

Not to Split Hairs: EU Territorial Cohesion a Contradiction in Terms

Andreas Faludi

Professor Emeritus of Spatial Policy Systems in Europe, Delft University of Technology,
a.faludi@xs4all.nl.

Keywords: Territorial cohesion, State territoriality, The EU construct

Abstract: Amongst various territorial cohesion 'storylines', 'Coherent EU Policy' is its unique selling point. State territories as frames are unsuitable for spatial relations and functional areas crisscrossing state boundaries. However, if they were considered in earnest, states would become concerned. If this were to happen –which so far it has not and will not unless we change our thinking about the EU construct– then this would challenge their control over their territories. A defining characteristic of states being this, their 'territoriality', EU territorial cohesion policy would undermine their very existence as sovereign states, so it will always hurt itself on the wish of member states to sustain their control their territories, people and resources. Also, states will always have considerations other than managing various spatial networks in mind. Their integrity and prosperity and, importantly, their administrations retaining power depend on electoral consent articulated in and by territorially defined constituencies. Networks come second. Without splitting hairs, therefore, we may say: In an EU seen as a collection of member states, territorial cohesion is a contradiction in terms. One would have to consider another form, like an EU as an archipelago or as a cloud.

References

- Allmendinger P., Haughton G., 2009. 'Soft spaces, fuzzy boundaries, and metagovernance: The new spatial planning in the Thames Gateway', *Environment and Planning A*, 41(3), pp. 617-633.
- Badie, B. (1995) *La fin des territoires*, Fayard, Paris.
- Barca Report, 2009. *An Agenda for a Reformed Cohesion Policy: A Place-based Approach to Meeting European Union Challenges and Expectations*, Independent report prepared at the request of Danuta Hübner, Commissioner for Regional Policy.
- Barca, F., McCann, Ph., Rodrigues-Pose, A. 2012. 'The case for regional development intervention: Place-based versus place-neutral approaches', *Journal of Regional Science*, 52(1), 134-152.
- Burgess, M., Vollaard, H., 2006. 'Introduction: Analysing Westphalian states in an integrating Europe and a globalising world', in: M. Burgess, H., Vollaard (eds) (2006) *State Territoriality and European Integration*, Routledge, London and New York, 1-14.
- Castells, M., 1996 (2nd edition, 2000). *The Rise of the Network Society: The Information Age - Economy, Society and Culture Vol. I*. Cambridge, MA; Oxford, UK: Blackwell.
- Chevallier, J., 2012 (1st ed. 1987). *Le Service Public*, Presses Universitaires de France, Paris.
- Chilla, T., Evrard, E., Schulz, Ch. 2012. *On the Territoriality of Cross-Border Cooperation: 'Institutional Mapping' in a Multi-Level Context*, *European Planning Studies*, 20:6, 961-980.
- Chevallier, J. 2012, (1st ed. 1987) *Le Service Public*, Presses Universitaires de France, Paris.
- Committee of the Regions, 2014. *Charter for Multilevel governance in Europe*. Available at: <https://portal.cor.europa.eu/mlgcharter/Pages/MLG-charter.aspx>.
- Cohen, J., Sabel, Ch., 1997. 'Directly-deliberative polyarchy', *European Law Journal*, 3, 313-342.
- Davoudi, S., Cowie, P. 2013. 'Are English neighbourhood forums democratically legitimate? Comment', *Planning Theory & Practice*, 14(4), 562-566.
- Deas I., Lord A., 2006, 'From new regionalism to an unusual regionalism? The emergence of non- standard regional spaces and lessons for the territorial reorganisation of the state', *Urban Studies*, 43, pp. 1847-1877.
- Duchêne, F., 1994. *Jean Monnet: The First Statesman of Interdependence*, W.W.Norton & Company, New York, London.
- Eichenberger, R., Frey, B.S., 2006. 'Functional overlapping and competing jurisdictions (FOCJ): A complement and alternative to today's federalism', in: E. Ahmad, G.Brossio (eds) *Handbook of Fiscal Federalism*, Edward Elgar, Cheltenham UK, 154-181.

