

CHAPTER FIVE: 'Nature' in crisis. Food (safety) policy in Germany

5.1 Introduction

When the first German-born cow was diagnosed with BSE in November 2000, the food (safety) agenda in Germany was rapidly reframed in environmentalist terms, whereby prominent politicians announced an *Agrarwende* and an end to 'agriculture as we know it' and to 'sausage factories' (Künast 2001a; *Der Spiegel* 2001a, 2001b). The term *Agrarwende* itself appears in 176 articles of the weekly newspaper *Die Zeit* in the year of 2001 (Gerlach et al 2005: 6), and while the term was hardly present prior to the discovery of BSE in German herds, a representative study suggests that 54% of the population became familiar with it that year (Feindt and Ratschow 2003: ff). How can we explain the emergence of the *Agrarwende* policy discourse and its specific ability to integrate discourses of environmental sustainability consumer protection, policy areas that were previously disconnected? Rather than framing the *Agrarwende* in terms of a 'window of opportunity' for the German Green Party (see, for example, Feindt and Ratschow 2003), this chapter explores the dislocation of the post-WWII discourse and how, as a result, food (safety) became imbued with a range of new, often conflicting, meanings. In doing so, this chapter reveals that, while policies do change, there may be remarkable continuity in the discursive foundations on which they rest.

The chapter proceeds as follows. After a brief introduction, section 2 situates this case in its socio-historical context in order to highlight the contingent conditions underlying the understanding of and the reactions to the range of food (safety) issues over the past decade in Germany. Four hegemonic discursive notions structured food (safety) policy discourse before the advent of the series of food scares in the 1990s: the notion of food (safety) as a public health matter; the notion that agriculture provides social stability and welfare; the immediate post-WWII notion of the need for food autonomy; and the related construction of food (safety) as a national matter and BSE as an external problem.

Section 3 of this chapter examines the discovery of BSE in German domestic herds and the struggle to make sense of the related events. In particular, I address the key moments of (institutional) transformation when new discourses and meanings were invoked: the Hedda von Wedel report (named after the president of the *Bundesrechnungshof*, the Federal Auditing Court, at the time); the installment of the 'Consumers' Ministry'; and the related institutional rearrangements in the 'science/policy nexus'.

As in the previous chapter on the English case, section 4 is devoted to the analysis of the five empirically derived discourses that have informed the meaning of food (safety) in

Germany, their composition and interlinkages, and the discursive clusters that they produce and where they are performed: the discourse of ‘good governance’; the discourse of environmental sustainability; the market efficiency discourse; the discourse of consumer protection; and the discourse of public health. These empirical discourses and the notions that give meaning to them are summarized in table 5.1. The final section of the present chapter sums up the findings on the German case and draws conclusions.

5.2 A history of food (safety) policy in Germany

5.2.1 Food (safety) since the nineteenth century

An awareness of fraud and food adulteration problems in Central Europe can be traced back to the early Middle Ages, when, for instance, chalk and cast were mixed into bread. In the nineteenth century, those problems were aggravated due to the improvement of chemical manipulation techniques and the lack of central administrative control. As Wolfgang Wippermann (2001) recounts, the authorities sought to counter those challenges by way of ‘scientization’ (i.e. the development of the new discipline ‘food chemistry’) and administrative centralization. With the onset of the Bismarck Empire, official food (safety) controls were first introduced in 1876 with the establishment of the *Kaiserliches Gesundheitsamt* (Imperial Health Office) in Berlin, which framed food (safety) in terms of human health, rather than merely food fraud or spoilage. Three years later, in 1879, a law regarding the trade in food and non-food products (*Verkehr mit Lebensmitteln, Genussmitteln und Gebrauchsgegenständen*) was passed, and numerous institutions were established across the *Reich*, including local ones in the federal states (*Länder*). By 1907, Prussia alone counted 147 institutes of this kind. In 1918, the regulatory infrastructure was transformed into the *Reichsgesundheitsamt* (1918-1945); later, in 1952, the *Bundesgesundheitsamt* (Federal Health Office, hereafter BGA) was founded (Wippermann 2001), which fostered an early institutional understanding of food (safety) as a public health matter.

Aside from the emergence of official food (safety) controls, the 19th century also witnessed the growth of a movement that called for more ‘natural’ farming methods. During that time period, Germany found itself in an intense phase of industrialization, whereby population growth and mobility were reaching unprecedented rates (Linse 1986: 14). In addition, environmental conditions were deteriorating and urbanization led to the destruction of landscape. Two movements were to emerge and shape the food (safety) policy discourse at the time: the so-called *Lebensreform* [life reform] movement and the anthroposophist movement led by Rudolf Steiner. The two movements shared an anti-industrialization

discourse critical of civilization at the time and deplored what they perceived to be a growing alienation from the environment through processes of ‘scientization’, rationalization, mechanization, environmental degradation, and poor nutrition habits (Krabbe 1974: 14, cited in Wiesbröck 2007: 5ff).

Industrialized agriculture became a target of critique, given the beginning intensification of farming that entailed the use of chemicals and changing technologies (Vogt 2000). The skepticism was primarily articulated in environmental terms: the two movements pointed to issues such as soil compaction, acidification (of soil), and soil exhaustion, next to growing pest contamination (Vogt 2000: 30-32). In addition, these movements raised concerns in regards to possible effects of chemical fertilizers on the taste and health value of food (Rathke and Kopp 2004: 34). Finally, the *Lebensreformer* and anthroposophist movements expressed concern with regard to the decline of small-scale farming (Vogt 2000: 32). As a consequence, Steiner’s anthroposophist movement developed the model of ‘bio-dynamic’ farming, which brought all of the aforementioned concerns together (cf. BMELV 2005).

These issues had been addressed already decades earlier by the *Natur- und Heimatschutzbewegung* (movement for the protection of nature and homeland), but by the 1920s these criticisms took on a new dynamic: Poor harvests despite the growing use of mineral fertilizers and unknown soil damage diminished the trust in further intensification (such as more use of fertilizers). Particularly the adherents of the *Lebensreform* movement mentioned above were inspired by Romanticism, a movement originating from the latter half of the 18th century. Although a diverse movement, which included literary, musical, and artistic elements, a common feature of Romanticism formed the opposition to increasing rationalization and the appeal to a ‘pure nature’, to which writers such as Johann Gottfried von Herder and Johann Gottlieb Fichte added nationalist ideas. Consequently, the *Lebensreform* and anthroposophist movements could draw on such discourses and produce a new kind of ‘agro-Romanticism’ that strengthened the socio-romantic connotation of farming and (organic) food production.

In the early 20th century, Germany witnessed the formation of a number of associations for *Naturschutz* (nature protection) and *Heimatschutz* (homeland protection) (Lekan 2004). By 1914, an organized environmental reform movement had emerged with members in every German state and province (ibid.). These organizations devoted themselves to the preservation of nature. Their practices included researching and cataloging Germany’s natural features, lobbying government agencies to formalize the protection of the *Heimat* landscape, and raising public awareness about the ‘beauty of nature’ and the need to care for

the ‘natural environment’, which included animals (Lekan 2004: 3). In the 1920s, these organizations began to involve themselves in regional landscape conservation, known as *Landschaftspflege*, which advocated future-oriented, environmentally sensitive planning and may be regarded as a forerunner of today’s sustainable development (Lekan 2004; D4-ENV).

Although the *Lebensreform* movement consisted of a variety of networks, groups, and actors from diverse political perspectives, their common denominator was a rejection of luxury and extravagant enjoyment (e.g. of food), and a striving for a more ‘natural’ way of life in harmony with nature (Christmann 1997: 47-48). Among their aims related to organic farming were a more responsible treatment of the natural environment, the production of healthy food, the sustenance of small-scale farming, regional farming structures, and socially responsible enterprise. The combination of discursive elements described here – health, the natural environment, social responsibility, and the notion of a more natural way of farming – would prove to be highly pertinent to the contemporary food (safety) policy discourse in Germany, as I shall demonstrate in section 4.

Parallel to this growing movement promoting organic farming and a ‘natural way of life’, the so-called ‘Iron Triangle’ shaped German food policy and farming in important ways. From the mid-18th century onwards, this coalition between farmers, policymakers, and the bureaucracy had grown (cf. Rehaag and Waskow 2004), and by the outbreak of WWI, agrarian interests had been firmly established in the policy infrastructure around food and agriculture, such as in the Farmers’ Association (*Bund der Landwirte*) founded in 1893, 15 years ahead of the establishment of the NFU in England.⁷⁹ This early institutionalization of agrarian interests implied that a discourse of productivity tended to dominate at the expense of wider public concerns, such as those related to the environment, the fight against food fraud, and other aspects related not only but also to food quality. Another reason for this marginalization of a potential ‘consumer movement’, Gisela Hendriks (1987, 1988) suggests, was the rise of the political organization of German farmers during the agricultural depression of the 1870s ‘as a reaction to the competition from foreign producers and to the social changes which were accelerated by the transition from a static agricultural society to a dynamic industrialized economy’ (1987: 39). In addition, the legacy of the feudal epoch, its landed *Junkers*, and the ‘agrosocial philosophy’ (Hendriks 1987: 39) of that epoch led to the construction of agriculture as having a special status within the economy, associated with social values such as stability, continuity, and solidarity (ibid.). The propagation of a policy

⁷⁹ The BDL was to collaborate with the Nazi regime and merged into the *Reichsnährstand* – the centrally controlled agricultural and food supply system. It was dismantled shortly thereafter.

discourse that depicted the role of agriculture as one of such intrinsic social value, the powerful position of farming interests was fortified and the uneven relationship between farming interests and those of citizens became discursively and institutionally sedimented.

Gustavo Corni and Horst Gies (1997) point out that an analysis of historical developments in German agricultural policy shows a strong continuity of ‘conservative market instruments’ as well as agrarian ‘interest politics’ from Bismarck’s policy of ‘wheat autonomy’ (*Getreidepolitik*) up to WWII (ibid.: 43, 61). Similarly, Hendriks (1987) suggests that, despite considerable changes in the range of territorial, socio-economic, and political conditions in this context, the agricultural concepts that had shaped the Wilhelmine period continued to shape both the Weimar period and the so-called *Third Reich*. In economic terms, she suggests, it would have made more intuitive sense after WWII to pursue a low price policy for opening up export markets and to abandon protectionist agricultural policies. Yet, despite the weakening of Germany’s food self-sufficiency, even post-WWII Germany (what was known then as the Federal Republic of Germany) continued to follow a quest for food autarky.

Bearing in mind the role of discourses in constructing meaning around events or developments, one can understand this post-war continuity in terms of the narrative of ‘independence’ that it (re)produced: A notion of political and economic independence was cherished – particularly following economic recovery from the war and the end of food rationing. During WWI, German food production suffered to such an extent that in 1916 (after a year of failed potato crops – the so-called ‘winter of carrots’), a serious food shortage hit the country. After the *Reichsernährungsministerium* (Ministry for Food and Nutrition) was established in 1919, throughout the 1920s a total export ban was implemented, and even after 1925, when Germany had reached pre-war levels of food supplies, strict controls were held in place regarding exports as well as tariffs. In 1930, it is interesting to note, the agrarian crisis was portrayed as a *Volkskrise* (Corni and Gies 1997: 45-6), which indicates a sense of collective crisis, not least because of the institutionalized meanings associated with agriculture, such as solidarity and continuity (Hendriks 1987). Beyond the economic hardship and severe food shortages experienced in Germany at the time, the image of a collective crisis also relied on the construction of a discursive alliance between, amongst others, two discursive positions (Corni and Gies 1997: 73): agrarian nationalism and racist ideology.

Indeed, until the Second World War, self-sufficiency with respect to food was regarded as a means of ensuring economic and political independence, as was reflected in Bismarck’s policy of wheat autonomy and the later export bans. Similarly, during the *Third Reich*, the

Reichsnährstand – the centrally controlled agricultural and food supply system – was intended, on the one hand, to ensure autarky and, on the other hand, it emphasized the importance of *Blut and Boden* ('blood and soil') in Nazi ideology by promoting domestic products, sometimes with an explicit military motivation (Wippermann 2001; see Corni and Gies 1997), such as in the infamous slogan '*Kanonen statt Butter*' [cannons instead of butter!].⁸⁰ The Nazis, as Wippermann (2001) points out, employed a public health discourse as part of their ideological agenda, thereby emphasizing territorial autarky and the 'healthiness' of German produce (see Corni and Gies 1997 for an exceptionally detailed analysis). A modern consumer movement did not exist at the time, however, bearing in mind the subordination of civic associations under the Nazi regime.

5.2.2 Post-war food (safety) policy

As Hendriks (1987) points out, food (safety) policy hardly changed after the war, as food *autonomy* became a key objective after the worst food shortage crises had been overcome, even though the discursive framing changed. Before 1945, Germany had been in the position to produce approximately 83% of its own food (Hendriks 1987: 36), whereas in the immediate post-war years, Germany faced a period of starvation, which reached its peak in the winter of 1946/7 when food intake fell below 1000 calories per capita per day in some regions. The key objective came to be defined as guaranteeing food *security* and the provision of affordable and nutritious food, as was the case elsewhere in Europe at the time. It was not until 1949 that the Marshall Plan funds had strengthened food imports and restored consumption levels to around 2000 calories per capita, per day. Nevertheless, the following years saw the return of the food autonomy discourse, which - given the trauma of the war and the related food shortages - signified political and economic independence. This discourse of food autonomy manifested itself in the intensification of agriculture and, importantly, a strengthening of the position of and the general respect for farmers and the German Farmers' Association (*Deutscher Bauernverband*) (newly founded in 1948), which was not countered by a consumer movement comparable in strength, size, and influence at the time (ibid.; Pfeffer 1989: 60ff).

In part, this lack of a consumer movement can be explained by the post-war discourse of 'agricultural exceptionalism'. As suggested earlier, agricultural food production in Germany represented more than merely economic activity – rather, agriculture was seen to produce

⁸⁰ The slogan '*Kanonen statt Butter*' [cannons instead of butter!] implied prioritizing military expenditure over civilian goods (such as food).

and guarantee social stability (Hendriks 1987). Max Pfeffer (1989) emphasizes the importance of family farms as a ‘social force’ in sustaining an ‘ideology [...] [that was] rooted in German romanticism [and] has been conjured up to elicit widespread support’ (Pfeffer 1989: 60; cf. Mayhew 1970: 55). Consistent with the idea of the ‘Iron Triangle’, he understands post-war food policy in (West) Germany to reflect the capacity of the Farmers’ Union, policymakers, and bureaucrats to mobilize a system of values that could be used ‘to justify the adoption of economic policies for agriculture unlike those applied in other sectors of the economy’ (1989: 61). This notion of an ‘agricultural exceptionalism’ was to stabilize and nourish all of society, because of the ‘special qualities’ of agriculture in general, and of family farming more particularly.

The 1955 *Landwirtschaftsgesetz* (Agricultural Act) codified the notion that farmers required and deserved special (price) support from the state authorities to compensate for their natural and economic disadvantages, given their ‘responsibility to all of society’, phases of poor harvests, and relatively low income in relation to comparable occupations (Hendriks 1988: 76, Pfeffer 1989).⁸¹ The Act further reinforced this view, backed by the influential position of the Farmers’ Union, its relationship to the ministerial bureaucracy, a general consensus on agricultural policy among major parties, the lack of momentum in the consumer protection discourse, and a reluctance of trade unions to take up ‘consumer issues’ (ibid.).

All this is not to say that there is an essential conflict of interests between farmers and consumers. Rather, in a context of industrialized agriculture, adverse farming conditions, and a capitalist discursive horizon, the interests of farmers are constructed as being productive, turning labor into product in the most efficient way, and – as some have put it – ‘prioritizing economics over nature’ (Busse et al. 2001). In the German context, the post-war farming conditions added yet another dimension to the construction of farming interests, given the severe food shortages, the loss of food sufficiency and disruption of the ‘food autonomy’ discourse, and not least the legacy of the Third Reich *Blut und Boden* ideology (see also Jahn and Wehling 1990). Post-war food (safety) policy in Germany, as it appears now, was conflictual: On the one hand, food shortages might have required more food imports; on the other hand, agricultural policy in the immediate post-war years aimed to raise domestic food production at any cost and keep as many people on the land as possible (Pfeffer 1989). The

⁸¹ Wyn Grant (1996: 1) points out that the CAP agenda came to mirror that of the German Agricultural Act of 1955 (*Landwirtschaftsgesetz*). The aim of this study is not to establish causal relations, yet it is nevertheless interesting to identify such ‘matches’ in discourse over time and across contexts.

romantic discourse of (family) farming aggravated this tension, as it seemed to conflict with the desire to raise productivity by means of industrializing agriculture.

As Alan Mayhew (1970: 55) points out, the high level of expenditure related to the rapid industrial expansion in the post-WWII period was not significantly questioned in Germany, in part due to the close discursive linkage to the *Gemeinschaft* [community]. The agricultural sector, however, provided only a relatively small share of the gross national product and at the same time was characterized by a declining labor force and high, but inefficient, capital input, at least until the late 1950s. Mayhew interestingly observes that highly developed machinery could be seen on nearly every farm, but the state policy to promote small-scale, family farms meant that those were not efficiently employed in production (Mayhew 1970: 64). One may argue that in such a way, machinery simultaneously symbolized progress in the form of industrialization (a positive image) and the decline of the romantic image of family farming. It is essential to be mindful of this discursive conflict as the later food scares were to reveal its fundamental ambiguity and its socially constructed nature.

