European Integration online Papers

Synchronised national publics as functional equivalent of an integrated European public. The case of biotechnology

Seifert, Franz

Date of publication in the **EIoP**: 8 Sep 2006

Keywords: democracy, European public space, multi-level governance, Nation-state, political opportunity structure, European Commission, European Council, EFA, EP, public opinion, BSE crisis, Comitology, NGOs, WTO, political science

Full Text: HTML PDF

Abstract

In the second half of the nineties, a number of EU Member States went through intense public controversies over agro-food biotechnology. These controversies occurred almost synchronously, brought about parallel issue-framings and actor-constellations, led national governments to adopt biotechnology aversive policies, and prompted a considerable tightening of the EU's agro-food biotechnology regulation. This article analyses these events against the background of the current discussion on the lack of a European public. It tries to demonstrate that, as far as the democratic functions information and control are concerned, synchronized national controversies brought about effects equivalent to those theoretically expected from an integrated European public. The analysis also explores the reasons for the synchronous and, in important respects, analogous mobilizations of national publics, and highlights the major policy mechanisms accounting for the observed supranational responsiveness to mobilized national publics. The article concludes with a reflection as to whether other policy fields might provoke similar cases of supranational responsiveness to mobilisations of national publics.

Full Text: HTML PDF

Dr. Franz Seifert, currently postdoctoral fellow at the Institute of Advanced Studies, United Nations University.
http://www.ias.unu.edu/about/FSeifert.cfm
e-mail: seifert@ias.unu.edu

Synchronised national publics as functional equivalent of an integrated European public. The case of biotechnology(*)

Franz Seifert

European Integration online Papers (EIoP) Vol. 10 (2006) N° 8;
http://eiop.or.at/eiop/texte/2006-008a.htm

Date of Publication in **European Integration *online Papers***: 8.9.2006

| Abstract | PDF |

Contents:

1. In search of a European public

Is there a European public? Intensified scholarly debate on this question reflects its pertinence to junctures in the European integration process. Imminent grand projects, the adoption of a European constitution, for instance, or a further enlargement of the EU to include Turkey, will hardly be accomplished disregarding this public, whatever its form, whichever its channels of influence. European elites have to cope with a noticeable unease with an emerging supranational polity of unparalleled complexity, opaque to and detached from its citizens, who, as countless surveys and poor participation rates in elections to the European Parliament (EP) testify, feel distanced from these elites, alienated from the decision making process. Also, from a principled point of view, the claim for a democratic inclusion of the public into the EU system is all too obvious. It is clear that the transfer of the bulk of policy making activities to the supranational level must be accompanied by a shift from hitherto prevailing "output-legitimacy," derived from the technocratic promotion of policy objectives, to "input-legitimacy" anchored in the representation of the authentic preferences of the citizens.(1) (Scharpf 1999: 7-21)

But is there a European public which could frame, articulate and deliberate on these preferences? At first glance, the answer is straightforwardly negative. If there is a European public sphere, it appears as a fragmented side-by-side of national publics divided by linguistic, historic and cultural barriers. The emergence of these national publics - concomitant with the rise of the modern state and liberal democracy - is by itself a historical achievement: (Anderson 1991, Gellner 1983, Habermas 1962) The making of linguistically and educationally homogenous areas corresponding to the emerging territorial state, the expansion of mass literacy and the mass media, and the rise of a bourgeoisie deliberating on the common good, were intertwined processes, distinctive of Western modernity. By contrast, the construction of supra-national governance as embodied by the EU took only decades. While this process is accelerating we cannot expect mass-publics to linguistically and communicatively homogenise with equal velocity.

