

Thought for Food (Safety) in the EU: A discourse- analytical approach*

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ABSTRACT

This paper seeks to explain the development of a transnational food safety policy approach in the context of the European Union (EU). The diverse reactions to the series of food scares over the past decade, such as the discovery of the link between BSE (Bovine Spongiform Encephalopathy) and the fatal human variant of the disease, a new variant of Creutzfeldt Jakob Disease (nvCJD), suggest that ‘food safety’ bears contextually contingent meanings. As a consequence, a mere ‘recognition’ of the transnational nature of BSE as a problem is an insufficient explanation for the swift evolution of an EU-based food safety policy over the past decade, and the important ways in which food safety policy has come to include consumer and public health policy.

The existing scholarship presents the policy-making process as linear and based on readily identifiable problems, rational deliberation, and problem-solving. In contrast, this paper does not take the notion of ‘food safety’ as given, but rather examines the ways in which the meaning of ‘food safety’ is constructed, (re-)produced, and negotiated in discursive practices. By drawing on a discourse-theoretically informed framework, in-depth interviews and textual analysis, this study inductively distills three central shared understandings, or discursive categories, that EU food safety policy is based on: the category of the ‘food chain’, the category of ‘the consumer’, and the notion of being a ‘stakeholder’. It is argued here that the arguably open nature of these three discursive categories has facilitated the negotiation of a shared ‘food safety vocabulary’ in the EU context.

Keywords:- Food safety – EU – policy – discourse– consumer– food chain - stakeholder

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1. Introduction

This paper seeks to explain the development of a transnational food safety policy approach in the context of the European Union (EU) over the past decade. The evolution of a legally binding EU food safety policy constitutes a remarkable phenomenon for a number of reasons. First, food safety has traditionally been a matter of national regulation, and attempts to harmonize food safety legislation across the EU were generally not very successful until the late 1990s. Second, while the overriding principle in EC food law had been to ensure the free movement of foodstuffs within the internal market – bracketing out consumer protection and societal concerns – consumer policy (including consumer *protection* and consumer *rights*), as well as public health concerns are now firmly incorporated into EU food safety policy. Third, the series of food scares over the past decade, such as the discovery of the link between BSE (Bovine Spongiform Encephalopathy) and the fatal human variant of the disease, a new variant of Creutzfeldt Jakob Disease (nvCJD), have been taken up in diverse ways across European contexts. For instance, the discourses that have informed policy change in Germany stand in stark contrast to the streams of argumentation in the Netherlands. While in both countries, considerable institutional rearrangements were put in place, the radical language informing these changes in Germany was remarkably different from a relative silence around the issue in the Netherlands, as far as a public debate is concerned.¹ Given the divergent ways in which food scares, particularly BSE, have been taken up as policy issues in different member states, how can one explain the development of a transnational EU food safety policy?

In a number of scholarly accounts concerned with the effects of food scares in the EU – both on a national and supranational level – policy-making is presented as a set of linear and distinct processes that are based on ‘reality and facts’, readily identifiable problems, evaluation of possible solutions, and the decisions taken by the competent (experts) and authorized policy elites.² Such a perspective risks concealing important elements of conflict, contestation, and the negotiation of meanings in the policy-making process. A different

¹ This is not to say that issues of food safety and food quality have not taken place at all in the Netherlands – yet, compared to other contexts, Dutch food policy was for a considerable period of time characterized by a remarkable continuity (see Paul forthcoming).

² An adequate review of the vast range of literature on the topic would exceed the limit of this paper. For useful overviews, see, for instance: Ansell and Vogel (2006); Loeber and Hajer (2007); van Zwanenberg and Millstone (2005). More recently, process-tracing accounts in the interpretive tradition have taken into account the role of scientists, governmental committees, industry, and to some extent non-governmental organizations (hereafter NGOs) involved in the policy domain under consideration here, as well as the role of supranational institutions, such as the European Union (EU) (Abell 2002; Boin and 't Hart 2003; Feindt and Kleinschmidt 2004; Forbes 2004; Jasanoff 1997; Loeber and Hajer 2006; Miller 1999; van Zwanenberg and Millstone 2005; Roslyng 2006; Smith 2004; Tacke 2001; van Zwanenberg and Millstone 2003; Vos 2000; Waskow and Rehaag 2004).

methodological toolkit is needed to understand, first, how the diversity of reactions in the member states could be negotiated in the development of a transnational approach, and, second, why the European Commission did not limit itself to securing the continuous functioning of the internal market - rather, the Commission engaged in a considerable re-evaluation of well-established policy practices, and consequently a large-scale institutional reform.

In order to approach these poorly addressed questions, this study emphasizes the role of discourses in negotiating the meaning of (transnational) diseases and considers policy-making to consist of *meaning-making* practices that take place in a variety of sites including governmental agencies, NGOs, scientific research centers, quasi-governmental organizations, and private businesses. The aim of this paper, however, is not to access the meaning-making processes on such a micro-level, but rather, to disentangle the overlapping and conflicting discourses that inform EU food safety policy. In other words, the paper assumes that the meaning of *food safety* cannot be taken as given – rather, it is constantly negotiated, produced and reproduced, and enacted in particular organizational practices. In that sense, food safety policy is understood as a *policy discourse*, denoting ‘a specific ensemble of ideas, concepts, and categorizations that are produced, reproduced and transformed in a particular set of practices and through which meaning is given to physical and social realities’ (Hajer 1995: 44).

In order to explain the evolution of an EU-based transnational approach in the area of food safety, this paper employs a discourse-theoretical approach and conceptualizes the events related to the BSE crisis as moments of *dislocation* (Laclau 1990): events that cannot be understood and dealt with adequately within the hegemonic discursive horizon at a particular moment.³ Drawing on this discourse-theoretical concept, this paper proposes that the sets of events related to the series of food scares in the course of the past decade, most prominently the ‘BSE crises’⁴, could not be *understood* within the hegemonic discursive framework of the time. As a result, the paper argues that the related events produced a situation of *institutional ambiguity* (Hajer 2003) and a fundamental questioning of the discursively sedimented policy

³ Mette-Marie Roslyng (2006) examines the British salmonella crisis during the 1980s in a similar way. Yet, her analysis is limited to a media analysis, whereas the present study focuses on the policy process and the related discursive practices.

⁴ A frequently made distinction conceptualizes the events following the announcement of the link between BSE and nvCJD in 1996 as the ‘first BSE crisis’, whereas the recognition that BSE had crossed not only the human/animal species barrier, but also national boundaries (to France, Spain, and Germany), constitutes the ‘second BSE crisis’. See Oosterveer (2002).

practices. These moments of ambiguity, in turn, facilitated a renegotiation of food safety policy, both in content and style.

As far as methods are concerned, this study draws on document analysis, including speeches, legal texts, policy documents and newsletters of both governmental institutions and non-governmental bodies. Moreover, over 60 interviews were conducted in total for the purpose of a comparative study, in Germany, the Netherlands, England, and Brussels (see appendix).⁵ Whereas these have all inspired the argument made here – given the focus of this paper - I mostly make direct use of those in-depth interviews that were conducted in the EU context with officials at the European Commission and the European Food Safety Authority, public health and consumer advocacy groups, and policy officers working for European umbrella organizations that represent the food and farming industry.

A few reservations are in order here. First, it is important to note that this study takes the construction of the EU as a political entity and the corresponding institutional infrastructure as a given, as it is impossible to know whether, and in what form, cross-national strategies would have been devised in response to the food scares of the past decade, had the EU not existed. In other words, the discursive-institutional existence of the EU forms the starting point, rather than the object of analysis. This paper does show, nevertheless, how policy-makers drew on previously existing discourses which were decisive in devising the EU as a discursive-political entity – such as the free market discourse. Furthermore, this study is not concerned with a normative evaluation of, for instance, recently introduced participatory policy practices. Finally, the present aim is not to determine ‘what food safety really is’, but rather, to show how and why meanings of such seemingly clear-cut concepts can change.

