

# **Dilemmas for Developing Public Trust in New Food Safety Governance:<sup>1</sup>**

## **Parameters for Effectiveness of Stakeholder Involvement**

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**By Mikael Klintman<sup>2</sup> & Annica Kronsell<sup>3</sup>**

### ABSTRACT:

The 'old' forms of governance, which include top-down regulation by governments elected by popular vote and 'old' forms of interest group mediation, have been criticised for neither being sufficiently democratic nor effective. The popularity of 'new' modes of governance includes the embracing of notions such as legitimacy, public accountability and trust. Hence, the interest in new modes of governance regards both democratic content and efficiency issues. By relating parts of this 'old' vs. 'new' distinction to March & Olsen's dichotomy of aggregative vs. integrative political processes, the aim of this paper is to find patterns for *how* aggregative and integrative policy processes are combined in food safety governance in the EU. The focus of the paper is placed on one specific attempt at 'new' governance in the food safety domain, namely the European Food Safety Authority (EFSA). Central questions are: In what ways does the EFSA reflect aggregative and integrative processes? How are inconsistencies between these combined, disputed and deliberated in real policy processes? The themes in which the dynamics of aggregative and integrative food safety policy processes are examined are (1) policy aim and objectives; (2) policy process, and (3) forms of authority. The paper raises issues that concern the relation between different forms of authority and legitimacy. Moreover, the paper discusses challenges involved in what we perceive as EFSA's mixing of integrative goals and the organisation's view of the food safety politics, in which aggregative policy processes are conceived as a rough 'natural state' which should be tamed. Dilemmas for developing two alternative types of public trust in new food safety governance are analysed in this light.

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<sup>2</sup> Assoc. prof. in sociology, Research Policy Institute, Scheelev. 15 IDEON Alfa 1, SE-223 63 Lund, Sweden; [mikael.klintman@fpi.lu.se](mailto:mikael.klintman@fpi.lu.se)

<sup>3</sup> Assoc. prof. in political science, Dept. of Political Science, Lund University, PO.Box 52; SE-22100 Lund, Sweden; [annica.kronsell@svet.lu.se](mailto:annica.kronsell@svet.lu.se)

# 1. Introduction

## 1.1 Background

In the current environmental governance debate increasing attention has been paid to the democratization of policy making. The popularity of 'new' modes of governance should be seen in this light. Notions such as legitimacy, public accountability and trust have emerged as especially important in this debate. Underlying the support of 'new' governance forms is a form of resentment or fatigue surrounding 'old' forms of governance. The 'old' forms of governance include top-down regulation by governments elected by popular vote and 'old' forms of interest group mediation, which have been critiqued for neither being sufficiently democratic nor effective. Hence, the interest in governance regards both democratic content and efficiency issues. The focus here is on EU governance, in itself considered an entirely new governance form.<sup>4</sup> Our focus is placed on one specific attempt at 'new' governance in the food safety domain, namely the European Food Safety Authority (EFSA). We will examine how EFSA holds up to ideal notions of 'new' governance as formulated in the literature.

Already in 2000, Romani Prodi announced that one of the four strategic goals for his Commission would be the promotion of good governance forms (KOM 2003). Governance is conceptualized in two ways in the EU. Firstly, governance refers to an empirical reality. It is the "post-modern form of economic and political organization" and "refers to the rules, processes and behavior that affect the way in which powers are exercised at the European level"<sup>5</sup> Secondly, governance is a normative goal, and is associated with good governance and the goals of openness, participation, accountability, effectiveness and coherence (COM 2001). This white paper on governance is in itself evidence of a dissatisfaction with the 'old' forms of governance also within the EU. The food safety domain is important here. The white paper argues for example, that the advance of bio-technologies and recent food crises have undermined public confidence in policy making while highlighting the need for broader knowledge and expertise (COM 2001:19). Hence, EFSA responds to the general distrust in 'old' governance forms. In

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<sup>4</sup> Shout & Jordan 2005, see also: Report of Working Group 'Networking People for a Good Governance in Europe' to the White Paper on Governance, Work area no 4. May 2001.

<sup>5</sup> Governance homepage: [www.ec.eu.int/comm/governance/index\\_en.htm](http://www.ec.eu.int/comm/governance/index_en.htm)

sum, EFSA has been central in the governance reform initiated by the white paper (COM 2002 718), and was created in the search for good governance forms in the EU context; as such EFSA is an interesting empirical example of ‘new’ governance. Here ‘New’ governance refers to more transparency and participation regarding expert knowledge as a way to legitimize and democratize the EU governance process.

Our analysis will elaborate on central theoretical distinctions connected to governance forms. We present a typology that we apply to the study of EFSA. Our theoretical starting point is based on the work of March and Olsen (1989:117-134), who distinguish between aggregative and integrative political processes (see also Skogstad 2003). Aggregative governance processes take place through bargaining among self-interested rational actors whereby different interests are aggregated into collective choices (March & Olsen 1989:119-122). Integrative governance processes, on the other hand, imply that the common good is reached through deliberation among reasoning actors in a context of shared values, that in turn, will shape individual preferences. Conflicts can be overcome through deliberation toward shared preferences (cf. March & Olsen 1989: 124-126). This distinction serves as the ‘old’ versus the ‘new’ in our typology. The distinctions between the two forms of governance processes, although mainly developed with a view to domestic policy making, are also relevant for governance at the EU level. Although governance based on popular vote is limited, aggregative forms, such as group representation, are not new. On the contrary, interest groups have filled an important function beginning with the Treaty of Rome 1957 and have been crucial to integration, according to functionalist theorist (inspired by Ernst Haas 1958). This means that there in the EU context is evidence both of new and old forms of governance.