The first challenge to the policy discourse of food autarky emerged from the European Community and the launch of the CAP after the Treaty of Rome (1957). In 1968, the German government launched a new farm program, wherein the introduction of low-interest loans to those who would be willing to cease farming and sell their land constituted an unprecedented measure (Bundesregierung 1958). The second major challenge in this context consisted in the Sicco Mansholt Plan, commissioned by what was then the Commission of the European Economic Communities, and named after its head, the Commissioner for Agriculture, at the time. The German government's response, however, indicated a general unwillingness to increase the rate of structural reform in this policy domain. One may argue that the initiation of these reforms themselves caused a sense of threat and hence helped sustain the food autonomy discourse that focused on the protection of German food production and land use, relying in part on a romantic notion of farming and the post-war discourse of self-sufficiency.

Notwithstanding the pressure exerted in the negotiation of the early EU CAP, and helped by the unforeseen period of monetary instability in the 1970s, the dominant policy discourse of food autonomy persisted throughout the 1970s. The German position in the CAP-related negotiations has frequently been reduced to a mere protectionist policy approach (cf. Hendriks 1987, 1988) but can perhaps better be understood as a continuation of the food autarky narrative. Given the legacy of the severe and traumatizing food crises of 1949, a particular discourse developed that strongly linked agricultural production to the aim

of ‘keeping the nation healthy and strong’. This may help explain why food policy was subsumed under the responsibilities of the health authorities early on - rather than those of the agricultural ministries, as was the case elsewhere.⁸²

In light of the later discursive interpretation of the discovery of BSE, it is instructive to briefly highlight here the emergence of a renewed environmentalist discourse in the 1980s and early 1990s. Ingolfur Blühdorn points out that – despite the relatively late mobilization of an environmentalist movement in this context compared to equivalent developments in Britain – there has been an unprecedented ‘total agreement between business leaders, representatives of government and opposition, environmentalists, and the general public on the absolute necessity of tackling environmental problems quickly and effectively’ (Blühdorn 1995: 167). In the 1994 election campaigns, he points out, no party failed to include a chapter on environmental policies in its election manifesto and virtually all politicians made reference to the ‘natural environment’ at the time. As far as the success of non-governmental organizations (NGOs) in this field is concerned, the *Naturschutzbund* (Association for the Protection of Nature), for instance, benefited from the German reunification in the sense that its activities in the East infused the organization with new momentum, not least because the organizational profile moved away from a mere conservationist approach. Nevertheless, the environmental movement (and, one may add, the consumer movement) suffered from a decline in involved activists and internal coherence, which may be explained by considering the economic impact of the German reunification as well as the recession during the early 1990s. The main obstacle, however, consisted in the fact that ‘the ecology movement [was] less than ever of one mind on the question of *what kind of nature it wants to preserve* at all’ (Weinzierl 1993: 11, cited in Blühdorn 1995: 169, emphasis added).

To sum up, this section was also concerned with tracing out the particular discourses and meanings that historically shaped agricultural and food (safety) policy in Germany. First, agricultural activities symbolized more than merely an economic sector; they bore a connotation of social stability (Hendriks 1987), whereby the policy discourse of maximizing production and supporting farmers tended to dominate at the expense of the consumer and the environmentalist movements. Second, the German context did not witness the institutionalization of the human health/animal health boundary that was dominant in other contexts, such as the UK. Rather, there was a relatively strong tendency to frame food

⁸² To scholars of organizational capacities and decision-making, an interesting question to explore would be whether this institutional arrangement led to an increased efficiency and effectiveness in handling the BSE ‘crisis’ in 2000.

(safety) in terms of human health to begin with, as it was institutionalized, for instance, in the Federal Institute for Consumer Health Protection and Veterinary Medicine (*Bundesinstitut für Gesundheitlichen Verbraucherschutz und Veterinärmedizin*, hereafter BgVV). Third, German food and agricultural policy featured a characteristic food autonomy policy discourse that continued to shape food policy after WWII. Finally, it is useful to recall the mixed success of the environmental discourse in shaping policy discourse in the mid-1990s.

Given this historical account, viewed through a discourse-analytical lens, the next section introduces the key moments of transformation related to the discovery of BSE, which to date forms the most significant food scare in Germany in terms of its disruptive impact.

5.3 The changing governance of food (safety)

This section recounts the events related to the discovery of BSE in Germany in order to help us understand better why, and how, food (safety) was then (re-)constructed as a policy issue. In addition, it traces out the key moments of institutional intervention whereby the formally responsible authorities sought to overcome the pervasive sense of crisis. Particular attention is drawn to an overall understanding of what these interventions stood for in terms of the shifts in the dominant policy discourse.

5.3.1 BSE as an external problem

In 1986, news about a suspected cow disease in the UK emerged, later to be known as BSE. Despite expert opinions suggesting that prions, the BSE pathogens, resisted high temperatures and would therefore render the disease easily transmittable, farmers and industry in Germany insisted that the German pressure sterilization technique could in fact overcome this problem. In 1989, Germany prohibited imports of MBM and related products of British origin, and in 1990, the EU imposed a ban on bovine-derived MBM throughout Europe. German scientists were indeed skeptical towards the British claims that British beef was safe to eat, and the German authorities were proactive in banning British beef, at first unilaterally, and later at the level of the EU. Nevertheless, the German authorities were slow in developing a domestic BSE policy, and did not ban the use of domestically produced MBM in ruminant feed until March 1994.

Thomas Lenz (2006) points out that Germany's handling of BSE in the 1990s was also driven by political competition between the federal and the *Länder* ministries, which makes Germany a specific case, as responsibilities for food (safety) control and inspections, as well as public health policy, continue to be matters of *Länder* regulation (see also Lenz 2004a, 2004b). This discrepancy between, on the one hand, the proactive role played by Germany

within the EU and, on the other hand, its hesitant domestic policy regarding the eradication of BSE points to the assumption in German policy circles that BSE was an *external* problem, and that German beef was safe and ‘clean’. In other words, although Germany was one of the few countries to acknowledge BSE as a *public health* hazard rather than merely an animal disease, this framing only applied to foreign cattle, not to German herds (ibid.). Rather, the discourse of the primacy of domestic food production and food (safety) as a national matter informed the interpretation of so-called ‘expert opinions’ at the time.

Notably, in the EU, food (safety) regulation was still a matter of national regulation at the time - hence, the so-called ‘specified risk material’ (SRM), as determined by the EU, did not have to be removed from cattle intended for consumption in Germany (Millstone and van Zwanenberg 2005: 195-6). Furthermore, there was little experience in dealing with scientific disagreements at the level of the EU. A scientist formerly involved with the Federal Health Office BGA recalls:

It was a totally new experience - that we had to cooperate with the others [the EU member states], and that we had to try to convince others of our risk assessment. Obviously, there was a wide range of different opinions at the time! To begin with, this institute [the former BGA] had foreseen very high risks [...] [but] had only made very careful suggestions for action. It was not that easy to find common ground on the European level (D14-S).

Common ground was reached eventually and, after the EU imposed import restrictions in 1990, German certification measures were implemented at the EU level in order to ensure consumer protection and the functioning of the internal market (Lenz 2006: 154). In 1992, the first case of BSE was discovered in Germany in Schleswig-Holstein, although a conclusive diagnosis could only be established in 1994. During that year, three further cases were identified, all of them being cattle imported from Britain, as were the two cases of BSE found in 1997.

Three factors make for the particularity of the German stance on BSE: The first particular feature, as indicated earlier, consists in the fact that responsibilities for BSE (or animal health more generally) were shared between the Ministry of Health and the Ministry of Agriculture in the German context, whereas in other countries, such as Britain, Switzerland, France, Portugal, and Ireland, only agricultural ministries were charged with developing BSE policies. In the latter countries, this implied that BSE was predominantly understood as an animal disease, whereby the constructed distinction between animal and

human health was upheld institutionally. In contrast, the German authorities called for caution prior to the official linkage between BSE and nvCJD (BgVV 1995).

As a second characteristic feature of the German policy discourse at the time, the German actions and reactions were shaped by the institutionalized precautionary approach. The precautionary principle (*Vorsorgeprinzip*) emerged out of the German socio-legal tradition in the 1930s and implies that, in the face of scientific uncertainty (or the lack of a scientific consensus, for instance, regarding environmental risks), action to prevent potential harm is favored over non-action. Whilst the precautionary principle has been predominantly associated with environmental policy and risk assessment, it has a particular history in the German context and has been integrated into other policy areas, too, in recent decades (see for instance Feindt and Öls 2005).⁸³

The third particular feature of the pre-BSE policy discourse consists in the notion of German cattle being ‘clean’ and healthy which marked the developments in the early 1990s. The latter notion is reflected, for example, in the establishment of the *Aktionsgemeinschaft Deutsches Fleisch* (Association for the Promotion of German Meat) in 1994, an association of the German meat industry that was formed in response to increasing numbers of BSE found in the UK. The association emphasized and promoted the ‘BSE-free’ nature of German beef with confidence – as the notion of domestic herds being healthy and ‘clean’ was still dominant at the time. In fact, the idea that German cattle could be infected did not surface during this time period, and even after the announcement of the link between BSE and nvCJD, the Minister of Agriculture insisted:

I want to emphasise [sic] explicitly that for us [...] health and consumer protection [...] [and] precautionary measures have the highest priority in Germany and in the European Single Market. That means that beef available in Germany is safe, hygienic and harmless. Consumers can rely on the quality and safety of the beef supply in Germany (Federal Parliament 1996: 9462A, cited in translation in Lenz 2006: 155).

It becomes clear that, at the time, a strong sense of a ‘natural order’ prevailed and dominated German food (safety) policy. As a result of the discursive construction of BSE as an ‘external disease’, the German authorities opposed the installment of strict EU-wide measures for the eradication of BSE. Along with France, the German Ministry of Agriculture

⁸³ See, for instance, *Journal of Environmental Policy and Planning*, volume 4 Issue 3 (July/September 2002). Regarding the EU institutional context, key documents would be the Maastricht Treaty, the 2000 *Communication on the Precautionary Principle* (COM/2000/01final) and the 1997 *Communication on Consumer Health and Food Safety* (COM/97/183 final).

insisted that countries not affected by BSE should not have to incur the considerable costs related to the new rules. While the said financial considerations regarding the costs of BSE controls (for instance, those incurred through laboratory tests), should be taken seriously, we can better understand them within the particular discursive horizon under which the German authorities found themselves, whereby the hegemonic discourse was based on the notion of German beef being healthy and clean.

The treatment of Cindy, a Galloway cow raised in Höxter, North Rhine-Westphalia, forms a tangible expression of this notion. In January 1997, the state Ministry of Agriculture reported a suspected case of BSE – Cindy. From her earmarks and papers, it initially appeared that Cindy had been born in Germany to a cow imported from Britain (Groche 2003). After resource-intensive genetic testing, it appeared that, in fact, Cindy had been born in Britain, hence the image of Germany being BSE-free was upheld, and no evidence was found that would support the thesis of maternal infection. Yet it is interesting to point out that prior to the results of the genetic testing in March 1997, the federal Minister for Agriculture at the time, Jochen Borchert (of the Christian Democratic Union party CDU [*Christlich Demokratische Union*]), insisted that Cindy had been directly imported from Britain and that her proof of origin had been ‘manipulated’. Conversely, the state Minister of Agriculture of North Rhine-Westphalia, Bärbel Höhn (*Bündnis 90/Die Grünen*), was convinced that the animal had been born in Germany (Groche 2003: 11). These disagreements and the political reactions to them indicate that there were indeed some who thought BSE could possibly exist in domestic German cattle, while others insisted on BSE being an external problem. Food (safety) remained generally regarded as something that could be guaranteed by installing import restrictions on British beef and MBM. For instance, in the discussion of the government’s annual Agricultural Report (*Agrarbericht*)⁸⁴ in 2000, Minister of Agriculture at the time, Karl-Heinz Funke (of the Social Democratic party SPD [*Sozialdemokratische Partei Deutschlands*]) announced:

I want to say this to the consumer: In Germany, a lot of BSE tests have been conducted [...]. Germany is – thank God – free of BSE. [...] You can trust in German beef. You can eat it with pleasure (Federal Parliament 2000, Plenary Session 14/133, 12851B, cited in translation in Lenz 2004b: 55).

⁸⁴ The *Agrarbericht* was issued annually until 2007, whereas it is now published once every four years. Instead, monthly as well as yearly statistics are now issued (*Gesetz zur Änderung des gesetzlichen Berichtswesens im Zuständigkeitsbereich des BMELV*).

This, of course, was hardly a coincidence, as from the conservative-agriculturalist position of the CDU, agricultural policy should remain the way it was at that time – hence the conviction that the cow must be foreign. Similarly, the possibility of a domestic case of BSE did not seem likely in the Greens’ discourse, either. Given the dominant construction of BSE as an external problem (cf. Lenz 2006; Dressel 2002), 24 November of 2000 had a dislocatory impact on German food (safety) policy, as the section below demonstrates.

5.3.2 *The discovery and interpretation of BSE*

Cow Trixi, aged four, would have been sold for sausage production, if it had not been for Richard Basche of Itzehoe, Schleswig Holstein, who offered parts of Trixi’s brain to a private laboratory in Hamburg in order for it to be tested for BSE. As mentioned above, the German authorities had previously assumed Germany to be free of the cattle disease, yet on 24 November 2000, the first case of native BSE was confirmed in Schleswig-Holstein - symbolizing what the Minister of Health at the time, Andrea Fischer, referred to as the ‘GAU of the industrialized agriculture’, thereby invoking an image of tragedy and trauma.⁸⁵ Only a few weeks later, BSE was confirmed in three cows in Bavaria, ‘where cows still have their own names’ (*Der Spiegel* 2000), shattering the long-defended legend of the ‘clean’ Bavarian cattle feed.⁸⁶ Shortly after the confirmation of the laboratory results, the Minister of Health Andrea Fischer and Minister of Agriculture, Karl-Heinz Funke, who had wrongly declared German beef BSE-free, were forced to resign as they found themselves in a ‘crisis amidst a crisis’: Not only was BSE confirmed in German cattle, but authorities had also lost credibility and trust (D9-G). Chancellor Schröder declared an ‘end to agricultural factories,’ and beef consumption dropped dramatically; in the period between December 2000 and February 2001, 47% of German households avoided beef and beef products (Gerlach et al. 2005: 5; Barlösius and Bruse 2005: 18). Within weeks, a law was passed banning the usage of MBM as animal feed.

The resignation of two ministers and a set of institutional rearrangements, which shall be further discussed below, were intended to address the widespread public outcry over the events and the apparent problem of mistrust vis-à-vis the authorities.⁸⁷ The developments recounted above, however, were additionally accompanied by an explicit critique of the

⁸⁵ The acronym GAU originated in the context of nuclear power accidents and stands for ‘Grösster Anzunehmender Unfall’ (worst case scenario).

⁸⁶ Only a few months later, the Bavarian state organized a citizens’ panel on the subject of BSE. For an analysis see Hendriks (2004).

⁸⁷ In fact, BSE was even experienced as a trauma by some (D1-CO, D4-ENV).

informal and formal influence of the agricultural industry in the former Federal Ministry for Nutrition, Agriculture and Forestry (*Bundesministerium für Ernährung, Landwirtschaft und Forsten*) and the emergence of a broader critical discourse. Renate Künast, the newly appointed Minister of Agriculture of the Green Party, famously announced the *Agrarwende* in her inauguration speech in 2001 (Künast 2001a).⁸⁸ The *Agrarwende* program, supported by the Green Party and the Social Democrats, explicitly aimed at a 20% market share of organically produced food against ‘the ills of an agricultural policy geared to mass production’ (Künast cited in Nicholson-Lord 2001/*The Independent*). As indicated earlier in this chapter, Renate Künast invoked a language of ‘putting an end to agriculture as we know it’ (Künast 2001a), and Chancellor Gerhard Schröder called for ‘an end to factory farming’, despite his alleged fondness for *Currywurst* (curry sausage), arguably an icon of industrial meat production.

The phrase ‘factory farming’ certainly pre-existed the discovery of BSE, for instance, in the documentary film ‘A cow at my table’ (1998). In the context of the discovery of BSE in Germany, it was mobilized in order to make sense of an unexpected event and eventually led to a call for a new approach to agriculture. This ‘new approach’, it was announced, would focus on ‘Quality, not quantity’ [*Klasse statt Masse*] (Künast 2001a) in order to ‘never return [...] [to] the treadmill of thoughtless mass consumption’ (Künast cited in Nicholson-Lord 2001/*The Independent*). Similarly, a Green MP considered BSE to represent what the Chernobyl disaster had represented to nuclear power: the beginning of the end (*Der Spiegel* 2001a). Furthermore, Minister Künast called for a *Reinheitsgebot* (imperative of purity) in German meat production, in analogy to the purity law followed in beer brewery (*Berliner Zeitung* 2001a; NABU 2001).