This paper is structured as follows: After a historical account of the saliency of BSE as a policy issue, I proceed to introduce a discourse-analytical framework and the notion of *dislocation* (Laclau 1990), which I will use to illuminate my understanding of the impact of the discovery of BSE outside the UK. Subsequently, the pre-BSE policy infrastructure and practices are laid out, focusing on the following elements: the nationally-based nature of food safety policy; the expert-based character of the pre-BSE policy approach; and the related, and overarching, principle of the free movement of foodstuffs within the internal market. The subsequent section revisits institutional (re-)arrangements in the aftermath of BSE and traces

⁵ The thesis consists of an interpretive, comparative analysis of changes and continuities in food (safety) policy discourses in England, Germany, and the Netherlands, as well as analysis of the Europeanization of this policy field.

the discursive breakdown of the pre-BSE food safety regime in terms of these two aspects. The final section discusses the key categories that shape and provide coherence to the present EU food safety policy discourse: The notion of the food chain, the notion of the stakeholder, and the category of the consumer, it is argued here, form part of a shared language that has facilitated the development of an EU-based transnational policy approach. Finally, the paper indicates more recent shifts in policy discourse that suggest an interesting amalgamation of old and new discursive fragments and warrant further research. The concluding remarks offer methodological reflections; they summarize the findings, and suggest avenues for further research.

2. How food safety became a highly salient issue

In February 1986, 'cow 133', raised at a farm in Midhurst, Sussex, died after experiencing head tremors, weight loss and uncoordinated movements – ailments that were later to be identified as symptoms of a 'novel progressive spongiform encephalopathy in cattle' (Wells, Scott et al. 1987). As the symptoms had previously been observed in sheep only, the bovine variant of spongiform encephalopathy (BSE) puzzled scientists and alarmed farmers. In October 1987, BSE first made the headlines of a national newspaper, which spoke of an 'incurable disease wiping out dairy cows' (Telegraph 1987). Although some variants of spongiform encephalopathy were known for their capacity to spread from animals to humans, the public was repeatedly told by the British government that British beef was safe to eat. The Minister of Agriculture at the time, John Gummer, even 'enacted' this stance in May 1990 by feeding his daughter beef burgers in front of British press. Some six years later, on March 20th 1996, Health Secretary Dorrel had to announce that there was a possible link between BSE and a newly found variant of the human equivalent of the disease, Creutzfeld-Jacob Disease (nvCJD).

The announcement marked the beginning of a wide range of developments. Beef consumption dropped dramatically, if only temporarily, in the UK and elsewhere.⁶ Scientific research on spongiform encephalopathy in cattle was initiated, focusing on the nature and cause of BSE/nvCJD and its potential to cross the species barrier. Policy-makers and scientists alike were in serious need of knowledge in order to restore public trust and

⁶ By May 1996, beef consumption had dropped by about 25% in Britain and 30% all over Europe. Spread over the whole year (1996), however, consumption fell by a mere 7%. See COMM (2006). Beef consumption again dropped rapidly and even more drastically in some countries, such as France, during the 'Second BSE crisis' in 2000-2001, when BSE was discovered in France and Germany (cf. Oosterveer 2002).

guarantee the safety of beef for human consumption. New food safety agencies were created in a number of EU member states as well as on the level of the European Union (EU).⁷ These developments in turn incited a host of research conducted from a political-scientific and sociological perspective on what has become commonly known as the ‘BSE-crisis’, which, as most scholars agree, constituted the most significant instance of crisis with respect to food safety in Western Europe since the salmonella crisis in the UK in the 1980s (see Roslyng 2006). The latter crisis, however, was different in at least one important way: The epidemic did not effectively cross national borders, and the understanding of food safety therefore remained delimited in terms of a national regulatory issue, and an issue relating to food production (i.e. the industry), rather than food consumption. Although a thorough analysis would go beyond the scope of this paper, it is important to briefly explain not only the scientific status of BSE research, but also to recount a number of other relevant ‘food scares’ in order to explicate the particular nature of the food safety problematic and its discursive force in triggering shifts in meanings.

BSE was first named in the 1980s; however, it was not until 1996 that BSE was presented as an animal disease with potential hazard for humans. BSE belongs to a group of diseases known as Transmissible Spongiform Encephalopathies (TSEs), or Prion Diseases, and which affect a number of different mammals. These diseases, according to the current state of knowledge, result from the build-up of abnormal prion proteins in the brain and nervous system. Research suggests that the shape of prion proteins (which occur naturally in animals and humans) can be altered through eating meat infected with BSE. When this happens, changes can be triggered in other proteins in the brain, causing the brain to become spongy. This fatal condition is known as the new variant of Creutzfeld-Jakob Disease (nvCJD), a disease of which nearly 200 humans have died at the time of writing.

Whereas according to the current state of knowledge, the BSE agent was distributed by the feeding of contaminated meat and bone meal (MBM), the precise origin of BSE is still unclear. A number of scientists hypothesize that the scrapie agent jumped the species barrier of cattle, whereas others assume that BSE might have been an already existing disease in cattle, though never diagnosed before, and which was spread due to modifications in the production of MBM in the UK. Other alternative explanations, for instance, the idea that BSE

⁷ A new ministry for Consumer Protection (*Bundesministerium für Verbraucherschutz, Ernährung und Landwirtschaft*, BMVEL) was installed in Germany; a ‘ministerially independent’ Food Standards Agency was set up in the UK (FSA); and a Food and Non-Food Products Agency (*Voedsel en Waren Autoriteit*, VWA) was created in the Netherlands.

may have been caused by environmental factors, such as the use of organophosphates, have also been discussed (BBC 2001; DEFRA 2001). Others again have considered that BSE could be an inbreeding phenomenon. Strictly speaking, however, none of these hypotheses has been proven (TSE Forum 2006).⁸

Following the aforementioned announcement of the link between BSE and nvCJD, the EU announced a worldwide export ban on all British beef on March 27 1996.⁹ The UK government, in turn, announced a policy of non co-operation with EU partners until the ban would be lifted and applied to the European Court of Justice to have the ban overturned in May 1996. In late June that year, the European Heads of Government agreed to the so-called 'Florence Framework' for the progressive removal of the ban.¹⁰ Even though the ban imposed by the EU was finally lifted in August 1999, France continued the embargo against British beef. This 'cattle battle' was further aggravated by the discovery of BSE in domestic herds in Portugal, Spain, Italy and Germany between 1999 and 2000. As far as Western Europe is concerned, the BSE affair reached a significant peak in late November 2000, when the discovery of BSE in Bavaria inspired a wave of reactions, leading several politicians to call for an end to 'agriculture as we know it' and 'factory farming' (cf. Paul 2007).

In the midst of the BSE episode, a major food scare struck in Belgium in May 1999, when quantities of dioxins had entered the food chain through contaminated animal feed. Dioxins are produced in small concentrations when organic material is burned in the presence of chlorine. They are carcinogenic in higher amounts, and cause developmental and reproductive problems. This scandal, as a result of which 7,000,000 chickens and 60,000 pigs had to be slaughtered, was followed by a landslide change in government in the elections one

⁸ One of the most prominent medical researchers concerned with BSE is Stanley Prusiner who, in co-operation with Detlev Riesner, reported of a result long awaited by the scientific community: The production of the infectious prion protein (Legname et al. 2004). Prusiner suggests to have provided the evidence that prions are infectious proteins. These findings are highly relevant for public health research, as they suggest that non-infectious (synthetically produced) prion-proteins are sufficient for the spontaneous formation of prions, thus, no exogenous agent is required. According to the authors, this would explain the sporadic cases of Creutzfeldt-Jakob- diseases that precede BSE and nvCJD (TSE Forum 2006).

⁹ Commission Decision 96/293/EC prohibited the export from the UK of live bovine animals, their semen and embryos, meat of bovine animals slaughtered in the UK which are liable to enter the animal feed or human food chain, materials destined for use in medicinal products, cosmetics or pharmaceutical products, and mammalian-derived MBM.

¹⁰ The agreement outlined five pre-conditions for the resumption of exports. A selective slaughter programme of animals 'at risk' to accelerate the eradication of BSE in the UK; more efficient and effective animal identification and tracing; legislation for the removal of meat and bone meal (MBM) from feed mills and farms; effective implementation of the Over Thirty Month (OTM) slaughter scheme; and vigorous and effective removal of specified risk materials from carcasses.

month later. Ever since, the industrial chemical by-product dioxin has been the cause of numerous food safety alerts (Laurent 2006).