Although, aggregative and integrative processes can theoretically be kept distinct crucial reservation is made by March and Olsen: “The differences between aggregation and integration are important for assessing real political institutions, which tend to involve a mixture of both (our underlining, 1989.118).” The fact that a mixture is involved in real life is of course true in all ideal typical distinctions (cf., Weber, 1924; 1978). In order to gain a more thorough understanding of policy processes it is, nevertheless, important not to settle with this basic awareness of a vague mixture. The tensions and partial inconsistencies that this coexistence may

plausibly entail can be made visible by working with analytical distinctions. It can be a way of better understanding the tensions and to evaluate the governance forms that EFSA exemplify.

In policy processes that concern reductions of health-related and the environmental harms, the ‘co-operation’ and possible tensions between the aggregative and integrative are likely to be particularly dynamic. On the one hand, food safety policies and recommendations, which is the empirical focus in this paper, are often framed in strongly scientific terms; scientific experts have since the mid-20<sup>th</sup> century been considered the main ‘group’ of actors to discuss and handle such problems. On the other hand, failures of previous food safety policies, along with calls (from the public, NGOs, and partially from the state) for deeper participatory processes in risk-related matters in general (e.g., in urban and environmental planning), and in food safety policies in particular. The co-existence of these two developments obviously creates particular challenges for the often-called-for transformation into ‘new modes of governance’. We are interested in exploring those tensions and challenges in this paper.

## **1.2 Aim**

The aim of this paper is to find patterns for *how* aggregative and integrative processes are combined in food safety governance in the EU, and particularly in EFSA. With the help of an analytical model based on the ideal types of aggregative and integrative governance processes we will discuss food safety governance in EFSA.

Central questions are:

- In what ways does the EFSA reflect aggregative and integrative processes?
- How are inconsistencies between these combined, disputed and deliberated in real policy processes?

The themes in which the dynamics of aggregative and integrative food safety policy processes are studied on the basis of the three dimensions of the typology and concern:

policy aim and objectives

policy process: bargaining versus shared purpose

forms of authority: Expertise and knowledge

First, the study will briefly describe the European Food Safety Authority. An introduction of the typology follows. The main part of the paper consists of an analysis of EFTA according to the three dimensions suggested above.

### **1.3 A Few Data on the European Food Safety Authority [Unedited]**

‘EFSA was established by the European Parliament in 2002 following a series of food scares in the 1990s (BSE, dioxins....) which undermined consumer confidence in the safety of the food chain. EFSA’s two main areas of work are: **Risk Assessment and Risk Communication**. Risk management measures and the operation of food control systems are not within EFSA’s remit and remain the responsibility of the European Commission and Member States.’

#### **’Risk Assessment**

EFSA’s Scientific Committee, its Scientific Expert Panels and other expert groups provide risk assessments on all matters linked to food and feed safety, including animal health and welfare and plant protection. EFSA’s Scientific Expert Panels provide the European Commission, the European Parliament and Member States with a sound scientific basis on which to base legislation and policies related to food and feed safety. The Authority is also consulted on nutritional issues in relation to Community legislation.’

#### **’Risk Communication**

EFSA is committed to ensuring that all interested parties and the public at large receive timely, reliable, objective and meaningful information based on the risk assessments and scientific expertise of its Scientific Committee and Expert Panels. Communicating its own initiatives and ensuring collaboration and coherence across the Member States are crucial to maintaining consumer confidence in the risk assessment process.’

‘EFSA has now begun the public consultation on initial risk assessments for pesticides provided by the designated rapporteur Member States. This public consultation is part of the peer review process and will apply for 54 of the 64 existing active substances of part A of the third stage of the review program in the framework of the Directive 91/414/EEC as well as for new active

substances. For 10 substances of stage 3, part A, a public consultation is not possible due to the fact that the 1-year peer review has already begun' ([http://www.efsa.europa.eu/en/stakeholder\\_stakeholder/public\\_consultations/0.html](http://www.efsa.europa.eu/en/stakeholder_stakeholder/public_consultations/0.html))".

## 2. Theory

|   | <b>Aggregative 'Old' governance processes</b> | <b>Integrative 'New' governance processes</b> |
|---|---|---|
| <b>Aim and objective</b><br>Discussed in 3.1          | Compromise                                    | Shared, common view                           |
| <b>Policy process</b><br>Discussed in 3.2             | Aggregate interests through bargaining        | Integrate views through deliberation          |
| <b>Forms of authority</b><br>Discussed in 3.3 and 3.4 | Procedural<br>Expert                          | Moral   |

This typology above rests on the distinction between aggregative and integrative political processes. Aggregative governance processes take place through bargaining among self-interested rational actors, whereby individual and group interests are aggregated into collective choices. Conflicts of interest always exist but can be mediated when bargains are struck and concessions made (March & Olsen 1989:119-122; see also Skogstad 2003). Key points are that the actors, individual or groups, are defined by self-interest around which they bargain to reach compromises. The aim of the process is to reach compromises. Through integrative governance processes, a shared and common view can be reached through deliberation among reasoning citizens in a context of shared values, that in turn, will shape individual preferences. While conflicting and differing views and standpoints are recognized, they are considered as a starting point for conversations and can be overcome through deliberation toward shared preferences (cf. March & Olsen 1989: 124-126). The deliberative process integrates various views.