While the events around BSE appear to constitute the most significant instances that produced a language of the need for a radical change, other food scares did not go by unnoticed, either. In the 1980s and 1990s, most safety alerts had concerned products imported from abroad (or not reaching Germany at all), such as growth hormones found in animal feed, packaging fraud, nematodes in fish, labeling fraud regarding supposedly organic fruit juice (*Naturtrunk*), glycol in wine imported from Austria, swine fever in Lower Saxony in 1994, contaminated soft drinks (that crossed the border from Belgium) in 1999, the discovery of dioxin-contaminated feed in Belgium and neighboring countries, and, just before BSE was discovered in Germany, a high level of pesticide residues found on peppers imported from Spain in early 2000 (cf. IFAV 2000). Since the German BSE crisis in 2000/1,

⁸⁸ As suggested above, the term itself was virtually absent prior to this speech (Feindt and Ratschow 2003).

a series of scandals related to the discovery of forged labels on rotten meat (*Gammelfleisch*) have triggered strong public reactions in Germany. In addition, in January 2002, a Bavarian producer of baby food discovered high levels of nitrofen, a herbicide that had been declared carcinogenic and consequently prohibited in 1980 in Germany and in 1988 by the EU. Nevertheless, it took until May 2000 for the German authorities to be informed of the discovery. In June, the nitrofen contamination was successfully traced back to a factory in Malchin, Mecklenburg-Vorpommern (Mecklenburg-West Pomerania) – ironically, a producer who had converted from conventional wheat processing to organic methods. Ultimately, the EU renounced the imposition of sanctions on Germany, and the nitrofen incident was quickly presented as an instance of fraud that required stricter controls by the *Länder*, rather than a failure of the German checks and control system itself (Bundestag 2002). The startling discovery exposed diversity in scientific opinions and is frequently referred to in speeches and presentations, as an example for (difficult) risk communication, the need for more transparency (cf. BfR 2006a), and as a trigger for the plans for a ‘consumer information’ legislation at the time (cf. Foodwatch 2005a).⁸⁹

At a closer look, this study suggests that the dislocatory experience of BSE has strongly shaped the interpretation of and consequently, the reactions to these more recent food scares. In particular, the critical discourse accompanying the *Gammelfleisch* scandal has been marked by a language of consumer protection and consumer *rights*, whereby the notion that public authorities have successfully placed food (safety) under their control through institutional arrangements and new modes of cooperation has been called into question (see, for instance, Foodwatch 2007). In addition, the very term *Gammelfleisch* appears to have become a synonym for both industrial fraud and failure of food (safety) inspections. It is at this point difficult to gauge the effects of these more recent scares; this chapter therefore places its focus on the key moments that brought about demonstrable changes in policy discourse in the German policy context.

The next section will recount the most crucial institutional interventions that followed the discovery of BSE in German herds, before I focus in on the discourses that have informed these changes in section 4. In particular, three interrelated key moments are highlighted: (1) the 2001 Hedda von Wedel report; (2) the establishment of a new ‘consumer ministry’; and (3) the struggle to institutionally delineate the science/policy nexus. These three instances represent the most pertinent moments in the German context whereby the

⁸⁹ The calls for a law of this kind came from the opposition (B90/Grüne, SPD) and were repeatedly blocked in the Upper House (Bundestag) until it was finally passed in 2007.

German government sought to regain legitimacy and credibility. As such, we can consider them as performative in the ways in which policymakers called new ‘rules of the game’ into being, thereby also invoking particular discursive clusters of actors. The presentation of these key institutional moments serves to demonstrate that (new and old) discourses produce and shape institutional rearrangements, instead of institutional changes being ‘fresh’ and rational responses to crisis moments.

5.3.3 Institutional Interventions

In order to understand the reasoning behind the von Wedel report and, indeed, the very idea of commissioning it, it is useful to recount briefly some of the institutional arrangements in place when the BSE crisis hit Germany. To begin with, several food-safety related tasks were carried out by a number of institutions, ranging from the Federal Ministry for the Environment, Nature Conservation, and Nuclear Safety (*Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit*), the Federal Ministry for Economics and Technology (*Bundesministerium für Wirtschaft und Technologie*) and the Federal Ministry of Health (*Bundesministerium für Gesundheit*). Some observers of institutional design would dismiss this constellation as inefficient; conversely, I would argue that it signals the multiplicity of meanings that food (safety) can take on and the dynamic and fluid nature of the policy area. In those different discursive premises, the very concept of ‘food safety’ connoted different things, such as public health, the avoidance of environmental risk, or of potential economic damage, or a combination of these. Beyond this, the institutional set-up also reflected the aforementioned ‘Iron Triangle’ and a rationalist approach to farming as a legacy of the post-WWII food (safety) policy discourse. As for the science/policy nexus, Kerstin Dressel (1999: 5) emphasized that scientific committees typically played a much less formal role than those in the UK, and scientific expertise was drawn from various public sector research institutes as well as EU scientific committees in urgent cases, such as that of BSE.

In a 1999 evaluation of the institutional infrastructure in this policy domain, the *Wissenschaftsrat* (Scientific Council) had already concluded that a ‘clearer definition of the tasks of the BgVV was necessary [...] [and that] to implement the tasks of the BgVV more strictly and to make it more efficient, their proper responsibilities should be located within the Federal Ministry of Health’ (*Bundesministerium für Gesundheit, BMG*)’ (*Wissenschaftsrat* 1999; cf. *Wissenschaftsrat* 2001).⁹⁰ In view of the rearrangements following the BSE crisis, and certainly from the vantage point of organizational culture, it is interesting to note that

⁹⁰The evaluation report was commissioned by the government in 1996.

the *Wissenschaftsrat* particularly recommended a reconsideration of the BgVV's double-function as a bureaucratic and a scientific institution (2001: 3). A number of the ideas articulated here, in fact, were to reappear in the von Wedel report that was commissioned shortly after the first domestic cases of BSE were identified in late 2000.

Drawn up by the president of the Federal Auditing Court Hedda von Wedel, the report relied on cooperation between, amongst others, experts at the federal auditing court, and an 'advisory committee' comprising representatives of farmers, consumer groups, and scientists (Steiner 2006: 193). Echoing the broad composition of the English *Policy Commission on the Future of Food and Farming* discussed in chapter four, the composition of the committee reflected the struggle to define food (safety) in this situation of ambiguity and simultaneously helped produce and define a particular vision of what BSE stood for, or what it was *an instance of*. It is equally interesting to note that von Wedel was at the same time the federal commissioner for operating efficiency in public administration (*Bundesbeauftragte für Wirtschaftlichkeit in der Verwaltung*), as a reflection of which the report introduced notions of efficiency, coordination, and transparency. In light of this background, we can understand the commissioning of the report as an authoritative act that invoked the image that BSE was not least also a matter of inefficient governmental coordination on food (safety) controls, rather than a symptom of the ills of industrialized food production, as the environmentalist discourse would have it.

The main points of criticism articulated in the von Wedel report concerned (1) the fragmentation of responsibilities in the domain of food (safety) policy, (2) the lack of an 'independent scientific centre' to advise the ministry, and (3) the insufficient coordination between authorities at the federal level, the federal states (*Länder*), and the EU in this policy field. Alongside these organizational matters, the report insisted on the institutional separation of risk assessment ('science') from risk management ('politics') in order to 'regain and sustain consumer trust in food safety' and to ensure that science was to be conducted in a manner independent from 'political or economic influence or other interests' (von Wedel 2001: 94-5).

Around the same time, however, the Federal Office for Technology Assessment (*Büro für Technikfolgen-Abschätzung beim Deutschen Bundestag*, hereafter TAB) published their own evaluation of the institutional infrastructure and science/policy nexus, whereby it recommended the opposite: the integration of risk assessment ('science') and risk management ('policy') (Bösch, Dressel et al. 2002). It is instructive to note that the TAB report was commissioned prior to the discovery of BSE in domestic herds, while it was

finalized around the same time as the von Wedel report.⁹¹ The 2001 report criticized the ‘science bias’ in the von Wedel report, its tendency of ‘command and control’ (ibid: 22), and its ‘one-sided emphasis on efficiency’ while leaving out questions related to democratic qualities of institutions (ibid). Arguably, the reports were produced from opposing discursive premises. To begin with, the appointment of a lawyer, von Wedel, represented an enactment of authority, order, and crisis management on the part of the government. The notions of efficiency, management, and coordination in the von Wedel report are therefore an expression of public authority, whereas the TAB report was produced from a more marginal position and a less institutionalized (perhaps less co-opted) discursive premise. This institution, though not strictly non-governmental (as it was established by the *Bundestag* – the lower house of the parliament - in 1990 and receives public funding), formed a discursive premise from which critical policy evaluation was possible, as its self-understanding is to ‘develop alternative options for action and guidance for political decision makers’ (TAB 2005). Following a hearing at the Bundestag, however, the von Wedel report was to be implemented (Henning 2003: 1). This implies that the institutionally superior position – the Court of Auditors – prevailed over the critical view of the TAB.

In view of the conflicting recommendations discussed above and in light of the converse, more integrated institutional arrangement in England (discussed in chapter four, section 4.3 and section 4.4.1), we can consider the science/policy nexus formed as a discursive site of contestation. Due to the inability to understand the BSE-related events within the previously hegemonic policy discourse, policymakers and scientists were faced with acute institutional ambiguity as to what food (safety) meant, what it means to be a good policymaker and a good scientist, and the associated roles and rules in the policymaking process. Unlike in other countries, such as the UK, however, German scientists had been informed by a discourse of public health – a legacy of the institutional history of the *Kaiserliches Gesundheitsamt* (1876-1918) and the *Reichsgesundheitsamt* (1918-1945), which had linked food safety controls and public health (see section 5.1.1). The traumatic experience of the events around BSE in the German context was therefore not so much related to the identification of the link between animal and human health but, rather, to the discovery of BSE in *German* domestic herds. Nevertheless, the government embarked on a re-evaluation of the ‘science/policy’ nexus.

⁹¹ In spring 2000, the Social Democratic fraction of the *Bundestag* (the lower house of the German parliament) had ordered a re-evaluation of the ‘structures of organization and communication in the research area of transmissible spongiform encephalopathies’ (Böschchen, Dressel, et al. 2002: 2).

This objective was informed by, first, the 1999 evaluation of the BgVV, and second, the wave of similar institutional rearrangements in Europe (cf. Bösch 2003).

Following the recommendations of the TAB and those articulated in the von Wedel report, a new Federal Institute for Risk Assessment (*Bundesinstitut für Risikobewertung*, hereafter BfR) and the Federal Office for Consumer Protection and Food Safety (*Bundesamt für Verbraucherschutz und Lebensmittelsicherheit*, hereafter BVL) were founded. The BVL was to create a data network regarding food safety incidents, to harmonize control standards, and to exist as intercept for the European Rapid Alert System. In addition, the BVL was tasked with numerous legal tasks (risk management), in particular for assuring the implementation of directives and laws regarding pesticides and their effects on both human health and nature conservation. The domestic institutional partner of the BVL, the BfR, is charged with ‘risk assessment’ and ‘risk communication’. Along with the Federal Institute for Agriculture (*Biologische Bundesanstalt für Land- und Forstwirtschaft*), the BfR evaluates scientific concerns and potential food (safety) questions. This was an innovative arrangement in the European context, bridging the previously disparate domains of plants, animals and humans in a ‘horizontal approach’, later also foreseen on the EU level in Regulation 178/2002 EC in the ‘farm to fork’ approach (BVL 2004). At the same time, contrary to the UK arrangement, the science/policy nexus was restored here by way of drawing boundaries between the two seemingly separate spheres of practice. The notions of transparency, independence, and the need to restore citizen trust formed the backbone of the drawing of these boundaries, which will be further explored in the discussion of the discourse of good governance in section 5.4.1.

Moving on to the next key moment of institutional transformation, the conversion of the Federal Ministry for Nutrition, Agriculture and Forestry (*Bundesministerium für Ernährung, Landwirtschaft und Forsten*) BML into the Federal Ministry for Consumer Protection, Nutrition, and Agriculture (*Bundesministerium für Verbraucherschutz, Ernährung und Landwirtschaft*, hereafter Ministry BMVEL) was the most prominent. While the renaming of the Ministry predates the von Wedel report by a few months, the precise responsibilities and sharing of tasks were allocated upon the recommendations of von Wedel. It is interesting to note, moreover, that the von Wedel report suggested that Schröder’s administrative order issued in January 2001 (Bundestag 2001) immediately after the discovery of BSE in Bavaria had not successfully installed an institution in charge of *comprehensive* consumer policy. Instead, von Wedel suggested, one could have allocated consumer policy entirely to the Ministry of Health (*Bundesministerium für Gesundheit*, BMG). This indicates the institutional ambiguity caused by

BSE, the legacy of a strong discursive linkage between consumer protection and public health, and the unstable nature of the meaning of food (safety) itself (von Wedel 2002: 22-23).

The Ministry BMVEL is most frequently referred to as the ‘Consumer Ministry’ (*Verbraucherministerium*), and the telling name of the new institution and the non-agrarian background of its head Renate Künast symbolized a dismantling of the institutionalized power of the agrarian lobby, removing, as it were, ‘the smell of stables’ from policymaking (*Der Spiegel* 2001). The new institution was charged with the policy domain of consumer protection previously belonging to the Ministry of Health, and took over the responsibility for consumer policy from the Ministry for Economic Affairs and Technology. As a result of this discursive re-formation, the Ministry BMVEL announced that its work would be based on three areas of responsibility: (1) precautionary consumer protection, (2) quality assurance, and (3) sound production processes, where the regulation would take into account environmental protection and animal health (Reisch 2003; BMVEL 2004a, 2004b). The Ministry BMVEL therefore integrates several disciplines that were previously seen as separate (D2-CO, D6-G) and has resulted in the 2002 Law on Food and Feed Safety (*Neuordnung Lebensmittelsicherheit and Futtermittel*) and puts feed and food on an equal footing with respect to ensuring safety. The Act represents the integration of what were previously eleven separate laws regarding food safety.

The recent creation of a Consumer Information Law (*Gesetz zur Neuregelung des Rechts der Verbraucherinformation*, commonly referred to as the *Verbraucherinformationsgesetz*) forms a related institutional move. The law is rather ‘technical’ in nature but relies on the idea of an essential consumer right to information, rather than merely protection. The consumer information law was accompanied by a revision of the Law on Foodstuffs and Feed (*Lebensmittel- und Futtermittel Gesetzgebung*). More specifically, paragraph 40 of the latter now stipulates that, in cases of suspected health risks associated with already distributed foodstuffs, the responsible authorities will (rather than ‘may’, as previously stated) inform the public (BMELV 2008a: 10). This amendment implies that public authorities may now openly identify the producer or distributor of a given feed- or food product – as has been common practice in the United States of America, the UK, France, and a number of Central and Eastern European countries, such as Hungary and Bulgaria.

To sum up, this section provided an initial sketch of the impact of BSE with regard to dominant policy practice at the time, such as the strong influence of the agricultural lobby in food (safety) policymaking, insufficient consideration of consumer protection, and unclear

division of responsibilities. Having recounted the institutional arrangements that were put in place in response to these criticisms, I now proceed to the discourse analysis of contemporary German food (safety) policy in order to disentangle the different discourses that inform the *Agrarwende*, to assess their ‘life courses’, and to reveal the connections between them.

5.4 Change and continuity in German food (safety) policy discourse

With the knowledge of the historical developments in German food (safety) policy and the key institutional moments of transformation laid out above, this section is devoted to the five inductively derived discourses that inform the different meanings of food (safety) in the overall policy discourse. As was done in the previous chapter on England, table 5.1 summarizes the findings as follows: The columns represent the five discourses, while the cells are filled with the key elements that make for their specific content in the German case - these are captured here as ‘notions’. Notably, the discourses are intertwined and draw on each other in a contextually contingent fashion; it is nonetheless - for practical purposes - possible to schematize them as follows: the discourse of ‘good governance’; the ‘environmental sustainability’ discourse; the ‘market efficiency’ discourse; the ‘consumer protection’ discourse; and the discourse of ‘public health’. I shall discuss these discourses and their specific compositions in turn, while I also point to notions that recur across discourses, which are also highlighted visually in table 5.1.

5.4.1 Good governance

The discourse of good governance played a particularly significant role in the struggle for discursive order and institutional rehabilitation in the face of the acute institutional ambiguity caused by the domestic case of BSE in late 2000. The meaning of ‘good governance’ in the German case is composed of the following notions: the notion of a need for a ‘new approach’ to food (safety) policy, where consumer interests should be put above those of the industry; the need for transparent and open policymaking, also for the sake of restoring and sustaining consumer trust; the need for a separation between science and policy (at the ‘science/policy nexus’); and the notion of a need for open communication with citizens, who have rights and are seen as stakeholders within the food chain. Beyond the notion of citizens as stakeholders, good governance also implies that there is a need for cooperation and coordination along the food chain, although this notion will be discussed in more detail in the accounts of other discourses, too. These notions, as I will show below, concretely manifest themselves in particular policymaking arrangements, institutional practices, and

public performances. The concluding section points to the political implications of these changes.