Instead, there are arguments that, for the foreseeable future, mass-publics will linger at the national level. As language is the precondition for public communication, for some authors the fragmentation

of European publics is rooted in Europe's irreducible linguistic diversity. (Kielmansegg 1994, Gerhards 1993) In fact, despite the ubiquitous spread of English as *lingua franca* for commercial, professional and administrative purposes, there is no evidence for linguistic amalgamation in the EU. (De Swaan 2002: 144-75) Mass-media help to reproduce national publics, too. Mass-media - often trans-national corporations transcending language barriers while, at the same time, governed by the consumption habits of national mass-audiences - perpetuate the national public space by filtering information according to criteria of local pertinence. (Gerhards 1993, 2000, 2002) Correspondingly, attempts to set up European mass-media repeatedly failed. (Schlesinger 1999, Neveu 2002) Finally, politicians competing for office within nationally confined arenas are biased to evoke national notions of solidarity, identity and autonomy as they need to maximize voter support and underline their capacity to act effectively while downplaying limitations to state action within the international context. All in all one might conclude that public fragmentation is a condition the EU will have to live with.

Then again, the assumptions underlying these arguments can be challenged. In place of mass publics, for example, the search of a European public might turn to elites. The emerging stratum of internationally mobile, English speaking "symbolic analysts" (Reich 1992) might constitute the audience for European high-quality media with their broad ambit, and could thus figure as European "civil society." A functional variant of this argument is the idea of "deliberative supra-nationalism" promoted by Joerges and Neyer, who stress the democratic virtues of specialist publics concurrent with expert networks employed in the EU's "comitology," its highly complex system of expert committees operating in supra-national decision-making procedures. (1997) At first sight, part and parcel of the Union's often denounced, technocratic make up, expert-publics in some respects even come up to the high standards of deliberative democracy as they allow for argument-based, two-way communication among participants, which mass publics, where communication is market-driven and only media "talk," do not. In addition, EU expert-networks interlock technical matters with a plurality of epistemic and national views, inject the multi-level administrative system with tacit political principles.

Nevertheless, expert-publics too are elite-publics the backside of which, unsurprisingly, is their elitism. It was the historical achievement of the nation state and its mass-publics to provide access to political debate to a maximum number of citizens, at least as addressees of the mass-media. It is these publics, which - by means of reifying mass media communication - generate the "public opinion" keenly observed by policy-makers, and it is these publics, which become decisive in elections. Clearly, a diminution of normative claims to elite publics would miss out a principal egalitarian element of modern democracy.

Yet, even if we keep the focus on mass-publics and accept their being entrenched in the nation state, there might be alternative routes to be explored in the quest for a EU public. In principle, we can speak of trans-national publics once mass-media across national publics simultaneously address the same issues framing them in like ways. In fact, as EU policy making ever more impinges on Member States (MS), such European "public discourses" focusing on European actors, institutions and policies can be shown to increase. (Van de Steeg 2003) Furthermore, if the analysis hinges on the democratic *functions* of mass-publics it also yields positive results when applied to the EU. Christoph Meyer, for instance, distinguishes three democratic functions of mass-publics - the provision of information, the holding accountable and control of decision-makers, and the evocation of civic identity and solidarity. (2003) In an examination of three pan-European scandals in the nineties – a case of corruption in Community policy on tourism in 1995, the Commission's unfortunate handling of the BSE-crisis, and the fraudulent use of humanitarian aid under the responsibility of Commissioner Cresson in 1999 – Meyer observes the emergence of a European public: In a deviation from the common, nationally "pillarized" flow of news production, journalists highlighting the scandals exhibited more readiness to cooperate across national borders, while each scandal prompted significant policy changes and drove the Commission into a veritable crisis, in the last case even into resignation. Thus, at least as regards the first two functions – information and

control – in functional terms a European public was operative.(2)

This article will add another piece of evidence to the current debate on the lack or, conversely, the possibility of a European public. Arguing for the latter, it will attempt to abate some of its endemic pessimism in the face of linguistic and communicative fragmentation. It thereby will pursue the line of argument set out above: We can maintain a European public if we observe synchronicity and issue convergence across national publics as well as political resonance on the part of supra-national decision-makers. In portraying an episode meeting these requirements a fine-grained picture of such a public will emerge. The analysis will expand on the facilitating structures helping to bring about a European public, and make out the policy modes which link this public with supranational decision-making engendering supranational policy-change.