Earlier versions of interest representation at the EU level were mainly aggregative governance processes and the view was that the interests of different Brussels-based groups were given, even

incompatible and rather static. Governance meant negotiating compromises. Thinking along these lines, the difference with integrative governance processes is that group preferences are not fixed, but can be shared and changed through debate and reasoning. Deliberation, says Smith (2001: 73) is a process that provides the opportunity for actors to broaden their own limited perspectives by drawing on others' experiences and knowledge. Other deliberate democracy thinkers (e.g., Dryzek 2000; Habermas) have suggested this as well.

With the title of the paper, we indicate a particular interest in issues within the current governance debate that relate to trust and legitimacy. These are related to the authority concept, which is used in the model. Authority, we argue, is relevant as we have our focus on a specific authority, the EFSA. It is interesting because it is possible also to distinguish between different forms of authority, some seem to be more relevant for old governance forms and other forms tend to be associated with new governance. Here, we depart from March and Olsen who do not specifically concern themselves with forms of authority.

Stripple suggests that authority is a fundamental organizing principle of social life (2005:9) and that authority is not fixed or a condition achieved. Authority is a practice and “emerges within a relation” (Stripple 2005:109). A prominent feature of authority is that it requires consent from the actors it relates to, as argued by Barnett & Finnemore (2004:21) and authority through the consent to be heard gives credibility. Credibility is about trust and legitimacy. As Benjamin Cashore (2002:515) says, legitimacy is reached when “external audiences grant some degree of approval to organizations”. Perhaps we can say then that authority is what is vested in the organization, in our case EFSA, and the degree of authority reflects the degree of trust from external audiences (or trust in EFSA). Could we say then that the authority of EFSA depends on its relations with its publics? How does EFSA establish trust and legitimise behaviour? These are some of the questions we hope to respond to in this paper.

We have chosen to distinguish between three different forms of authority: procedural, expert and moral authority, derived from discussions in a broad range of scholarly work discussing authority, legitimacy and trust (for example Barnett & Finnemore 2004; Cashore 2002; Jepson 2005). We think such a distinction of forms of authority can be useful because the attention paid to types of authority vary depending on old and new governance forms. Issues of legitimacy and

authority are highly salient in the current debate on governance. Procedural authority is derived from legal norms, regulations, delegation which gives a certain actor the authority to act in a particular governance area. This form of authority is relevant to EFSA because it relies on decisions, appointments, approval from governments etc. Procedural authority is also what has been highly questioned in the call for new governance forms where the ability to take the right decisions as well as the procedures for this process have lost legitimacy. Expert authority is granted institutions because they have detailed and specific knowledge. Expert authority is viewed as impartial and thus well suited to advance common objectives because the authority is derived from the view of expertise as depoliticized and 'above' the squabbles between interests (Barnett & Finnmore 2004:24). Yet, expert authority has also been questioned in the 'new' governance debate, particularly because it has not been considered inclusive or participatory enough. Moral authority is about the organizational activities being legitimized because they are based on some widely shared set of principles and beliefs (Barnett & Finnmore 2004:23; Jepson 2005:520). That an organization is transparent, engaging with different groups and including them can create legitimacy and thereby give rise to moral authority.

In the following we will analyze EFSA starting from the three dimensions of the typology.

### **3. Analysis**

#### **3.1. Introduction to EFSA's Policy Aim & Objective: Allocation of resources or Policy Development with Shared Purpose?**

When interpreting the readings of EFSA, three main policy aims can be found of this agency:

##### ***(A) Increased food safety in the European Union***

A main, explicit aim of EFSA's food safety policies and assessments is **increased food safety within the European Union**. In a broad and general sense, all members of society, not least the members of EFSA and its Consultative Plattform, agree on this aim, unsurprisingly. At the

Interim Scientific Advisory Forum, launched by Commissioner Byrne on 7 May 2001, prior to the establishment of EFSA, Byrne made the following statement:

“As the Commissioner responsible for this initiative I was very keen to start an early dialogue with those organisations in the Member States which have a similar remit at the national level to the European Food Authority [ . . . ] It is clear that we all have a shared interest in ensuring that food safety matters are given the highest priority. Not only do Member States, the Commission, Council and Parliament have to work closely on finding risk management solutions to food safety problems but also we need to collaborate closely on identifying and assessing risks that may exist in the food supply. And we face common food safety problems – they respect no national borders. Recent food safety scares show clearly how a food safety concern in one Member State very quickly becomes a concern in another, and has implications for all the Community. Therefore, we must ensure that we build mechanisms for close collaboration and co-operation on the examination of scientific issues that underpin our risk management decision-making processes’ (Byrne, 7 May, 2001).

Although it is reasonable to expect that virtually all actors involved in food safety share the general objective of European food safety and collaboration, we will, in later parts of this paper, highlight more specific aspects and challenges where there are diverging views.

### ***(B) Public confidence and trust in European food Safety***

Another explicit main aim is, as we could see above, **(2) *public confidence and trust in European food safety (and in the EFSA)***. Shears and colleagues put it in this way:

‘Consumers have lost confidence in the quality and safety of the food they eat. Building and maintaining consumer confidence is the business of politicians. Their decisions must be informed by the appliance of science. The scientists must be independent of politics. Their results and recommendations must be public, open, transparent and trustworthy ((Shears et al., 2001; see also Byrne, 2003)[2]’.