Another scare - of particular importance in the Netherlands - was the 1997 outbreak of contagious swine fever, which led to the preventive slaughter of 10 million pigs in the Netherlands. In total, around 1200 pig farmers were affected by the outbreak. Another serious outbreak in the UK (East Anglia) in 2000 affected 16 farms. A total of 74,793 pigs were slaughtered to eradicate the disease (DEFRA 2007). The cause of this most recent outbreak has not been conclusively established, but it was most likely the result of pigs feeding on a contaminated imported pork product. The disease, which may affect pigs and wild boars, is transmitted either by way of direct contact between animals (secretions, excretions, semen, blood), or indirect contact through shared premises, as well as implements, vehicles, clothes, instruments and needles used in veterinary practice. Similarly, it can spread through farm visitors, veterinarians, pig traders, or insufficiently cooked waste fed to pigs. As no treatment is possible, affected pigs must be slaughtered and the carcasses buried or incinerated. In 2001, an EU framework plan set out measures for the control of classical swine fever in order to provide a general framework for member states to draw up their own, and more detailed, contingency plans.¹¹

Finally, in early 2001, an outbreak of Foot and Mouth Disease (FMD) was reported in the UK, producing tremendous public unrest when images of burning cows were conveyed in the media almost on a daily basis. In addition, a number of regions affected by the outbreak had to be closed off in order to avoid further spreading of the disease in the UK. Arguably, this carried particular connotations in England, where the countryside and the outdoors are traditionally highly valued. One month later, the Netherlands reported an outbreak of FMD on a mixed, veal-calf/dairy-goat farm in Oene, in the central part of the Netherlands. The most-likely route of infection is believed to have been the import of Irish veal-calves to the Netherlands via an FMD-contaminated staging point in France.

As mentioned earlier, the ways in which BSE and food safety more generally have been taken up as policy issues have varied remarkably (cf. Hajer, van Tatenhove and Laurent 2004; Oosterveer 2004; Loeber and Hajer 2007; Loeber and Paul 2005; cf. Paul 2007). The process of rethinking pre-existing institutional structures and practices were contingent upon the contextual interpretation of and meaning allocated to the various food scares. For instance, a

¹¹ In accordance with Council Directive 2001/89/EC, approved by the Commission.

pervasive critical discourse concerned the influence of the agricultural lobby, which led to an institutional separation of agricultural and food safety affairs in the UK and Germany. Consumer protection came to be strongly linked to food safety policy in Germany and the UK, accompanied by a remarkable ‘consumer first’ language in the latter case. In Germany, the food safety problematic was immediately placed onto the environmental agenda, whereas in the Netherlands, BSE, for a considerable period of time, was considered to be a ‘technical problem’ related to food production, and Dutch policy-makers dismissed the German call for a thorough rethinking and reform of intensive agriculture. In order to address these remarkable differences in the apparent significance of food scares, elsewhere, I propose to examine the particular ways in which an event, such as an accident or a scientific discovery, is constructed by focusing on the context in which this occurs, and on the available horizons of meanings within which it can be understood (cf. Paul 2007). Consider, for instance, images of burning cows: Is this an effective measure to limit the unintended consequences of industrialized agriculture? Is it fundamentally wrong, is it ‘murder’ of ‘God’s creation’? Is it a problem arising from the incapacity of slaughterhouse operators to limit the spread of a disease? Is it the fault of consumers, who reject meat produced from vaccinated animals or continue to prefer conventionally produced meat over organic produce? When mindful of contextual contingency of meanings, it becomes evident that a ‘cognitivist’ approach cannot account for the mobilization of a transnational, EU-based policy discourse in this domain. In other words, the mere ‘realization’ that food safety is a transnational issue is an insufficient explanation. In contrast, I argue that the development of an EU-based approach in the domain of food safety hinged upon the mobilization of a shared language. Below, I lay out a discourse-analytical approach that allows us to examine and identify the central discursive categories within this shared language.

3. A discourse-analytical approach

In this study, the term *discourse* denotes concrete horizons of meaningful practices that inform the identities of subjects and objects (Howarth 2000; Foucault 1980 [1972-1977]). As mentioned above, Hajer (1995: 44) defines policy discourse as ‘an ensemble of ideas, concepts, and categories through which meaning is given to social and physical phenomena, and which is produced and reproduced through an identifiable set of practices’. I take ‘discursive categories’ to denote terms and concepts that appear to be commonly understood, but that can take on different meanings, depending on the socio-political context and the specific setting in which they become articulated. It is important to note that this does not

imply a distinction between ‘material reality’ and ‘language’. For instance, if a particular food product is understood and classified as a medicinal product, the standards, terminology, and the meanings associated with the product will place it in a particular discursive horizon. If, on the other hand, the said product is inserted, articulated, and used in a different context – for instance, as a nutritional supplement, it will bear a different set of meanings.¹² The object of discourse analysis is then to denaturalize terms such as ‘safety’, which are frequently taken as given in scholarly accounts, and to examine the different ways in which they become constructed and reproduced in discursive practices.

On the concrete, empirical micro-level of an organization or institution (e.g. of a given consumer association), *discursive practices* (Hajer 2005) may be seen to consist of the declared aims of a particular organization, the range and nature of its activities, its involvement in coalitions and alliances, its political contacts and networks, and the means by which it directly or informally enters political processes. One can similarly analyze governmental institutions, in their declared aims and objectives, the ways in which they declare to pursue these (e.g. ‘independence’, ‘transparency’), and their specific underlying policy-making routines. Even the very establishment of, for instance, a food safety agency with public food safety help-lines can be seen as a discursive practice in that it makes possible the identification of the individual as someone who may *legitimately* be concerned about related issues, and who is in the position to make complaints.

Hajer (1995: 44) further emphasizes the institutional dimension of discourses: ‘[i]f a discourse is successful [...] it will solidify into an institution, sometimes as organizational practices, sometimes as traditional ways of reasoning’. Importantly, this process, referred to as ‘discourse institutionalization’ (ibid.), or what Howarth (2000) would perhaps call ‘discourse sedimentation’, will not be of a linear nature, nor will it produce a coherent and ultimate outcome. Rather, discourse analysts would posit that policy-making is a process of meaning-making and discursive contestation. But what makes policy discourses shift?

Poststructuralist discourse theory offers the concept of *dislocation*, which refers to the ‘emergence of an event, or a set of events, that cannot be represented, symbolized, or in other ways domesticated by the theretofore dominant discursive structure – which therefore is

¹² Similarly, earthquakes or the falling of a brick from the sky can be interpreted as ‘God’s act of wrath’ or as a natural phenomenon (Laclau and Mouffe 1985). Just as a forest can be seen as either a natural phenomenon of intrinsic value, or perhaps an obstacle to modernizing transport routes, ‘safe food’ can denote ‘clean’ food, ‘natural food’, or food produced under constant scientific supervision. Similarly, the safety of food can be constructed as a private or a public, a national or a transnational responsibility.

disrupted' (Laclau 1990: 41). Importantly, the concept does not only refer to a 'traumatic event of 'chaos' and 'crisis'' (Torfing 1999: 149) that induces a break with 'structure' - in fact this structure is never *given*. As a result, the production of meaning is relational, dynamic, and fluid. In addition, this 'openness of the structure' makes agency and change possible (Laclau 1990: 41-3; Torfing 1999: 148-9); No single discourse can ever fill the discursive space completely; hence, new discourses can become available and 'up for grabs', whereby new discursive coalitions can be formed. Consequently, new modes of identification, and therefore action, become possible.

The events related to BSE could not be understood within the hegemonic discourse of the time, as they fundamentally challenged two of its key notions: First, the idea of the free movement of goods as standing in opposition to national food safety regulation was revealed to be a socio-political construction, rather than a panacea. Second, the expert-based nature of the regulatory regime proved unstable in the face of uncertainty, and the constructed authority of 'truth-speaking' experts was fundamentally shattered.

If we take institutions to denote sedimented discourses, this dislocation caused what Hajer (2003: 176) calls *institutional ambiguity*, a situation in which 'there are no clear rules and norms according to which politics is to be conducted [...], established institutions are [...] unable to resolve [issues] in a manner that is perceived to be both legitimate and effective', and new spaces may emerge that feature an 'ensemble of mostly unstable practices that emerge in the struggle to address problems' (ibid.). Yet, instability, ambiguity, and struggle can facilitate mobilization for change and agency, as '[a]gents, who are unable to draw upon 'normal' decision-making procedures, are able to reconstruct the discourses and rules of social life' (Griggs and Howarth 2002: 107-8). The objective of discourse analysis is then to examine the events that produce dislocatory moments, the traumatic as well as the productive elements thereof, and finally, the production of new meanings and identities.

The remaining part of this paper consists of two main parts. First, in the section below, I return to the year 1996 in order to re-examine the range of institutional rearrangements in the light of institutional ambiguity as a symptom of the dislocatory experience produced by the series of food scares. Second, the paper distils a set of discursive categories that have been decisive in mobilizing and stabilizing the transnational food safety approach that is to be examined here.