Whereas the public authorities had traditionally been responsible for food (safety) in Germany, the dislocatory experience of BSE and the resultant institutional ambiguity led policymakers to announce a 'new approach'. By renaming the former Ministry of Agriculture to make it the 'Consumers' Ministry' (i.e. the BMVEL) only weeks after the first discovery of BSE in a German cow, policymakers expressed the notion that the farming lobby should be removed from policymaking, as policymakers had done in the UK, too. By appealing to the notion of an end of the 'Iron Triangle' (see section 5.2), the telling name of the new institution and the non-agrarian background of its head Renate Künast were to signal a removal of the institutionalized power of the agrarian lobby ('the smell of stables').

The call for a 'new approach' found expression in the ministerial integration of the policy domain of consumer protection with nutrition policy and agriculture. In another turn towards a 'new approach', whereby the consumer is put before the possible interests of the industry and those of politicians in power, the 'philosophy' of the new scientific institution BfR introduced in section 3 was declared to rest on three principles: (1) the health of the consumer and protection against possible dangers and risks; (2) free consumer choice (as well as protection against misguidance and deception); and (3) the continuous optimization of the precautionary consumer protection on the basis of scientific evaluations (BfR 2003a). This amalgamation of previously disconnected policy areas signals a shift in what food (safety) stood for in the view of policymakers and scientists when they came to take on the shared discourse of good governance.

The notion of a need for a 'new', more 'modern' approach is also expressed in physical enactments at the level of organizational practice. The institutions described above – the BVL and the BfR, as well as the renamed Ministry – can be understood as new stages where policymakers, scientists, and the industry could reconstruct, rehearse, and re-interpret their roles vis-à-vis the consumer, who has lost trust in food (safety) and those in charge of it. Enactments on these new stages can consist in participatory policy practices, public events, 'open days', relocating institutions in order to 'make a fresh start', or even performances at cooking shows or events promoting (organic) food. Other performance practices in which the discourse of good governance is produced and performed include the development of a 'corporate [sic] identity', which may entail a new institutional logo or the introduction of pins to be worn (at least) at public events, as it is done at the BfR. Similarly, the BVL has used business terminology in reference to its institutional evolution, which provides civil servants

with a ‘modern’ understanding of ‘good governance’. For instance, the former BVL president declared the BVL to be a start-up business, and institutional talk of ‘customer-oriented practice’ is becoming pervasive (see BVL 2003).

Beyond this call for a new approach, the twin-notions of ‘transparency’ and ‘openness’ have shaped organizational practice at the BfR. Whilst these terms could be understood to denote technical arrangements and administrative rules, or ‘mere talk’ by others, they can better be captured as discursive notions that come to be guiding principles for the iterative enactment (as well as contestation) of discursive roles, rules, and responsibilities in food (safety) policymaking. A senior natural scientist at the BfR recounts that it was not always common practice to note down the whole thought process that would shape her evaluation of a given substance or its benefits. At the former Federal Health Office (BfG), she recalls, reports tended to be half a page long, ending with ‘best regards’, without an extensive explication of the employed evaluation procedure, a discussion of the existing literature, or a detailed documentation of the tests performed. This formerly institutionalized and legitimate practice signals the taken-for-granted authority of the expert at the time. In reference to what she identifies as ‘old practice’, the respondent recounts:

I had a difficult situation with a colleague once - it was probably on some novel food. I remember there was a colleague who stood in my door and kept asking me to re-read her evaluation [...]. So I asked her: what is your result? [She said:] Well, there is no risk. So, I said: then write it down. – Yes, but I don’t want it to be on the market [the novel food product]. So I said: then find a reason why it shouldn’t be! [laughs]! (D15-S; see also BfR 2005).

The notions of openness and transparency within the good governance discourse are, of course, not only performed at the individual level but are also made visible in the redefinition of an overall institutional identity: The BfR is keen to assert its ‘uniqueness’, its open and self-reflective mode of operation (‘we have read Popper, too, you know!’), and its ‘modern, open approach’, which includes the publication of controversial exchanges with Greenpeace, for instance (D11-S; see BfR 2006b, 2006d).

Another notion in this ‘good governance’ discourse, the notion of trust, concerns the ways in which institutions have developed practices to track their own performance, particularly in relation to citizens’ trust (for instance, aid 2003). In the immediate aftermath of BSE, the European Commission provided funding for an EU-wide trust-building campaign, which was carried out by a broad constellation of actors in Germany, including policymakers, health officials, and scientists, as well as members of the industry and

consumer organizations (see aid 2001, 2004; COMM 2002b). For all of these actor-categories, good governance entailed the restoration perceived loss of trust and this shared sense points to a pervasive experience of dislocation and ambiguity. As for scientists, the growing role of the social sciences in informing ‘risk communication’, as we have also seen in England, points to a perceived need to ‘reconnect’ with citizens as a result of the acute ambiguity experienced in the aftermath of BSE. Scientists and policymakers have come to employ interactive modes of communication rather than what is referred to as the conventional ‘one-way’ mode of risk communication as part of the institutionalized, linear, three-stage model of risk analysis referred to in chapters two and four. As the BfR developers express it themselves, the aim is

not to convince others that a given risk is either manageable or unacceptable, but rather to enable the affected parties to practice their right to choice through offering information, dialogue, or active participation in finding solutions and decisions (Hertel and Henseler 2005: 3).

The notions of a need to reconstruct and sustain the relation between scientists and policymakers, on the one hand, and those actors’ relations with citizens, on the other hand, find further expression in the hiring of consultants to conduct studies regarding the popularity of or public knowledge about the BfR.⁹² Good governance, in other words, comes to be about *how* things are done, rather than only about *what* is done. As a result, the adequacy of the performance, to use the dramaturgical metaphor, depends on the judgment of the ‘audience’ – whereby the actor/audience binary distinction becomes dissolved.

At the same time, there appears to be a discrepancy between the official calls for involving consumers in policymaking and the actual extent to which participatory practices have been introduced in Germany. Yet it would be misleading to distinguish between ‘language’ and ‘real practice’. Instead, the double-focus of this study reveals that policymakers and scientists draw on a ‘Europeanized’ discourse in order to express a reflective, modern way of thinking about risk analysis, whereas this discourse has not yet been internalized in organizational practices in Germany.

Beyond this Europeanization effect, the apparent discrepancy between official calls for participation and a relative lack thereof in practice can be better understood by noting the skepticism and cynicism with which some of the aforementioned measures (and the

⁹² For instance, the BfR has recently commissioned the consultancy firm *aproxima* to evaluate public knowledge about the BfR. To that end, political and economic ‘experts’, as well as associations, consumer organizations, and media representatives will be interviewed.

resources invested in them) were met by civil servants (including scientists) at the newly created institutions. This skepticism and cynicism became apparent in in-depth interviews conducted for this study, in particular with senior civil servants and scientists who were socialized in a different kind of organizational culture. In other words, the newly constructed ‘rules of the game’ following the institutional ambiguity caused by the food scares – in particular BSE – are also resisted by some, in particular persons charged with implementing the new rules of the game, and those who feel that their authority and credibility may be undermined thereby – not an uncommon feature of organizational reform, as we shall see again further below.

Moving on to the next cluster of notions, the notion of a need for an institutional separation between science and policy – ‘risk assessment’ and ‘risk management’ - for the sake of good governance was introduced and reproduced in a number of institutional interventions, as section 5.3 recounted. In line with the performative appeal to a ‘new approach’, within the new institutions, some scientists experience or present the institutional separation between risk assessment and risk management as a ‘paradigm change’ in the sense of ‘a new political culture in dealing with risks’ (Büning-Fesel/aid 2004) and ‘communication [...] in the form of a dialogue’ (Hensel/aid 2004: 17). In comparison with other contexts – as is widely known – the institutional commitment to the precautionary principle is much more sedimented in Germany (see section 5.3.1), but otherwise, its guiding principles overlap largely with those of its European counterparts. Notwithstanding these similarities, taking a closer look at the practices and organizational culture of the BfR, with its ‘double identity’ as both a scientific institute and a public body (D13-S, D14-S; Wissenschaftsrat 1999) reveals that – despite the increasing Europeanization – policy practices are still contextually contingent and open to contestation. A senior BfR scientist recounts her experiences of these institutional interventions as follows:

The separation of risk management from risk assessment I find absurd. Maybe it even leads to double-work, or maybe not, but especially the *constant deliberation about what our responsibilities are*, and those of the BVL [the risk managers]. Where are we allowed to cooperate, where should we not go too far into their work area? I find that very, very difficult, time-consuming, and a waste of resources [...] I have always done risk communication! When I was invited to give lectures, that’s exactly what I did! And now, suddenly, there is a new department [for risk communication]. *It’s not well-defined*, and as a natural scientist, of course I have a problem with that. [...] In this house [the BfR],

there is often an attitude of: But this is risk management! *It is a political decision*, and not ours to make (D14-S, emphasis added).

In a similar fashion, a senior civil servant at the Ministry BMVEL emphasizes the value and prevalence of informal communication between ‘stakeholders’ along the food chain, policymakers, and scientists (D9-G, cf. D6-G). Indeed, in some cases, the interview respondent admits, risk assessors and risk managers have come to what he refers to as a ‘gentlemen’s agreement’, whereby the ministry does not await scientific advice from the BfR but rather handles and communicates the pertinent ‘risk’ through either an existing study or one they commission from elsewhere. The respondent explains:

[Informal communication] is what it is all based on. If you consider the different systems [or steps in risk analysis] as separate, it disintegrates [*klappt das zusammen*]. *You can’t consider risk assessment, management, and communication as isolated*. The assessors have to talk to the *stakeholders* while they are in the process of evaluating (risks) - they also have to ask us: did we understand your question correctly [if the ministry commissions advice from the BfR]. [...] They always have to remain in *exchange* and should never stay in their ivory tower! (D9-G, emphasis added).

This reference to the importance of ‘exchange’ signals a process in which boundaries are negotiated and (re-)produced; officials interviewed for the purpose of this study frequently referred to regular conversations ‘in the hallway’ or ‘over lunch’ when they were asked about the subject of exchange, or asked to comment on how one (as a scientist or a policymaker) comes to ‘know’ whether one is adhering to the institutional ‘rules of the game’. At the same time, the respondents thereby indicate the dynamic and unstable nature of those boundaries and how they shape organizational culture.

Finally, a key notion in the discourse of good governance can be found in the reference to the food chain as a collection of stakeholders. The case of the ‘acrylamide scare’ is exemplary of the ways in which seemingly diverse actors come together on the basis of the shared notion of *stakeholderness* in the *food chain*. In 2002, new research findings suggested that potatoes developed high levels of acrylamide, a potentially carcinogenic chemical, when treated with high temperatures. This was not a new problem as such, as frying and roasting have been common cooking practices for long, and these new research findings were more or less incidental.⁹³ In light of the uncertain nature of the issue and its possible carcinogenic

⁹³ Swedish health authorities performed an assessment of workers’ health in the sector that year and incidentally found elevated levels of acrylamide.

character, however, a round table discussion was called for by the BVL and the Ministry BMVEL that included ‘all relevant stakeholders’ along the food chain, including members of the food industry, consumer organizations, professional associations such as in the tourism and restaurant sectors, as well as women’s associations, environmental NGOs, and *Foodwatch*, a prominent private food and consumer watchdog. These different groups, one could argue, are informed by diverse and also overlapping discourses – they constitute different ‘discursive premises’. As a result, the content of discussions, and the ultimate suggestions proposed by the different groups, ranged from developing new frying techniques both for industrial and household purposes to finding new ways to grow potatoes. In short, the discussions took place ‘from farm to fork’.

Contrary to the strict institutional separation between ‘science’ and ‘policy’, the whole ‘policy process’ – including scientific risk assessment, risk management, and risk communication – was eventually a process of ‘co-production’ of policymakers, NGOs, and particularly representatives of the food industry. In reference to this sort of practice, a BVL official remarks that ‘[t]he good guy/bad guy distinction simply does not hold anymore [...] [and] this is something like a paradigm change’ (D6-G). The active involvement of these different groups and their self-understanding as stakeholders indicate a renewed sense of agency, too, which makes possible a renegotiation of roles and discursive meanings. The following quotation of a high-ranking official at the Ministry BMVEL sums it up well:

One cannot view these systems as separate from one another. One has to view [these structures] across systems, horizontally, and across national borders. Particularly in times of globalization, it does not make sense to view things each on its own terms. One has to view everything, from farm to plate, production, transport etc. [...]. It has to be one (D9-G).

To conclude, the discourse of good governance has considerably shaped institutional changes, organizational culture, and policy practices in the German context and has aided the reconstruction of authority and order. Of specific importance here is the performative appeal to a ‘new approach’ for the authorities; the notion of a need to remove the agricultural lobby from food (safety) policymaking; a need to conduct scientific expertise and policy in a transparent and open fashion for the sake of restoring citizens’ trust; and the notion of the ‘food chain’ as a collection of stakeholders. We shall see some of these notions return in the other discourses, too – especially that of the food chain and the notion of being a stakeholder.

5.4.2 Environmental sustainability

This section is devoted to an analysis of the specific composition of the environmental discourse in Germany and its role in the *Agrarwende* policy discourse. As its content and position in the overall policy discourse sets the German case apart from the other cases studied here, the following discussion will proceed in considerable detail.

The composition of the discourse of environmental sustainability is summarized in table 5.1 and is discussed here as follows: the notion of an intrinsic value of ‘nature’, and a collective responsibility for it; the link between agricultural production and environmental protection; the interrelated notions of being a member of the ‘food chain’ and a stakeholder; the notions that food and (environmentally friendly) farming are of collective social value; the notion that naturally produced food is quality food, and that quality can refer to the process of production, rather than only the features of the product. Beyond this, environmental sustainability here also means that the comparatively high prices for organic foodstuffs reflect the real costs of production, as it does in the case of England. In accordance with the holistic character of this discourse, the presentation of these notions will be more interlinked than those in other subchapters.

While in the UK the BSE episode as well as the occurrence of Foot-and-Mouth Disease (2000-1) certainly triggered strong debate and a period of negotiating responsibilities, the policy discourse of the *Agrarwende* suggests a different reasoning, as well as a different experience of the same disease, the economic and health-related effects of which were actually much greater in the UK. Whilst in the Netherlands, as we shall see later in the thesis, BSE was understood to require a technical fix, that is, more efficient controls, Minister Künast announced an end to ‘agriculture as we know it’, even though numerically speaking, the impact of BSE in Germany was not considerably higher than in the Netherlands. Upon the discovery of BSE in a Bavarian herd, the prominent newspaper *Die Zeit* commented as follows:

Like a criminal tribunal, BSE has swept over the country, has decimated the number of cattle, as well as the government. Now, it is also reaching the agricultural industry, the industry that for decades, led to a primacy of the economy before nature (*Die Zeit* 2001).

In this quotation, ‘the economy’ refers to the privileged position of the farming lobby in this policy domain - a position that had been discursively institutionalized in particular in the post-WWII period, when notions of self-sufficiency and productivity had become dominant vis-à-vis the more marginal, romantic, notions of farming and food production (see section

5.2.1). The juxtaposition of ‘economy’ and ‘nature’ signals disorder, and BSE – as a symptom of the ills of industrialized agriculture - symbolizes a violation of nature.

This is not to say that this environmentalist understanding remained uncontested. A member of the German Liberal party (*Freiheitlich-Demokratische Partei*, FDP), for instance, understood BSE to be ‘the consequence of the messy production of MBM in Great Britain’ (Heinrich 2000), hence a more technical problem. A prominent consumer watchdog, *Foodwatch*, has similarly criticized the environmental framing of the issue, accusing the government of over-emphasizing the promotion of organic food as a ‘market niche’ (Bode and Foodwatch 2006; Foodwatch 2005c). Yet, generally speaking, the language of a ‘point of no return’ and the announcement of a *Wende* are dominant in the German context and consequently catch our interest here, as well as the impression that BSE was received as a crisis of environmental sustainability across the political spectrum, rather than only the Green Party.

In order to understand why and how a discourse and its particular composition come to resonate with seemingly disparate actors, and thereby produce discursive alliances or clusters, it is informative to examine the ways in which discursive notions are called upon in particular settings. On the occasion of a forum in September 2003, the *Agrarbündnis*, an alliance of a variety of NGOs as well as farmers, organized a trip to an organic farming estate, Gut Körtlingshausen, in order to inspire discussions on the future of agriculture (Agrarbündnis 2003):

[Should we] create permanent and lasting conditions or engage dynamically with our environment, because agricultural activity implies change? What are the limits to change and intervention, and who sets these limits? [...] In order to develop common goals, mutual understanding is necessary [...] [and] a democratic landscape can only grow through a collective participatory process (Agrarbündnis 2003: 1-2).

How can a landscape grow democratically then? During the interviewing process for this research, it became clear that the *Agrarwende* and the German implementation of the ‘farm to fork’ approach had to be further contextualized, and that, indeed, the understanding of the discovery of BSE in domestic herds was strongly shaped by environmentalist language and the notion that food (production) had turned ‘unnatural’ in the course of industrialized agriculture. As explicated in section 5.2, notions of the ‘natural environment’ and an essential obligation to protect and cherish it had informed food and farming policies in earlier periods, whereby historically sedimented notions drawn from the Romantic movement acquired

different meanings over time – instrumentalized during the *Third Reich*. Although post-war food (safety) policy was still shaped by romantic farming notions such as small-scale family farming (cf. Hendriks 1987, 1989; Mayhem 1970; Pfeffer 1989), the environmental discourse was later disrupted in the context of the progressing EU CAP.