### ***(C) European Harmonization of Food Regulation and Food Trade***

A third, less obvious goal of EFSA's work, through the tasks (A) and (B) is to contribute to contribute to a European harmonization of food regulation and food trade. EFSA's key objective of the Regulation adopted on 28 Jan 2002 was 'to establish common definitions, including a definition of food, and to lay down the overarching guiding principles and legitimate objectives for food law in order to ensure a high level of health protection and the effective functioning of the internal market [our underlining]' (Shears, 2004:340). The Regulation is aimed harmonising national food safety requirements at the European level. In extension, the goal is to provide a framework for European food law in the future and providing a basic framework of principles and definitions for future European food law'. (Shears, 2004)

The buzzwords are coherence, consolidation, harmonization of European food risk assessment and risk communication.

This goal is fully in line with the broader new-governance aims of standardizations and uniformity of information, environmentally and health-related thresholds and limits with the objective of making products and services fully comparable and tradable across national – and continental – borders, at least the exports. Transparency and 'answerability' are other concepts that are often mentioned in the food safety context of EFSA, terms that imply the need for accountability in food safety issues at a European level.

### ***Analytical Comments on EFSA's policy aims and objectives***

After this brief overview of the objectives of EFSA, two questions emerge. The first question is how these aims are related to integrative versus aggregative policy ideals and political processes. The second one is to what extent the three objectives are overlapping or mutually exclusive.

In the literature, we learn that aggregative aims mainly concern allocations of resources, whereas integrative aims concern policy developments that are founded on shared purposes, and shared social values (see the theoretical section above). In legitimacy terms, EFSA's first aim (i.e., of food safety) is to gain output legitimacy. The 'substantive' outcome of EFSA's work should be – its documents clearly imply – drastically reduced risks of food scares and other food-related incidents. This is fully in line with the integrative perspective of striving towards a common goal

based on common values in society. At a first glance, the first goal (of food safety) and the second goal (of trust in European food and in EFSA) might be perceived as mutually dependent, and as belonging to the same branch of legitimacy. However, this is not necessarily the case. Many political and scientific leaders have been trusted far too long without providing safety for the citizens. And conversely, it is fairly realistic to imagine a political situation where the agricultural sector, government, and companies provide citizens with safe food, yet at the same time as there is an extensive public mistrust and worry about food safety, and public frustration about problems of food safety governance, transparency, and so forth. In this light, the second aim of EFSA is *input* legitimacy, something that does not necessarily converge with output legitimacy. At the same time, in many areas of policy making – not least in health-related or environmental issues – the ‘balance’ of organizations’ ‘safety work’ (i.e., efforts towards output legitimacy) and ‘trust work’ (efforts towards input legitimacy) are problematised. Criticism of lacks in balance typically contend that the ‘trust work’ is given too much resources, something which is perceived as excessive efforts to improve the organisation’s public image in a shallow sense, whereas too little of substantive safety work is done. To this, we would like to add another distinction, namely one about (food safety) policy work that is aimed towards legitimacy that entails *simple versus reflexive trust* (Boström & Klintman, 2008 forthcoming). Simple trust among the public is a passive trust that experts take care of the food safety, and that all the main task of the public in this context is to trust and support the experts, scientists, ‘cognitive authorities’ or the like, and the food safety will be guaranteed. Reflexive trust, on the other hand, is a more engaging position of the public, where participation, critical scrutiny, and active suggestions of modifications of food safety – based on the public’s concerns and experiences -- as an integrated part of the trust. As we study policy processes and cognitive authority views in subsequent sections of this papers, we will examine what types of public trust the work of EFSA may entail.

As to the third objective of EFSA (of European harmonization of food safety and food trade), we argue that this is the goal that challenges the integrative perspective the most, both internally across European nation states and externally, vis a vis the global market. Actual conflicts, and *potential* conflicts that EFSA tries to avoid – as to European food safety standards, who should decide the levels of these standards, and what the technical thresholds and limits should be,

reflect, we argue, the constant presence of more aggregative processes where resource allocation and various stakes are involved, sometimes quite far away from EFSA's idea of integrative, common goals and values. Although it is beyond the scope of this paper to unveil underlying strategies and possible hidden agendas of European food safety work, it is important to highlight the potential political challenges across various parts of Europe and elsewhere that European harmonization of food risk and safety assessments may entail in terms of market opportunities of various single European countries and for global food trade.

### **3.2 Bargaining between fixed preferences or reframing of interests?**

#### *Theoretical introduction*

One of the most important distinctions between aggregative and integrative political processes lies in the difference between fixed preferences and flexible interests of the parties involved. This difference is also central to interpretive policy analysis, deliberative democracy as well as frame and discourse analysts of policy processes. These 'bodies of literature' all emphasise the importance of preference flexibility, and of the importance of the less 'rational' developments in policy processes. The interpretive, postempiricist tradition entails an interest in how 'different discourses, definitions and questions lead to different policy prescriptions' (Fischer 2003, p. 14; Klintman & Boström, 2007). Hence, they criticize the treatment of preferences, goals and strategies as fixed, which is common among policy analyst with a rational choice perspective. According to the perspective of preference flexibility, the treatment of preferences as fixed, rational and so forth, represents the 'old' view, whereas their own emphasis on flexibility, reframing, discourse alteration, and so on, represents to them – of course – the novel view, and a new mode of governance. In Mashaw's terms, aggregative processes imply "Bargaining among rational citizens each pursuing self interest with a set of rules for governance through majority rule;" in integrative processes, on the other hand, the will of the people is discovered through deliberation by reasoning citizen and rulers seeking to find the general welfare within a context of shared social values (Mashaw, 1985).

