to this perception, fishers’ ‘natural’ behaviour – to fish without care for future generations – had to be controlled through regulation: the ‘command and control’ approach. Accordingly, the catching sector was not assigned a formal reglementary role over levels of fishing effort and access to waters. Instead, they would be consulted within Commission committees. Their input at domestic level clearly depended on local practice. In the case of the UK-EU order, and until the early 2000s, industry input can be described as one of stakeholder ‘lobbying’ or ‘consultation’ (Symes and Crean 1995), but not ‘engagement’.

Finally, the construction of a ‘common seas’ did not dissolve MS boundaries, but re-cast them according to historic fishing patterns. Land-related territorial references were mobilised by actors within national governments (e.g. from within UK and Irish governments) to protect the socio-economic viability of coastal communities. Constructions of ‘coastal territories’ institutionalised further boundaries within the common estate. First, access to the common resource was not to be ‘open’ but ‘historically qualified’, restricting vessels’ rights of entry to areas of the sea (e.g. 6-12 mile zones). Second, annual distribution of resources to MSs would not be entirely ‘free’; resources were to be allocated according to territorially-constructed principles (e.g. relative stability) stabilising patterns of distribution. Final decisions on TQs would consequently be taken within the Council of Ministers, whose members represented fishing regions.

The stabilisation of these ideational elements of the IO institutionalised configurations was not immediate. During the 1970s, actors from within both the UK, Irish and Danish governments sought to politicise alternate constructions of ownerships of the seas. However, ultimately agreement was reached over the kinds of different territories evoked. With regard to representations of science held at this time, from the research done so far, it does not appear that this was contested. The initial alignment of social constructions of territory, science and representation of professional reality of producers thus acted (initially) to stabilise and legitimise the actional logic of the IO, including the frontiers of public policy and the eligibility of actors to access decisional arenas.

#### *b. De-stabilisation – accidental re-alignment 1990s*

As I argue in Section 1 above, ideational elements of IOs are likely to affect different groups of actors within them in different ways. In particular, the institutionalisation of the IO put in motion certain competitions, for example between fishers and scientists and between fishers and the Commission as representatives of natural resources. Reactions to changes in economic conditions were refracted through these competitions which became increasingly conflictual and confrontational as actors sought to politicise them in a context of declining fish stocks and reduction of fishing effort. During the 1990s and early 2000, the ideational elements underpinning the IO became de-aligned.

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<sup>6</sup> In contrast with other international fishing regimes, for example in Canadian fisheries, Wiber, 2005: 136.

For example, within the scientific community the instrument of TQs had framed fisheries research within ICES, structuring research programmes and paradigms based upon an ‘assumption of predictability’ (Schwach 2007; Degnbol 2003: 32; Wilson and Hegland 2005). The Commission emphasis on quantitative measures had encouraged the development of a quantitative-based research approach to stock assessment, as distinct from other approaches e.g. eco-system based research (Degnbol 2003; interviews). Stock assessment was based upon ‘commercial catch and effort data and research vessel data’ (Karagiannakos 1996: 237), used to construct stock histories and predict their futures through modelling. Levels of effort were proposed depending upon the predicted health of the stock. Quantitative-based stock assessment was (and continues to be) conducted over a large scale to predict the impact of regulatory options (Degnbol 2003).

For a long time, the quantitative approach stabilized within the IO, supplemented by technical measures, e.g. mesh size, effort control. Anticipation on behalf of both managers and scientists locked both sets of actors into a singular and self-reinforcing discourse which was hard to break out of. Even when management requests changed, resulting in modifications in scientific approach, these latter occurred within the same rationalist paradigm (Degnbol 2003: 47). For example, managers’ requests in the mid-1990s that advice be provided on levels of biomass and fishing mortality that were judged to be ‘safe’, (i.e. that a precautionary element be built into assessments) were met through incorporating ‘uncertainty’ into the modelling, rather than re-framing the approach (Degnbol 2003: 40, 41).