- Ek R., Santamaria F., 2009, 'Meanings for spatial/geographical visions', in Farinos J., Romero J., Salom J. (eds.), *Cohesión e inteligencia territorial: Dinámicas y procesos para una mejor planificación y toma de decisiones*, Vallència, Instituto Interuniversitario de desarrollo local, Universitat de Vallència, pp. 89-103.
- European Parliament, 2015. *New Role of Macro Regions in European Territorial Cooperation*, Directorate General for Internal Policy, Strasbourg. Available at: http://www.europarl.europa.eu/RegData/etudes/STUD/2015/540349/IPOL_STU%282015%29540349_EN.pdf.
- Evrard, E., Chilla, T. 2012. 'Asymétries institutionnelles et territoriales: Quelles conséquences pour la gouvernance transfrontalière?', in: J. Beck, B. Wassenberg (eds.) *Vivre et penser la coopération (Volume 6): Vers une cohésion territoriale?*, Franz Steiner Verlag, Stuttgart, 63-77.
- Faludi, A. 2005. 'Territorial cohesion: An unidentified political objective - Introduction to the special issue', in: A. Faludi (Ed.) *Territorial Cohesion: An Unidentified Political Objective (Special Issue)*, Town Planning Review, 76(1), 1-13.
- Faludi, A. 2006. 'From European spatial development to territorial cohesion policy', *Regional Studies*, 40(6), pp. 667-678.
- Faludi A. 2010, *Cohesion, Coherence, Cooperation: European Spatial Planning Coming of Age?*, RTPI Library Series, London, Routledge.
- Faludi A. 2012, 'Multi-level (territorial) governance: Three criticisms', *Planning Theory & Practice*, 13(2), pp. 197-211.
- Faludi, A. 2013a. 'Territorial cohesion and subsidiarity under the European Union treaties: A critique of the 'territorialism' underlying', *Regional Studies*, 47(9), 1594-1606
- Faludi, A. 2013b, 'Territorial cohesion, territorialism, territoriality, and soft planning: A critical review', *Environment and Planning A*, 45(6), 1302-1317.
- Faludi A. 2013c, 'Territory: An Unknown Quantity in Debates on Territorial Cohesion', *European Journal of Spatial Development* [online [http://www.nordregio.se/Global/EJSD/Refereed articles/refereed51.pdf](http://www.nordregio.se/Global/EJSD/Refereed%20articles/refereed51.pdf)].
- Faludi, A. 2014. 'Territorial cohesion beyond state territoriality', in: *GIS Collège international des sciences du territoire*, Paris, 179-183. Available at: <http://www.gis-cist.fr/wp-content/uploads/2014/02/faludi.pdf>.
- Faludi, A. 2015. 'Place is a no-man's land', *Geographia Polonica*, 88(1), 5-20. <http://dx.doi.org/10.7163/GPol.2015.1>
- Faludi, A., Waterhout, B. 2002. *The Making of the European Spatial Development Perspective: No Masterplan (The RTPI Library Series)*, London, Routledge.
- Harrison J. 2013. 'Configuring the new 'regional world': On being caught between territory and networks', *Regional Studies*, 42(1), pp. 55-74.
- Harvey, D. 1969. *Explanation in Geography*, Edward Arnold, London.
- Healey, P. 2010. *Making Better Places*, London: Palgrave.
- Hooghe L., Marks G. 2010. 'Types of multi-level governance', in Enderlein H., Wälti S., Zürn M. (eds.) *Types of Multilevel Governance*, Cheltenham, Elgar, pp. 17-31.
- Jessop B., Brenner, N., Jones, M. 2008. 'Theorising sociospatial relations', *Environment and Planning D: Society and Space*, 26(3), pp. 389-401.
- Joerges, Ch., Neyer, J. 1997. 'Transforming strategic interaction into deliberate problem-solving: European Comitologu and the Foodstuff Sector', *Journal of European Public Policy*, 4, 609-625.
- Lascombes, P., Le Gales, P., 2012, *Sociologie de l'action publique (2nd edition)*, Arman Colin, Paris.
- Mendez, C. 2013. 'The post-2013 reform of EU cohesion policy and the place-based narrative', *European Journal of Public Policy*, 20(5), 639-659.
- Loriaux, M. 2008. *European Union and the Deconstruction of the Rhineland Frontier*, Cambridge University Press, Cambridge.
- Manin, B. 2012 (1st edition 1995) *Principes du gouvernement représentatif*, Paris, Flammarion.
- Metzger, J., Schmitt, P. 2012. 'When soft spaces harden: The EU strategy for the Baltic Sea Region', *Environment and Planning A*, 44, 263-280.
- Monnet, J. 1976. *Mémoires*, Fayard, Paris.
- Murphy A.B. 2008. 'Rethinking multi-level governance in a changing European Union: Why metageography and territoriality matter', *GeoJournal*, 72(1-2), pp. 7-18.
- Nilsson J.H., Eskilsson L., Ek, R. 2010. 'Creating cross-border destinations: Interreg programmes and regionalisation in the Baltic Sea Area', *Scandinavian Journal of Hospitality and Tourism*, 10(2), 1530172.
- Sack R.D. 1986. *Human Territoriality: Its Theory and History*, Cambridge University Press.
- Piattoni, S. 2011. 'The problematic coexistence of functional and territorial representation', *Journal of European Integration*, 33(4), 369-384.
- Pitkin, H.F. 1976. *The Concept of Representation*, University of California Press, Berkeley and Los Angeles.