The kind of public the analysis focuses on is the mass-public. Although, as was indicated, normative theory assigns different weight to differing concepts of the public, this focus suggests itself for normative as well as realistic reasons. Firstly, as mentioned, only mass-publics imply the involvement of a *maximum* number of people, even if merely as passive recipients. Secondly, regarded from a realistic angle, it is clear that, in Western Democracies, mass-publics more often than not play the decisive part in influencing the outlook of public policy. As numbers count on Election Day governments are better off paying heed to the whims of public opinion, even during "normal office hours" of the ongoing legislative period. Thus, though the significance of alternative models of the public, like associative or deliberative publics, is not denied, it seems justified to keep the focus on mass-publics.

As will be shown, this focus on mass-publics brings with it a seeming contradiction; while delivering evidence for the emergence of a European public, at least in functional terms, by the same token the case illustrates the persistent self-referentiality of mass-publics, their still powerful link with the nation state. While impinging upon supranational decision-making processes, mass-publics do not merge but remain nationally circumscribed.(3)

2. The European controversy over biotechnology as case study

A reconstruction of the European controversy over biotechnology and the subsequent evolution of the EU's biotechnology policy will serve as case to empirically illustrate these propositions. The Union's contentious biotechnology policy is well suited to shed light on the part of the public in the midst of the emerging supranational order of the EU for its long term characteristics as well as for the remarkable changes it underwent during and after the "watershed years" of 1996 to 1999. (Gaskell/Bauer 2001) Since the European controversy features both a broad public mobilisation against food and agricultural biotechnology, causing most Europeans to form (at times strong) opinions on the issue, and a policy change on the part of the Commission, which arguably came as a reaction to this mobilization, the contentious episode suggests itself as model case illustrating the interplay of European mass-publics with the Union's multi-level decision system.

The operative model of the public adopted here is based on Friedhelm Neidhardt's notion of "the public as a communicative system." (Neidhardt 1993) This elementary model requires the involvement of only three classes of actors. "There must exist: speakers, who say something; an audience, that listens; and mediators who relate speakers and the audience if they are not in immediate contact with one another – that is, journalists and the mass media." (ibid: 340) From the wide plurality of possible publics which are conceivable under these analytical terms the focus here lies "on the politically most prevalent form of the public, namely the general public constituted by the mass media." (ibid.)(4)

3. Materials and structure of the argument

In accordance with these premises a variety of empirical materials pertinent to medias' and speakers' behaviour is included into the analysis as, for instance, content analyses of media coverage and in-depth accounts of social movements' engagement in public arenas. As the focus is on the interaction of public sphere and policy process the inclusion of accounts of decision makers' responses to or anticipation of public concern, as implied by biotechnology policies and decisions, is also essential. (5) To some extent these materials derive from previous studies. In particular, where the argument touches on the long term evolution of European public debates on biotechnology it draws on a review of available literature on past public debates. These materials are complemented by a secondary content analyses and a number of original interviews with key actors.

The rest of this introduction summarises the overall argument, as follows: To highlight the temporal dynamic of European biotechnology debates the picture sets out with a very brief historical outline aiming at rendering visible the distinctive rupture occurring in the mid-nineties after which biotechnology debates in a number of national publics begin to synchronize. The analysis proceeds by demonstrating both the similarities and differences in the mobilisation of public opinion in semantics, actor-networks, and government responses across MS. It then expands on the underlying causes of synchronicity and similarities across national publics identifying them as trans-national media events, structures and actor-networks. The empirical analysis closes with outlining the policy mechanisms accounting for responsiveness in supra-national decision making and emphasizes the contribution of national governments to policy change in the EU. Concluding, the results of the empirical analysis are discussed against the background of the theoretical debate on the existence, possible character and normative functions of a democratic European public.

4. Late synchronisation

Since its invention in the early seventies biotechnology has been surrounded by public controversy. What is important for the argument developed here is, first, the fact that this controversy is spatially and temporally fragmented. There is a plurality of controversies scattered over time, and various – national – locales. Second, it is the observation that these controversies in these early phases unfold in an independent, unrelated manner. Only after 1996 we observe a concurrence of public protest against biotechnology; national public debates seem to synchronize. A brief, introductory review of past European controversies highlights these points.

