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Deliberation, Responsivity and Power in German and Swiss Agricultural Policy

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Preferences with respect to agricultural policy have changed in Germany and Switzerland. In the middle of the 20th century, food self sufficiency and a certain cultural solidarity with farmers were central issues. Today, farmers are expected to contribute to environmental protection and safe food. Switzerland and Germany are two examples of countries where national agricultural policies have attempted to take the changing preferences into account. However, in Germany the government had a hard time succeeding since the general features of agricultural policy are decided by the EU. Comparing Germany with Switzerland indicates that it might be more appropriate to decide on agricultural policy on the national rather than on a regional or supranational level.

1. Introduction

Agricultural policy is a field that, on the academic level, has mostly been exploited by agricultural economists. They have either tried to quantitatively estimate the economic impacts of policy changes in the sector (Frenz and Uhlmann 1995; Kleinhanss 2002), have applied Public Choice Theory to explain policy choices by vote-maximizing politicians and budget-maximizing bureaucrats (Hagedorn 1989; Tullock and Hillman 1991) or have evaluated the welfare effects of policy changes (Koester 1997; Henning 2003). The latter studies have usually led to the result that liberalising agricultural markets would lead to considerable welfare gains.

In this paper, a fourth approach within the framework of comparative politics (Almond and Powell 1988) is chosen. It includes references to deliberation theory as outlined by Habermas (1981; 1992) and developed by scholars like Dryzek (1990) and Goodin (2003). The deliberative approach draws some normative power from a reflected public discourse. The principles of the modern state are understood as an answer

to the question of how the ambitious forms of communication of a democratic process can be institutionalised.

It is clearly non-trivial to look for institutional pathways for deliberative processes (Dryzek 1990; Fishkin 1995; Schmalz-Bruns 1995). A broad, informed and reflected public discourse, however, is the most general answer to the question of how to institutionalise the principles of deliberation. In the second section of this paper, we therefore take a look at the public discourse about agricultural policy in Germany and Switzerland. Our first hypothesis is that the form of this discourse allows us to discover a broad public consensus on social demands for agricultural policy and that the degree of information and reflection of these demands can be estimated.

Responsivity research (Miller and Stokes 1963; Pitkin 1967; Patzelt 1991; Walter 2002) is concerned with the question of whether public demands are translated into policy-making. This is a crucial question if the results of deliberative processes are not to be for academic purposes only. The third section of this paper compares the responsivity of these processes in the agricultural policy settings of Germany and Switzerland. Our second hypothesis is that willingness to react to public demands was verbally present in both countries but that reactions in the form of real policy changes have been only observable in Switzerland.

To explain the differences in responsivity, it is helpful to consider the different institutional frameworks of agricultural policy making. That means not only the impact of direct democracy in Switzerland, but also and especially the level at which agricultural policy decisions can be made. The third hypothesis, to be tested in the fourth section, is that the national level can respond to public demands more easily than the supranational level of the EU.

2. Changed Public Demands with respect to Agricultural Policy

Over the past 100 years agricultural policy has been rarely at the center of interest in Europe. It has not been a decisive issue in elections and it has given rise to few new social movements. However, there always were and still are public demands related to agriculture which could be communicated via different institutional channels. We do not want to consider “the public” as a monolithic block. In agricultural policy, too,

there have always been different forces with different interests. But what the Germans have termed *Zeitgeist* (Brandes 1808) is perceptible in agricultural policy to a greater degree than in most other policy fields.

In the first half of the last century, ensuring food security was the central issue of agricultural policy. In Switzerland, this target reached its climax during the Second World War, when in 1940 the “Plan Wahlen” was introduced. With great public support every available square metre was used for food production (Maurer 1985). In the case of Germany, the fascist “production battle” in the Thirties and the clear commitment to increasing agricultural productivity after the Second World War should be seen as an indicator for the goal of securing primary needs.

Looking for explanations for the broad political support for farmers, Hagedorn and Schmitt (1984) find another important factor, one that is cultural rather than economic in nature. After 1945, almost one out of three persons in Germany and Switzerland was employed in the farming sector. For most people, a strong solidarity with agriculture was forged by the fact that it was not necessary to go very far back in their family history to find working farmers. From today’s perspective, it is difficult to understand the downright sacral intrinsic value which the family farm had in discourse until the mid-twentieth century. Far beyond the fascist “blood and soil” ideology, Steding (1959) in Germany emphasizes the “sociological, cultural and other non-economic achievements and characteristics of the farmer and his family for the national identity”, while Laur (1959) in Switzerland speaks about small family farms as a “source of blood refreshment of a nation”. It was not until 1996 that the aim of “maintaining a healthy farming population” was deleted from the Swiss constitution.