- Rehfeld, A. 2005. *The Concept of Constituency: Political Representation, Democratic Legitimacy, and Institutional Design*. Cambridge: Cambridge University Press.
- Richardson, J. 2012. 'The onward march of Europeanization: Tectonic movements and seismic events', in: J. Richardson (ed.) *Constructing a Policy-Making State? - Policy Dynamics in the EU*, Oxford University Press, Oxford, 334-359.
- Rifkin, J. 2004. *The European Dream: How Europe's Vision of the Future Is Quietly Eclipsing the American Dream*, Tarcher, New York.
- Ross, G., 1995. *Jacques Delors and European Integration*, Polity Press, Cambridge UK.
- Ryngaert, C. 2008. *Jurisdiction in International Law*, Oxford University Press, Oxford.
- Sabel, C.F., Zeitlin, J. (Eds.) 2010. *Experimentalist Governance in the European Union: Towards a New Architecture*, Oxford University Press, Oxford.
- Sack, R.D. 1986. *Human Territoriality: Its Theory and History*, Cambridge University Press, Cambridge.
- Scholte, J.A. 2000. *Globalization: A Critical Introduction*, Macmillan Press, Houndsmill and London.
- Smismans, St. 2008. 'New modes of governance and the participatory myth', *West European Politics*, 31, 874-895.
- Shaw, M.N. 2003. *International law*. Cambridge University Press, Cambridge.
- Storey, D. 2012 (1st ed. 2001). *Territories: The Claiming of Space*, Routledge, London.
- Urbanati, N., Warren, M.E. 2008. 'The concept of representation in contemporary democratic theory', *American Review of Political Science*, 11, 387-412.
- Varró K., Lagendijk A. 2013. 'Conceptualizing the region: In what sense relational?', *Regional Studies*, 47(1), pp. 18-28.
- Waterhout B. 2008. *The Institutionalisation of European Spatial Planning*, Amsterdam, IOS Press.
- Weber, E. 1976. *Peasants into Frenchmen: The Modernization of Rural France, 1870-1914*, Stanford University Press, Stanford, NY. Well L. van, 2012. 'Conceptualizing the logics of territorial cohesion', *European Planning Studies*, 20(9), pp. 1549-1567.
- Zonneveld W. 2005. 'Expansive spatial planning: The new European transnational spatial visions', *European Planning Studies*, 13(1), pp. 137-155.

1. Introduction¹

The call for papers posits the increasing use at different spatial scales of the concept of territorial cohesion, but at the EU scale the framing of spatial planning and regional development policies would cast doubt on the sovereignty of member states. The levying of customs duties and many other issues are of course EU competences, but an overall EU territorial cohesion policy would come up against state territoriality. Of course, an EU as a real federation would make an overall frame for spatial planning and regional development policies conceivable, but this is unrealistic. My ultimate purpose is not, however, to debunk EU territorial cohesion but to lay the groundwork for speculating about other, more diffuse EU constructs than what we have now. Under those constructs, the meaning of territorial cohesion would shift from integrating developments with territories to their management within relational networks.

Part 2 discusses territorial cohesion as a 'shared competence'. Of the various 'storylines' (Waterhout 2008) articulating what it might mean, 'Coherent EU Policy' represents the unique selling point of territorial cohesion (Faludi, 2010). It implies looking at the EU territory as a whole, thus questioning the privilege of member states to exercise control over their territories, what is called territoriality. State territoriality is what Part 3 is about. It implies a view of the EU as consisting of a set of containers. Networks beyond state borders are secondary to what happens within those containers. To

¹ In the Netherlands there is concern about self-plagiarism: without due acknowledgement recycling previous works. Part of an ongoing quest, this essay builds on others on multi-level governance (Faludi, 2012), subsidiarity (Faludi, 2013a) and on further attempts to synthesise relevant literature (Faludi, 2013bc), sometimes in terms of the governance of places (Faludi (2015). This paper, too, may become yet another building block for future essays on matters which concern me.

the ‘hard’ view of space which this implies the literature juxtaposes a soft, ‘relational’ view. It implies a negotiated territoriality. Part 4 discusses negotiated territoriality in terms of ‘soft’ planning, but where does this leave democratic legitimacy? Part 5 explores this issue, including the example of Switzerland where democratically legitimated territorial and functional administrations coexist. In the Conclusions I introduce two alternative metaphors for the EU construct as we know it: the ‘EU archipelago’, with member states islands in a sea of spatial relations and the ‘EU cloud’ with neither clear-cut internal nor external borders. Under either, territorial cohesion would mean something different from what it does for boxed-in territories.

2. Coherent EU Policy

Taken seriously, ‘Coherent EU Policy’ would mean coordinating regional, environmental, agricultural and transport and also other EU policies where they affect space. The current reasoning that EU policy should not be ‘space-blind’ (Barca, McCann & Rodrigues-Pose, 2012) supports this. Nonetheless, the dominant frame for pursuing territorial cohesion is not the EU but each of the member states individually. Not all give due attention to the cohesion of their territories, but if the EU were doing this for them, all would feel concerned. Any such policy would first of all imply more procedural and substantive requirements, as for instance the requirement to conduct territorial impact assessments to meet. The trouble of having to implement them apart, the more fundamental reason for opposing the idea is that EU territorial cohesion policy would interfere with state territoriality.