While, by the mid-seventies, the first public controversy heated up in the USA, Europe saw only minor public debates, only one of which incited governmental action.(6) This changed in the mid-eighties when, first in Denmark and Germany, later in Switzerland and the Netherlands, the major European controversies commenced. (For the latter two, see: Bonfadelli et al. 1998: 146-149, Midden et al. 1998: 104) In *Denmark* public debate followed parliamentary deliberations and the subsequent passage of a law on genetic engineering in June 1986 and faded away by the end of the decade and after ample public deliberations. (Baark/Jamison 1990, Jelsøe et al. 1998) In *Germany* official deliberative efforts in the Parliamentary Enquiry Commission in 1986 rather triggered than appeased public controversy, which later climaxed with the debates preceding the German "gene-law" in 1989. (Gill 1991)

After the waning of these debates, the first half of the nineties saw a general decline in conflict-intensity in Europe, so that observers might have concluded that the era of conflict was over. In 1996, there was only one, isolated country experiencing a controversy; Austria. A first GMO field trial in spring 1996 had got out of hand and escalated into a scandal. Political controversy climaxed and media intensity remained at a maximum level. In April 1997 a popular initiative resulted in a clear vote against biotechnology.(7) At that time, observers considered the Austrian public a laggard which now, with considerable delay, made up for years of public indifference. (Grabner/Torgersen 1998, Seifert 2003: 167-190)

Yet, the laggard emerges as vanguard, and Austria turned out as being ahead of European trends.

From 1997 on, a majority of European publics made through similar controversies, which 1998 and 1999 arrived at their heyday. In small or, as far as European biotechnology-policy is concerned, insignificant countries, like Ireland, Greece and Italy, as well as in leading nations like France and Great Britain, broad public controversies surged up and brought about deep reaching changes in national policies. But also in already "experienced" countries like Denmark or The Netherlands public conflicts resumed.(8)

In France, except for a minor public debate in the seventies, for almost two decades the topic had been virtually ignored, so that the country could rise to Europe's leading power in industrial and agricultural biotechnology without suffering any interference from critical civil society. (Boy et al. 1998, Kempf 2003: 93-132) The turnaround came in 1997. While, in late 1996, attempts of Greenpeace France to sensitize the French public of the perils of GM food achieved only moderate press coverage, the inconsistent government decision of withholding authorization of a GM maize variety which beforehand had received EU approval raised public awareness in early 1997.(9) Although, after the taking of office of Jospin's government in summer 1997, the decision was reversed yet again, France's biotechnology policy made through another change resulting in an even more precautious approach. "The public" became a key element of this new approach as is epitomized by the outstanding importance attributed the "*Conférence Citoyenne*," a first consensus conference Danish style, held in summer 1998, on matters of biotechnology in food and agriculture. But in spite of the deliberative experiment's dramatization critique could not be placated. A year after the event, the actual French anti-biotechnology mobilization, along with vandalism of test sites and the vocal farmers' group "*Confédération Paysanne,*" set in with unprecedented force. (Joly/Marris 2003a, Joly et al. 2003)

In smaller or, in terms of biotechnology industries, secondary countries, like Greece, Ireland or Italy, the topic had so far been virtually absent from public debate. The portrait opinion research is drawing of these countries was persistently marked by a lack of awareness or media interest. (Allansdottir et al. 1998, Marouda-Chatjouli et al. 1998) All this changed in 1997. In Greece, the local office of Greenpeace highlighted a first experimental GMO field trial in early 1997. In a similar manner, in Ireland, the NGO *Gaelic Earth Liberation Front* destroyed the first GMO field experiment in early 1997, later the vocal anti-GMO NGO *Genetic Concern!* dominated the public arena by judicially challenging authorities. (Motherway 1999: 12) In Italy the cloning of the sheep Dolly in February of the same year attracted a great deal of attention and set the course of a subsequent debate linking human and agro-food biotechnology.