The fact that this target was removed from the constitution and that, in general, the notion of the “sacred” family farm has been fading over the last few decades, we owe to the growing distance from our biographical agricultural roots. It makes a difference whether it was one’s parents or great-grandparents who grew up on a farm. A separate issue is the tendency discovered by Habermas (1981) for society as a whole to “turn the sacral into language”. This tendency of rationalisation, too, has contributed to understanding a farm as just another enterprise. In addition, regret about productivity growth in agriculture is largely a thing of the past. Since, with the end of the Cold War, the threat of international isolation has been receding, even in Switzerland, historically most sensitive to food security, strategies for securing the food supply through

agricultural protection have declined in importance (Hättenschwiler 1993; Hättenschwiler und Moresino 1993).

New, more concrete demands have replaced cultural solidarity and food security. The rapid technical progress of the Sixties and Seventies led to yield improvements such that nobody in Western Europe has to worry about a sufficient food supply. However, due to new agricultural practices food production brought about new health risks. A first example was the nocuous pesticide DDT (Carson 1964; Beatty 1973); later, using illegal substances and exhausting barely legal, but non-sustainable practices, repeatedly produced new dangers and damages, particularly in animal production. Parallel to that, demands for food safety rose considerably, most recently with the media coverage of the first BSE case in Germany, which could hardly be justified scientifically. As a consequence society demands a safe and healthy supply of food. The steady call for regional marketing as a confidence-building measure can be classified in this context (Werner 2000).

Secondly, over the last twenty years or so, it has likewise become clear that agriculture has a key role to play when it comes to nature conservation. Agriculture and environmental quality are not mere substitutes between which a compromise needs to be found. Admittedly, agriculture is indeed the main cause of global biodiversity loss. But keeping land open through extensive farming generates a higher degree of biodiversity than the colonisation by bushes and trees which would occur in most parts of Europe without agriculture (Brookfield 2001). Hence, public demands are not primarily restricting agriculture, but supporting its sustainability through increased provision of public goods. Besides delivering safe food, farmers are expected to deliver biodiversity and clean natural resources like air and water.

This shift of paradigms is as yet no more than an unproven hypothesis. There are good reasons, then, to look for institutions that reflect “subject-specific, bundled public opinions” (Ahlheit 1995, 138) as an indicator of the directions of deliberative processes. How would we find the “cross-linking of different forms of communication, binding public administration to rational premises, thereby also disciplining the economic system under social and ecological aspects, without questioning its foundations”, as Habermas (1992; 649) puts it. It would be too simple just to look for discussion groups in a narrow sense (and then to criticise them, like Sanders (1997) on the basis of their lack of communication culture). Rather, the public discourse preceding agricultural policy

changes can be traced in some important institutions in democratic states.

- Particularly in Germany, important signals came from the market for agricultural products. The beef market was a case in point. As early as 1996, the German beef market reacted strongly after the possibility of a causal link between the cattle disease BSE, which was widespread in Britain, and first cases of a special form of Creutzfeld-Jacob disease became public. The first confirmed case of BSE on a German farm finally caused the German beef market to collapse. But if a danger which (given the numerous precautionary measures) can hardly be assumed from a scientific point of view can lead to turnover drops of temporarily up to 80 per cent, then it should be assumed that behind this, consumers feel uncomfortable in general about the modes of agricultural production. German farmers suffered the most from this incident, as they were not only hit by the vanishing markets for their cattle, but also had to fear more alleged scandals and therefore unpredictable future markets.
- Traditionally, plebiscites in Switzerland are actuators and at the same time results of a broad public discourse. The two elections on agricultural policy which took place in the Nineties are a good case in point. First, subsequently to the results of the GATT negotiations the Swiss government had drafted a shift from market support to direct payments which was passed on the nod by the parliament as well as by the Farmers' Union, but failed in the referendum. One year later, a new concept with the same shift from market support to direct payments was brought to the ballot, but this time public support was linked to strong ecological criteria. This time, a clear majority of 78 per cent of votes was achieved. Public demands concerning agriculture thus became clearly visible.
- Associations in Germany and Switzerland traditionally have a weak profile with respect to consumer policies, but a strong one on environmental issues. In Germany, the Naturschutzbund (Conservation Federation) with its 390,000 members attracted some attention with its report on personal interweavements between agricultural unions and agribusiness (Naturschutzbund 2001), thereby discrediting the "old" potentates in agricultural policy. In Switzerland, however, the influence of environmental associations on agricultural policy changes has been even stronger. The new text for the second plebiscite on agricultural policy reform gained its ecological slant

only after the World Wildlife Fund had gone public with a concept that was largely accommodated by the government.