Yet, whereas some scientists within ICES can be classified as ‘believers’, others should rather be considered as ‘tolerators’. For example, scientists have expressed frustration at regulation by numbers, which they claim structures the scope for advice and, in turn, limits regulatory options. The focus on stock-by-stock assessment in a mixed fishery (such as EU fisheries) renders it problematic for scientists to propose a zero catch for a single species (e.g. cod) when faced with its imminent collapse without closing all demersal fisheries (Wilson and Hegland 2005: 20). This leaves a gap in regulation and creates dilemmas for scientists – what advice to give to conserve fish stocks when the ‘logical’ advice within the instrument is to ‘stop fishing’ (Wilson and Hegland 2005: 20). Similarly, what scientists judge to be the ‘right’ advice cannot always be provided, e.g. in situations where the ‘right’ prediction is based on data which for reasons of confidentiality cannot be modelled without sources being exposed – e.g. when fishers have provided data on discards, but request that they not be revealed as the source of such information (interviews). In instances like this, scientists have simply not been able to provide any advice.

Although for some time believers and tolerators within the scientific community held different interpretations of quantitative science, in the mid-1990s they both faced a problem with the non-biological data. In particular, it was widely acknowledged that there was an absence of data generally on the ways in which fishers were adapting to quotas (Schwach et. al; 2007). This included a lack of accurate information on the numbers of fish discarded/catch recordings, which rendered bias in the calculations, e.g. in the North Sea cod assessments end of 1990s (Schwach et. al. 2007; interviews). Aside from biological explanations, part of the explanation of the bias was that predictions had been based on rationalistic assumptions of human behaviour (e.g. by adding ‘capital’ to the model in the absence of commercial data). These assumptions contrasted with fishers’ actual behaviour. By the beginning 2000s, uncertainty resulting from bias was so great that for some species (e.g. cod) ‘safe’ levels of fishing effort could not be predicted. On interview, attitudinal changes occurring within the scientific community at this time were

described as ones of recognising the need to ‘model the human element’. ‘Legitimate knowledge’ thus started to be redefined in both ‘human’ and ‘qualitative’ terms (Schwach et. al. 2007; interviews). Significantly, a core group of actors who held this data were fishermen. Through learning and reflexivity in the running of their modelling, scientists (believers and tolerators) came hold a new representation of fishers, namely as ‘holders of knowledge’. Significantly, in reconstructing catchers in this way they also swapped groups – believers became tolerators (they needed the data in order to adjust the model) and tolerators became believers (they believed in the scientific case for qualitative small-scale knowledge).

Running parallel to this process, changing self-representations of fishers were also taking place within parts of the fishing community – and which would eventually align with scientists’ ones (here we focus on Scottish experiences). During the 1990s, in a context of diminishing stocks – and levels of fishing effort – the conflict underpinning fisher and scientist relationships was not contained as catchers sought to politicise it. This hostility included catcher mobilisations to contest the quantities of production proposed by scientists and agreed by managers, and in particular against the type of knowledge used by scientists for assessing biomass of resources. Until the end of the 1990s, as well as taking direct action to contest the validity of advice, fishers also acted ‘passively’ meaning that they failed to comply with quota levels, regarded by them as invalid (Deas 2006).

During this period, fishers can thus be categorised as ‘rebels’ in the IO undertaking an active infringement of its rules. Rebel behaviour is evidenced both in their interpretation of the ‘problem’ through a different set of representations of fisheries and their lack of acceptance of the legitimacy of the rules, both in the way they were designed and talked about. For example, those who broke rules argued that they had conflicts of interest over dumping quality fish and regarded landing ‘black fish’ as ‘necessary and legitimate’: ‘nobody knows what they should do, whether to land fish illegally or throw it overboard’ (Nuttall, 2000: 113). However, not all catchers broke the rules. Indeed, many regarded this practice as ‘immoral’ given that a large number of skippers, for example in the north-east, were also senior figures in the church (Nuttall, 2000: 112). And, when fishers were defined as ‘dishonest’ this had broader effects in local communities who felt tarnished by the same brush. Breaking the rules thus not only caused conflict across the industry, but also brought about splits within fishing communities (Couper and Smith, 1997: 118).

Fishers thus began a process of reflection about compliance, during the course of which they started to ‘come clean’ about their illegal landing of fish. In self-labelling a behaviour ‘in the past’, they also simultaneously began to vocalise new representations of themselves into the future as critical holders of knowledge (e.g. discards of fish) of ‘their’ territories of production.