4. Towards a transnational approach

Alongside the developments in the national regulatory nodes described above in section two, food scares such as BSE and the dioxins affair created the *conditions of possibility* for a growing transnational food policy discourse. ‘If the European Community had not existed before the BSE crisis’, a Member of the European Parliament, Ken Collins, stated, ‘it would have had to be invented’ (Collins 1996). ‘This is not an issue that can be contained within one country’, he told a parliamentary assembly, ‘[and] we have to find a European level response to it’ (ibid.).

These words stood in stark contrast to the regulatory regime in existence at the time, which, as noted above, was based on technical notions of *scientific expertise*, a discourse of *national regulation*, and the *free movement of foodstuffs*. Although the European Parliament had called for the development of common measures regarding BSE even before the discovery of nvCJD, food safety regulation had largely remained a matter of national regulation in the EU. Notably, EU intervention in national food safety regulation was reserved for instances where food safety policy was seen to constitute a *trade barrier*. The free movement of foodstuffs was thus the overriding principle in EC food law, and questions of consumer protection were explicitly bracketed out as legitimate grounds on which one member state could prohibit another from marketing a particular food product (Alemanno 2006: 242).¹³

After the aforementioned announcement regarding the link between BSE and nvCJD, a gradual process of rethinking set in. Importantly, in the early stages, the problem was still considered to be a British matter, thus a disease confined to one country, and therefore appeared to be manageable by interrupting beef exports to the rest of Europe. In 1996, a special inquiry was initiated and carried out by the European Parliament which called for a greater focus on the ‘public interest’, along with matters of animal and plant health as well as sustainable farming practices. The report further highlighted the need for a different, possibly more sensitive approach to food safety regulation and heavily criticized both British policy-makers and the Commission for their ‘lack of transparency’ and action in fighting BSE. In a different reading, the report also reveals the key assumptions behind the pre-BSE policy discourse and the related practices:

¹³ The original approach to eliminating obstacles to the free movement of goods between the Member States consisted of the total harmonization of laws. However, this task required a considerable amount of positive legislation, regulating the market on an unprecedented scale. The Court of Justice remedied the situation with the principle of *mutual recognition*, derived from Article 28 EC and coined in the celebrated *Cassis de Dijon* judgment in 1979.

The lack of BSE-related inspections between 1990 and 1994 seems symptomatic of an assumption by the British witnesses before the Committee that *they knew all there was to know* and could handle the problem *without outside 'interference'*. There was also an attitude of 'benign neglect' of the issue (a *willingness to let a British problem be dealt with by the British*) on the part of the Commission and, through the *veterinary* committees, by the other Member States (EP 1997; emphasis added).

Here, it becomes evident that at the time, the boundaries between human health and animal health, as well as the distinction between national and transnational problems, were still dominant discursive principles that hampered more adequate reactions to the discovery of a new (bovine) form of BSE in the late 1980s and the early 1990s. In addition, the notion of a *complete* science still functioned as a policy principle in Britain at the time.

Ellen Vos (2000) alludes to the persistence of a similar policy structure in the EU context and describes the pre-BSE regulatory infrastructure as principally driven by 'pragmatic considerations'. The regulatory infrastructure lacked coherence, and institutional structures were based on the need to accommodate the complexities of science-based decision-making (Vos 2000). Vos further argues that this pragmatic approach might be explained by the fact that the Community had not been designed to deal with risk regulation (*ibid.*), whereas I would add that the notion of risk itself perhaps only entered EU policy discourse in the 1980s, for instance in relation to genetically modified organisms (GMOs) and bovine growth hormones in milk. Moreover, on the surface, the committee-based food safety regulation policy ('comitology') in place seemed satisfactory and efficient, to both national authorities and the Commission, until the BSE crisis linked issues of *trade* to issues of *risk*. Yet, overall, this system remained very *expert-centered*, with science providing the main authoritative grounds for policy (Alemanno 2006: 243ff). This was certainly the case when questions around the release of GMOs reached the European policy agenda in the early 1990s. A respondent involved in biotechnology regulation describes the approach at the time as follows:

Then there were other DGs - like our own [DG Research]- which were always *concerned that there should be a strong science base for everything we did* for policy, this has always been the line we have taken. That we have to have sound science underpinning policy, otherwise we will have... *what else are we going to make policy on?* If it's pure politics, if it's pure public perception, you can have *all sorts of crazy things* (Interview 11, emphasis added).

Although the respondent refers to early biotechnology regulation, these impressions of a senior official are relevant here as they describe the policy-making discourse *before* feed and food, or animal and human health, were linked through the discovery of dioxins and later, BSE and nvCJD. The subsequent amalgamation of discourses of environmental protection, animal welfare, public health, and consumer rights (see section five), along with that of competitiveness seemed ‘crazy’ to the official quoted above – arguably because the respondent had been socialized into a generation of ‘purely science-based policy’ at the European Commission.

Indeed, with the occurrence of the aforementioned food scares, therefore, officials experienced the authority of science and that of scientific experts as challenged in several ways. First, the key element of uncertainty in policy-making generally, and specifically that surrounding the case of BSE, were exposed. Second, through these food scares, the constructed nature of food safety as an issue of trade, rather than risk, public health, and consumer protection, came to the fore. Third, the conflicting meanings of what constitutes ‘good food’ were revealed, when the boundary between animal and human health became blurred with the discovery of nvCJD and the entry of dioxins into animal feed.

The institutionally sedimented notion of science as a sufficient and firm base for policy no longer seemed adequate: BSE could not be handled within the available standard operating procedures at the time, which had consisted of establishing technocratic committees and producing lengthy, technical reports, as well as initiating written consultations on occasion, and issuing risk notifications on a national level. As Chalmers puts it, ‘[t]he BSE crisis marked a Year Zero for the European Union food regime by forcing both the Member States and the Community to acknowledge the shortcomings of the existing approach to food safety issues’ (Chalmers 2000: 543). In a similar vein, Majone (2000) conceptualizes the BSE crisis as a ‘credibility’ crisis, referring both to the status of scientific expertise and to EU institutional arrangements in a broader sense. He contends that in the BSE crisis the ‘decentralized system of rule-making [...] proved to be inadequate’ and that the crisis made apparent the ‘serious shortcomings in the overall co-ordination of European policies on agriculture, the internal market and human health’ (Majone 2000).

In addition, the hegemonic policy discourse of the single market and the free movement of goods were called into question when it came to symbolize the spread of a fatal disease and agricultural practices that, as some commentators have suggested, had turned ‘herbivores into

carnivores and carnivores into cannibals’ (cf. Roslyng 2005; Chalmers 2000). Rather than an economic necessity, the internal market principle and industrial agriculture came to represent uncertainty, lack of protection, and disease. In such a way, the food scares of the past decade linked issues of trade and competitiveness on the one hand, and issues of safety, public health, and consumer protection on the other – a linkage that had been nearly impossible in the earlier, pre-BSE and pre-dioxin-scandal discursive food safety regime. Tim Lang (1998: 76) further remarks that the re-emergence of food safety as a political issue called into question ‘the main liberalizing thrust of food policy in Europe for the last 20 years’ (Lang 1998: 76) – as he puts it, just at the moment when human beings no longer needed a passport to cross borders, cows now actually had to have one (ibid.).¹⁴ Arguably, this could have contributed to a rethinking and growing awareness of food and its role in the specific context of Western Europe, eventually manifesting itself in the creation of the European Food Safety Authority (EFSA) (see below).

5. Reconnecting food safety, public health, and consumer protection in the EU

The established policy practices, which – as noted above - relied on technocratic committees, nationally-based regulation, and the securing of the free market, were no longer considered adequate, as ‘[s]ince the beginning of the European Community, no debate [had] affected the daily life of individuals as much as this one [about BSE]’ (EP 2007). Hence the Commission found itself in a situation of institutional ambiguity and embarked on a critical self-evaluation of its consumer protection policy, which up until then was limited to the Consumer Policy Service (CPS) created in 1989. In an attempt to regain a sense of legitimacy, the European Commission drew on institutionalized practices and hence issued the *Communication on Consumer Health and Safety* (COMM 1997), which prepared the path for the publication of the *Green Paper on the Principles of Food Law in the EU* (COMM (97)176 final; see Vos 2000: 233-4). As the publication of reports and communications are core features of the institutionalized, technocratic policy regime on the level of the EU, these acts can be understood as efforts to reinstitute power, stability, and authority. At the same time, both the Communication and the Green Paper clearly indicate a shift towards incorporating aspects of public health, as well as questions regarding transparency of the production, and the usage of scientific expertise into the policy area of food safety. Considering that the EU had no competencies over public health questions at the time, this arguably constituted a

¹⁴ Clearly, Lang refers to citizens within the EU Schengen Agreement.

considerable shift in policy discourse and indicates a change in the meaning of ‘safe food’: It introduced a public health aspect to the notion of safety.