Finally, in the UK, the change came abruptly in early 1999. (Bauer et al. 1998) Although, already beforehand, the tone had been somewhat more critical, 1999 brought about a dramatic turn in public perception. (POST 2000) The ground had been provided in the preceding year when a series of events set GM food on the public agenda; Iceland, as first food retailer in the UK, declared its own-label products "GM-free," the Prince of Wales called for a public debate on the acceptability of agricultural biotechnology, and English Nature demanded a ban of its commercial exploitation. (Jasanoff 2005: 123-127) The incipient media-hype was fuelled by a televised interview in summer 1998, where food-expert *Arpad Pusztai* alleged to have scientific evidence for the health-perils from GM food, as a result of which *Pusztai* was fired immediately. In February 1999, an international group of sympathetic scientists declared their solidarity with *Pusztai* in a memorandum, the announcement of which in the quality paper *The Guardian* on February 12th 1999 aroused the public ire. Subsequently, through a joint campaign of both quality and popular newspapers against agro-food

> "modern biotechnology became the subject of more intense and acrimonious debate in the British media than at any time in its previous 25-year history. For a period of several weeks, the nation became preoccupied with the issue of genetically modified or "GM" food; indeed, for 8-10 days this was the lead story in both the national press and broadcast media." (ibid.: 7)

Characteristically and unlike all earlier conflicts, from 1997 onwards, several European publics took up the topic more or less *simultaneously*, inducing major policy-changes in Austria, France, Great Britain, Greece, Ireland, Italy and Luxembourg. The fact that, all over Europe, public pressure built up at virtually the same time, arguably, contributed to the tightening of European policy on labelling GM-food and GMO-releases. Most conspicuous in the European arena is the standstill in the approval-procedure of GM-products.

Initial symptoms of a deadlock surfaced in early 1997, when Austria and Luxemburg unilaterally banned a GM maize variety, which had been approved shortly before under the EU Directive on the Deliberate Release of Genetically Modified Organisms.(10) Even though, at this time, the step appeared as revolt of some isolated radicals it met with sympathy among MS and the EP since the approval of the organism had been attained by the Commission against a conspicuous lack of support, in some cases even strong refusal, by MS. (Shaffer/Pollack 2004: 24-25) By 1998, however, the group of radicals expanded noticeably, as France and Greece – by now both countries experienced public controversies – on their part issued national bans on GM rape seed varieties, thus further undermining the legitimacy of the EU's approval procedure.(11) Finally, in summer 1999, after the authorisation-process for new GM-products at the expert level had ground to a halt the previous year, the approval procedure came to a political end, when five countries – France, Greece, Denmark, Italy and Luxembourg – declared to block any future approvals until the amendment of the Deliberate Release directive was finalised.(12) The "political moratorium" was effective and lasted – even far beyond the amendment of the Directive – until Mai 2004.

The synchronisation of European publics in the mid-nineties, which precedes and – as is argued here – sets off this policy change, becomes evident as we go back to the larger, historical picture. Figure 1 charts public controversies in several countries over a period of about three decades and highlights the almost synchronous onset of numerous European biotechnology-debates: While, until the mid-nineties, various national publics underwent isolated controversies, from 1997 on, a great number of publics started debates almost synchronously. As can be seen from Figure 1, there is a forerunner, Austria, who, coincidentally already in 1996, entered into controversy due to an utterly miscarried first GMO field trial. Except Germany and Great Britain, however, where public attention rose with some retard, in the clear majority of countries, public controversies began in 1997. Some countries had a sudden upswing like Greece and Ireland, where first GMO field trials became trigger-events, or Italy, where the international media-event Dolly brought about the turnaround. In other important countries, like France and the UK, controversies built up gradually and reached climax in 1998 or 1999 respectively.

Figure 1

5. Commonalities across national arenas

It is noteworthy that, apart from the – relative – synchronicity of public arenas, there is also evidence for *semiotic and social commonalities* governing discrete public controversies. Thus, media-analysis of the Eurobarometer (Bauer et al. 2001: 48-51) demonstrates an explosive increase in media-activity on biotechnology by 1997 in most parts of Europe. In almost *synchronous* fashion similar actor-constellations appeared, and in various European countries similar themes suffused the public arena.