Yet, the empirical question here is to what extent the EFSA is founded and operates on the basis of the notion of bargaining among self-interested parties with clear and fixed preferences, or of the notion of openness and learning across groups with different experiences with the joint aim of a common good.

### ***Bargaining or open learning within EFSA?***

In EFSA, a main, manifest goal is, of course, integrative, as we have seen above: better food safety in the European Union. Everyone is obviously in agreement that this is a common good towards which EFSA and its members/participants *ought to* be struggling. But latent processes are also implied in the structure and procedures of EFSA: that the organization should try to avoid is the pursuit of various types of self interests. EFSA frames the situation as follows: The manifest, integrative goal of safety should of course be promoted, while the possible latent, aggregative goals of various actors should be prevented in various ways, for instance by avoiding individuals in the board to represent or be dependent on organisations or single member countries. EFSA is explicitly trying to avoid the bargaining and brokerage of coalitions between interests.

It is fair to say that the ontology of EFSA is that it perceives aggregative politics as a ‘natural state,’ that should be smothered through the prevention of members bargaining between fixed, diverse interests and strategies. This is a different ontology than a fully integrative one, where deliberation and open learning across actors between experiences is assumed at the outset. Given this distinction of ontologies, a plausible question is whether EFSA’s view of an aggregative state of nature (that hopefully might be hindered or tamed) turns deliberation into something utopian. If the ‘interest thinking’ is the natural state, this means that it exists by necessity. A common position, which is something else than an ‘aggregation’ of interests thus ought to be impossible. Is it not a precondition for integrative politics that the ‘traditional’ ontology of aggregation be questioned at the outset, and not perceived as something that we should always assume underlies integrative processes, and that should be smothered?

An example that illustrates EFSA’s views and treatment of bargaining across interests or open learning across experiences and positions related to the food chain is the structure of the

consultative platform. On June 20 2005, EFSA's Management board agreed to create the EFSA Stakeholder Consultative Platform. The task of the platform is to assist EFSA as the relations are developed with various 'stakeholders'.<sup>6</sup> As EFSA puts it, these meetings 'provides a platform for honest exchange of opinions and ideas'. EFSA further claims that it 'acknowledges the importance of close collaboration with stakeholders by encouraging dialogue in this respect and intends to build further on this in the future'  
([http://www.efsa.europa.eu/en/stakeholder\\_stakeholder.html](http://www.efsa.europa.eu/en/stakeholder_stakeholder.html)).

Still, any organisation is not eligible to be part of the consultative platform. The organizations must meet the following criteria<sup>7</sup>:

- The organisations must be set up at the EU, level. This criterion is probably included so that organisations that aim at promoting special interests of single countries could be part of the platform.
- The organizations should have a specific expertise in particular food safety issues within the scope of EFSA or within a particular sector in the food chain. (i.e., not unqualified opinions)
- The organizations should be 'representative in the field of their competence', in areas within the scope of EFSA. (i.e., not marginal opinions.)
- The organizations should be ('permanently') well-established and well-known at the EU Community level 'for their activities in the area within the remit of EFSA'.

A very broad range of organisations have been invited to become members of the Platform, from Greenpeace and Friends of the Earth to the GMO-friendly Europabio, and Eurocommerce with

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<sup>6</sup> The very use of the term 'stakeholders' – rather than 'participants', 'members', or the like – arguably implies an aggregative ontology of the EFSA. The term 'stakeholders' connotes an aggregative form of governance where participants have their different stakes, stakes that motivate them to engage but also to hold on to this fixed stake – or 'interest'.

Still, it might be useful to distinguish between a deliberative point of departure and deliberative outcome, that is, to what extent there is a consensus-oriented starting point within a common frame of understanding, or whether the actors historically or at the outset have been 'stakeholders', whereas the EFSA-process has been deliberative and integrative, open to input givers from various areas.

<sup>7</sup> It should also be mentioned that EFSA allows for associated membership. Hence, EFSA has invited further organizations to express their interest to be part of a list of 'associate members'. These associate members are to be invited on a case-by-case and topic-related basis. One can assume that organizations that do not meet all of the above-mentioned criteria may still be part of this list. Members are appointed every four years based on 'their expertise, knowledge and experience'. Opinions of less scientific kinds are seen as below the level of these members as well.

market-liberalism as its main agenda.<sup>8</sup> From an integrative perspective, the rationale for this broad range could be to establish a wide public legitimacy and in EFSA, both in terms of input legitimacy (i.e., that all relevant viewpoints can be expressed) and output legitimacy (i.e., that this broad inclusion of viewpoints should be deliberated, ‘in force of the better argument’, as in the early Habermas) in turn leading to the best, substantive decisions and, thus, output legitimacy. According to the ideal of integrative politics, it is the *breadth* of viewpoints that is important, whereas the power and resources – economic or symbolic – should be irrelevant to deliberative processes.