True, in the EU, member states do surrender some of their powers, and well in a two-step process. As the masters of the EU treaties, they first of all agree on some competences to be surrendered in principle. The next step comes in the form of what is called the ‘ordinary legislative procedure’. Its choreography involves the main EU institutions, with a key role reserved for representatives of member states sitting on the Council of the European Union. Their decision as to whether to effectuate a shared competence already listed in the EU treaties is subject to the subsidiarity principle. It means that the case for EU directives and regulations must be proven. So, subsidiarity gives the Council of the European Union an opportunity to reconsider the issue. Importantly, with this hurdle taken it becomes difficult for member states to ‘repatriate’ any competence, making them ever more reluctant to take this last step.

Territorial cohesion is of course a shared competences, so it could potentially lead to relevant regulations and directives being adopted following the path as outlined. Albeit under the flag of spatial cohesion, the European Spatial Development Perspective (ESDP) of the 1990s (Faludi & Waterhout, 2002) has already pursued its ‘Coherent EU Policy’ storyline, but the ESDP foundered because spatial planning was not an EU competences. So the ESDP has never been the object of the procedure as outlined. In fact, the Commissioners have never had the opportunity to even consider whether to exercise their exclusive right of initiative in the matter. There was no legal basis. Rather, member states respectively their planners were in charge.

Now, a new French Commissioner, Michel Barnier, proposed a shared competence, if not for spatial planning, then for territorial cohesion to be included in the next EU treaty. To him this meant ‘*aménagement du territoire*’: the integration of various public regional development policies based on multi-annual agreements between French national and regional authorities. In France, this happens under the tutelage of the ‘*Délégation à l’aménagement du territoire et à l’action régionale*’ operating under the Prime Minister. EU regional development policy has always been prominently shaped by this example, and this has been influential also in formulating the very notion of territorial cohesion (Faludi, 2006).

The eventual adoption of the Lisbon Treaty with territorial cohesion in it does not, however, mean that territorial cohesion is a live issue. Estimating that the hurdle of the ‘ordinary legislative procedure’ would be too high, the Commission has not so far taken the requisite initiative in the matter and Barnier’s initiative has altogether lost momentum, but this is not what this paper discusses. The paper is rather about the concept of territory in territorial cohesion. Where states are concerned, the meaning

of territory is taken for granted. Ignoring arguments about '*La fin des territoires*' ('The End of Territories'; Badie, 1995), states conceive of their national territory as the fixed container for all the resources to sustain their governments and the citizens on whose consent their governments depend. Thinking in these terms, they would find it hard to accept the EU territory as the relevant frame.

The reason is not only subsidiarity in the EU treaties. If the case were proven, territorial cohesion might very well be taken to the EU level. The reason is that its wielding power over its territory –its territoriality– defines the sovereign state (Ryngaert, 2009). As Storey (2012, p. 40) says: 'Sovereignty implies the existence of geographic space over which control is exerted; territory is produced and claimed.' Any serious EU policy on territorial cohesion would thus be a direct challenge to a core belief of member states of what they are. They may of course share their territoriality with sub-national administrations, but unless this takes the form of claims for independent statehood, this nowhere affects their sovereignty. Under international law, it is states and not regions that have it. The many arenas, identities, interests and power relations criss-crossing state boundaries are of secondary importance. So where, as might be useful, state functions could be devolved to cross-border agencies, the states draw a clear line: State functions may not be devolved (Evrard & Chilla, 2012). In another paper on cross-border regions, Chilla et al., (2012) doubt even whether cross-border regions may be said to have territoriality. Anyhow, the 'logic of government' always trumps the 'logic of interdependence' which according to his biographer, Jean Monnet as 'The First Statesman of Interdependence' (Duchêne (1976) invoked. In the EU, conflict between these two logics is endemic.

In all this the focus is on vertical relations between member states and the EU which is, for instance, where EU subsidiarity come into its own. Horizontal subsidiarity respecting the autonomy of associations and corporations, what Delors identified as the *forces vives* (Ross, 1995) tends to be forgotten. The same is true in discussions of multi-level governance. The concept has been applied first in studying EU regional policy. As originally conceived, multi-level governance stands for the cooperation between levels of government from the EU down to the regional and local one. Hooghe and Marks (2010) describe this since as multi-level governance Type I. What is less common is to consider its horizontal dimension: Type II multi-level governance referring to the role of single-purpose agencies for functional areas criss-crossing administrative territories. In Faludi (2012, 2013a) I have shown that discourses both on subsidiarity and on multi-level governance fail to properly address the different notions of territory and territoriality.