The first media-episode semantically connected to biotechnology, which led to an *instant* and synchronous reaction of *all* European publics, was triggered by news on the cloned sheep *Dolly* on 24 February 1997.(13) The dominant theme of the Dolly-episode, the moral anxiety that, one day, humans might be cloned, too, highly reverberated in all European publics. While in some countries, so far indifferent to the topic, like Greece and Italy, Dolly was the first encounter of a national mass-public with biotechnology, the episode all over Europe raised critical attention and brought biotechnology into moral disrepute.(14) (Allansdottir et al. 2001: 216-7)

However, the major mobilisation in virtually all MS, at that time not yet obvious, should be directed against *agro-food* biotechnology: In the late nineties, the subject of GM-food and, linked to it, the cultivation of GM-crops became topical throughout the EU. The roots of these developments go back to early 1996 when the BSE-crisis captured European publics.(15) The European Commission's mishandling of the newly emerging and – as then feared – pandemic disease caused widespread, again synchronously extending, mistrust in food-authorities at national and supranational levels.(16) The link to the GMO-controversy was established in late 1996 when, in the wake of BSE, US-imports of non-labelled GM-soy and maize arrived in European harbours, which meant that, as soy and maize are ingredients of many food-products, non-labelled GM-food was to appear on supermarket shelves leaving consumers with no chance to identify them.(17) Under these conditions the mobilisation of the European publics was an attainable task for Greenpeace International which, at that time, embarked on its first Europe wide campaign against GM-food.(18) The NGO's narrative of potentially dangerous products forced upon consumers by presumptuous (US-) corporations resonated well with European media-discourse.

In the wake of the politicisation of GM-food, in a number of national public arenas derogative neologisms gained currency. In France, where public opinion became outspokenly hostile to the uninvited intruders into the food chain, GM-food came to be dubbed *malbouffe,* the British popular press habitually spoke of *Frankenstein food*, and in Austria, any object linked to biotechnology was given the prefix *Gen* (Gene), reinforcing the widespread believe of an infective or toxic substance conveyed by it. (Wagner et al. 2002) Highlighting another commonality in the European semiotic arena, media and political discourse as well as public opinion as portrayed by surveys gave rise to the moral contrast between negative "green" and positive "red" biotechnology. (Bauer 2005) While scientific progress in medicine came to be praised as useful and valuable, agro-food biotechnology was coded as serving corporate interest and threatening.

As a further parallel in the civil sphere, in all public arenas where debate had been prompted by trigger-events (Dolly, food-scares, first field trials), in the wake of swelling media output, similar actor-constellations and alliances materialized and became vocal as critics of agro-food biotechnology. Characteristic of the conflict, and new in the history of social movements, was the typical alliance between critical NGOs, organic farmers and smallholders respectively, and – perhaps most important – retailer chains. (Schurman 2004)

In many countries, local offices of the international environmental NGO Greenpeace, which typically was the first to become vocal on the issue, cooperated with local NGOs. In Greece, Greenpeace was joined by the consumer association *Epkoizo* and farmer unions.(19) In Austria, Greenpeace and the environmental NGO Global 2000 shared tasks in mobilizing the public and tightly coordinated strategies with Austrian organic farmers.(20) In Italy, Greenpeace formed a coalition with the environmental groups *Verdi Ambiente Società* and *Legambiente*, the farmers' association *Coldiretti*, consumers groups and associations of local cooperatives.(21) In France, Greenpeace pursued the same goals as the environmental NGO *Ecoropa* and the *Confédération Paysanne*, which, however, since summer 1999 clearly dominated critical discourse and public arena alike. In other countries, Greenpeace was not involved or showed lower profile; in Ireland, for example, Genetic Concern! dominated the public arena, in the UK, Friends of the Earth UK, Gene Watch and the organic farmers organisation Soil Association formed the vocal alliance.

NGOs employed a variety of tactics to exert political pressure, ranging from the staging of spectacular protest events to the entangling of authorities in prolonged legal suits.(22) Most importantly, however, critical NGOs channelled market pressure by figuring as a kind of sanitary police which screens for GM-"contamination" in food- and feed-products and keeps "black lists" of wrongdoers, thus exposing retailers – already struck by food crises – to the risk of further losses of consumer confidence.