Following recommendations of Commissioner David Byrne, DG XXIV was transformed into DG SANCO (*Santé et Protection Consommateurs*, DG SANCO; Consumer and Health Protection). Furthermore, all committees concerned with consumer issues were transferred to the latter DG in order to remove scientific experts from what was understood to be ‘the pressures of industry’. Regarding the EC ‘comitology system’, which had been criticized not only for its ineffectiveness, but also for the lack of transparency of the scientific committees, the Scientific Committee for Food (SCF) and the Scientific Veterinary Committee (SVC) were repositioned under DG Industry (DGIII) and DG Agriculture (DGVI), respectively. A respondent recounts the shifting around of these committees as follows:

What we heard from some of the scientists was that they were very angry at being put to SANCO because suddenly *it seemed all political to them*. To talk of consumer interests was political. They were not experts in consumer concerns; they were experts in their particular field. So I think the move to EFSA is to be welcomed very much (Interview 11).

In addition to a public health perspective, the *Green Paper* laid out three principles that were later to be incorporated into the *White Paper on Food Safety* (COMM 1999/2000) and the *General Food Law* (2002): the separation of the responsibility for legislation and for scientific advice, the separation of legislation from inspection and enforcement, as well as greater transparency and information with respect to the functioning of institutions. Correspondingly, the Commission announced that its food safety-related work would from then on be based on scientific advice, risk analysis, and control, while particularly the scientific committees were to work according to the principles of ‘excellence, independence, and transparency of activities’, and ‘putting the consumer first’ (see also COMM 2001b; COMM 2002a; 2002b). Here, it is interesting to note elements of continuity and change: First, scientific experts regained their authority by drawing on previously institutionalized practices such as writing reports, Green Papers, and White Papers. At the same time, however, the injection of the ‘consumer perspective’, pushed for from institutional ‘outsiders’ (such as some members of the European Parliament), blurred the constructed boundaries around what it means to be a ‘scientific expert’. Finally, the Commission also announced that aspects of plant and animal health were to be *legitimate concerns* within their approach to food safety. This illustrates well how the meaning of food safety gradually expanded as a result of the discursive opening produced by the BSE crisis: Food safety was no longer

considered a quality of a given product exclusively, but rather, food safety came to be seen as a *process*, too. This indicates a shift away from a purely economic and technical understanding of food *safety*, and a shift towards a broader understanding of food *quality*.

In 1999, the Commission asked three leading European scientists to evaluate ‘whether an independent agency type structure could lead to further improvements in scientific advice at the EC level’ (James, Kemper, and Pascal 1999: Appendix I; cf. Buonanno et al. 2001). The authors of the report were additionally concerned with the loss of consumer confidence in the context of the European regulatory structure, and proposed a European Food and Public Health Authority - an agency to be modeled after the U.S. Centers for Disease Control (CDC) and the US Food and Drug Administration (FDA). They insisted that this authority would break new ground, as it would represent the first instance where the control function over a social policy would be removed from the European Commission as well as Member States. According to the authors, the Commission’s organization at the time (as the structure that pre-dated the BSE crisis) had artificially compartmentalized risk factors to human health, thereby retaining the animal/human boundary when it came to particular diseases. Conversely, the authors defended a science-based notion of interconnectedness among animals, the environment, and humans, and a regulatory body that would mirror the ‘interconnectedness’ between the areas of science and policy, as the UK was to install in the form of the Food Standards Agency (FSA). In addition, the report emphasized the importance of including environmental and public health concerns within their proposed authority as ‘public health issues are in health terms a greater burden on society than the effects of poor food safety which has dominated thinking so far’ (supra note 14, 6). Again, this suggests a changing, and more ‘holistic’ notion of food safety.

Three months later, in early 2000, the European Commission published the White Paper on Food Safety (COMM 1999/2000), an important step towards a new food safety governance regime. Yet, it did not follow some of the most important recommendations of the advisory report discusses above, and instead called for a strict separation of tasks and the creation of a new institution based on ‘excellence, integrity, and openness’ (Byrne 2002). The White Paper (COMM 1999/2000: 5) emphasized the need for ‘the creation of an independent source of advice on food safety issues in order to [...] contribute to a high level of consumer health protection in the area of food safety, through which consumer confidence can be restored and maintained’. In contrast to the US FDA, the EFSA was not invested with any regulatory power; not least because of the resistance of EU member states to concede their ‘risk

management' powers to the EU level. One could argue here that officials on the level of members states, and their self-understanding as responsible risk regulators, as well as the EU-level scientists, functioned as 'gatekeepers' of the previously existing discursive regime that was based on national regulation, technical expertise, and the principle of the free movement of food stuffs within the internal market.

Nevertheless, by drawing on ideas from the Commission *Green Paper* on Food Law (COMM (97)176 final), the White Paper (COMM 1999/2000) called for the EU to take on a 'farm to table' approach to food safety regulation. While the primary responsibility to ensure safe food was to remain with the industry, producers and suppliers, the pivotal element of the document consisted of the proposal to establish the European Food Safety Authority (EFSA). The creation of this new institution in a situation of institutional ambiguity was felt necessary 'to protect public health and to restore consumer confidence [...] [focusing on] the public interest' (COMM 1999/2000: 14), and to overcome the 'competitiveness' between national research centers (Byrne 2002). Here it becomes evident again that the BSE crisis brought about a strengthened link between food safety and public health concerns, as well as consumer protection – a link most clearly institutionalized in the aforementioned establishment of the DG SANCO which combines these three previously disconnected policy domains. It has become clear now that the series of papers, communications, and finally the *General Food Law* (2002) represent remarkable developments and moments of reorientation in light of the institutional ambiguity produced by the events related to BSE.¹⁵ The next section is concerned with the key discursive categories that have been mobilized in the development of a transnational, EU-based food safety approach, or: the negotiation of a 'shared food safety language'.

6. The Food Chain as a discursive category

While the idea of a 'food chain' originally stems from biology, its usage in a political sense can be traced back to two distinct sources (Jackson et al. 2006). First, in Wallerstein's work on world systems theory, a commodity chain is understood as 'a network of labour and production processes whose end result is a finished commodity' (Wallerstein 1974; Hopkins and Wallerstein 1986: 159, cited in Jackson et al. 2006). The second source is the 'new political economy' literature on food and agriculture, such as Friedland's work on the

¹⁵ The aim of the *General Food Law* Regulation (2002) is to provide a framework to ensure a coherent approach in the development of food legislation. At the same time, it provides the general framework for those areas not covered by specific harmonised rules but where the functioning of the Internal Market is ensured by mutual recognition.

sociology of agriculture. His analysis of technological change in agriculture led him to expand his perspective beyond the farm, taking into account corporate power and agricultural production systems. On that basis, Friedland developed the concept of the ‘food commodity chain’ (Jackson et al. 2006).¹⁶

In the context of a series of food scares, such as the discovery of BSE and the dioxins affair, the discursive category of the food chain in its politicized version has experienced a revival. The aforementioned Green Paper first introduced the category of ‘chains of consequences’, which was restated later in the Commission’s White Paper on Food Safety (COMM 1999/2000) mentioned earlier. The policy phrase ‘from farm to fork’, or ‘stable to table’, emerged in the aftermath of BSE in the UK and the EU setting – although it is impossible to trace precisely where and in which setting it was first articulated.¹⁷

Similarly, the EU White Paper on Food safety talks about ‘chains of consequences’, whereby a sense of interconnectivity and a systemic character are introduced. Put differently, the idea of a chain has brought to the fore a sense of collective responsibility that has facilitated the development of shared understandings regarding food safety.¹⁸ Notably, this terminology is used by nearly all involved actors, which indicates the discursive ‘bridging effect’ of the category of the food chain – the Commission, EFSA, NGOs, industry and farming representatives, retailers, and consumer advocates. Precisely the fact that the chain metaphor forms part of this shared policy language makes it powerful in constructing food safety not only as a transnational issue, but also as a shared objective between seemingly disparate groups of actors and across diverse discursive premises.