3. Alternatives to State Territoriality

Territoriality is communicated via boundaries. Under international law, boundaries apportion space, thereby effectuating state territoriality. Boundaries "...indicate territorial control and, hence, power over prescribed space" (Storey, 2012, p. 20). According to another prominent source, Sack (1986), territoriality is about controlling resources and people by controlling area. Being about reducing border thresholds, European integration presents states with a problem. Witness the discussions about rolling back the free movement of labour. Witness Germany discussing whether foreign truckers in their country should be paid the German minimum wage. Witness also the intention of levying tolls on foreign private car users crossing the German border. Witness finally discussions over roaming charges and geo-blocking of on-line services. All this has to do with territoriality.

Maintaining borders is important for the 'territorial administrative complex' in each state: members of its government and administration owing their power and quite likely also their livelihood to the exercise of state territoriality. However, look also at recent thinking in geography challenging the prevailing, what Murphy (2008) calls metageography underlying the state system. It enforces the view of territory as a container with fixed boundaries. Scholte (2000, p. 47) talks about this as territorialism: macro social space being seen as '...wholly organized in terms of units such as districts, towns, provinces, countries and regions.' Without invoking that term, where he continues saying: 'In times of statist territorialism more particularly, countries have held pride of place above the other kinds of territorial realms...' Scholte, too, means state territoriality. This state territoriality is what the EU challenges.

Scholte, and this is where spatial networks come in, points also to connections that are at least partly detached from any territorial logic. In global transactions, ‘place’ is not necessarily territorially fixed, distance is covered in effectively no time, and boundaries present no particular impediment. Think once more about online services. He may not yet have had those in mind, but according to Castells (1996) the ‘space of flows’ is overgrowing the ‘space of places.’ Social space cannot, therefore, be understood in terms of territorial geography alone.

Murphy (2008, p. 9) discussed the power aspects involved: The current ‘cartography of social life’ is the outcome, he says, ‘...of efforts to achieve particular ends with concrete implications for how things are organized and how people think about the world around them.’ Other than Scholte, he continues by invoking the term territoriality. Thus, he says that the ‘...territoriality of the European state system helped to produce a geographical imagination that privileges the ‘nation-states’ over river basins, vegetation zones, population concentrations, or other possible regionalizations...’ Storey (2012, p. 66) says on this point that states ‘...reflect processes through which territory (and those living in that territory) is controlled. ... This state-centred approach reifies current political-territorial structures and tends to ignore the fact that, rather than being permanent features, they are historically contingent.’ Scholte (2000, p.57) himself holds that ‘...we need to develop an alternative, nonterritorialist cartography of social life’, one that does not treat jurisdictions with their fixed borders as the inevitable building blocks.

However, there is the loss of democratic legitimacy as a perennial threat, but at the same time representatives eying nothing but their re-election may become ‘rent-seeking elites’ (Barca, 2009) diverting attention and resources away from solving real problems. Their chief concern may be to please their constituencies and their time horizon limited to the time until the next elections. Wishing to maintain the territorial-administrative complex, politicians sustain the belief as if democracy was only viable within closed territories. They are celebrating an ideology of territories-as-containers for citizens with identities shaped by imagined homelands and histories reaching back to, often fictional forebears. Where history and geography do not conform, they attempt to shape either of both, and the populations also whom they are supposed to serve accordingly (Loriaux, 2008). This is the story of common school curricula and of national languages, like where Weber (1976) writes about turning ‘Peasants into Frenchmen’. It is the story also of welfare and social policy (Lascoumes & Le Gales, 2012; Chevalier, 2012). Relevant measures are always and necessarily particularistic, with the territorial-administrative complex focusing on the territories and the territorial constituencies that sustain them.

However, there are also non-state actors, including service providers, and there are functional logics. Seeking to formulate coherent policy, as territorial cohesion would require, would mean reconciling functional with territorial logics. It would also imply sharing territoriality: thinking outside the box of state territoriality, in fact, outside any box, any territory with fixed boundaries. Taking territorial cohesion seriously would mean thinking, not of territory but of territories in their complex and dynamic configurations.

European integration has started by addressing specific functional interrelations: French post-war steel production needing German coal. At the same time, German integration into a Western alliance promoted by a United States concerned about defence against a real or perceived Soviet menace depended on French consent. This has been the time of United-States-of-Europe-type enthusiasm. Conceivably, it might have led to a form of supra-state territoriality, including common European defence: a large box containing the EU territory as a whole. Territoriality would then mean giving primacy, as in federal systems, to the joint territory. Elements of this exist: the Eurozone; the area in which the ‘Four Freedoms’ are operative; the Schengen Area, neither of which coinciding with the territory of the EU. Rather, the areas concerned overlap. They even overlap the EU’s external borders. So, where it exists, European territoriality is a hotchpotch, a diffuse form of negotiated territoriality complementing an interconnected world. In the conclusions I reflect upon this further. First I discuss how all this reminds of the planning literature discussing soft spaces and soft planning.