- The media also play an important role, particularly as an outlet for public opinion where direct democracy is missing. This became most noticeable through the reporting of BSE, which serves as a good example for the dialectic between public opinion and news coverage and was extensively documented (Ahumada-Kröpke 1996; Meyer-Hullmann 1999; Wildner 2002; Hagenhoff 2003).
- Opinion research is closely connected with and often communicated through the media, being partly another substitute for more direct forms of public participation. From surveys, we know that public support for the Common Agricultural Policy has been growing since ecological targets started being emphasized (Anonymus 2002) and that Germans are strongly in favour of supporting organic farming (Mann 2003).
- A new institution serving deliberative processes are Internet fora. If one looks in German and Swiss Internet fora for subjects connected with agricultural policy, one is likely to find in particular discussion groups about food risk factors and animal abuse on farms.

The institutions mentioned here are manifold but by no means complete (just remember the various forms of privately organized processes of dialogue and deliberation). That enables us to roughly recognize the “direct deliberatively democratic polyarchies” as suggested by Colin and Sabel (1997). Our hypothesis that broad deliberative processes make shifts in public demands on agricultural policy visible can be confirmed.

3. On the Responsivity of Agricultural Policy

In the previous section, new public demands with regard to agricultural policy-making have become visible: in both countries, environmental conservation and the provision of safe food have become a top priority when it comes to farming. But if it is clear that political preferences have shifted, the question arises: Has agricultural policy, too? Since Dahl (1971) and Lijphart (1984), it has become commonplace in political science that responsivity should be one of the core characteristics of a working democracy. On the other hand, while such (and other) preferences may have a high normative authority, not all political preferences can serve as guidelines for political decisions to the same extent

(Goodin 2003). According to Offe and Preuss (1991) as well as Offe (1997), political preferences have to comply with three conditions in order to serve as a normative scale for the quality of political decisions: 1. Regard for facts and information; 2. Reflective inclusion of other citizens' concern; 3. Anticipation of future consequences of today's actions. Going back to the causal and historical explanations of the new social demands with respect to agricultural policy, the conclusion that these three conditions are fulfilled can quickly be drawn.

In the methodological debate of responsivity research, it is good practice to compare the attitude among the population with the policy output in order to measure responsivity (Monroe 1979; Brooks 1990; Jackson 1992). Therefore, we are going to compare how the changed political preferences in Germany and Switzerland resulted in real changes in agricultural policy.

Firstly, it can be stated that the national government's political programs in both countries seem to have reconstructed the change that has taken place in the public discourse. Starting from an agricultural policy concerned with support for farms and controlling production and markets, an agricultural policy emerged that was focussed on targeting environmental conservation (Switzerland) or consumer protection (Germany). In spite of the important plebiscite in 1996, where the targets of a "healthy farming population" and agricultural land ownership were exchanged for environmental and regional development targets, this process was a rather fluid one in Switzerland. It started with the introduction of a direct payment based agricultural support system and ended with the broad application of cross compliance regulations (coupling support to the delivery of public goods) after the constitution had been changed by plebiscite.

In Germany, however, the change of paradigm in agricultural policy has been termed "agricultural turnaround" (*Agrarwende*). Interestingly, this turnaround took place through a change of ministers in 2001 at the Federal Ministry of Agriculture, which was then renamed as the Federal Ministry of Consumer Protection (but not through the 1998 change of government). It was no coincidence that this happened a few months after the first BSE case in Germany became public. As mentioned, this was an incident that caused farmers themselves to press for changes, due to the collapse of the beef market. Thus, at the beginning of the change of paradigm, the new minister, Renate Künast, experienced strong support among farmers when she asked for more quality orientation within the food chain.

3.1 Results of the German “agricultural turnaround”

The terminology of the “agricultural turnaround” makes it clear that the paradigm shift and therefore responsivity towards public demands was at the core of the political concept when Renate Künast took office at the new Ministry of Consumer Affairs, Food and Agriculture. She made it clear in her speeches that the frame of reference for agricultural policy should henceforth be consumer interests, rather than farming interests. Her support for organic farming followed this mission statement: Organic farming is an established production method which tries to institutionalise the safety of food products and the environmental friendliness of farming methods, albeit at additional cost. This production system therefore accommodates the wishes of most consumers, whose attitude towards organic farming is usually very positive (Mann 2003).