A diffuse conceptualization of ‘nature’ now again forms part of agricultural and food (safety) policy in Germany and finds expression in notions of environmental stewardship, that is, the construction of a link between agricultural production and environmental policy, and the construction of natural food as ‘good food’. The construction of *nature* here implies an essential obligation on the part of the population and, of course, farmers to act as guardians of the natural environment and landscapes. In addition, the notion of the intrinsic value of nature introduces an element of aesthetics into the discourse. Commenting on ‘Germany’s ideas for a new agricultural policy’, Minister Künast, for instance, envisages

[w]alking through a countryside where fields and meadows alternate with trees, hedges and ponds, a countryside with animals grazing [...] bright friendly animal houses [...] and a farmyard café with home-baked cake and flour produced on the farm [...], and agriculture backed by the people (Künast 2001b).

Similarly, speaking at a women’s forum on nutrition, food, and rural policy, Bavarian state secretary at the time, Emilia Müller, expresses these connections in the following way: ‘If we want to preserve the identity of rural areas [...], we have to include their social and cultural essence: the togetherness of their inhabitants, heritage and traditions, and our Christian values’ (Müller 2004). A concept that expresses the notion of a holistic connection between an intrinsically valuable nature, humans, and food is that of *Bäuerliche Landwirtschaft* (‘peasant agriculture’), which denotes more than merely employing organic principles in farming. *Bäuerliche Landwirtschaft* is

a way of living [and it depends on] natural, societal [...] and cultural conditions [...] [Its principles are meant to] form a bridge between society and agriculture [that is built on the pillars of] social, ecological, economic, global and intergenerational sustainability, and animal welfare. [It requires] thinking in terms of cycles: first, in terms of production techniques (preserving fertility and biodiversity), second, regionalism, and third, thinking in generations (Agrarbündnis 2001: 63-4).

The link between land and food is presented here as one of cyclical interconnectivity in the idea of *Kreislaufwirtschaft* – a holistic concept that denotes a self-sustaining food

production system that takes into account social as well as ecological concerns. The notion of the societal value of agriculture and the notion of an intrinsic value of nature both find expression here, a reasoning that resonates in various discursive premises, ranging from consumer organizations to animal welfare campaigns and environmental organizations, churches, and across political parties (see Agrarbündnis 2002b; Verbraucherzentrale 2004).⁹⁴ This signals the discursive sedimentation of a new kind of ‘agricultural exceptionalism’ that is different from what I discussed in section 2.

In this cluster of holistic notions, food - *Lebensmittel* literally means ‘means for life’ - is seen as derived from what some consider to be the ‘god-given’ *Lebensraum* (Kirchenamt 2002: 4), and it follows that ‘the task of agriculture [is] the protection of water, grounds and air in the original meaning of *Lebens-mittel* [...] and respecting animals and plants as God’s creation’ (ibid.).⁹⁵ This gives expression to the notion that environmentally friendly food production forms a social responsibility and that it is beneficial for all in a holistic way. In a further performance of this holistic notion of agricultural food production, the current Minister for BMVEL, Horst Seehofer of the Bavarian Christian Conservative Party (*Christlich-Soziale Union*, CSU) comments that ‘the food industry and the agricultural sector are not only responsible for our food but also our landscape and nature, and to ensure respect for farmers as well as rural areas, the environment, and landscapes, we have to enter a societal contract’ (Seehofer 2005). As an environmental NGO puts it, punning on a German saying: *Landschaft geht durch den Magen* – landscape has to be tasted (BUND 2005). This notion resembles the theme of ‘reconnection’ observed in food (safety) policy in England.

It becomes evident that food scares such as BSE have led to a specific rethinking of food (safety) policy here, more so than in other contexts, as we shall see in chapter six in the study of food (safety) policy discourse in the Netherlands. The key to understanding this particularity (against the shared EU-based policy approach) is to recognize that events, diseases, phenomena, and so forth, are not taken up in a discursive vacuum. Rather, the discursive resources that are available to us to make sense of events are contingent upon particular contextual discursive foundations. In this particular case, the importance of the ‘natural environment’ – including ground, plants, and animals – had been a latent notion in

⁹⁴ The 2006 campaign by the VZBV consumer association ‘Nähe schafft Vertrauen’ communicated a similar stance (‘Proximity [of food] can be trusted’).

⁹⁵ Several church-based associations (Catholic and Protestant) are members of the Agrarbündnis (to be discussed below). For an up-to-date list of members, see <http://www.agrarbuendnis.de/index.php?id=92>. This sort of discourse is not restricted to church-based organizations. In a TV interview, former Minister Künast (Greens) called for ‘respect for God’s creation’ in reference to changes in the husbandry of laying hens. *Arte Info*, Friday April 7th 2006; 19:45.

the German cultural context, but marginalized in the industrialization process, the intensification of agriculture, and the growing significance of agricultural trade. Pinpointing the dislocatory effect of industrialization itself, and consequently, the ways in which BSE exposed the socially constructed nature of the pre-BSE policy discourse, an environmentalist respondent with an organic farming background indeed describes the experience of BSE, and the agricultural practices that are assumed to be the cause of the disease, as an ‘alienation from nature’ (*Naturentfremdung*) (D4-ENV; cf. Weiland 2007).

The re-emergence of this previously marginalized discourse is also embodied in particular clusters of food (safety) governance. For instance, the organic labeling scheme *Biosiegel* was established in response to the BSE crisis in 2001, and by 2006, over 28,000 products had successfully applied to be labeled in this manner (Bode 2006: 256). Interestingly enough, this legally protected label for organically produced food features considerably stricter requirements than the EU equivalent (Kropp et al. 2005), which reinforces notions of environmental stewardship, the holistic importance of animal welfare, and an aesthetic notion of nature and food production.⁹⁶ In addition, a number of associations add their own label to the EU (‘eco’) label, in particular associations that predate the food scares of the 1990s.⁹⁷ The government further launched the Federal Organic Farming Program (*Bundesprogramm Ökologischer Landbau*) and awarded an annual prize to organic farmers with particular achievements regarding animal welfare, plant breeding, production methods, or marketing tools (Gerlach et al. 2005: 22; cf. Bio-Kann-Jeder 2006). In resemblance to what we found in the UK case, practices such as awards for ‘farmer of the year’ embody the notions of what counts as ‘good food’, ‘good farming’, and ‘food quality’. These notions are then not ‘free-floating’ ideas; they are expressed and reproduced in a concrete, material fashion to give visible expression to particular ‘truths’ that make up and sustain the policy discourse.

Moving on to a related notion that finds expression in consumption patterns, according to sociological research (Kropp et al. 2005), ‘naturally’ produced food represents ‘good food’ to consumers. According to the said studies, buyers of organic food in Germany have the

⁹⁶ The EU Regulation 2092/91/EEC is statutory law and is directly applicable in all Member States of the European Union. In countries such as Denmark, Spain and Finland the relevant governmental authorities are responsible for its implementation. In Germany, however, private agencies are in charge of correct implementation, which are periodically checked by governmental authorities (‘Kontrolle der Kontrolle’).

⁹⁷ These earlier organic labelling associations include Biokreis (1979), Bioland (1971), Biopark (1991), Demeter (1924), Ecoland (1926), Ecovin (Bundesverband Ökologischer Weinbau, 1985), Gäa (1989), Naturland (1982). Notably, these associations originate from different regions of the country. Gäa, for instance, was founded in what was then the German Democratic Republic.

following motivations for their behavior: Organic food is assumed to be less ‘polluted’ with pesticides, it is thought to be ‘more natural’ and ‘less risky’, in sum ‘somehow healthier’, and ‘good for body and mind’ (Kropp et al. 2005: 40). Buyers also see organic food as being produced ‘in harmony with needs of the environment and the needs of animals’, as well as ‘under fair conditions’ (ibid.). It becomes evident here again that the connotations of ‘organic food’ range far beyond production methods. Within this discourse, safety turns into quality, which does not only include factors such as taste, texture, and keeping produce free of contaminants, quality increasingly refers to procedural quality, such as in the aspects of animal welfare and concern with the environmental effects of food production (Apel 2004; BUND 2005; VZBV 2001a; NABU 2001). This is reflected, for instance, in the regulations concerning animal husbandry (for instance, regarding chicken) that are stricter than those of the EU, as suggested above (e.g. the Order on Animal Protection in Slaughtering [*Tierschutz-Nutztierhaltungsverordnung*] 2002; cf. Tierschutzbund 2006). Policymakers also enter this discourse by way of the federal government’s organic agriculture campaign (*Bundesprogramm Ökolandbau*) that suggests that ‘your head says “organic” and your stomach must agree!’ (*Ihr Kopf sagt Bio und ihr Bauch muss ihm recht geben*), which implies that spending more for organic food (‘Bio’) is in fact ‘rational’ (what ‘your head says’) and that organic food tastes better, too (Bio-Kann-Jeder 2006).

Members of the industry also give expression to the notion of a valuable link between food (safety) and naturalness. As a campaign by the food industry association CMA between 2002 and 2006 put it: Safety means ‘nature on our plate’ [*Natur auf dem Teller*]. Even large fast-food chains have adopted and internalized notions of naturalness, which one can find embodied in a recent campaign by a large burger chain that calls for nature protection in collaboration with the environmental NGO Conservation International. The same fast-food chain invites ‘food scouts’ to follow their burgers back their origins in the food chain in order to experience the ‘rural idyll and the multi-generational farm’ where cows are raised. The campaign combines discourses of environmental sustainability (idyllic landscape) and consumer protection (the empowered consumer who can trace her own burger); food safety, however, is not mentioned in the two-page ads one can currently find in magazines that are set against a romantic, idyllic photographic image of a small- or medium-scale farm.⁹⁸ Given this internalization of the value of nature and the notion of a collective responsibility for it, it

⁹⁸ This so-called scout program launched in 2006 is not limited to Germany, but the photographic image the ad is based on is an interesting anecdote in light of the prominence of the notion of naturalness in the German context. One may argue that the ad is designed in such a way as to appeal to the German expectations – based on a discursively sedimented idea of what appeals to German consumers.

is intriguing to see that even abroad, ‘naturalness’ matters with respect to German food. The Central Marketing Agency (*Centrale Marketing-Gesellschaft der deutschen Agrarwirtschaft*, CMA)⁹⁹ conducted a study that enquired after the qualities that importers of German agrarian products associated with the latter. The results indicated that even abroad, ‘naturalness and cleanliness’, along with ‘firm control and quality’, are strongly associated with the image of German food (Bauernverband 2004).¹⁰⁰

Closely related to the notion of ‘nature’, we find the notion of being an actor in the food chain. While I argued above that the BSE crisis functioned as a dislocatory and therefore empowering moment for those voices that were previously marginalized, this empowerment did not come ‘naturally’, but with the discursive vehicle of the chain metaphor. Chapter four introduced the origins of the notion of the ‘food chain’ and indicated that, while originally a biological concept, in the present case, the notion of the food chain matters in three respects. *First*, it denotes interconnectivity and a systemic character of the food (safety) system, which has brought a new sense of ‘collectiveness’ to the fore. As a range of seemingly disparate actors come together under this notion, new discursive constellations and clusters of practices come about. For example, in 2000, the NGO Food Chain Initiative (*Initiative Nahrungskette*) was founded in Germany, which seeks to campaign for ‘safe and healthy’ food. The campaign calls for ‘the realization that sustainable improvements are only possible through improvements along the whole food chain – plants, animals, humans, environment – as well as a chain of solidarity among consumers [...] [and] the cooperation of all those affected, consumers, politicians, the industry, science, and the media’ (Initiative Nahrungskette 2006). The construction of the meaning of the food chain in this context reflects again the notion of a collective responsibility. Given the relative strength of the environmental sustainability discourse in the *Agrarwende* policy discourse, it may be interesting to note here that environmentalists typically employ the notion of ecological *systems* in their articulation of issues, concerns, and possible solutions. In part, this background can explain why the notion of the food chain has been successfully mobilized in Germany and why it has brought about a specific sense of collective responsibility and interdependence.

Second, the discursive function of the notion of the food chain is recognizable in the employment of the notion of being a ‘stakeholder’ that has emerged in recent years and is

⁹⁹ The CMA (Central Marketing Agency) is a quasi-governmental organization that promotes German agricultural products. Farmers have to pay taxes for their (compulsory) membership.

¹⁰⁰ Traces of this ‘hygiene’ notion can be found, for instance, in the initial assumption that the ‘German’ sterilization technique could prevent BSE transmission.

frequently employed in policy documents as well as by interview respondents.¹⁰¹ Resembling the findings in the English case, the linkage between the chain metaphor and the notion of *stakeholderiness* has an empowering function and allows, for instance, previously marginalized groups, such as those concerned with the environment as well as consumer rights advocates, to (re-)enter the policy process in both formal and informal ways. At the level of discursive policy practice, this has also modified – in fact, expanded – the discursive clusters across discourses: Scientists, policymakers, citizens, and members of the industry alike have taken up the notion of the ‘stakeholder’. In addition to a clear linkage to the discourse of good governance, the notion of *stakeholderiness* is also a key feature of the Europeanized food (safety) policy discourse, as chapter seven will show – not least because ‘stakeholder’ is a term that is left untranslated across contexts, which suggests a relative penetration of ‘Euro-speak’ into national policy discourse.

Third, a further indication of this sense of ‘being in this together’ can be found in a number of initiatives and alliances present in this policy domain. While some of them emerged in the midst of the BSE events, such as the aforementioned Food Chain Initiative, the Alliance for Animals in Agriculture (*Allianz für Tiere in der Landwirtschaft*),¹⁰² and the *Plattform 2007*,¹⁰³ others, such as the prominent *Agrarbündnis* and the alternative Consumers’ Initiative (*Verbraucher Initiative*) have been in existence for as long as twenty years. At first sight, these alliances seem counter-intuitive. The quasi-non-governmental Consumer Association (*Verbraucherzentrale Bundesverband, VZBV*),¹⁰⁴ for instance, has been an actively supporting member of the *Allianz für Tiere* – and it does not make immediate sense that consumer rights should be related to animal welfare (see also Verbände 2003). Yet through

¹⁰¹ The English term is used in Germany, too. Judging from interviews conducted in Brussels with both NGOs and policymakers, the term is likely to have been transported from Brussels via forums such as conferences, expert meetings, Council meetings, and the European Food Safety Authority. See also chapter seven for the discursive function of the term.

¹⁰² The animal welfare alliance is composed of the German branch of *Friends of the Earth* (*Bund für Umwelt und Naturschutz Deutschland, BUND*); the German animal protection association (*Deutscher Tierschutzbund*); the Schweisfurth Foundation (*Stiftung Schweisfurth*); and the federal consumer association (*Verbraucherzentrale Bundesverband, VZBV*).

¹⁰³ Founded in 2001, the platform aims to represent the interests of environmental, agricultural and animal protection associations in the domain of agricultural policy, particularly in the EU context (CAP). It is primarily financed by the *Stiftung Europäisches Naturerbe* (European Nature Foundation; EURONATUR), *Arbeitsgemeinschaft Bäuerliche Landwirtschaft* (AbL) (Association of Traditional Farmers) and the Federal Office for Nature Protection (*Bundesamt für Naturschutz*). In addition, the following associations are represented: *Bioland Verband*, BUND, *Bund Naturschutz Bayern* (Bavarian Association for Nature Protection), *Deutscher Naturschutzring*, *Deutscher Tierschutzbund*, *IG Bauen Agrar Umwelt* (Association for Construction, Agriculture, and the Environment), *NaturFreunde* (Friends of Nature), *Naturschutzbund Deutschland* (Association for the Protection of Nature), *Neuland*, and the Schweisfurth-Foundation.

¹⁰⁴ The VZBV is quasi-governmental in the sense that it relies on funding from the federal government and the *Länder*.

dislocation and ambiguity, cooperation and new discursive formations become possible on the basis of shared discursive notions such as the food chain.¹⁰⁵ For instance, on the occasion of the International Consumers Day on 6 April 2001, a prominent consumer advocate, Hedda Müller, called upon the notion that ‘consumer interests are inseparably linked to environmental protection and animal welfare, as it is not in the interest of the consumer that production and consumption occurs at the cost of the common good, the environment, animals, and social justice’ (Müller 2002; see also VZBV 2001b).

The overlapping membership compositions of alliances accentuate the production of common meanings. The notions of the ‘food chain’, ‘nature’, and the notion of being a ‘stakeholder’ constitute the central shared notions that ‘make sense’ across different discursive premises, as their frequent occurrence in table 5.1 indicates. This is particularly due to the systemic connotation of the category of the ‘food chain’ and that of ‘the stakeholder’, as at the level of discourse, the two interlinked notions create a sense of interdependence and an inherent need for cooperation along, and indeed beyond, the production chain. Whilst this point counts for all the studied cases here, including the transnational policy discourse at the level of the EU, in the German case, it is the notion of a natural environment as a system, as it is expressed in ecology, that accentuates the sense of interdependence, as suggested above.