The idea of ‘talking to the chain’, as officials have referred to it, has since become an intrinsic element in the ‘farm to fork’ food safety policy discourse in various European contexts and appears to be central to the self-understanding of both policy-makers and non-governmental bodies. Particularly concerning the latter groups, the notion of the chain has created not only a sense of interdependence but has also served as a discursive source of empowerment. The notion of the food chain bears a crucial role in enabling so-called civil society to partake in the policy process in novel ways, both in formal mechanisms at EU institutions and more informal modes of cooperation, such as in alliances among NGOs. For

¹⁶ See Jackson et al. (2006) for an analysis of the mobilization of the notion of the food commodity chain, in a different policy context.

¹⁷ In the EU context, according to a number of interviewees, the motto is currently being reformulated, perhaps still in informal policy circles, in order to ‘put the consumer first’: fork-to-farm, rather than farm-to-fork.

¹⁸ See Paul (2007) for a discussion of a similar development in the German context.

instance, the European consumer advocacy group (BEUC) and the European Public Health Alliance (EPHA) collaborate in the context of the EP parliamentary Health and Consumer Intergroup, and environmental NGOs, consumer and health advocates have formed alliances vis-à-vis the EFSA on particular issues such as GMOs.

Moreover, the re-emergence of the concept of the food chain in its political meaning has facilitated new alliances and private initiatives across institutional and national boundaries. As a Commission official recounts (Interview 4): '[T]he fact that the entire food chain is taken into account now leads to different parts of the chain co-operating more with one another, and also creating some alliance between farmers, industry and retailers – which necessarily are transnational' (see also Interview 5; 9).¹⁹ A retailer representative describes this sense of collectiveness well:

10 years ago [in times of a food scare] we would have said that's not our fault, it's their fault. Now we say: well, you can say that, but it's not going to help anything because maybe the next day it'll be our fault and not their fault (Interview 9).

*So because we became a concept, we kind of accepted it very positively and said first it's important for us to clearly discuss amongst ourselves, know our differences, and now I would say, come to a mutual respect of our differences instead of using them against one another, which was the case before, let's be honest. The finger pointing... We are each responsible for our section of the production. But we are also responsible for getting something that is safe from the previous operator. So we all count on one another [...]. We want to show that we're united and are working together, which is true; showing that *we have understood that we are a concept* that is for the better (Interview 9; emphasis added).*

Similarly, the term *stakeholder* has reinforced this new understanding and has contributed to a strengthening of the transnational food safety regime, especially when considering the fact that only EU-based umbrella organizations, with an office in Brussels, have access to dialogue with the EU institutions. Although practices vary in this respect, most organizations communicate regularly with their national counterparts, in a way that could lead to the formulation of a common position and a shared understanding of a particular problem. The next section demonstrates the significance of the discursive category of 'the stakeholder' and

¹⁹ A noteworthy example would be the European Technology Platform (ETP): Food for Life. Among the participants are researchers, policy-makers, consumer groups, CIAA (the food and drink industry), CELCAA (the European Liaison Committee for the Agricultural and Agri-Food Trade), Eurocommerce (the European Retailers' Association), COPA-COGECA (the EU umbrella organization for farmers' associations), FEFAC (the feed industry representation), EUROCOOP (the consumer co-operatives' umbrella organization), and BEUC (the EU umbrella organization for consumer groups).

illustrates how this discourse of *stakeholder*ness is enacted in particular organizational practices.

7. Stakeholderness and organizational practices

Interviews conducted for this study indicate the importance of the notion of *stakeholder*ness in the EU context: all organizations interviewed refer to themselves as part of the food chain, which additionally points to an opening up of the idea of the ‘public interest’. Whereas the European Commission has a long-standing tradition of (primarily written) consultations, the EFSA has recently taken up similar, and arguably more innovative, practices. At the Commission, it has been recognized that ‘[p]olicy-making requires the participation of all stakeholders [and] this is why the Commission wants consumer groups and individual consumers to help us to further develop EU consumer policy and to improve all European policies that concern consumers and citizens’ (COMM 2007). As far as the EFSA is concerned, the institutional ambiguity and uncertainty in the aftermath of BSE produced a range of interactive practices, as, initially, there was no clear ‘audience’.

What the EFSA constructs as ‘the public’, or their ‘target audience’ is reflected and reproduced in the category of ‘stakeholders’ (EFSA 2000a): In general, the term ‘stakeholder’ is seen to describe ‘an individual or group that is concerned or stands to be affected – directly or indirectly - by EFSA’s work in scientific risk assessment’ (ibid.). First, the term *institutional stakeholders* refer to those with whom the Authority has a *legal* obligation to work under Community rules, such as the European Commission, the European Parliament and the Member States (see also COMM 2001b). This relationship is reflected in the EFSA Advisory Forum, which is made up member state representatives in charge of food safety, and the EFSA Management Board, as well as through formalized collaboration such as Article 36 of Regulation 178/2002 setting up the EFSA, which calls for the establishment of a member-state based scientific network, and through regular relations with regulators and Commission officials (EFSA 2007).

The second category consists of ‘Civil Society Stakeholders’. These are understood to be consumer groups, non-governmental organizations (NGOs), market actors such as farmers, food manufacturers, distributors or processors, as well as scientists. The task of consolidating a relationship with Civil Society Stakeholders is grounded in the EFSA’s founding regulation (Article 42, Recitals 56). The Regulation (GFL 2002) states that the EFSA must have

‘effective contacts with consumer representatives, producer representatives, processors and any other interested parties’. In addition, the EFSA also works with environmental and animal welfare NGOs and organizes a twice-yearly Stakeholder Consultative Platform and the EFSA Annual Colloquium. The purpose of the Consultative Platform is to assist the ‘EFSA with the development of its overall relations and policy with regard to stakeholder involvement with tasks and mission by providing a forum for regular dialogue and exchanges’ (EFSA 2005b: 3). Established in 2005, the Platform is composed of EU-wide stakeholder organizations working in areas ‘related to the food chain’ (EFSA 2007; Koeter 2005); notably, out of 25 members, only seven of them were NGOs at the time, and a large part of the remaining parties belonged to the food industry. While consensus is generally sought, divergent opinions are clearly given a place in this forum, and are recorded in the minutes, according to interview respondents who have been members of the Platform. It would go beyond the scope of this paper to assess the nature of these venues as either more symbolic or having an actual impact on policy content. Nevertheless, it could be argued that in such forums, some discourses may become de-radicalized, and some groups become co-opted. It is important to point out, however, that these deliberating bodies are still characterized by improvisation and experiments and are not as institutionalized as, for instance, the pre-BSE committees within the European Commission had been. In addition, alliances between some of the members have emphasized that ‘[their] participation to the Stakeholders Platform should not be interpreted as an acceptance of the methods and procedures applied by the GMO panel, or as legitimising [sic] EFSA’s opinions’ (Alliance 2005: 1). This may be seen to indicate a degree of agency within the ‘rules of the game’.

Risk communication, a task officially shared between the Commission and the EFSA, is also practiced across institutional and national boundaries. It is ‘not a one-way process’, as the EFSA emphasizes. First, the EFSA – or rather, its Communications Working Groups, emphasizes collaboration not only with stakeholders such as consumer groups, but also with national food safety authorities in instances of crisis or food scares. Similarly, before an EFSA opinion is released, national risk communication authorities are consulted 24 hours in advance in order to secure coherent communication on a given ‘risk’ associated with food (such as with BSE in goats) (Interview 6, 7; EFSA 2005b). The EFSA additionally initiates training on risk communication and workshops with national authorities. Moreover, it is interesting to note that, in order to formulate and establish a new institutional identity, the EFSA has experimented with scenario exercises in which crises are simulated in order to improve risk communication skills. Here, participants take on different ‘roles’, such as the

media, or the industry, and consumers, and improvise reactions that could be expected from such parties. Such practices expose the dynamic nature of institution-building, and indicate the blurring of boundaries between what it means to be a policy-maker, an expert, and a consumer.