In order to get an idea about the political leeway the Ministry had, it is important to look at the distribution of powers. The Common Agricultural Policy (CAP) largely defines the framework of agricultural policy. In particular, agricultural market policy, i.e. the definition of market support and direct payments, is largely defined by the European Commission and subsequently more or less modified by the Council of Ministers. The second pillar of the CAP, rural development policy, in Germany rests on concepts of the Länder which are brought into accordance with requirements imposed at the European level. The federal level is not much more than a mediator for enriching and distributing EU funds. Scope for shaping policy itself is usually very limited.

The only real area of agricultural policy competence at federal level is the nationally established agri-social policy. But in spite of the severe criticism faced by this social policy for farmers because of the inefficiencies and unjustice of the design of the subsidised accident, sickness and retirement insurance schemes (Hagedorn 1977; Mehl 1999), the agricultural turnaround has not generated any new impulses. It combines lip service to the current system (Deutsche Bundesregierung 2002) with a steady shortage of funds, while needs grow or at least remain constant. The need for reforms is growing, yet is largely unnoticed by the public.

During the Minister’s term of office, the Luxembourg Reform of the CAP was initiated and Renate Künast contributed to moderate the differences considerably, but the Reform certainly does not reflect a change of paradigm as outlined in Section 2. The main achievement is that future transfers for farmers which were partially paid proportionately to the

number of cattle the farmer had, will in future be paid only proportionately to the land the farmer has, unless national governments decide otherwise. At best, this is a very modest step towards an agricultural system targeted at benefiting health and the environment.

At national level, two developments since the start of the turnaround deserve special mention. Firstly, only three weeks after the change of minister, her office went public with a bill designed to introduce a ban on keeping poultry in cages as early as 2007. In the EU, this step had been planned for 2012. But the Länder had to agree to this law in the Federal Assembly. Concerned interest groups on both sides flexed their muscles. On the one hand, the poultry industry association as well as the farmers' union acted primarily off the stage, by lobbying the Länder delegates. On the other hand, the Animal Protection Association carried out a big postcard campaign, also directed at the Länder, featuring chickens in prison uniform demanding their freedom. Three years after the start of this argument, the outcome is still not clear. After many unsuccessful rounds of voting, the most probable outcome is a lukewarm compromise between the two sides.

Likewise after tense negotiations with the Länder level, Germany was one of the few countries to make use of "modulation". The term "modulation" was introduced in 2000 as a possibility within the CAP and describes the reallocation of part of the direct payments to farmers (in Germany it was two per cent) for rural development purposes. With this money, two programmes were established *inter alia* that reflect the spirit of the agricultural turnaround rather well: sustainable regional development is supported by the "Active Regions" program, where typical bottom-up processes are supported in 18 model regions. And within the Federal "Organic Farming" program, public relations and research activities are funded in order to increase organic farming's market share. But the two programmes together have an annual budget of € 56 million. This is more like the advertising budget for an established brand, but within the € 6 billion budget of the Federal Ministry and the € 44 billion budget of the Directorate General for Agriculture, it is certainly not a strong indicator for a political change.

It has not proved possible nor will it most probably be possible to implement the conceptualised agricultural turnaround in significant terms. This is not due to an incapable or unwilling administration. The cause of the gap between political concept and practice is that the national level has hardly any powers left, having surrendered them to the European level on the one hand and to the regional level on the other.

3.2 Results of the constitutional change in Switzerland

In the decentralised political system of Switzerland, there are few areas where so many powers are grouped together at national level as agricultural policy. Even before the 1996 constitutional change, environmental aspects had gained importance in federal agricultural policy making, thus confirming the evolutionary development. It was as early as 1992 that two sorts of direct payments were established by the government: general direct payments with a strong income component and direct payments for extra ecological services.

But the role of these direct payments remained limited at that time. It was not until the people evinced their will for a basic change of paradigm that interventions in agricultural product markets by tariffs, product allowances and export subsidies were displaced as the most important policy instrument. Ever since, 2.3 billion francs out of the 3 billion francs federal budget for agricultural policy have gone into both categories of direct payments. The General Direct Payments are meanwhile also tied to ecological restrictions which are met by 60,000 out of Switzerland's 70,000 farms. The so-called "proof of ecological performance (PEP)" which farmers have to furnish in order to qualify for direct payments has led to a halving of mineral fertilizer applications compared with Germany. Crop rotation restrictions and the need to extensify seven per cent of the farmland are also unique to Swiss agriculture.