In this light, it becomes interesting to note that the Consultative Platform, despite the integrative aims of EFSA, nevertheless operates from an aggregative idea of their political processes. In minutes of the consultative platform, the representative from **Eurocommerce** stressed the importance of avoiding an ‘overlapping of interests’ across organisations in the platform. Eurocommerce held ‘at least three environmental NGOs were represented and in principle all these organisations cover the same areas’. The implication of this complaint is that the various groups aim at bargaining based on fixed interest. Groups with more representatives have ‘overlappings of interests’, and must therefore – due to the mere quantity of actors – be stronger in the bargaining process than the other (possibly fixed) interests. Although this position is very understandable from a psychological point of view (i.e., the sense of being alone whereas other actors are joined in groups), it is apparent that social learnings of deliberative and integrative processes and procedures have not been part of the communicative work of the platform, despite the integrative ambitions of EFSA.

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<sup>8</sup> Members of the Platform (From EFSA’s webpage in March 2007): BEUC, ECPA, FEFANA, EFFA, FEFAC, EUFIC, UEAPME, Friends of the Earth, EMRA, CIAA, Freshfel Europe, Eurogroup for animal welfare, ESA, Eurocoop, Greenpeace, ILSI Europe, EUROPABIO, EUROCOMMERCE, EEB. Observers: Marta Ponghellini (European Commission), IFAH-Europe, AESGP, ELC, FEDIAF, Carmen Bullón (student). EFSA: Geoffrey Podger, Herman Koëter, Christine Majewski, Anne-Laure Gassin, Victoria Villamar, Matilde Garcia Gomez, Lesley Koschel, Irene Van Geest, Christian Laurent, Claudia Roncacio Peña, Sarah Weatherley. Apologies: CELCAA, COPA-COGECA, EPHA, EFFAT.

### **3.3 Knowledge and communication: Authorities and expertise or reasoned rationality?**

The next factor in our model (see section 2 on theory) concerns authorities with regard to knowledge and communication. Two aspects can be distinguished here. (A) The first factor has to do with ‘knowledge level’ and ‘knowledge types’ of the actors and organizations providing knowledge. (B) The second factor has to do with challenges of ‘knowledge purity’, ‘knowledge neutrality’, and of how to create integrity of officials, scientists and other actors. Although, needless to say, these two factors are partly overlapping, we will try to keep them separate for the sake of clarity of our analysis.

#### *Theoretical introduction: on authority, knowledge and communication*

In March & Olsen’s (1989) original distinction between aggregative and integrative political processes little, was said explicitly about how knowledge might be treated in these ideal types. Still, we can trace implicit epistemologies imbedded in the dichotomy. A strong belief in authorities – supposedly also ‘knowledge authorities’ – is implied to belong more to the aggregative side, whereas the integrative processes are said to be based on a ‘reasoned rationality’; the best knowledge can arise through reasoning and communication across various groups. Nonetheless, whereas the latter view might appear less authoritarian in its epistemology, it is not evident that it would necessarily represent a radical and ‘democratic’ view of knowledge in the sense that it would downplay substantially, for instance, the distinction between experts and the lay public. The original work on aggregative and integrative political processes still assumes that reasoned rationality would be practiced by elites, albeit from various fields (Skogstad, 2003).

Several aspects of the aggregative – integrative distinction are relevant to the dimension of authority and knowledge in general, and to applications of this dimension to EFSA in particular. Although ‘rationality’ is a very broad term, it is most often associated with aggregative processes. Rationality in this context denotes the Weberian *Zweckrationalität*, or goal-oriented rationality. In this rationality, the goal is fixed and well defined. The means then, are, designed to have the actor(s) reach this specific goal in the most efficient way. This type of rationality is typically a goal of a direct self interest of the individual or group. In these respects, this rationality is quite

easily applicable on aggregative processes. In the integrative processes, however, a different type of rationality can be said to be operating, a communicative rationality (see e.g., Dryzek). This was mentioned above but in different terms, namely that different viewpoints and experiences are deliberated and compared in a process where all parties ideally should be open to modify his or her preferences and viewpoints. The ‘scientific experts’ do not necessarily have the best or sufficient knowledge, and their opinions should be debated and compared with other viewpoints.

### ***Authority, knowledge and communication within EFSA***

In what ways can this distinction be applied to EFSA's internal and external procedures? Aggregative and integrative processes imply two distinctive epistemologies, which both are at play in EFSA.

In EFSA's introductory brochure, one can read that ‘we, at the European Food Safety Authority are:

- Guided by scientific excellence;
- Independent;
- Open to rigorous public scrutiny;
- Responsive to emerging risks;
- Committed to work in partnership with our institutional partners and stakeholders’.

Furthermore, this introduction states that

‘EFSA aims to deliver the best science at the right time and in the most appropriate manner. Our vision is to become globally recognised as the European reference body on risk assessment on food and feed safety, nutrition, animal health and welfare, plant protection and plant health. We produce scientific opinions and advice to provide a sound foundation for European food safety policy and legislation’.