In addition to formalized activities that require membership, the EFSA also promotes relations with the general public and those ‘who feel they can contribute to the Authority’s work’ (EFSA 2007a). This takes place through public consultations on specific scientific subjects and data collection activities to which any interested member of the public can submit relevant data and information, and through public events such as Open Days. In this way, the policy-making process can be seen as a much more fluid process than it would be portrayed in more conventional policy-analytical accounts, where the policy-making process is often conceptualized as a three-stage process consisting of (rational) problem identification and agenda-setting, decision-making, and implementation. Moreover, the range of practices reflect new possibilities of agency among civil society actors and new ways of engaging in the policy-making process as a result of the opening up of the discursive space following the experience of dislocation and institutional ambiguity. By framing the puzzle that this paper is concerned with in terms of the latter two concepts, it came to show the significance of the discursive categories of the food chain and that of the ‘stakeholder’ in the development of an EU-based food safety approach. The third central discursive category that forms part of the shared EU food safety language is constituted by the notion of ‘the consumer’, which will be discussed in the section below.

8. The category of the consumer

It is highly noticeable that the consumer category has come to form an intrinsic part of EU food safety policy, but also of the Commission’s work program more generally, as calls for ‘mainstreaming consumer policy’ have shown. It is important to note, however, that despite early calls by the European Parliament for a specific consumer policy there was no sustained interest in the consumer within the EU context until the mid-1980s (Burgess 2001: 97). This could perhaps be explained by the fact that the EU internal market was traditionally concerned with breaking down trade barriers, rather than protecting the consumer. Once consumer rights were taken up by the EU, however, the issue quickly gained momentum. In 1989, a separate Consumer Policy Service was established and its legal competence was extended through the Maastricht Treaty in 1991. A considerable number of initiatives

followed, each establishing consumer protection as a more central tenet of European policy making (Burgess 2001: 97ff). In the aftermath of BSE, the European Commission created the European Consumer Consultative Group (ECCG)²⁰, which forms part of DG SANCO and replaced the Consumer Committee as the Commission's main forum for engaging with consumer organizations.²¹

In addition, a series of roundtable discussions took place in 2001 and 2002, chaired by the DG SANCO Commissioner, on topics of food safety and agriculture. It is interesting to note that the Commission additionally organized a series of internet chats on the topic of 'food quality': David Byrne, Commissioner for Health and Consumer Protection at the time, and Franz Fischler, then Commissioner for Agriculture, Rural Development and Fisheries, held an internet chat on Food Quality in Europe, where participants had the opportunity to ask questions in all official languages of the EU. These details not only indicate an effort to reach across institutional and national boundaries – in addition, the contents of these chats indicate a considerable broadening of the debate, with much room for normative elements, such as animal welfare and the possible effects of the release of GMOs (COMM 2001a).

The current work program of the Directorate-General for Consumer and Health Protection (SANCO) further indicates that the consumer category has been firmly incorporated into the policy discourse under consideration here, as well as in the area of public health, where the EU has very limited powers. Today, the Commission's aim is 'to improve EU citizens' quality of life with respect to health and consumer issues, [...] [and] to increase the Unions competitiveness' (Byrne 2003). Whereas health and consumer issues had previously been dealt with in separate programs, the Commission now steers towards a joint approach for health and consumer protection because 'these policy areas share similar objectives and types of activities': to protect citizens from risks and threats that are 'beyond the control of individuals (e.g. health threats which affect the *society as a whole* [...]); to increase the ability of citizens to take better *decisions* about their health and consumer *interests*; and finally, to mainstream health and consumer policy objectives' (COMM 2006).

²⁰ In accordance with the Commission's decision Decision (2003/709/EC)

²¹ The ECCG constitutes a 'forum of general discussions on problems relating to consumer interests, gives an opinion on Community matters affecting the protection of consumer interests, advises and guides the Commission when it outlines policies and activities having an effect on consumers, informs the Commission of developments in consumer policy in the Member States, and acts as a source of information and soundboard on Community action for the other national organisations' (DG SANCO 2007).

Two things stand out here: First, the idea that food safety risks can affect ‘society as a whole’ connotes a sense of collectiveness, and a move away from a purely individualist notion of risk. Second, a key notion as far as the category of the consumer is concerned, is that of *choice*. By constructing consumer choice as a universal (European) right (‘we are all consumers’), a common language is constructed. The notion of choice also resonates in the more prominent consumer organizations, as well as in the increasing emphasis on recognizing the diversity among consumers (Interview 1). At the same time, the Commission emphasizes that it does not seek to ‘micromanage’ European citizens (COMM 2004) but, rather, to permit ‘fully-informed choice’. The EFSA, on the other hand, goes much further in constructing a ‘European body’, in stating that ‘ensuring that the food we eat is safe contributes to a healthier, better-protected European’ (EFSA 2007).

As mentioned above, recently, the slogan ‘from farm to fork’ has been modified into ‘from fork to farm’ in EU policy circles, which may be seen to indicate an even stronger integration of the consumer category as a discursive resource. For the European institutions, the consumer constitutes their ‘target audience’. This is not least reflected in the amount and the nature of trust- and risk perception-related surveys on that level, where policy-makers measure their own track record, for instance, by interviewing ‘stakeholders’ (EFSA 2004a; 2004b). Similarly, the industry took up the consumer as a central notion, which seems to function as a discursive foundation for cooperation: consumer confidence, trade, and food safety: ‘How can the food and drink industry solve this crisis? The integrated approach of the food chain ‘from the stable to the table’, implies that each link of the chain has an interest for consumers’ (EP 1996). In that way, a sense of collective responsibility is discursively introduced into the logic of the free internal market.

Another indication for the prominence of consumer advocacy in relation to food, or even the mainstreaming of consumer issues with respect to EU policy, is the fact that lobby groups working on seemingly different areas – or from different discursive premises - now frequently have food working groups, or consumer working groups, or a combination thereof. Moreover, consumer advocacy also takes place outside formal consultation processes: For instance, BEUC (*Bureau Européen des Unions des Consommateurs*), the European umbrella organization of consumer groups, organized a consensus workshop in 2003, that is, a gathering of diverse organizations and actors with the aim to share knowledge, develop understanding, and to find common ground regarding particular issues. In this context, food safety and nutrition being two of the three areas discussed (BEUC 2003). The participants

included scientists, food and consumer experts, those involved in larger research projects, and a range of ‘stakeholders’ from the EU context. The aim of the event, according to the organizers, was to find ‘a common language – a means of communicating and understanding’. Furthermore, the nature of the workshop challenged scientists to speak to ‘ordinary citizens’, while at the same time it facilitated the inclusion of so-called ‘non-scientific’ issues in the discussion (BEUC 2003: 5-33). As regards the European Commission, consumer policy and ‘consumer empowerment’ are now ‘core components of the Commission strategy objective of improving the *quality of life of all EU citizens*’ (COMM 2007; emphasis added).

9. Change and Continuity

The above analysis indicates the importance of the notion of the consumer in providing coherence to the EU food safety policy. The construction of a consumer right (to safe food) and the recognition of the nature of risks as not only individual but also as ‘affecting the whole society’ have facilitated the growth of a transnational policy discourse. It is important to note, however, that this consumer discourse is not necessarily a ‘new’ development. Above, the events related to BSE were conceptualized as moments of dislocation, understood as situations marked by uncertainty and institutional ambiguity, but also implying a productive element. In the process of re-negotiating meanings and identities related to food safety policy, old and new discourses became available, among them the discourse of the internal market. Contemporary policy discourse in this area, for instance, presents EU-level consumer policy as a necessary adjunct to the internal market. ‘If the market functions well, it will stimulate consumer confidence in cross-border transactions and have a positive impact on competition and prices for the benefit of all EU citizens’ (COMM 2006; 2007).

While the institutionalized discourse of the free movement of foodstuffs – within the internal market discourses - became shattered, a dislocation will always bring about change *and* continuity: the consumer discourse - in the shape it has today - grew out of and beyond the pre-BSE internal market discourse. Moreover, while the internal market discourse remained prominent in EU policy-making throughout at a more general level, its composition – that is, the embedded discourses – have shifted.