4. Soft planning for soft spaces

In a case study of Thames Gateway, Allmendinger and Haughton see the literature reflecting ‘... an apparent predilection for promoting new policy scales, initially at least through the device of fuzzy boundaries’ (2009, p. 3). In Faludi (2012, 2013ab) I discuss this and other studies conceptualising soft planning for the soft places marked by them. Much of this is going on under the Cohesion policy objective ‘European Territorial Cooperation’ (Ek & Santamaria, 2009). Under the authority of the European Council, the European Commission coordinates relevant policies and brokers agreements on concrete actions, also under the macro-regional strategies for the Baltic Sea Area, the Danube Area, the Adriatic and Ionian Sea Region with one for Alpine Space in the offing and more being contemplated (European Parliament, 2015). They are soft because their boundaries are not clearly marked. Also, they involve no new EU legislation, no new EU money and no new EU institutions. Sociologists would say that the meetings, exchanges and, where they occur, mutual commitments entered nonetheless mean institution-building. However, this is institution-building of an informal kind, one which may in due course lead to more formal arrangements even so. For instance, under the current Financial Framework 2014-2020, where one exists, Cohesion policy must pay regard to a macro-regional strategy. So, they soft arrangements may be hardening, something that, writing about the Baltic Sea Strategy, Metzger and Schmitt (2012) have already noted.

From all this it is clear that territory is not necessarily the envelope of all major aspects of social and political which state territoriality assumes it to be. Academic research, mainly in geography, has explored the meaning of territory and like concepts. Part 3 has already referred to Murphy. The debate is not couched in terms of soft and hard but in terms of relative, or relational, and absolute space, terms already invoked by Harvey (1969) in his ‘Explanation in Geography’. A special 2007 issue of *Regional Studies* focused the debate on the regional scale, with another one of 2013 seeking to come to conclusions. According to Varró and Lagendijk (2013, p.21) this ‘relational versus territorial debate’, in particular in the UK where this related to regional policy and regional reform, but the arguments are of more general relevance, opposed ‘radicals’ to ‘moderates’. So, instead of ‘... the misleading celebration of self-reliant regions that actually remain entangled in centrally orchestrated policy frameworks, radicals have called for a more radical revision of the UK territorial management’. Whilst sympathising, ‘...moderates (...) have pointed out the need to be aware of the persisting relevance of the territorial dimension of socio-spatial processes’. In the same issue, Harrison (2013, pp 71-72) comments on a backlash, therefore, against the ‘relational’ view, concluding that what is needed are ‘... ever-more-complex configurations in order to make emergent strategies compatible with inherited landscapes of socio-political organization, and for new conceptual frameworks capable of theorizing the ‘inherently polymorphic and multi- dimensional’ nature of social relations’. He alludes to Jessop, Paasi and Jones (2008) reviewing relevant discussions in geography. Nilsson, Eskilsson and Ek (2010) draw attention to the fact that all this involves the re-negotiation of socially and historically constructed regional identities.

Be that as it may, this chimes well with the observation by Healey of what she calls place governance being complex, with arrangements cutting across government boundaries. The outcome of places being mixed in with administrative areas is ‘...a tangle of complex relations and arenas, in which particular actors come together.’ (Healey 2010, p. 71). Accountability is an issue. In any case, soft spaces places are surely different from, necessarily hard, administrative territories. They not only have definite boundaries, they are also the constituencies to whom politicians are accountable. Where places rather than territories are concerned, accountability is a problem, therefore. Commenting on ‘localism’ in England, Davoudi and Cowie (2013) are concerned, for instance, that under ‘localism’ addressing places called ‘community planning areas’, with ad-hoc boundaries drawn around them, issues relevant to the entire jurisdiction may be neglected.

As ‘ambiguous’ lands, places thus throw the democratic legitimacy of their governance into relief. Voting in and by territorial constituencies is the accepted way of arriving at legitimate decisions. The underlying assumption is that society can be neatly apportioned into boxes, the ‘container view’ I criticise (see also Faludi 2010). In reality, in a networked world, functional areas form places of many shapes and sizes. Even macro-regions, the object of strategy-making in the EU, may be described as places. Indeed, Jessop et al. (2008, p. 395) talk about ‘globalities’ like macro-regions in such terms. All this leads to anxiety about the democratic legitimacy of place-governance.

5. Democratic Legitimacy?

Is voting by territorial constituencies the only way to produce democratic legitimacy? Surely, one may ask this question without leaving oneself open to the charge of being undemocratic. After all, none of the conventions for arriving at democratically legitimate decisions is self-evident, which is above all true for the very idea of electing representatives (Manin, 2012). This and other current practices have been invented and argued over before becoming routine to the extent that governments are now measured against standards of inclusiveness and fairness thought to be universal. Nonetheless, that democratic legitimacy comes from majority voting in territorial constituencies may be questioned.