Coping with the situation, retail trade – again in most countries – reacted by pushing for complete

labelling and taking pains to establish “pure”, “GM-free” product-lines. In Austria, the first country to be affected by the anti-GM wave, the supermarket chains *Spar* and *Julius Meinl* declared their range of products “GM-free” already in late 1996, while campaigning on the side of Greenpeace and Global 2000 in the run-up to the popular initiative. (Seifert 2003: 178-180) In other EU member countries, food retailers undertook this step later, very much attuned to the rise of tensions in “their” respective publics. As noted, in the UK, frozen food retailer Iceland forged ahead in early 1998. At the same time, in France, the rivalling retailers *Carrefour* and *Auchan* were working on the setting up of product lines, controlled from the source throughout the production chain, to avoid GM presence in their product lines. The situation spiralled in the UK in mid-February 1999 when, amidst the British media storm, all major retail outlets declared to ban GM-ingredients from their own brand products.(23) In March, at the instigation of *Sainsbury's* and *Marks & Spencer*, a group of European retailers, comprising French *Carrefour*, Irish *Superquinn*, Swiss *Migros*, Belgian *Delhaiz* and Italian *Effelunga*, formed an association to cooperate in the matter.

To “go GM free” proved difficult, however, as the downside of this guarantee lies in its technical and logistic infeasibility. Pressure had to be brought to bear on food industry, which, while hesitantly announcing GMO-aversive policies, in the long term proved unwilling to bear the costs imposed by policing solid segregation regimes. What resulted was a quest for alternatives to conventionally processed food.

In Austria, from 1997 on, major retailer chains, NGOs and organic farmers sought to set up a labelling regime for “GM-free”-products. (Seifert 2003: 198-201) In the following year, French *Carrefour* intimated to provide for GM-free soy from Brazil as feedstuff for its poultry and fish-products. In most European countries, organic farming became identified with truly “pure” food, and Mediterranean countries, like France, Italy or Greece, rediscovered the virtues of their traditional cuisine. Environmental NGOs supported this culinary discourse as the associated modes of production fit into notions of sustainability. In order to stabilise the narrative of “pure” and “natural” versus “contaminated”, “manufactured” food and to improve market conditions for the former, in many places environmental NGOs, consumers and farmers associations, retail chains and food industry engaged in “boundary work” to technically, logistically and legally define the distinct GM-free food-type. (Gieryn 1983, Jasanoff 2005: 144) Thus, for example, they participated in the legal definition of acceptable “GM-contamination levels,” and, in the late nineties, in Austria, Italy, the UK, Greece and France, began to advocate the setting up of “GM-free zones”.

Finally, in addition to these parallels in public arenas, we find a range of commonalities in the way governments coped with public unease. Apart from boosting GMO safety research and – in line with supranational restructurings in the aftermath of the BSE crisis – the strengthening of food-safety institutions, most governments sought new ways of regaining trust in authorities and handling public opposition by inviting for “discourse” and “participation.” Most conspicuous are developments in France and the UK. In summer 2003, the British government staged *GM nation?*, an extensive exercise in citizen participation and discourse. (Horlick-Jones et al. 2004, Jasanoff 2005: 127-130) In France, notorious for its elitist political and technocratic regulatory culture, the *Conférence Citoyenne* of summer 1998 ushered in an unmatched trend for inclusive, participatory practices, bringing about, in 2000, the *États Généraux d‘alimentation*, an in 2002, a *débat public* on field testing GMOs.(24) (Joly/Marris 2003a, Whiteside 2003)

6. Underlying causes: trans-national media events, structures and actor-networks

What are the reasons for this almost synchronous order of European controversies? A first and obvious cause is the simultaneity of European or international media events. The cloned sheep Dolly, which, in February 1997, for over a week dominated international headlines, is such an example, likewise the *Pusztai* affair in February 1999, which not only prompted the media-climax in the UK

but also attracted attention all over Europe. Yet, one needs to bear in mind that media events resonate unevenly across European publics, as their salience depends on local contexts and sensitivities. It is these local factors which determine whether media events set in motion mobilisation processes or not.