While discourses come to be shared across these seemingly disparate actors, the notions that they are composed of only find their performative expression in the practices by which these groups enter into opposition as well as dialogue. For instance, the *Agrarbündnis* issues an annual *Kritischer Agrarbericht* (Critical Report on Agriculture; e.g. Agrarbündnis 2002a, 2006), which includes contributions from various organizations and serves as a non-exclusive discussion forum. The report includes the following sections: agricultural policy; international relations; production and market; regional development; agriculture; animal protection; agriculture and ecology; genetic technology; organic agriculture; and consumers. This combination indicates the formation of a particular discursive actor constellation (discursive cluster) within the re-empowered environmental sustainability discourse. Those categories – animal welfare, agriculture, and consumer protection – and the actors that push for their

¹⁰⁵ In addition to the shared discursive notions on a national level, a number of organizations additionally link up with equivalent organizations abroad, frequently via European federation associations, such as BEUC (The European Consumers’ Organization), *Eurocoop* (European Association of Consumer Cooperatives), CIAA (Confederation of the Food and Drink Industries in the EU), COPA (Committee of Professional Agricultural Organizations in the European Union), and the *Eurogroup* for Animal Welfare. Through these transnational networks, additional meanings can be mobilized and transported across institutional and national boundaries.

importance are constructed as equivalent and integrated. This helps explain the apparent coherence of this policy discourse, and the remarkable absence of the notion that the price difference between conventionally and organically produced foods should be reduced.

To conclude, the environmental sustainability discourse is exemplary for the ways in which dislocations may produce a re-emergence of previously marginalized discourses. In the German context, this section demonstrated, the notions of the food chain and the stakeholder have had an empowering function for citizen groups as ‘stakeholders’; they are also key notions that cut across and form bridges between the five discourses identified here. The central notions of an intrinsic value of nature, landscape, a collective responsibility for protecting the natural environment, and a sense of aesthetics interact in this discourse, insinuating a link between the health of the ‘natural environment’ and the ‘health of society’. Keeping in mind the notions related to environmental sustainability that were discussed here, below I move on to the analysis of the market efficiency discourse, where one can observe the function of notions that connect seemingly separate and, at times, rivaling discourses.

5.4.3 Market efficiency

Above, I discussed the ways in which a notion of ‘systemicness’ marks the environmental sustainability discourse as well as the particular notion of nature within it. This section addresses the discourse of market efficiency but at the same time seeks to indicate how it is ‘wrapped into’ and rivals with other discourses. The following notions, as indicated in table 5.1, are of particular pertinence: the notion that the industry bears essential responsibilities for food (safety) along the food chain; the notion that being a member of the food chain brings responsibilities as well as rights and *stakeholderness*; and the notion that environmental conservation should be and can be integrated with agricultural production and market efficiency. The table also makes visible, in bold print, the function of key notions in connecting seemingly divergent discourses, such as consumer protection and environmental sustainability.

To begin with, the *Agrarwende* policy discourse has not remained uncontested from the vantage point of a market efficiency discourse. In particular, the Farmers’ Union received the announcement of the ‘end to agriculture as we know it’ critically and pointed to possible effects for the competitiveness of German farmers (cf. *Berliner Zeitung* 2001b). The emphasis on organic food production, it was argued, would create a distinction between ‘good farmers’ and ‘bad farmers’, the latter being those who were to adhere to conventional production

methods.¹⁰⁶ The proliferation of the environmentalist discourse in the immediate aftermath of the BSE discovery, and its alliance with a consumer protection discourse, which constructed consumers as the victims of BSE, rather than farmers, overweighed the *Agrarwende* policy discourse for a considerable period of time.

The sense of a need to overcome the legacy of the ‘Iron Triangle’ brought with it the notion that members of the feed and food industry along the food chain bear *essential* responsibilities and must work together with regard to food (safety) and ‘food quality’. The discourse of market efficiency, in other words, came to integrate a consumer protection discourse. The following scheme gives expression to this amalgamation: In 2001, the *Quality Assurance* scheme (QS: *Qualität und Sicherheit Stufenübergreifend* - ‘Quality assurance across the food chain’) was established in response to BSE; it is based on voluntary declarations on the part of the industry. Instead of taking on pre-existing food safety standards, such as those of the British Retail Consortium (as the Dutch retailers did), in October of 2001, representatives of the Farmers’ Union (*Bauernverband*), feed processors, meat processors, and retailers convened with the Central Agricultural Marketing Agency CMA. Together, they held that a specific (German) quality assurance label should be established, not least for the sake of restoring consumer trust in food (safety). This echoes the stance taken by German authorities before BSE was discovered in domestic herds, when it was assumed that ‘German beef was healthy’ due to what they thought were ‘specifically German’ sterilization techniques.

As for the QS system, the parties decided to form a limited liability corporation with the purpose of establishing a quality assurance scheme based on a national label for (conventionally produced) meat and meat products (cf. Steiner 2006: 187ff.). The requirements for the QS system are set ‘by *the whole food chain* [...] because only something that *is supported by all* can be implemented’ (QS 2006, emphasis added). Furthermore, the QS

¹⁰⁶ Another element in this discourse forms the notion of the need to reduce ‘bureaucratic burden’ (see BMELV 2007b; COMM 2001a; for the UK context Cabinet 1999a, 199b; for the Dutch context LNV 2005c) however, this discursive element is not of high relevance here in terms of its actual presence in policy discourse (i.e. the documents analyzed in the context of this study). The *Programm Bürokratieabbau und Bessere Rechtsetzung* (Policy Program for Better Regulation and the Reduction of Bureaucratic Burden) was only commenced in 2006 at the BMELV in the form of streamlining legislation and working towards reducing administrative burdens for farmers. The extent and shape of this discursive change could not be assessed sufficiently at the time of the analysis of this case, which was completed in late 2006 (see Paul 2007). It is nevertheless interesting to point out that this discourse in part relies on initiatives originating from the EU institutional context – for instance, the aims articulated in the EU Lisbon Strategy, that is, ‘cutting red tape’, making regulation more (cost-)efficient through harmonization, and reducing administrative-technical requirements for both farmers and administrators (COMM 2006b). This discourse of reducing bureaucracy, ‘better regulation’, and ‘improving efficiency’ (at times, supposedly, by leaving certain tasks to ‘the market’) has spread across contexts (see also chapter six).

system ‘creates linkages that put all elements along the food chain on an equal footing’. The individual firm has to fulfill its obligations with respect to quality assurance, but it is not the sole bearer of responsibility: ‘We all have to engage in quality assurance *together across the whole food chain* [...] [because] only cooperation across the whole chain can make these efforts *visible to the consumer*’ (QS 2006, emphasis added). This private ‘self-regulatory’ scheme employs standards that are in essence the same as those set by the governmental authorities – with the additional requirement of a veterinary surveillance based on private contracts and a renouncement of the use of antibiotics in animal rearing (QS 2006). The nature of this practice, one may argue, shows an implicit construction of ‘collectiveness’, turning food safety into a ‘societal endeavor’, and reflects the internalization of a new food (safety) policy discourse in the private sector.

This internalized notion of the food chain is further enacted in the practice of *traceability*, an inherent feature of the farm-to-fork approach across the EU: *Downstream tracking* refers to the systematic control of food safety practiced on a day-to-day basis and facilitates *upstream tracing*, which refers to the process of finding the ‘weakest link’ in the food chain in cases of concrete problems that arise and makes possible the withdrawal of food products when necessary (Ökolandbau 2006).¹⁰⁷ When the system was introduced in Germany, it initially created confusion, particularly with small businesses, as they had understood it to be a merely technical (and potentially costly) measure based on information technology. As a senior official at the Ministry BMVEL expresses it, ‘it took a while for them to understand that this is not only a *technical* matter, but that all parties along the food chain *depend on each other*’ (D9-G). As it turned out, the measure also implied a sense of *interdependence* in addition to the technical aspect. This shift from a technical understanding of the meaning of the ‘food chain’ towards a more holistic understanding exemplifies the role of discourses in informing changing the changing roles, rules, and self-understandings of seemingly given policy actors. Indeed, it seems as though the notion of the ‘food chain’ has become something like a code, as ‘one no longer has to explain to journalists what it means’ (D4-ENV).

As suggested earlier in the discussion of the good governance discourse, the notion of being a member of the food chain is closely linked with the notion of *stakebolderness*. The strength of this interlinkage lies in its capacity to resonate in and ‘make sense’ across seemingly divergent discourses and the actor-categories those produce. In the German

¹⁰⁷ According to EC Regulation 178/2002, the principle of traceability aims at ensuring that businesses are at least able to identify the immediate supplier of the product in question and the immediate subsequent recipient, with the exception of the step from retailers to final consumers (see chapter seven for a more detailed discussion of the EU regulatory measures).

context, Minister Künast first used the term ‘magic hexagon’ to refer to the six essential *stakeholders*: the feed industry, the food industry, retailers, farmers, civil society such as consumer organizations, and politicians (Künast 2001a; Bundestag 2001; see also BMVEL 2004c). By invoking the term ‘hexagon’, Renate Künast went against the previously institutionalized ‘Iron Triangle’ that had consisted of farmers, other members of the food and feed industry, and bureaucrats. By announcing a shift towards a ‘new approach’ and by appealing explicitly to the inclusion of consumers as ‘stakeholders’, the Minister invoked new rules and roles in German food (safety) policymaking in a performative fashion.

For the purpose of accentuating the role of the notion of *stakeholderness*, two aspects are worth noting here. First, it appears that the notion of being a member of the chain created the conditions of possibility for the collaborative practice in the acrylamide case, which I discussed section 5.4.1 in the context of the good governance discourse. Second, the fact that the setting – the BVL – constituted a new ‘stage’ made it possible for participants to express their discursive positions more effectively, to improvise, and for each to bring into the situation their own understanding of the problem. Second, on a more general level, we can consider an instance of this kind as exemplary for the ways in which meaning is produced around (uncertain) events or phenomena, that is, the very definition of the ‘problem’ and, consequently, the formulation of appropriate solutions hinge upon discursive negotiation. The changes in the market efficiency discourse, in this instance, facilitated a multiplicity of interpretations regarding what the problem was, and who was to be held responsible.

To conclude, the position of the discourse of market efficiency in the overall policy discourse (depicted in table 5.1) is shaped by the relative strength of the environmental sustainability discourse. The notion of a need to ‘remove the smell of stables’ from food (safety) policy and the notion of ‘the food chain’, which has come to include also consumers as ‘stakeholders’, function to delimit the market efficiency discourse. At the level of practice, these notions provide the basis for newly emerging alliances and organizational (business) practices, and the notion of the food chain has come to represent more than just a series of technical procedures. It now connotes the (negotiated) collective endeavor to keep food safe as an endeavor that needs to be performed collectively by the food chain itself – the ‘stakeholders’ across institutional boundaries.

5.4.4 Consumer protection

Chapter two discussed the significance of consumer protection as one of the empirical logics on the basis of which the meanings of food (safety) came to be contested following the dislocatory food scares over the past decade. In the present chapter, the rise of this

vocabulary is also evident in the discussion of the discourses of good governance, environmental sustainability, and market efficiency above. This section provides an account of the position of the consumer protection discourse, its contextually-contingent composition in terms of key notions, and the discursive clusters that have emerged in and beyond this discourse. I shall discuss the following notions in turn, while also highlighting how they link up at the level of broader discourses: the notion that consumer protection must be prioritized over the concerns of the industry even if consumer perception is ‘irrational’; the notion of the need to sustain consumer trust; the notion of consumers as stakeholders with rights and choices to make; and the notion of a link between nutrition (and the marketing of food) and consumer protection. Given the contingency of the meaning of ‘the consumer’ across contexts, a brief genealogy is in order here before embarking on – if not for the purpose of – an in-depth discourse analysis.

‘The consumer’ has been mentioned a number of times in this chapter without much explication as to the origins or the qualities of the term in the German context. Its origins of ‘the consumer’ category are diffuse and diverse, but the consumer is ubiquitous in food (safety) discourse, as already suggested above, in the world of food industry, processors, retailers, scientists, and policymakers. Hendriks (1987) points out that the influence of consumer associations in Germany in the post-war period could by no means be compared to that of the agricultural lobby. While the aforementioned Federal Consumers’ Association occasionally organized boycotts, a wide-scale consumer mobilization never took place. In addition, the considerable influence of a Christian discourse that valued ‘family farms, entrepreneurial initiative, [...] family involvement, nature and animals, and a sense of knowledge about growth, maturing and death’ (see also section 5.2) was hardly conducive to the growth of the kinds of consumer movements observable in the UK or the USA at the time (Hendriks 1987: 43). Overall, the notions of maximizing production for the sake of food autonomy tended to dominate, at the expense of notions of consumer *rights*.

However, while the consumer rights discourse was blocked from developing into a strong movement in the post-war period, ‘the consumer’ does have a history in Germany. Between roughly the 1970s and 1990s, the principle of consumer health *protection* was institutionalized in policy, due to its connection with the ‘precautionary principle’, a policy approach considered to be ‘typically German’ (see section 5.3). The concept of the consumer here, however, was at best implicit, considering that the precautionary principle primarily referred to environmental issues rather than potential effects for the individual. The

economic crises of the 1970s and 1980s again slowed down the initial momentum of the notion, and consumer policy continued to lack an institutional basis (Gerlach et al 2005: 17).

Whereas the US already saw a firmly established consumer movement by the 1980s in Europe, the increasing level of welfare and discourses of economic liberalization during that time period aided the emergence of a consumer protection discourse in Europe.¹⁰⁸ Yet it was not until the late 1990s, and particularly the BSE-related events, that the consumer protection and consumer *rights* discourse in Germany could be mobilized against the hegemonic discourse of intensive farming and industrialized food production.

Given this historical background, the installment of the Consumers' Ministry in 2002 was of particular significance inasmuch as it formed a publicly staged performance of the notion of a need to reduce the influence of the agricultural lobby in food (safety) policy. In its 2001 Agricultural Report, the government announced that

the BSE scandal marks the end of agriculture as we know it [*des alten Typs*]. In the future, consumer protection in the sensitive areas of agricultural and nutrition policy will be put before economic interests. At the same time, it will be about production methods that are environmentally friendly and ecologically sound [*naturverträglich*]. From now on, we will follow the principle of precautionary consumer protection (Bundestag 2001: 1).

The juxtaposition of 'old' and 'new' policy approaches signals the performative appeal to a new relation between policymakers and 'the consumer', while at the same time, a connection between environmental sustainability, the social value of agriculture, and consumer protection is upheld. This articulation therefore indicates the integration of two formerly conflicting meanings of food production - modernizing machinery on the one hand, and romantic, small-scale family-farming on the other hand. In addition, the authoritative position of policymakers is rehabilitated by drawing up a discursive alliance with 'the consumer':

Consumer policy includes all measures by which the state and all organizations that receive our support, contribute to protecting the *interest of consumers vis-à-vis the distributors*. [...] In addition, the objective of consumer policy is *to guarantee consumer choice* – the ability to *make free decisions* as much as possible (BMELV [2005] 2008: 8, emphasis added).

¹⁰⁸ The very prominent consumer magazine *Öko-Test*, founded in 1985, combined environmental aspects with consumer protection from the very beginning and still does so today. It conducts tests on food and some consumer products, such as cosmetics.

Through the call for a new consumer protection policy that would focus on *choice*, too, the government gave expression to notions of ‘credible consumer health protection’, transparency, and ‘good governance’. Moreover, this oppositional, relational discourse represents a realignment of policymakers with citizens vis-à-vis the industry: The state and those organizations it sponsors are to protect citizens and enable choice; the consumer should be put above those of the industry. The political implications of this discursive re-clustering are significant as, through the (re-)emergence of the notion, new actions, strategies, and discursive actor coalitions become possible in the realm of civil society.

The internalization of the consumer protection discourse can also be demonstrated by the pervasive mainstreaming of consumer rights, which implies that attention should be paid to potential implications for ‘the consumer’ in any policy area under discussion. Similarly, food (safety) and quality become linked to consumer policy in nearly any given context (though to different degrees) – it is noticeable, for instance, that in nearly every single issue of the newsletter of the VZBV (the federal consumer association) between 2000 and 2007, at least one article, opinion piece, or interview treats the subject of food (safety) (see appendix B).¹⁰⁹ In addition, it is interesting to note that the VZBV recommends that, ideally, consumers should be buying organic produce from their own region (VZBV 2004), whereby again, no mention is made of the relatively high prices associated with organic food. The contextual-discursive conditions of possibility enable the consumer organization to articulate this recommendation, whereby a consumer protection and an environmental sustainability discourse are tied together.

The ‘infrastructure’ for a consumer rights discourse of this kind was already present to a certain extent, primarily in the form of publicly funded consumer associations.¹¹⁰ But it was the dislocatory experience of BSE and, along with it, the mobilization of the notion of the food chain as a discursive resource that made possible a sense of *empowerment*. Indeed, the reinvention of a new identity vis-à-vis the government and the industry as the primary targets of criticism indicates the emergence of *agency* through these dislocatory experiences. In this process, the notion of the consumer was incorporated into the food and agricultural policy discourse, linking, as the current Minister BMVEL, Horst Seehofer, states, ‘these three

¹⁰⁹ In addition, the organization’s annual report reserves a permanent section for ‘nutrition and agricultural policy’, which indicates the internalized linkage between food production and consumption and ‘being a consumer’ in post-BSE policy discourse.