As is well-known, the rallying cry of the American Revolution was that taxation without representation was tyranny (Pitkin, 1976, p. 3). It was in this context that representation became identified with territorial self-government. A key authority on the matter, Pitkin does not discuss representation being territorially bounded. One of her concerns is rather whether representatives are bound by what constituents want, or whether their duty is to pursue the interest of the nation as a whole. It would be possible to also argue that the representative must take broader, territorial or functional areas into account, and not just his or her constituency. Ignoring current requirements of gender-neutrality, Pitkin says, indeed, that the ‘...representative is, typically, both special pleader and judge, an agent of the locality as well as a governor of the nation. His duty is to pursue both local and national interests, the one because he is a representative, the other because his job as representative is governing the nation.’ (Pitkin, 1976, p. 218) However, this may reduce the chances of being re-elected, this being the crux of territorial representation. So it is relevant to critically examine the situation created by territorial constituencies forming the exclusive frames of reference.

According to Rehfeld (2008, p. xv) ‘...the use of territory for representation has never been explained or justified ... In never having been contested ... territorial constituencies qualify as an arbitrary institution...’ Discussing elections US congressional elections, he argues for random constituencies instead. Urbanati and Warren concur, saying that ‘...when represented geographically, the people are only a ‘demos’ insofar as their primary interests and identities are geographical in nature. Nongeographical constituencies ... are represented only insofar as they intersect with the circumstances of location, producing only an accidental relationship between democratic autonomy ... and forms of representation’. They conclude that the ‘...geography-based constituency definition introduces an arbitrary criterion... Exclusion works not on people ...but rather on issues, since residence-based constituencies define residency-based interests as most worthy of political conversation and decision...’ (Urbanati & Warren, 2008, pp. 396-397). Amongst excluded issues, there are those –which they do not mention– relating to places within, or cross-cutting the boundaries of territorial constituencies.

There are, of course, action groups and NGOs articulating neglected issues, including those relating to places, but the default condition is that territorial representation prevails. Apparently being unfamiliar with alternative understandings of space, the writers above do not consider configurations other than territorial containers. Maybe, though, there is no alternative! The planning and human geography authors discussed above offer none beyond saying that the situation is complex.

Maybe the example of Switzerland can help. Apparently, there the tangle of relations and arenas which Harrison and Healey talk about is a lived reality, but without raising concerns about accountability. Accountability is simply spread over issues and institutions. The authors whom I am referring to, Eichenberger and Frey (2006), discuss territorial and functional issues being treated on an equal basis. Their key concept is what they call functional, overlapping and competing jurisdictions (FOCJ). These exist next to, and sometimes in opposition to what in this paper I call territorial-administrative complexes. Drawing on the economic theory of federalism, Eichenberger and Frey describe FOCJ as expressions of 'functionalist federalism'. With areas of responsibilities and powers which are task-specific, They follow a different logic from any territorialist meta-geography.

The same authors also address the issue of democratic legitimacy. Thus, individuals and/or communities who join school districts, water purification services, refuse collection services and so forth, have a say in running FOCJ. They may even take the initiative to set up new ones. They can also leave them for alternative providers. This, their right of exit mimics market competition. Also, they elect the management, so there is political competition. In this way, each of the FOCJ is a democratic governmental unit. Importantly, once citizens or communities who can also be members have joined, FOCJ exercise authority over them, including the power of taxation (Eichenberger & Frey 2006, p. 160). Citizens or communities must, however, be relieved from having to paying the same tax to territorial governments.

There are plenty of details in the paper under discussion, using one of the 26 cantons of the Swiss Confederation, Zurich, as an example. Eichenberger and Frey report people there to be generally satisfied to a point where they usually defy attempts by cantonal bureaucracies and politicians to suppress any of the FOCJ. So, the '...example of Switzerland –which is generally considered to be a well-organised and -administered country– demonstrates that a multiplicity of functional jurisdictions under democratic control is not a theorist's wishful thinking but has worked in reality.' (Eichenberger & Frey, 2006, p. 168)

Their proposal reminds of 'directly deliberate polyarchy' of which Cohen and Sabel claim that it has '...problem-solving capacities useful under current conditions and unavailable to representative systems....[C]ollective decisions are made through public deliberation in arenas open to citizens who use public services, or who are otherwise regulated by public decisions.' (Cohen & Sabel, 1997, pp.313-314) Something which Eichenberger and Frey themselves emphasise is also true: Their proposals have a bearing on the EU. Multi-level governance, the governance turn, democratic experimentalism referred to by Piattoni (2011; see also Sabel & Zeitlin 2010), but see also studies of the 'comitology system' preparing and managing many an EU policy. Comitology in particular represents an '...uneasy fit with the idea of principal-agent democratic accountability through parliamentary representation...' (Smithmans, 2008, p. 875). Indeed, all these deliberative governance structures indicate how the purported democratic deficit, also and in particular in the EU, could be reduced. As Joerges and Neyer (1997, p. 621) say, the '...majoritarian models of democracy are primarily suited for decision-making at the level of the nation-state and face serious normative difficulties when adapted to the European level.'