Resulting from two different processes of reflexivity within two separate communities of scientists and fishers similar (but not identical) new representations of catchers were consequently produced and their connections realised (interviews). By the beginning of 2000, when the reform process of the CFP was launched, an accidental re-alignment of representations of fishers had already taken place and would be significant for how both scientists and fishers interpreted both what was ‘wrong’ with regulatory structures but more importantly, how dilemmas facing them could be resolved.

## 2.2 Constructing dilemmas as contingencies and the ideational processes of re-alignment (2001-2006)

The reform of the CFP was launched in 2001 by the Commission through the instrument of a green paper seeking external consultation and the running of a series of meetings with stakeholders. During the consultation period, the Commission received many responses from a wide range of actors expressing a variety of views on both why the CFP was regarded as failing and how it should be reformed. At the end of this process, Commission proposals were to maintain TQs as the central regulatory instrument, but to make changes to the procedures for advising the Commission and the MSs on the setting of levels of fishing effort. Specifically, the Commission proposed (and the Council later adopted in 2004) new ‘Regional Advisory Councils’ (RACs) of stakeholders.

Whereas RACs met none of the interests expressed by actors exactly, they met all of them globally. In this sense, they emerged as ‘cross-cutting ideas’ (Parsons 2002) which transcended divisions within and across the IO’s organisations (for example, within the Commission there were differences between both units and officials within units regarding their value). Critically, underpinning them was a new alignment of the IOs ideational elements – and more precisely a new and distinct set of relationships between re-constructions of sea territory, re-constructions of both large-scale and small-scale knowledge as legitimate, and re-constructions of the IO’s eligible actors.

Yet, how was this new alignment arrived at? In order to answer this here, we focus on two different types of processes – first, a process of intentional re-alignment of ideational elements led by Scottish stakeholders; second, an accidental re-alignment which occurs during the reform process and results in Commission proposals for RACs.

### *a. Intentional alignment – the political work of the Scottish fishing industry*

In early 2001, Scottish stakeholder representatives embarked upon a core political work (PW) to construct the reform of the CFP as a dilemma and source of contingencies to be resolved. As a result of reflection undertaken through discussions on compliance, early 2000 the Scottish Fishermen’s Federation (SFF) began to argue that an underlying cause of policy failure in Scotland was this representation of catchers as ‘rogues’, rather than ‘joint custodians’ of the sea (interviews). SFF embarked upon strategies of politicisation of this new identity in order to de-politicise old reglementary competitions, including the re-building of alliances with scientists. For example, SFF began to pay scientists to provide fishers’ associations with scientific advice; SFF also engaged a scientist to enable them to examine science in a ‘more refined’ way (interviews). This shift in approach was one which went from ‘condemning to refuting the science’ (interviews). Significantly, new alliances were subsequently institutionalised with the setting up of the North Sea Commission, under whose umbrella scientists and fishers were brought together in the form of a partnership to explore new ways of managing North Sea fisheries.

PW was not only aimed at the building of alliances through the making of arguments with scientists. Rather, SFF sought to bring about new alignments through rendering their inter-subjective representations of the reality of sea fisheries shared with other stakeholders across the EU. Action was taken to find common cause with the English/Welsh/Northern Irish Fishermen’s Federation, the NFFO, stakeholders in other MSs (e.g. Spain). Change was sought through presenting a core argument for the re-construction of the fishing industry as an organization of production. SFF also made a concerted effort to persuade public authorities

within Scotland, UK and Spain, the European commission and MEPs of alternative representations of the EU seas as distinct fishing regions and of fishers as legitimate ‘holders of knowledge’ of these territories.

At the heart of this PW was a strategy to replace the ‘old’ alignment institutionalised in 1983 with a new one. This alignment brought together a number of different ideational elements:

- a) polity-building evocations of the EU as ‘de-centralising’ and champion of good government through ‘stakeholder’ engagement (interviews and SFF/NFFO paper on zonal committees);
- b) sector-building evocations of sea territory as distinct fishing regions, e.g. the North Sea, within the common estate;
- c) identity-building evocations of fishers as legitimate holders of knowledge over the resources of those newly defined territories;
- d) constructions of qualitative science as legitimate (Deas 2006).