¹¹⁰ At the time, the VZBV was called *Arbeitsgemeinschaft der Verbraucherverbände* (Consortium of Consumer Groups).

political domains [nutrition, consumer protection, agricultural policy] in a circular relation [...] [as] the basis for a safe and a prosperous future' (Seehofer 2005). Looking back to the discussion of the notion of the food chain above, it is similarly interesting to note that the consumer is now also considered as a link in the food chain: A parliamentary report on food quality states that 'the food chain includes primary outlay, agricultural production, manufacturers (and the packaging industry), distributors, retailers, gastronomic businesses, and consumers' (Bundestag 2003: 25). This understanding of concept of the food chain echoes what Horst Seehofer's predecessor Renate Künast invoked in the term 'magic hexagon' (Künast 2001a).

The notion of a link between agriculture, environmental issues, consumers, and (organic) food has not remained uncontested. When the current government came into office in 2005, the priorities of the 'Consumer's Ministry' (BMVEL) were reordered rhetorically, producing a Ministry for Nutrition, Agriculture, and Consumer Protection, placing agricultural policy in second (rather than third) place. Such actions, however, are not uncommon when new governments (with a different coalition) come into power. In a more interesting move of contestation, *Foodwatch*, for instance, argues that the *Agrarwende* was too strictly connected to organic farming and hence sustained a market niche, rather than considering the wider context of the mass food sector (Bode 2006). The organization, whose founder Thilo Bode is a former head of *Greenpeace*, criticizes the 'wrong concepts' currently used in German consumer policy: The construction of the link between agriculture and consumer policy, it is argued, creates a normative image of the 'good consumer' buying organic food (Foodwatch 2005c; see also Empacher 2000: 10ff). In light of this critique and the findings in the English case, however, it is interesting to note that, contrary to what we will see in the Dutch case in chapter six, there is virtually no mention made of the difference in prices between conventionally and organically produced food. In cases where the price difference is mentioned, such as in the discourse of the consumer watchdog *Foodwatch*, the prominent food-consumer watchdog, studies are used to justify the price difference, thereby expressing relative support for organic farming and the notion that the consumption of organic food, even though financially more burdensome for many citizens, is not 'irrational' (Foodwatch 2004).

Nevertheless, the more liberal notion of being a consumer - as it appears in the discourse of *Foodwatch* - emphasizes the notion of individual choice and indeed stands in stark contrast to the hegemonic consumer protection discourse that manifests in a number of publicly funded projects and campaigns (ÖkoFair 2006). In the *fair-feels-good* initiative, for instance, a

variety of NGOs in the alter-globalization movement, the environmental movement, and a consumer organization have launched campaigns focusing on a range of issues, such as workers' rights, fair trade, and organic farming (Fair-Feels-Good 2005). Notably, the government itself has also launched a number of campaigns promoting 'sustainability in the shopping bag', such as in the context of the Federal Program on Organic Farming (Bio-Kann-Jeder 2006), fair trade campaigns (such as the 'Truly Fair' [*Echt Gerecht*] campaign between 2004 and 2006), and numerous campaigns promoting organic food (ÖkoFair 2006; Bio-Kann-Jeder (2006). Farmers are encouraged to convert to organic methods, and citizens are invited to demonstration farms. Asserting a notion of reconnecting citizens with nature and food, the Ministry BMELV has furthermore sponsored over 30 *Bioerlebnistage* (events to 'experience organic food'), and cooking contests (with solely organic ingredients).¹¹¹ At the same time, the Ministry states that:

In the final instance, the development of organic farming is up to the consumers. They [...] must be prepared to pay higher prices for organic produce and, in this way, to reward the special ecological contribution and quality features of organic farmers (BMELV 2008b).

The quotation above signals the notion that 'the consumer' is a responsible agent who, beyond and above economic concerns, is expected to value nature, sustainability, and a socially and environmentally responsible lifestyle. Numerous (governmental and private) initiatives aim at raising this 'responsible consumer' by way of organizing school activities around nutrition 'from the crèche to the canteen' (D5-QG).¹¹² Overall, this material suggests that the hegemonic understanding of the 'right decision' in this context is to consume *healthy* and *safe* food that is produced with consideration for animal welfare and the environment, as well as fair trade products.

Another cluster within this discourse expresses itself in the semantic move from 'öko' to 'bio'. As already apparent in the discussion of the environmental sustainability discourse above, recent surveys suggest a changing connotation of organic production methods due to a partial integration of the discourses of consumer protection, public (and individual) health, as well as environmental sustainability. To begin with, in the 1980s, organic produce and fair

¹¹¹ Former Minister of Agriculture Künast frequently participated in events of this kind, such as demonstration farm visits, openings of organic farms, as well as cooking contests. For photographic images of these performances, see <http://bilder.oekolandbau.de/index.html>. [acc. December 2005].

¹¹² For instance, the 2006 Aid campaign "Was Wir Essen" [Food information campaign]. www.was-wir-essen.de [acc March 2006].

trade products were referred to as 'Öko' (ecological), which at the same time carried a connotation of altruism, self-discipline, and a moralistic attitude (Sinus Sociovision 2006: 7). In contrast, the contemporary term 'Bio' is understood as combining enjoyment, high quality, health, safety, as well as benefits for the environment and animal welfare (ibid.).

In the *Agrarwende* policy discourse, policymakers plead support for what they see as a return to a 'natural' (*naturnabe*) form of agriculture (Lorenz 2005: 65). Yet in contrast to the *Öko* movement of the 1980s, citizens are encouraged to do so as empowered *Bio* consumers who are concerned with the environment and food (safety), as much as they are with taste, experience, and enjoyment of food. Indeed, Minister Künast herself explicitly called for a move away from the *Ökonische* (organic food as a niche market segment) and for ridding organic production of its ideological connotation (BMVEL 2005; see also NABU 2001).

The semantic move from *öko* to *bio* indicates the fluid boundaries around the object of this study, as previously disconnected policy fields have increasingly been merging – such as nutrition advice and environmental sustainability. In generic terms, I would argue, *Bio* also relates to the *LOHAS* trend (Lifestyle of Health and Sustainability), a shift that further accentuates the fluid nature of the area of food (safety) policy. Whilst this shift could imply that the notion of living in an environmentally sustainable way is now accessible to a broader audience, the fact that *öko* is now perceived to be moralistic has important implications, as it can bracket out certain aspects of what 'living naturally' used to represent: a *collective* concern for 'nature', rather than the currently hegemonic notion that *bio* is beneficial to one's *individual* health.

This discursive turn has met resistance, too, especially from those who still view organic farming methods as an oppositional force. The criticism articulated by those who considered themselves the pioneers of environmentally sustainable consumption and brought organic food to urban areas in the 1960s is exemplary for this internal tension within the movement and across the fluid boundaries of the policy area of food (safety). A particular target of criticism has been the growth of discount supermarkets that sell organic food products, where critics fear a possible loosening of standards in organic food production against the original idea of regional production and consumption (*Der Spiegel* 2007).

The policy aim of mainstreaming organic consumption also stands in tension to the increasingly hegemonic notion of the 'informed and responsible' consumer (Bundesregierung 2003), which has entered the world of policymakers as a *Leitbild* ('mission'), or a new audience, both literally and metaphorically. The notion of being a consumer and the construction of her interests, preferences, and emotions have come to represent a

benchmark for institutions to measure their own performance, which manifests itself in regular surveys measuring trust and risk perception, both on a national and on a supranational level.¹¹³ Notions of what constitutes a consumer and her ‘interests’ are not free-floating ideas but they are constructed, for instance, in the annual Consumer Policy Report (*Verbraucherpolitischer Bericht*) and the annual National Nutrition Survey (*Nationale Verzehrstudie*). In this context, notions of *trust*, *consumer protection*, and *transparency* inform the self-understandings of officials (e.g. BfR 2003b).

Beyond this link between consumer protection, trust, and empowerment, citizens are also invested with a sense of individual responsibility. Most recently, the new consumer information law was approved in late 2007 and has been implemented since May 2008 (see section 5.3). Prominent consumer associations such as *Foodwatch* and the VZBV had lobbied for such a piece of legislation for a number of years through mobilizing a language setting the fraudulent industry against the disadvantaged consumer. Horst Seehofer, Minister for BMELV articulates the new law as a ‘milestone in the history of consumer protection’, with which he wants to ‘create more transparency, provide better information, and strengthen the role of consumers’ (Seehofer 2008, cf. BMELV 2007a). The law is a key performative moment in this context in the sense that it provides citizens with new subject positions. The setting up of information hotlines constitutes an important discursive practice in this context that gives expression to the notion that the informed consumer has individual rights in addition to a right to be protected against the industry.

The notions of consumer protection and consumer rights have equally entered the sphere of scientific experts: In order to demonstrate the pervasiveness of a newly emerging consumer protection discourse, it is instructive to see how scientists have also taken on this discourse:

The BfR works for the consumer, both indirectly (via the consumer ministry) and directly. His [sic] safety is central. He will be involved and informed. Because only an informed consumer has the freedom to decide which risks he wants to take and which ones he doesn’t want to. [...] The institute [BfR] wants to ensure that their work is oriented along the needs of the consumer (BfR 2003b, cf. BfR 2004).

BfR declares its work to be based on the principles of consumer *health*, free consumer *choice*, and the continuous optimization of precautionary consumer *protection* (BfR 2003a).

¹¹³ See, for instance, the *Eurobarometer* surveys, the EU-funded Trust in Food project [www.trustinfood.org] (last accessed 5 October 2006), and, on a national level, surveys by the Dutch Food Safety Agency (VWA, *Voedsel en Warenautoriteit*), and the UK Food Standards Agency (FSA).

These slogans signal that scientists have taken on the consumer protection discourse themselves, which puts them in a discursively equivalential position with policymakers and citizen groups, whereby the constructed boundaries between these actor-categories become blurred. The scientist as an actor-category that comes with certain expectations, criteria, and assumed definitions is then exposed as a fluid, dynamic category that only becomes defined through the construction of an ‘audience’. In a further expression of the construction of an actor-audience relation, scientists seek engagement with citizens through informal participatory practices such as ‘Open Science Nights’ and Open Days on which ‘laypeople’ are invited to look over the shoulders of experts.¹¹⁴ One can conclude that part of the ‘paradigm change’ that interviewees refer to consists of the dissolution of the strictly defined identities of ‘so-called experts and so-called laypeople’, as the president of the Federal Risk Assessment Institute puts it (BfR 2004). The consumer, in a sense, has become part of the laboratory.

Another indication of the blurred nature of the boundaries between scientists and citizens lies in the two-fold *Leitbild* of the BfR (BfR 2004): the protection of consumer health and the facilitation of consumer choice. In other words, the way scientists perform their work and develop their institutionally based self-understandings are dynamic, relational, and contingent upon the construction of a target audience, or an ‘imagined layperson’ (Maranta et al. 2003), the consumer. In light of the constant struggle to draw boundaries between ‘science and policy’, and ‘expert and layperson’, it is also intriguing to note recent criticism which suggests the BfR might be ‘taking things too far’: In December 2007, the BfR issued a health warning regarding cinnamon cookies that are typically eaten in Germany around Christmas, hence carrying a particular social meaning. Amongst other actors, the Centre for Nutrition and Health Communication (*Zentrum für Ernährungskommunikation und Gesundheitspublizistik*) vehemently accused the BfR of overstepping the boundaries of their mandate (BfR 2006b). This controversy signals the discursive legacy of the early framing of food (safety) as a public health matter, but also the ways in which a renewed consumer protection discourse is taken up by scientists, yet contested by others. More specifically, this episode suggests that, at times, the assertive articulation of more neoliberally inspired notions of ‘consumer demand’ and ‘consumer choice’ become dominant over scientists’

¹¹⁴ Similar practices can be found in the UK FSA (e.g. Open Board Meetings), the Dutch Food Safety Agency (VWA), and the European Food Safety Authority (EFSA). See Henning (2004) for a comparative overview of recent developments of participatory practices in this policy area (cf. Loeber and Hajer 2007).

interpretations of risk. As a result, scientific opinions on a particular product may be silenced.

The recent assertion of the notion that risk assessors (i.e. the BfR) are also responsible for ‘perceived risks’ constitutes an interesting development as far as the experience of institutional ambiguity and the consequent attempt to re-stabilize and re-establish particular roles and rules in the policy process are concerned.

Risks that are *perceived*, but *not scientifically grounded*, are part of social life and shape people’s everyday behavior. For politicians, *they are real* and must not be ignored. To avoid crises, the state is therefore also responsible for acting in the face of perceived risks. An open and intelligible form of risk communication, which involves the position of scientists as well as those of the different *stakeholders*, is of central importance. It is important to explain and be open about knowledge gaps and uncertainties regarding scientific data, next to our scientific insights. In the past, this has not always been the case and has led to a *loss of trust* in the institutions charged with consumer health protection (BfR 2007, emphasis added).

Several things stand out here. To begin with, the constitutive nature of the BSE crisis with respect to the development of new institutional identities becomes evident. While other food scares did not go by unnoticed, the discovery of BSE in domestic herds was decisive in dislocating the notion of food (safety) as a national matter, the notion of German beef being ‘healthy and clean’, and the internalized notion of (intensive) agriculture as a means for social stability. Another remarkable feature of this new consumer protection discourse finds expression in the notion that the state is required to act against *perceived* risks – a notion that, arguably, would have been unthinkable a decade ago in the more conventional, linear, three-stage model of risk analysis and where it was scientists who essentially determined what constituted a risk or a benefit (see, for instance, BgVV 1996 for such a stance). Particularly the construction of a consumer *right* to be emotional is remarkable in this context: The consumer, who would otherwise be seen as ‘overly’ concerned about the potentially carcinogenic effects of pesticide residues, is not seen as irrational (or that alleged irrationality is accepted as legitimate in the name of ‘consumer behavior’) (cf. aid 2005).

To conclude, the current shape of the consumer protection discourse owes its relative strength in the overall policy discourse to the dislocatory effect of the BSE crisis and the mobilization of the ‘food chain’ concept as a discursive vehicle. Helped by the notion of *stakeholderhood*, the consumer protection discourse has come to feature the notions of a well-informed consumer, consumer *rights*, and *choice* (rather than merely protection), a discourse

taken on by policymakers, scientists, and civil society groups alike. In addition, the composition of this discourse signals alliances with discourses of environmental sustainability and public health, as one can observe in citizen groups that cooperate, such as the *Agrarbündnis*. These modes of cooperation and discursive amalgamation indicate a shift towards a stronger role of the notion of individual consumer choice and rights, even though these discursive reformations have not remained uncontested. We shall see similar discursive re-constellations in the discussion of the public health discourse that follows below.

5.4.5 Public health

Concerning the specific content of the discourse of public health in German food (safety) policy, this section discusses the following key notions: the notion that food (safety) constitutes a public health issue; the notion that public authorities are obliged to advise citizens regarding food (safety) as well as nutrition; the notion that following a natural diet is healthy; the notion that policymakers, scientists, as well as the industry can facilitate healthier consumer choices; and the notion that food products should be evaluated in terms of their potential benefits (rather than solely their potential harm). In addition to discussing these notions and their functions, I also point to an overall changing public health discourse by virtue of its integration with a newly emerging consumer *rights* discourse. The presentation of this discourse, in line with its composition, will appear slightly more integrated than in the previous sections.

The German food (safety) policy infrastructure was historically more integrated with that of public health, and in contrast to what was observed in chapter four in the case of England, a constructed boundary between animal and human health did not become subject to institutional disintegration as it did across the other studied contexts. Regarding the notion of state responsibilities for food (safety), a brief return to the series of food scares recounted above in section 3 is useful, as it exposes the notion of public (scientific) authorities as the vanguards of a healthy nation more concretely. In instances of food (safety) crisis, such as the discovery of dioxins, nitrogen, or acrylamide in various foodstuffs, it was the BgVV, the Federal *Health* Office, that initiated risk evaluations (as these food scares occurred prior to the establishment of the BfR), which signals an early understanding of food (safety) as a public health matter, as mentioned above. This practice left marks in the self-understandings and identities of those in charge of risk analysis - the notion of public health, rather than, for instance, trade, being at risk due to food *safety* issues persists, as it transpires from health warnings issued by the BgVV, on dioxins, nitrogen, and acrylamide.

Looking further to more recent developments in the policy discourse, nutrition has become a subfield of food (safety) policy, whereby the intricate discursive relation between health and food (safety) in German policy discourse reappears. Two examples help demonstrate the specificity of the German public health discourse in relation to food (safety): First, vitamin supplements have been classified as nutritional supplements in the Netherlands, while the German authorities insisted on their classification as medicinal products according to German food law, which constituted the regulatory framework for food safety prior to introduction of the EU General Food Law in 2003 (EC 178/2000 final) (cf. BgVV 2000). Given the principle of non-discrimination within the internal market of the EU, which implies that a given member state cannot ban another's products based on 'idiosyncratic' standards, the German authorities eventually had to give in. Nevertheless, this signals that the public health discourse in the German context relies on the notion that 'natural' food (or organically produced) food is healthier and more desirable.