In my interviews, several respondents (including officials, NGOs, and industry representatives) indicate a recent shift as far as food safety policy is concerned. EU food

safety policy has increasingly been moving towards questions relating to nutrition, health, and ‘food quality’. The case of nutrition serves as a useful example for an instance where different discursive fragments inform policy change *and* continuity. First, the *White Paper on Strategy for Europe on Nutrition, Overweight and Obesity* combines a public health discourse with a consumer discourse, whereas we can find considerable traces of ‘older’ economic discourses that point to, for instance, health as a factor in economic competitiveness, and obesity as a cost factor in public health care. Second, as far as nutrition and its link to consumer rights are concerned, the debate centers around marketing and advertising to children, and issues such as the potential health effects of foodstuffs high in sugar, salt, and fat. In this way, again, discourses of public health and consumer rights are combined with an internal market discourse. Notably, the area of nutrition – for which the EFSA has no remit – has proved to be more sensitive than that of food safety in the technical sense. As far as the latter is concerned, ‘safety’ has successfully been constructed as a more or less universal notion, and most of food safety legislation has now been adopted and the EU *General Food Law* is being implemented by member states. Yet, in some ‘sub-discourses’, Europeanization remains contested, such as concerning nutrition. This shift towards including nutrition and public health in the EU food safety policy discourse has also become apparent in the context of the EFSA stakeholder platform. Already at their first meeting in 2005, several groups underlined the restricted role of the EFSA in the area of nutrition and indicated that the EFSA should claim a more prominent role in the area of nutrition, and especially nutritional profiles, which constitute a set of hotly debated issues relating to EU health claims regulation (EFSA 2005a).²² A Commission official, on the other hand, explains that ‘the goal is not to harmonize food safety [...] [because] nutrition has a lot more to do with the mentality of the consumer and the culture of the different member states’ (Interview 5). Feta cheese, Czech desserts, and Parma ham would be cases in point. In addition, it is interesting to note that there are instances where products are classified as foodstuffs in some member states, but as a medicinal product in others: the infamous *Noni Juice*, for example, provoked a debate of this kind between those member states that proposed a classification as a medicinal product, while others successfully insisted on classifying *Noni juice* as a novel food. In such cases, a

²² In the EU Health Claims regulation, all foods carrying a health claim were to conform to a particular ‘nutritional profile’, preventing products with a high sugar, salt or fat content from carrying a claim. The new rules, set in place in early 2007, redefine what constitutes legitimate nutrition and health claims, and they pose a challenge to the legitimacy of many common nutrition claims such as ‘low fat’ and ‘sugar free’ (European Commission Regulation no. 1924/2006 of December 20, 2006, the so-called Health Claims Regulation’).

respondent (Interview 4) contends, member states use the ‘science to hide behind politics’, hence depoliticizing what is presented by some as cultural differences.²³

10. Concluding remarks and reflections

This paper sought to present and explain the development of a transnational (EU-level) food safety policy approach, beginning from the observation that food scares have been taken up in remarkably different ways in member states. Food safety, this study suggests, still bears contextually contingent meanings, and as a consequence, it was argued, a mere ‘recognition’ of the transnational nature of BSE as a problem is an insufficient explanation for the swift evolution of an EU-based food safety policy. Instead, this paper conceptualized the events surrounding the set of food scares discussed here as instances of *dislocation* (Laclau 1990): events that could not be understood within the hegemonic food safety policy discourse existing at the time, hence disrupting and shattering the sedimented institutional practices and related identities in this policy field.

The paper had a two-fold focus. First, the paper was concerned with the discursive shattering of a set of key policy principles: the nationally-based nature of the regulatory regime; the expert-based character of food safety policy at the time; and the challenge to the previously hegemonic principle of securing the free movement of foodstuffs within the EU. Second, in section six, seven, and eight, the paper set out to identify the central categories that make EU food safety policy discourse seem coherent and ‘naturally given’, and that form the basis for the shared ‘food safety language’ on the institutional level of the EU.

After an introduction of the problem under consideration here in section two, section three laid out a discourse-theoretical framework in order to direct attention to the centrality of interpretation, perception, and meaning in the policy process, particularly in moments of *dislocation* (Laclau 1990) and *institutional ambiguity* (Hajer 2003). Informed by these concepts, the institutional rearrangements were then revisited, in order to identify the key moments where discursive shifts occurred, such as in the *Green Paper* and *White paper on Food Safety in the European Union*, in 1999 and 2000 respectively. By means of detailed document analysis and in-depth interviews a set of key discursive categories were distilled from the material to account for the successful mobilization of EU food safety discourse

²³ Noni Juice is produced from plants that are mainly grown in Tahiti, and is said to have certain healing qualities.

following the discursive disruption of the nationally based and expert-centered, character of the food safety regime which had historically been shaped by the pervasive discourse of the internal market and the free movement of foodstuffs. The analysis suggests that the shared language that makes EU food safety policy discourse coherent and ‘sticky’ today relies on the notion of the food chain, the idea of ‘stakeholderiness’, and the discursive category of the consumer. Moreover, the paper highlighted elements of change *and* continuity, in particular the idea that both the consumer discourse and the more recent shifts towards a different notion of food *quality* (rather than merely *safety*) draws heavily on the pre-existing internal market discourse. In other words, one cannot speak of *pure change*, or *pure continuity*.

The discourse-analytical methodology employed here facilitated a theoretically informed analysis that focuses on the ‘who, how, and where’ questions in the context of contemporary food safety policy in the EU. In addition, the approach taken here exposed how policy-makers draw on previously institutionalized practices, such as the commissioning of reports and evaluations and the issuing of Green and White Papers in their attempt to protect their regime of working and their institutionalized self-understandings. The in-depth interviews conducted for the purpose of this study were particularly resourceful in observing organizational culture both as regards established institutions such as the European Commission and the relatively recent institution of the EFSA. Regarding the former, the sense of being over-interviewed impeded access to potential respondents of the pre-BSE regime. As far as actually available respondents are concerned, the organizational culture affected the procedural aspects of interviews – such as cancellations at short notice, unannounced delays, and the insistence on conducting interviews in official settings. In addition, the settings and organizational practices certainly affected what could be said, and the types of questions that could be asked. Equally interesting to note are the frequent declarations of not giving an ‘opinion, just information’ or in other cases, the respondents asked not to be quoted on a specific issue (while they had agreed to the interview being recorded), although the ‘information’ they were giving would have been accessible otherwise, too. These issues point to the reproduction of the ‘apolitical’ organizational culture at the European Commission, and at the same time a sense of superior influence in the EU context. While the Commission could preserve some of its organizational authority, the EFSA constitutes a recently established, more dynamic and, as it appears, more accessible institution whereby improvisation and interactive practices help to form the routines, identities, and self-understandings of officials.

Yet, the existing state of research leaves many questions unanswered, for instance regarding the more recent reform of the Common Agricultural Policy and its relation to the food scares of the past decade deserve attention, which, given the format of this paper, has not been granted here. In addition, future research may also include an analysis of meaning-making in concrete settings, such as the Open Board Meetings and other participatory practices mentioned above (cf. Laws and Hajer 2003). Finally, the brief account of recent shifts in food safety policy discourse suggests interesting avenues for future research, not least in comparison to efforts for Europeanization in other policy areas.

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APPENDIX: List of interviews [full transcripts available unless indicated otherwise]

1. BEUC (Bureau Européen des Union Consommateurs), umbrella organisation for European consumer groups). Interview November 2005, Brussels. Position: Food Policy Advisor.
2. BfR (Bundesinstitut für Risikoforschung, German Federal Risk Assessment Institute) Interview August 2006, Berlin. Position: scientist, member of an EFSA scientific committee.
3. CIAA (Confederation of the Food and Drink Industries in Europe) Interview November 2005, Brussels. Partial transcription/ notes available. Position: Scientific and Regulatory Affairs.
4. European Commission, DG SANCO (DG Health and Consumer Affairs) Interview October 2005, Brussels. Policy Officer.
5. European Commission, DG SANCO (DG Health and Consumer Affairs), Interview November 2005, Brussels. Policy Officer.
6. EFSA (European Food Safety Authority; International Relations), Interview October 2005, Brussels. Partial transcription/notes available. Position: External Relations Department.
7. EFSA (European Food Safety Authority; Communications), October 2005, Brussels. Partial transcription/notes available. Position: Communications Department.
8. EPHA (European Public Health Alliance; umbrella group for European health advocacy groups). Interview October 2005, Brussels. Food policy advisor.
9. EUROCOMMERCE (represents the retail, wholesale and international trade sectors in Europe), Interview December 2006, Brussels.
10. EUROCOOP (European community of consumer cooperatives., Interview August 2006, Brussels. Senior Policy Advisor.
11. European Commission (DG Research). Interview September 2006, Brussels. Position: Biotechnology Unit.
13. COPA - COGECA (General Confederation of Agricultural Co-operatives in the European Union; General Confederation of Agricultural Co-operatives in the European Union) General Affairs Policy Advisor. Senior Policy Advisor.
14. European Commission, DG SANCO, Interview November 2006, Brussels. Position: Novel Foods Unit.
15. EFSA (European Food Safety Authority; Secretariat Advisory Forum), Interview October 2005, The Hague. Partial transcription/notes available. Position: Secretariat Advisory Forum.