If stabilised and shared with other actors across the IO, the new alignment would set new frontiers of policy and scope of regulatory authority around distinct fishing regions and second, grant fishers co-management powers in the setting of instruments for fishing regions, thus bringing about a re-ordering of the hierarchy of actors within the IO. Critically different evocations of ‘territory’ were deployed by actors – and their connections articulated – as political resources to legitimise these re-assignments of authority within the IO.

Strategies to problematise and politicise professional identities away from ‘exploiters’ of a resource to ‘custodians’ of it thus sought to re-define fishers relations with the scientific community, public authorities and the rest of the industry. In Scotland, these goals were realised. Yet, to what extent were actors successful in shaping the reform of the CFP?

#### *b. Accidental Re-alignment – the resolution of contingencies*

Whereas we can find evidence of an intentional alignment led by UK stakeholders during which actors actively sought to render their inter-subjective social constructions of territory ‘shared’ with other actors engaged in the reform process, otherwise our research suggests that the final resolution of contingencies through the adoption of RACs resulted rather from an ‘accidental’ alignment in which no actors clearly emerged as leaders. This might seem strange in that the ‘Commission’ was actively leading the reform process through collating responses and mediating between different interests of actors expressed therein. Yet, to identify a ‘leadership’ based on these types of activity is to misunderstand leadership in the sense mooted in this paper and around an IO’s ideational elements – for example, akin to mediators in Jobert and Muller’s analysis (Jobert and Muller 1987).

First, from our findings the Commission does not emerge either as a unitary actor or ‘leader’ bringing about an intentional re-alignment of ideational elements. Whereas Commission officials agree that ‘RACs’ became a central mobilising idea during the process of consultation, they disagree over its origins. Many of those interviewed claimed to be its source and officials within the Commission also disagreed on this. Second, Commission officials’ interpretations of RACs are not homogeneous. Different units of DG Fish espoused different discourses on their rationale. In some parts of DG fish, officials were interpreting reform through the discourse of ‘better regulation’, including ‘stakeholder engagement’ as a principle of ‘good governance’. This discourse is present in official Commission documents, in EP reports and proposals for reform, and in the new Council Regulation. This discourse makes links between ‘stakeholder

engagement’, ‘ownership’ of rules and ‘compliance’ with regulation. Importantly, this discourse does not explicitly recognise the distinction between different groups of stakeholders in terms of ‘who’ represents the knowledge of production (e.g. fishermen) versus ‘having an interest’ in fisheries (e.g. community networks, processors, retailers). For these actors, RACs would have a broad membership and a general purpose relating to ‘good governance’.

Running parallel with this, other officials within the Commission continued to construct regulatory failure around issues of compliance wherein fishers’ behaviour stemmed from their desire to fish without care for future generations. This continued vision of fishers as ‘rogues’ resulted in an acceptance of consultation in so far as it achieved compliance – and RACs could be rationalised for these reasons.

In yet another unit of DG fish, officials instead framed regulatory failure through lack of relevant scientific information and bias in modelling. There fishers were being constructed as ‘custodians’ and as ‘holders of knowledge’ – rather than ‘simple men’ (interviews) – of the seas. There, Commission officials viewed RACs as means for maintaining yet adapting the quantitative method and saw a specific role for catchers in policy-reformulation as legitimate ‘providers’ of data.

In our interviews, therefore, accounts of the eventual alignment of new ideational elements do not join up in a way we would expect had that alignment been intentional. Nor did we get any evidence of Commission PW. We hypothesise therefore that the reform of the CFP was not undertaken by an intentional re-alignment of the IO’s ideational elements, but rather through an ‘accidental’ alignment of ideational elements. Further, it was this ‘accidental alignment’ which was subsequently recognised and described in official Commission documents setting ‘the new road map’ (Commission 2003) for fisheries, leading eventually to the proposing of RACs (adopted in Council in 2004). In saying this we differ from other accounts of the reform wherein the Commission is presented as a single organisation with a clear (normative) agenda to ‘contain’ fishers’ engagement in regulation (Gray and Hatchard 2003).