5. Conclusions

Much of the above has a bearing on territorial cohesion at the level of the EU where the nation-state seems, perhaps wrongly, the all-pervasive measure of European integration. This makes the unrealistic option of a United States of Europe seem the only alternative. Whether this has been Jean Monnet's view is a moot question. He did talk in terms of a United States of Europe, but whether he really

meant something like a federal or super-state is doubtful. One can read in his 'Mémoires' (Monnet 1976) that he was aware of the problems of representative government, and there is of course the accolade, already mentioned, of Duchêne (1994) of him as the first 'statesman of interdependence'. This brings him closer to the governance of overlapping places than to the management of territories as containers.

Nonetheless, the container view and attendant notions of how to govern remain dominant. Thus, the European Parliament fancies itself as a parliament in-the-making and has arrogated appointing the President of the European Commission to itself, as if the Commission was destined to be the EU government. At the same time, the members of the European Council of heads of state and government consider themselves as the legitimate representatives of their national jurisdictions. The context thus remains one between different levels within a territorial hierarchy. There is insufficient appreciation of functional institutions cross-cutting the territorial boundaries in and around the EU.

Alternatives, looking at the EU as a 'sui-generis' construct, do exist. Consider authors like Zielonka (2006) writing on the EU as an empire. Roche (2012, p.40) comes to a view of Europe as a 'socio-political complex': 'The image of the EU ... as a puzzling socio-political UFO has guided the discussion towards models which visualise Europe and the EU in socio-spatial terms as a network society and as a neo-imperial system.' The EU is thus said to be '...both an international and supra-state organisation, an organisation which has multinational and multicultural characteristics, and in which the governance system is multi-level and multi-form'. On this basis, Roche notes '...the inadequacy of the 'super-state' and nation-state analogies' (Roche 2012, pp. 40-41). If true, then maybe not only macro-regions, but also the EU as such is more like a place without fixed boundaries than a territorial block. The implication for the EU territory would be that it is fuzzy, with less structure internally and less clearly separated from its neighbourhood than generally assumed. Come to think about it, this may be more accurate as a description of reality than maps showing an EU of twenty-eight state territories.

Indeed, a wider 'EU-orchestrated Europe' reaching beyond the external borders comes close to what has been described as a 'place'. In any case, it is more complex and fluid than a jurisdiction. Also, EU policies often address spatial configurations cross-cutting local, regional, and national boundaries, encouraging the areas and the stakeholders concerned to conceive of new identities. The reflections above on the production of democratic legitimacy may be relevant here. They suggest that Europe as a place deserves better than being forced into the straightjacket of a container. As I suggest elsewhere (Faludi 2013c; 2014), if and when broad and searching discussions along such lines about the nature of the EU project take place, then, with experience in place governance, spatial planning may even have a contribution to make.

In their paper discussed above, Eichenberger and Frey discuss implications for the EU which support the view of it as a new type of governance and of territoriality. Rather than approximating a federal construct with a fixed *acquis communautaire* which newcomers have to accept, they suggest that members and also non-members should be encouraged to establish FOCJ. Going '...beyond the proposal for a multispeed integration of some 'chosen' countries into a 'core Europe'' (Eichenberger & Frey 2006, p. 170) this indicates a looser, more complex negotiated territoriality and a more subtle approach to territorial cohesion. The result would be state territories, each with borders enclosing 'absolute' spaces, alongside a multitude of 'relative' spaces cross-crossing their boundaries. Such relative spaces would be constituted, not by borders, but by networks. And each would imply its own, tailor made form, just as its governance is tailor made, of territorial cohesion.

What this all comes down to is that the fixed territories that we know are in fact islands in a sea of malleable functional territories: an archipelago. The wave patterns caused by the interaction of the many functional territories form that imaginary sea unrelentingly re-model the islands' shorelines. Remaining within this metaphor, territorial cohesion may thus refer to, but this is only part of the story, how well the activities on the islands are integrated. It may equally well refer, and this would also be true for the other metaphor of the EU as a cloud, to how the islands and their inhabitants

manage their relations with the sea of functional territories around them. So conceived, the pursuit of territorial cohesion would mean conceptualising and re-conceptualising territorial relations, amounting to ever-new spatial visions, the tool-in-trade of soft, non-binding strategic spatial planning (Zonneveld 2005; Ek and Santamaria 2009). Such spatial visions are not intended to replace the hard analysis of the shape and structure of the islands. Rather, their purpose is to better cope with the many interrelations between the islands and the sea and to prepare for changes, including changes to the shapes of the islands themselves, as well as the situation and identities of the islanders.