

## The Cultural Implications of Market Regulation: Does the EU Destroy the Texture of National Life?

A persistent set of arguments, both in the academic and the general debate, denounces EU integration not only because of its adverse economic, social or political consequences, but also because of its cultural ones. As markets grow more homogenous and limitless, everyday life loses its national character and citizens are left with a weakened sense of community and identity. In legal scholarship, this argument takes the shape of a denunciation of the free movement decisions of the Court of Justice of the EU and the Commission's competition interventions as they are said to destroy forms of market regulation that have been part of the national fabric for decades and have taken on a certain cultural significance. As a consequence, the argument goes, Europe grows not only more homogeneous but also more illegitimate.

Through three case studies (book pricing rules; forms of entry regulation affecting retail distribution; certain regulated professions) and by employing socio-legal methodologies, my dissertation tries to challenge this narrative, which I label the *culturalist narrative*, by providing a more nuanced account of the relationship between market regulation and culture and a thinner grained description of the impact of EU interventions in certain markets. My empirical claim is that EU law is sufficiently permissive to allow member states to retain and even upgrade their preferred market arrangements: it encourages reflection over the real motivations of national market regulation, sometimes forces amendments, but its impact is rarely purely deregulatory or homogenizing.

In this article – which serves as the first chapter and theoretical framework of my dissertation, I draw from material collected for my case studies as well as contributions coming from various disciplines, to better describe the implications of these forms of market regulation. The question I try to answer is: what are the real concerns that *the culturalist narrative* tries to voice? Or, in other words, what do member states really protect through these rules that the EU supposedly destroys? The rules at stake are about “*how to buy and sell things*” – they regulate who can sell what, where, at what prices and in which places. Beyond their immediate functional import, these rules affect the shape of markets and protect a distinctive dimension of the retail experience. Through them, the State articulates that distinctive experience as an element of local culture, which is offered protection as a democratic response to the demands of citizens. The structure of the chapter is as follows. In the first section, I introduce *the culturalist narrative* and point at its main ambiguities. In the second section, I explore theoretical possibilities on how the law in general and market regulation in particular interact with variously defined notions of culture. In the third section, I define the rules I am studying, I justify why I choose them and try to offer a preliminary conceptualization by isolating the various interests at stake and linking them to the previous discussion. In particular I try to develop conceptual categories about the interests involved that will guide me in the case studies (*Producerist Law; Smallness; the Comforts of Home; Consumer Identities; Moral Limits of the Market; etc.*). Finally I sketch some conclusions by anticipating few findings from the further chapters.