To pursue this hypothesis further we also take into account the fact that the different constructions of territory, science and stakeholders which constitute the new ideational elements of the IO following the adoption of RACs are not held in exactly the same way by the different actors across the IO. Moreover, these divisions cut across both organisations and communities of actors. These are:

- a) territorial construction of the EU as a polity valuing stakeholder engagement, but uncertainty over the construction of the eligible stakeholder;
- b) territorial construction of the common estate of the seas as distinct fishing regions and/or reflecting the territorial habits of fish (e.g. the pelagic RAC which is not linked to a specific area of the sea, but rather reflects the migratory habits of pelagic fish), but uncertainty over the relationship between the sea and the land ;
- c) social construction of legitimate science as both qualitative and quantitative, but uncertainty over whether fishers’ data is perceived ‘equal’ or ‘subordinate’ to quantitative science.

Nor do these ideational elements give rise to a clear regulatory logic in a way similar to the initial compromise reached in 1983. For example, the 1983 compromise clearly institutionalised a ‘command and control’ approach premised upon a common estate, a construction of science as quantitative and a construction of fishers as requiring control. The new 2002/4 compromise neither maps neatly onto that approach nor onto a ‘new’ eco-system management based

approach (for example, as proposed by the WWF). For in order for the latter to have been set up at this juncture, a common representation of sea fishing regions as eco-system regions would have had to have been agreed. This did not happen. Nor do these ideational elements clearly institutionalise a sustainable fisheries production model, as actors would have required to share new constructions of qualitative science as legitimate. This is not what has unfolded, however. Rather, RACs appear to have become mobilising ideas precisely because they are underpinned by an uneasy and accidental alignment of similar but not identical re-constructions of territory-sector dialectics.

*c. Stabilising re-alignment: tensions over 'shared' ideational elements*

As we state above, if we are correct about the content and precariousness of alignment of social constructions of territory, science and professional identities of fishers underpinning the idea of the RACs then initial power struggles between actors engaging within them should provide us with further evidence of this. In this last sub-section, we thus briefly provide some indication of these power struggles to demonstrate this.

First, RAC members' social representations of the sector's relationship with territory differ and in particular over how RACs relate to land. For example, many of the elements of an eco-system based approach to fisheries management are present: RACs have the potential to become significant fora in which indigenous knowledge and the 'best information' of fisheries are generated; as regional stakeholder arenas, they represent multiple ownerships of eco-systems; their inauguration has been linked to changes in actor behaviour; they bring together different spatial scales; they can offer advice on principles and long-term frames of policy; they have the potential to stabilise uncertainty. But not all actors interpret RACs through an eco-system-based territory. Indeed, the full chain of custody has not represented itself in the RACs (interviews). Retailers and processors, on the whole, have not constructed RACs as arenas for putting forward 'sustainable' arguments, e.g. promotion of products via responsible fishing schemes. In the UK, at least, these arguments are predominantly made instead within land-related regulatory partnerships and umbrella organisations. The territory of the RAC has thus not been defined in a 'holistic eco-system way' to fully capture links between sea (production) and land (commerce), which remain partially captured or treated as separate spaces. This has resulted in tensions over the scope of their authority.

Second, actors justify their presence in the RACs by arguments linking their representation to territory. As we stated earlier, catchers have been reconstructed (by some) as 'holders of knowledge' of fisheries. They 'hold a profound understanding of fish behaviour (especially temporal and spatial patterns like migration, spawning and feeding patterns)' (Deas 2006). They hold knowledge *inter alia* on water temperature, distributions of large and small fish, high gradings, discards, landing recordings as well as commercial and vessel data. The sharing of this data by fishermen with scientists can reduce bias in the modelling of stock assessments and/or aid in local interpretations of quantitative assessment.