As has been mentioned above, EFSA was established partly as a critique of the regulatory failures that had led to certain food scares and reduced public trust in food safety institutions in the European Union. Given the broad inclusion of various ‘stakeholders’ and interest-based organisations, one might think that EFSA was created as a critique of failures among *scientific experts*. But this is not the case. Instead, it is other ‘regulatory failures’, and political lack of

resolute action on the basis of scientific warnings that is seen as the main problem with which EFSA is trying to deal, in order to ensure food safety and a renewed public trust in European food safety and its responsible institutions. Thus, EFSA is at least as science-oriented, if not to say science-embracing in its food safety strategies than prior organisations had been. EFSA frequently uses terms such as ‘authority’ (e.g., in its acronym), ‘scientific excellence’, and ‘best knowledge’. At the same time, EFSA welcomes input from other actors, including non-scientific actors and organisations. We would argue that EFSA is a hybrid between, on the one hand, ‘the best science’-orientation in order to reach food safety (i.e., ‘output legitimacy’) as in the aggregative perspective and, on the other hand, a more reasoned rationality through the input from people in various interest groups and with a broad range of experiences (i.e., ‘input legitimacy’) as in the integrative perspective. In terms of trust, these dual perspectives are also related to views on what trust is. In ‘the best science’- orientation, public trust is naturally a simple and passive trust, since deliberations between scientific expertise and the public are not perceived as meaningful. It is the task of experts to ensure and inform the public about their expert-oriented work that leads to food safety. The role of the public is to support and trust the food safety work of the scientific groups. In the more integrative perspective of reasoned rationality, the ideal public trust is a more reflexive and active trust, where the public may trust the deliberative process, but where the actors may nevertheless criticize other knowledge claims and viewpoints as well as suggest alternative ones. In these latter, integrative processes, authorities of various kinds have a more facilitating role, whereas they in the aggregative processes are expected to make the final decisions.

EFSA has in parts a deliberative character, as many groups are invited to participate. Still this takes place at different levels, or rather within different circles, from the small and central circle of the board (consisting of independent, scientific experts) and to the outer circle of the Consultative platform (with stakeholder consultations). All groups of participants are called ‘experts’, and their “competence” in various areas is asked for. Still there are procedural debates as to whether the consultative platform can give direct, scientific recommendations to the board. A difference between the consultative platform and the board is that the board is said to consist of independent, excellent scientists, whereas the platform consists of “interest-based organisations” represented by individuals. In the readings of EFSA it is clear that the board sees this as

reflecting a fundamental difference between the neutral and interest-driven. Yet this difference is not so clear-cut or indeed that the politics of the issue is only seen by the expert (in Kronsell's discussion with experts from the Swedish Environmental Agency engaged in negotiations at the EU level this was argued, that is, difference and politics are in the technical details)<sup>9</sup>. Despite the invitations of the consultative platform and associate members, these seem to be perceived as satellites that circle around a main, enlightened core of the main participants of EFSA, who are said to be both excellent and impartial.

“It is high time we started to pool scientific and technical information to avoid needless duplication of effort and set up an integrated scientific network between European and national authorities. We need to get the top national scientists on food issues around the table[7].”

As has been mentioned, the Consultative Platform consists of a very broad range of actors and organisations, not least in terms of perspectives and ideologies. Still, several members in the platform have expressed worries that the platform is mainly set-up in order to create input legitimacy in the shallow sense of the term. As a concrete example, the representative from Friends of the Earth has asked the board of EFSA that ‘anything said at the Platform would be taken into account by the Authority and that this forum should not become a talking show’. Moreover, Friends of the Earth had collected a paper that several organizations in the Platform had signed, where several concrete areas where EFSA's openness, transparency and policies could be improved, in particular with regards to the role of the platform vis a vis the board of EFSA. The Chair of EFSA contended that ‘there was real commitment from EFSA, and that EFSA, being a young organization, that ‘there was a lot to learn and that EFSA was keen to listen, to continue dialogue and to build on constructive suggestions’ (EFSA, Minutes).

The representative of another organization in the Platform, FEFANA, suggested that the Executive Director of EFSA should attend the meetings of the platform, to increase ‘the interface of the Platform with the Management Board and with EFSA's Management Team’. Still another organization, BEUC, requested that the Platform should be able to contact the Management board, and communicate outcomes of the Platform's discussions and papers directly with the board. The chair of EFSA was in favour of a continuous contact between the board and the

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<sup>9</sup> Documented in Kronsell (2002:300).

Platform, yet through the distribution of minutes of the meetings and, possibly, through communication between the chairs of EFSA and the Platform respectively.

***Theoretical introduction: The Problem of Agency: Lack of incentives/controls or problems of professional integrity?***

Closely connected to the issue of knowledge authority, reasoned rationality and epistemology more in general are *the problem of agency* involved in creating the knowledge bases for food safety and environmentally sound policy recommendations. Whether the policy issue at stake involves scientists, ‘experts’ from the public or private sector or from NGOs, or whether the spectrum of people crudely categorized as ‘the lay public’, questions arise that concern incentives, motives ‘control of the controllers’ (Power, 1997) integrity, and neutrality of these actors.

The ideal-typical aggregative and integrative political processes imply two distinctive standpoints, or emphases, here. The problem and challenge of agency in aggregative political processes is dealt with through the design of incentives and controls. In the aggregative political processes, the actors controlling it perceive the actors as self-interested, something which requires these actors to be continuously controlled and faced with incentives and disincentives. In the integrative political processes, on the other hand, the main challenge of agency is one of official and professional integrity (March & Olsen, 1989). In the integrative political, process solutions are reached ‘through the socialization of agents to an ethic of administrative duty and autonomy’ (Ibid, p.?). An image that comes to mind is the classical bureaucrat who does not act on the basis of his or her own personal preferences, but rather appropriate to a position (cf., Weber, 1924; 1978). The former type of political process is assumed to generate public trust due the sophisticated system of incentives, disincentives and control; the latter type is intended to generate public trust through the institutional bases of the organisation, its norms and the sense of duty that it creates.