A second example of the specificity of the German public health discourse forms the debate around *Noni*-juice, the introduction of which has equally caused disagreement with respect to its classification and the 'cure-all' claims associated with the juice made from Caribbean fruit. In Germany, the BfR began to review cases of acute hepatitis that could have been caused by *Noni* products in 2006 (BfR 2006c). In this case, the EU intervened, and following a safety assessment by the former Scientific Committee on Food (SCF) in 2003, *Noni* juice was released for sale, based on Regulation EC 258/97, which allows for novel foods or ingredients that are 'substantially equivalent to an existing product' to be placed on the market once the applicant (usually a particular producer) has informed the European Commission (COMM 2002a).¹¹⁵ Contrary to the German tradition of evaluations, the SCF did not evaluate possible health *benefits*, but merely the safety of the product. Eventually, the German agency concurred with the EFSA's scientific opinion, while it additionally highlighted that the assessment at that time was limited to the juice products, and that an assessment of related products, such as *Noni* pills, was still pending.

A BfR interview respondent who was formerly involved with the health office BGA, who is a pediatrician by training, recounts that, traditionally, the scientific (health) community had only been concerned with the potential benefit of novel foods rather than its potential harm. Similarly, the scientific community had typically assumed that 'Germans don't need

¹¹⁵ *Noni* juice again caused disagreement between a member state (in this instance Austria) and the European Commission and European Food Safety Authority (EFSA) in 2006. While Austrian scientists had linked consumption of *Noni* juice to a particular liver disease, EFSA scientists again disputed the opinion (EFSA 2006).

supplements of minerals and vitamins'. As the respondent puts it: 'We think the consumer should just stick to a normal (*vernünftige*) diet. Pills cannot make up for a healthy diet. [...]. If that's not possible, or one is sick, maybe *then* you'll need supplements' (D15-S, cf. BgVV 1996).

The notion of the benefits of a 'natural diet' also found expression in the organizational culture of the predecessor of the BfR, the BgVV, which stated in 1996 in a press release that nutritional supplements (in particular vitamins) were not recommended, as they did not appear to provide any health benefits. The growing availability of vitamin supplements, the BgVV warned, was creating the idea that citizens could not remain healthy with a 'normal' diet. In a rather strong tone (compared to the current, more technical and hesitant tone in which press releases appear), the BgVV stated:

With a balanced diet, [nutritional supplements] are completely superfluous in the opinion of the BgVV! The German consumer is critical and informed. He [sic] expects high quality food, free from residues of any kind. He views food irradiation¹¹⁶ as critically as he opposes the use of genetic modification. It is even more surprising then to see how irrational consumers are if they think that the consumption of so-called nutrition supplements will compensate for supposed deficits in their diet and that supplements could have positive effects on their bodies and well-being (BgVV 1996, cf. BgVV 2000).

Two things are particularly noticeable here. First, only a decade ago, the BgVV actively constructed a notion of the consumer as irrational if she was to believe in the alleged benefits of supplements that were reaching the German market. In today's policy discourse, I would argue, the conditions of possibility for labeling the consumer 'irrational' are no longer given. In addition, the BgVV here presents itself, or performs its self-understanding, as an institution that is in the position to distinguish right from wrong, and rational from irrational behavior. Seen in relation to the current tone of policy discourse, an important element of which in some contexts is the notion of letting the consumer choose, it is remarkable that the statement *declares* consumers to be opposed to residues, genetic modification, and food irradiation. As indicated in the previous subsection, this 'paternalistic' policy discourse partially gave way to a discourse based on the notion of consumer choice and consumer rights, contrary to the previously sedimented notion of consumer protection.

¹¹⁶ Food irradiation refers to the process of exposing food to ionizing radiation for the purpose of removing bacteria, insects, microorganisms, and so forth.

The linkage between the consumer protection discourse and that of public health is embodied in discursive clusters where the seemingly distinct policy actors – policymakers, scientists, members of the industry, and citizens – come to merge through being informed by the same, or at least similar, discourses. The *Plattform Ernährung und Bewegung* (Platform for Nutrition and Physical Activity), which was founded as an initiative of the BMELV in 2004, constitutes such a cluster (PEB 2008). Next to the formation of such clusters and the consequent institutionalization of a public health discourse, however, one can also find instances of contestation. For example, a discussion around possible ‘traffic light’ labeling has recently been taking place, which is intended to address obesity by way of indicating the nutritional value of products and levels of sugar, unsaturated trans fats, and salt on packaging.¹¹⁷ The possible introduction of a scheme of this kind forms part of the National Action Plan to tackle problems of nutrition, obesity, and lack of physical activity – a public health discourse that appears in several contexts in the EU.

The intention of the current Minister BMVEL, Horst Seehofer, to adopt a voluntary ‘traffic light’ scheme that was developed by the industry has been criticized as too loose by consumer groups and politicians of the Green party (Der Stern 2007). Here, consumer groups such as *Foodwatch* draw strongly on a notion of consumer rights in juxtaposition to the interests of the food industry, a discursive notion that came to be prominent only with the BSE crisis and the ways in which the government entered a discursive coalition with consumers by way of installing the ‘Consumer Ministry’ (see, for instance, Foodwatch 2005a, 2005b, 2007; Frontal 21 2008). The nature of the discussion suggests a discursive negotiation between the public health discourse and divergent notions within the consumer protection discourse: consumer protection (‘keeping the nation healthy’) against consumer rights. Whereas the former is at times constructed as a moralizing mode of governing, the latter is constructed as providing ‘true choice’ for the knowledgeable consumer.

The changing notions within the public health discourse and its linkage to the consumer protection discourse also manifest themselves in scientific practice. The following quote serves as an excellent indication thereof.

And then one day, at the level of the EU, it was announced, that this is not accepted, benefits are not relevant. The main thing is that it doesn’t do any harm. [...] So for ten years we didn’t talk about beneficial aspects at all. [...] Food then suddenly turned into a risk event that had to be ‘managed’. That was painful, but

¹¹⁷ See also chapter four (section 4.4.3) for similar schemes in the UK.

really that is how it was viewed for 10 years. [...] That puts limits to nutrition as a science. I had always seen nutrition as something positive: I eat in order to stay healthy, to stay alive, to fulfill bodily functions, to be in a good mood, it should be tasty, it is a social event – that is nutrition [to me] (D15-S).

In this account, the scientist respondent again gives expression to the notion that potential benefits, rather than only harm, should be considered in risk assessment of novel foods. This further signals the contextual contingency of risk, the fluid meanings of food safety and food quality, and the contested nature of this policy field.

Further in regard to the notion that food safety refers to more than the final qualities of a product, as one could see in the environmental sustainability discourse, it is useful to draw attention to the ways in which recent hygiene regulation has been contested. This notion, however, has political implications and has been met with resistance. Consumer associations, for example, criticize advertisements for conventionally produced meat that draw on an idealized image of *Bäuerliche Landwirtschaft* that links the consumption of meat with health and strength (Müller 2002: 4). The consumer, some have argued, is not (only) being protected, but also ‘misled’ (Bode 2006/Foodwatch). Environmentalists, on the other hand, contend that the increasing focus on making products appear hygienic suggests ‘cleanliness’, and consumers ‘no longer understand what ‘natural’ *really* means’ (D4-ENV).

In view of the suggestion that natural food is safe, it is interesting to note that even *before* the discovery of BSE in domestic herds, the Federal Consumer Association VZBV¹¹⁸ recommended that consumers restrict themselves to organic meat, if they had to eat beef at all. In addition, consumers were advised to eat exclusively German beef, where additional safety would be guaranteed by selecting meat from one’s own region (IFAV 2000: 29), which indicates that the notion of ‘natural food’ as ‘safe food’ was already present and discursively internalized before BSE was discovered in German domestic herds in 2000.

Following up on the recent criticisms of environmentalists and consumer advocates mentioned above, some environmentalists conceive of the recent German Hygiene Regulation (*Hygienepaket*), both on the national level and at the level of the EU, to send the ‘wrong signals’ to the consumer. These criticisms demonstrate that the meaning of risk and ‘safety’ continues to be contested, as hygiene may come to be interpreted not only as safe, but also as *healthy* – a quality not necessarily associated with vacuum-wrapped foodstuffs (D4-ENV; Fink-Kessler and Fuchs 2006), whereas others would define ‘safe’ as ‘natural. A

¹¹⁸ At the time, the VZBV was called *Arbeitsgemeinschaft der Verbraucherverbände* (Consortium of Consumer Groups). See footnote 110.

particular product – for instance, minced meat – may seem ‘fresh’ and ‘healthy’, but, for example, the consumer cannot tell whether she is buying formerly frozen meat (Fink-Kessler 2006: 258-9). In addition, the amount of documentation and implementation of technicalities required by the Hygiene Act implicitly excludes organic food products from the market, when a ‘*Lebenslandwirtschaft* [a type of agriculture that values life] collides with a particular understanding of hygiene’ (ibid.). Regulation as a manifestation of policy discourse, therefore, can also function as an exclusive force, in the sense that a particular ‘truth’ about food (safety) is asserted in a performative fashion, with (legal) authority. That way, alternative meanings (such as ‘natural as safe’) are partially crowded out.

To sum up, the public health discourse informed the meaning of ‘food safety’ even before the discovery of BSE in domestic herds, and, in fact, in a more substantial manner than in the English case, as I indicated in chapter four. At the same time, the discourse itself has undergone a number of changes following the dislocatory events. This section has identified a growing alliance with the consumer protection discourse that policymakers called into being in the *Agrarwende*, whereby earlier meanings have been pushed away: for instance, the notion of ‘natural’ as ‘safe’ food and the notion of assessing benefits, rather than merely possible harm of foodstuffs for the purpose of improving public health protection. As an expression of the growing interlinkages at the level of discourses, more specifically, through the bridging function of notions such as ‘being a consumer’ and a ‘stakeholder’, new clusters of practices came into being, whereby policymakers, scientists, members of the industry, as well as diverse citizen groups come together under shared discourses and enter into equivalential positions.

5.5 Concluding remarks

In order to explain why and how the discovery of BSE in German cattle herds made possible the emergence of a new policy discourse that integrated concerns of agriculture and environment with those of food (safety) as well as consumer rights, this chapter has explored the post-BSE policy discourse of the *Agrarwende*.

The chapter proceeded as follows: Section 2 recounted German food (safety) policy roughly over the past century, highlighting, in particular, the post-WWII discourse of food autonomy, the different meanings associated with agricultural (food) production, the environmental discourse around food, and an early discursive institutionalization of a public health discourse around food (safety). These discursive formations, as the subsequent sections showed, were to play a decisive role in the ways in which BSE and other food scares were taken up as policy issues in the German context. Section 3 highlighted the key moments

of transformation and institutional moves whereby new meanings were introduced into the policy discourse. Specifically, I discussed the negotiation of the science/policy nexus, the shape it took after the von Wedel Report, and the establishment of the 'Consumers' Ministry'. The analysis of the five discourses that dominate in this construction constituted the chief concern of the present chapter. The notions of which these discourses are composed are summarized in table 5.1. I will briefly recapitulate some of the central elements here.

Table 5.1 German food (safety) policy discourse: key notions

Good governance	Environmental sustainability	Market efficiency	Consumer protection	Public Health
PSC	PSCI	PI	PSCI	PSCI
<p>* The government is responsible for food (safety), and a new, 'more modern' approach is needed</p> <p>* The food and farming industry must not be too prominent in policymaking</p> <p>* Food (safety) policy and science should be conducted in an open, independent, and transparent way</p> <p>* Science and policy should be kept separate for the sake of good governance</p> <p>* As part of the food chain, consumers are stakeholders</p> <p>* There is a need to rebuild and sustain citizens' trust in food (safety) governance, and communicating openly with them is a good way to achieve this</p> <p>* Cooperation along the food chain is essential for policymaking and includes scientists, policymakers, industry, and citizens.</p>	<p>* Environmental protection must be linked to agricultural food production</p> <p>* Agricultural food production must be viewed in holistic terms and has societal value</p> <p>* Nature has intrinsic value</p> <p>* Nature protection is a collective responsibility uniting stakeholders along the food chain</p> <p>* Naturally (organically) produced food means food quality</p> <p>* Food safety does not (only) include the end product but extends to the process of production</p> <p>* Organic prices reflect the real costs of food production</p>	<p>* Industry has essential responsibilities regarding food (safety), as they form part of the food chain</p> <p>* Different partners in the industry (stakeholders) are dependent on each other and must work together</p> <p>* Environmental protection must be linked to agricultural food production and this has priority over economic competitiveness</p> <p>* Consumer rationality is not restricted to economic considerations</p>	<p>* The food and farming industry must not be too prominent in policymaking</p> <p>* There is a need to rebuild and sustain citizens' trust in food (safety) governance</p> <p>* As part of the food chain, consumers are stakeholders*</p> <p>Consumer rationality is not restricted to economic considerations</p> <p>* Consumers have rights,</p> <p>* Consumers have choices</p> <p>* Consumer risk perception is a policy issue</p> <p>* Nutrition awareness is essential to consumer protection</p> <p>* Free consumer choice requires protection against misguidance and deception</p>	<p>* BSE (animal health) has always been a public health issue</p> <p>* Nutrition and food (safety) are public health issues</p> <p>* Public authorities are obliged to advise citizens on nutrition and food safety</p> <p>* Following a natural diet is generally healthy</p> <p>* Policymakers should help citizens make healthier choices</p> <p>* Food products should be evaluated in terms of their potential benefits, not merely their potential harm</p>

Categories:

P = Policymakers

S = Scientists

C = Citizens (e.g. consumer advocates, environmental groups)

I = Members of the food industry

In bold: recurring notions that connect discourses and actors

First, the chapter identified a discourse of ‘good governance’, which brought about a shift concerning the allocation of responsibilities. The state took on a greater role in this context, claiming food safety as its proper domain of responsibility, and a role of protecting consumers as well as empowering them against a fraudulent industry and the influence of the farming lobby in policymaking. That way, policymakers regained a status of legitimacy and credibility vis-à-vis citizens, which is further expressed in the notion of open risk communication, transparency, and openness in the science/policy nexus for the sake of restoring and sustaining citizen trust.

The second (re-emerged) discourse was labeled ‘environmental sustainability’. Its key discursive notion of (the intrinsic value of) ‘nature’ contributed substantially to the *Agrarwende* policy discourse and to the understanding of food safety as an issue of food quality. In this discourse, food safety no longer refers to the attribute of a product, but rather, to the process of producing it. The notions of nature, landscape and aesthetics feed into this discourse, which links the health of the ‘natural environment’ to a ‘healthy society’. In addition, the notion of the food chain facilitated a number of discursive alliances between seemingly disparate actors such as policymakers, the industry, and citizen groups informed by discourses of environmentalism, animal welfare, and consumer protection.

Third, the discourse of market efficiency tends to be wrapped into or overlaps with the discourses of environmental sustainability and consumer protection. Given the relative strength of the alliance between the latter two discourses, however, the market efficiency discourse has only had very limited capacity to contest the dominant, environmentalist meanings of the *Agrarwende*. An overarching theme here forms the notion of the food chain and the systemic character of food (safety) governance; more specifically, the notion of a collective responsibility for food (safety) has significantly marked German food (safety) policy. The table further indicates that the notion of the food chain functions as an important discursive bridge across discourses and across the seemingly disparate actors in the policy process.

The ‘consumer protection’ discourse has taken on a significant position in the overall discursive space despite the fact that the consumer movement of the 1960s and 1970s was

hindered in its development in Germany through, amongst other things, the dominant ‘agricultural exceptionalism’ at the time. In order to explain its current relative strength, I pointed to the dislocatory experience of the discovery of BSE that produced a new momentum and empowerment of the consumer protection discourse. While there remains resistance against the integration of a consumer protection discourse with a formerly more oppositional environmental discourse of the environmental pioneers of the 1970s, the recent food scandals related to acrylamide and the recent incidents around rotten meat further strengthened this discourse of consumer *rights*, rather than the previous discourse of consumer protection.

Finally, the fifth discourse distilled in this study is that of ‘public health’. A particular feature of this discourse in Germany consists of the fact that public health was already a dominant discourse within which policymakers and scientists interpreted and handled food (safety) and animal health before the food scares of the 1990s. The recent changes in this discourse include growing interlinkages with consumer protection, as is reflected in nutrition campaigns, hygiene regulation, and the notion of assessing potential harms, not benefits of new foodstuffs for the purpose of leaving the consumer with a ‘choice’. The clusters of practices observable here are sustained through the bridging purpose of notions such as ‘being a consumer’ and a ‘stakeholder’.

As an overall finding, the case study suggests that BSE represented a loosening of the sedimented relationship between citizens, scientists, and policymakers, whereby the ‘consumer’ has been assigned an integral role across discourses in current food (safety) policy discourse in Germany. Whilst the notion of being a consumer is equally present in the other contexts studied here, the important finding in the German case is the change in meaning, from a consumer in need of protection to a consumer with individual rights and choices. The consumer remains a highly contested category, or what Gabriel and Lang (1995) refer to as ‘unmanageable’, and has been assigned an integral, yet complex role in the policy discourse under consideration here. In its malleability as a discursive category, it intermediates between different discursive premises and has become, in a sense, ubiquitous: the notions of health, responsibility, rationality, risk, hygiene and other, more ‘peripheral’ concepts such as sustainability all hinge upon particular notions of ‘the consumer’.

To conclude, in light of the alliance observed between the discourse of consumer protection and that of environmental sustainability in the context of the *Agrarwende*, a central finding of this discourse analysis is that the dislocatory experience of BSE made possible the re-emergence of previously marginalized discourses, as a result of which the *Agrarwende* policy discourse features change and continuity.