Significantly, RACs have been important fora for the utilisation of this data. For example, work done in the Pelagic RAC through dialogue with scientists over data (ICES-produced and from vessel operators' logbooks) has been directed towards structured assessments of whether there is a 'scientific case' to re-consider proposed reductions in quota. Similarly, actors report negotiations within the NSRAC, e.g. on flat fish as 'working' when those involved (catchers, scientists and NGO representative) had expertise of the stock and when members were able to move the discussion on through proposing different options: 'if data is not on the table, the

discussion collapses' (government official). ICES, too, also recognise the distinction in the RACs of those members who are 'scientifically' engaged – e.g. when requesting a representative of the NSRAC to attend an ICES working group, specifying that they wanted 'an expert' on the stock. The provision of this type of advice has also re-shaped managers' requests. For example, the Commission is now publishing Communications on the 'principles' of TQs before proposing stock-by-stock quotas, and will start linking TQs to long-term goals, rather than the other way around. RAC advice has been requested, and given, for both. The institutionalisation of RACs has thus re-structured the role for knowledge, and in turn, its policy shaping capacity. For example, consensus-based policy solutions other than 'zero catch' now become available when faced with declining fish stocks (e.g. recovery plans), as do broader impact assessments, e.g. the womens' network have instituted a 'socio-economic' protocol for the RACs and are scoping ways of assessing impact on local communities.

However, RACs do not always produce this type of advice nor achieve consensus. First, it is not clear that the trust required for catchers to provide complete data exists, e.g. on discards. Catchers voice fears that fishing effort will be reduced if they do so (and cite previous cases, e.g. Dutch catchers providing data on cod discards). Without data, models still retain bias. Second, the collision of good governance and scientific discourses has resulted in a broad and diverse membership, whose expectations are not always possible to reconcile and who hold different viewpoints on the 'type' of advice RACs should provide. Third, not all actors trust that catcher behaviour has changed: indeed, recent regulatory changes have been accompanied by increased control efforts.

Consequently, already in the initial operation of RACs the eligibility of actors to regulate has been questioned. Significantly, when challenged, stakeholders deploy representations of territory to justify their continued presence and engagement within them – including to legitimise their arguments. In the Mediterranean, tensions of actor eligibility have been so strong that the RAC has failed to be set up – there fishers have behaved as 'rebels' contesting the territorial justifications for environmental NGOs engagement and hence failing to agree the RAC. The precariousness of these relations can be compared with the successful mediation of catcher-scientist relationships in both the North Sea and Pelagic RACs, underpinned by the PW engaged upon mostly, but not solely by Scottish fishers. There the shift in the tone of discussion and deliberation between catchers and scientists was mentioned by interviewees as being one of the most significant contributions of the RACs. Fishers no longer behave as rebels – but as both believers and tolerators.

In summary, ontological tensions identified so far are not those of 'levels' as imagined by binary or multi-level visions of the EU's government. Rather, tensions within the IO have arisen around competitions rooted in the accidental ideational alignment of elements through which actors interpret new assignments of power. In the government of this sector, territory continues to be omnipresent, but following reform it has now taken a different guise.

## **Conclusions**

This paper has made the case for territorial-institutionalism as an approach to theorise territory and enable research to grasp its causal and constitutive effects in the distribution of authority through regulation. The paper argues for a refinement of territorial-institutionalism's ideational explanation of the assignment of power within the government of the EU. A core concern was to recover social constructions of territory through which actors interpreted their industrial

world and study their usages as political resources to bring about change in the government of their industry.

A key line of argumentation in the paper centred upon how actors construct regulatory dilemmas as sources of contingencies to be resolved. In order to render this studyable, I proposed the notion of the 'process of alignment' of a sectoral Institutional Order's ideational elements. Two types of alignment were identified and which could have causal and constitutive effects – an accidental alignment and an intentional alignment. Through exploring alignment in the revision of the EU government of sea fisheries, each of its forms was studied and seen to bring different ideational elements in relationship with one another in new and distinct ways. Representations of territory were found to be omnipresent in the mix of alignment legitimising its successful outcome. More specifically, through examining how social constructions of territory were aligned with other sector-based representations of the IO - e.g. social constructions of marine biological science and social constructions of fishers' industrial behaviour and/or professional identities – we were able to demonstrate ideas as causal in defining the frontiers of public policy and the eligibility of actors to regulate. Conceptualising change through ideational alignment thus permitted research to grasp sector-territory dialectics as causal in the construction of the EU. Moreover, through problematising the resolution of contingencies in this way we were also able to account for different kinds of actor behaviour within the IO and improve our understandings about the causal properties of 'shared' ideational elements.

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