When reading the documents of EFSA it is clear that the ideal of neutral, independent science and scientists is very strong, both as a basis for the structure and content of EFSA. The independence ideal of EFSA concerns several traps of dependence that they strive at not falling into.

Firstly, EFSA makes a distinction between ‘the science of risk assessment’ (which is within their scope, and which they conceive as a scientific task) and ‘policy & risk management’ (which is beyond their scope, since they conceive management as a political and ideological issue). The former should be ‘independent’ of the latter, according to the principles of EFSA. Secondly – and a fundamental difference between the Management Board of EFSA board and the Consultative Platform – is that the former is ‘appointed in a personal capacity and not as representatives of the organisations, sector, government or country from which they come’ (EFSA’s website).<sup>10</sup> Here it is the independence of these entities that EFSA tries to ensure. In our view, however, such independence can certainly not be guaranteed through these organizational measures; these measures can mainly indicate the ideals on which EFSA is created. Another implication of this independence principle is that it creates a partly false distinction between the activities of EFSA and the Consultative Platform. The former, we argue, is thus given a higher status, as ‘science-driven’, and output legitimate, whereas the latter is given a lower status, as ‘interest-driven’, and input legitimate (although now EFSA perceives science is key to the Platform as well). Finally, EFSA does not only have the ambition of being independent of nation states and NGOs. EFSA, although being a European Authority, also claims to operate independently from EU institutions (European Commission, Member States and the European Parliament).

What can be said about all this, in terms of policy ideals. It might be fruitful to distinguish between two dimensions of independence. Firstly, there is one more crude dependence on the interest of a nation or organization. The other is a more subtle dependence within science society, the value-based selection processes, and so forth, that is, necessary factors entailing that science is never independent and value-free in any absolute sense. Whereas EFSA explicitly tries to reduce the risk of former type of dependence through the organizational processes mentioned above, the writings of EFSA – about ‘excellence’ and ‘neutrality’, and so forth, simplify the latter

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<sup>10</sup> EFSA’s Management Board consists of a Chair, twelve other members (including 2 Deputy Chairs) and one representative of the European Commission. Members are appointed by the Council of Ministers, in consultation with the European Parliament, from a list drawn up by the European Commission.

The Scientific Committee is Chaired by Professor Vittorio Silano and consists of the Chairs of each of the nine Panels and six independent scientists. The Committee proposes harmonised approaches for risk assessment and provides opinions on issues that may be shared by more than one Panel.

type of independence, both into something that is in principle possible to get rid of, and as something that EFSA's organization may achieve through its structure and principles.<sup>11</sup>

What can be said about these independence endeavours of EFSA in terms of aggregative versus integrative political processes and ideals? First of all, it is clear that the explicit goal of striving towards the common good is fully in line with the integrative principle of acting in the public interest. Yet, they try to obtain on the basis of an ontology of a natural state of competing, self-interested stakeholders with fixed preferences, a natural state which should be fought against and smothered in order to reach independence of the social and political context that may have given rise to these interests and preferences. The idea is here one of reducing the risk of aggregative processes in which actors operate based on the interests and 'stakes' of the associated group. Through the principles of EFSA it is clear that they do not assume that the development of a 'professional integrity', that is, the ideal of integrative politics (although perceived as an end by the EFSA principles) can arise without the active fighting against as many types of aggregative interest and stakes as possible.

Yet, neutrality, independence, and integrity are far from synonymous terms. March and Olsen (1989) claimed that 'a person who acts with integrity is not a "neutral" person. Quite the contrary (March & Olsen, 1989:128)'. Neutrality, according to these authors, denotes that contending interests are confronted 'with a predilection to balance them'. The aggregative process of 'balancing' of interests has the ambition of being value-free, that is, neutral. Integrity, on the other hand, 'puts interests aside'. Instead, integrity is based on 'publicly defined values, defended within a public order' (Kalberg 1980, in March & Olsen, 1989:128). Thus, the aim of integrity belongs to integrative processes, which 'seek the creation, identification and implementation of shared preferences'. Whereas EFSA – in a vein of integrative politics – emphasises the shared preferences of food safety, public trust, and so forth, their means, strategies and fundamental

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<sup>11</sup> The notion of the 'neutral' scientific representative runs contrary to most post-positive critique of scientific knowledge. For example, feminist theory and particularly feminist critique of science has argued from the idea of situated subjects and standpoints (Harding 1986, 1998). In other words, everyone speaks from a position that is related to the societal context in which he/she is embedded. So gender as well as for example, class, ethnicity and profession inflicts on identity formation. There is no such thing as a 'neutral' position and science is never neutral. Moreover, we would argue, this is also recognized in deliberative democracy theory. Deliberation does not have neutrality as starting point. Interesting in EFSA's discourse is that only scientists are 'neutral' but also that there is a distinction among scientists, the real 'neutral' ones and then the researchers.

view of politics is that it – in a more aggregative way – is based on self-interest and fixed preferences that need either need to be smothered or balanced – neutralized.

## 4. Conclusions & Discussion

1. ‘About EFSA’s Integrative goals and ambitions (of shared purpose, trust and harmonization) which it tries to reach by surpressing and smothering what it perceives as the natural state of aggregative policy processes’An alternative strategy: Social learning of integrative policy processes and deliberative democracy.
2. What is the relation between different forms of authority and legitimacy?
3. Output legitimacy & input legitimacy in relation to simple & reflexive trust in European food safety and in EFSA.
4. Relation: legitimacy and trust

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