A growing share of direct payments - over 400 million francs in 2002 - is paid as ecological direct payments for delivery of extra public goods. Set-aside land with a mixture of plants, extensified grassland, hedges and also animal-friendly husbandry methods are, among others, measures that qualify for ecological payments.

From a public finance as well as from an ecological perspective, ecological direct payments are close to a first-best solution. For general direct payments, coupling social and ecological objectives represents a constant breach of the Tinbergen (1956) law which results in likely inefficiencies. But if one compares this solution to the old system, where subsidies were granted to the farmer according to the amount of milk, meat and wheat he produced, the change of paradigm in agricultural policy of the past ten years appears considerable.

4. Power distribution: is the nation the appropriate level for agricultural policy?

German and Swiss voters' demands with respect to agricultural policy hardly differ. In both countries, public discourse institutions show that protecting natural resources and providing safe food have become the most important public demands of recent decades. National governments in both countries have recognised these new attitudes and have turned them into political concepts (programmatic responsivity). In Switzerland that happened more in an evolutionary manner, in Germany more in a short-term and spectacular way. But more importantly, the realisation of the new concepts (real responsivity) differed markedly between the two countries. In Germany, realisation was mainly cosmetic, while changes in Switzerland went in the right direction. This confirms our second hypothesis.

Research into direct democracies has empirically indicated that direct democracies restrict the administration and therefore provide more opportunities for responsivity in policy-making (Zimmermann 1985; Frey and Stutzer 2000; Frey et al. 2001; Kirchgässner 2002). In the context of deliberation theory, it was Scheuerman in particular (2002) who held "the interface between democratic and administrative authority" (p. 64) responsible for the impossibility of responsively realising the result of deliberative processes in indirect democracies.

The example of agricultural policy, at any rate, seems to confirm these concerns. However, a closer look reveals that the main responsibility for the inability of the German government to transform public opinion into policy changes lies within federalism, within the distribution of powers at the different levels.

The counterproductive effect of federalism can be demonstrated by the example of battery poultry. If, in the Federal assembly, the government of North Rhine-Westphalia supports the ban on battery poultry, while Lower Saxony's government opposes the ban, this will reflect not so much the greater preference of Lower Saxons for battery eggs, but rather the greater size and influence of the poultry industry in this region. But with such and similar reasoning, the normative substance of policy-making, to cite Habermas (2002), goes up in smoke.

We have so far restricted ourselves to Switzerland and Germany, which have a rather similar attitude on the part of voters and the national government. At the same time, it is quite possible that the governments of

the EU countries which stick to the traditional concept of the CAP also act in accordance with the preferences of their population. Why should it not be possible that the French still recognize farms as having a high intrinsic value, due to their cultural roots? Why should they not opt for an agricultural policy that protects the existence of farms for their own sake? Why should people in other countries not find it disproportionate to assign such a great value to food safety or the protection of natural resources as Germans do? But if this is the case, a Common Agricultural Policy that has to be identical for all member states, creates what Schaltegger (2001) describes as political distortions, Biehl (1987) as frustration costs, and therefore over-centralisation.

The Swiss example in particular may show that the national level may be the most suitable one for transforming public deliberative processes into an appropriate agricultural policy, which would confirm our third hypothesis. Interestingly, the Council of Ministers for Agriculture has implicitly gone in this direction through the Luxembourg Reform. For the first time, it has been left to national governments to decide how radically they will decouple direct payments from livestock farming. But this is too small a step to adequately implement the results of deliberative processes which still are largely restricted to the national level.

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Zusammenfassung

Die agrarpolitischen Präferenzen der deutschen und schweizerischen Bevölkerung haben sich gewandelt. Standen Mitte des 20. Jahrhunderts die Sorge um eine ausreichende Nahrungsversorgung und eine gewisse kulturelle Solidarität mit Landwirten im Mittelpunkt, so wird von den Landwirten heute ein Beitrag zum Natur- und Umweltschutz sowie die Bereitstellung gesundheitlich unbedenklicher Nahrung gefordert. In der Schweiz sowie in Deutschland hat die nationale Agrarpolitik in den letzten Jahren versucht, diesen geänderten politischen Präferenzen Rechnung zu tragen. Aufgrund der schwachen agrarpolitischen Kompetenzen der Bundesebene ist dies in Deutschland jedoch weniger geeglückt als in der Schweiz. Dies deutet darauf hin, dass die Nation in der Agrarpolitik vielleicht ein angemessenerer Regelungsraum ist als Regionen oder Staatengemeinschaften.

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