A second cause lies in the simultaneous emergence of socio-political problems in various publics. The shipments of soy and maize arrived at the same time in European harbours and the Common Market, thus simultaneously confronting various European publics with the same problem – unlabelled GM-food - which in turn gave rise to retailers' GM banning and labelling policies. Likewise, the BSE-crisis in spring 1996, which provided the ground for the mobilisation against GM-food, was pan-European in scope. The same holds for most ensuing food-scares: the dioxin-scandal in early summer 1999, the debates on "hormone-beef" from the US, antibiotics in animal breeding, salmonella, outbreaks of the foot and mouth disease, and later cycles of the BSE-crisis. Equally, the search for an alternative to industrial, potentially hazardous food, for "pure" food from organic agriculture intensified across many European publics.

Again it is important to stress that simultaneousness and social and semantic similitude of public controversies do not imply a *fusion* of national publics. Rather, they are due to the fact that publics are subjected to common structural conditions. As a consequence of the Common Market, European publics simultaneously face eventual market failures, as in the case of food crises, and simultaneously deal with the same class of newly emerging products and the risks emanating from them. Equally, the regulation of biotechnology is principally determined at the supranational level.(25) Thus, political struggles over the shape of this regulation ultimately have to be carried to this level.

Besides informational and structural coupling, the strong involvement of critical supra- and trans-national actors constitutes a factor accounting for the synchronous and socially and semantically analogous mobilisation of European publics. The international NGOs Greenpeace and Friends of the Earth (FoE), which constitute the most vocal and, arguably, most influential actors of the European anti-GM mobilisation, are cases in point.(26) Both organisations are international in reach and organisational structure and thus capable of operating simultaneously at multiple levels – qualities which essentially account for their effectiveness.

Greenpeace, for instance, could act as a prime mover in the early phases of the European mobilization due to its outstanding ability to manage international campaigns, based on its fund raising capacity, professional staff, hierarchical management structure and comprehensive network of local offices.(27) FoE, a more loosely structured NGO functioning as umbrella organisation of various local groups firmly rooted in their constituencies, can closely follow the law making process, pool insider knowledge, mastermind anti-GM policy strategies and lobby the EP, Council and Commission, because it entertains an office in Brussels since the early nineties.(28)

Other European NGOs involved in biotechnology opposition have strong trans-national components as well. Some have a firm foothold in their national context and, at the same time, entertain EU offices or are part of international networks. The Italian association of small farmers *Coldiretti*, for example, supports a Brussels office that follows EU law-making and engages in lobbying at the EU level. Likewise, the French *Confédération Paysanne* is connected with the *Coordination Paysanne Européenne* (CPE), located in Brussels, and founding member of the international small farmers network *Via Campesina*.(29)

The trans-national character of these groups reflects the general observation that social movements adapt their organisational structure and action repertoire to the opportunity structure of the EU. (Marks/MacAdam 1996, 1999, Ansell et al. 2003: 30-32) This opportunity structure can be conceived of both in institutional and structural terms. In institutional terms, the EU bestows the anti-GMO movement with various entries into the decision-making process. The EP has an

institutional interest in embarking on critical debates which resonate with the European public and raise the EP's profile vis-à-vis Commission and Council. More specifically, the EP's Green faction is closely linked with environmental actors and swiftly adopts their initiatives and policy frames. Greenpeace and FoEE, the major anti-GMO groups positioned in Brussels, also target the Commission, which, because of the complexity of the problems it deals with, requires expert and pressure group consultation.

Nevertheless, trans-national oppositional groups direct their lobbying efforts mostly at MS governments which still play a major role in the EU decision-making and implementation process. While, for that purpose, at times the Council is targeted, the anti-GMO movement for the most part aims to influence public opinion in national publics through the staging of events attracting strong media coverage. It is through public mobilisation at the national level and the ensuing pressure brought to bear upon national governments that movements transfer mass protest to the EU level. (30) In doing so they draw on the EU's structural qualities pointed out above. The European anti-GMO campaign concerted by Greenpeace, for example, seized upon these opportunities created by the Common Market; products and problems emerge at the same time, providing the ground for the simultaneous staging of public protest in various locales.

7. The discreteness of national arenas

At any rate, in spite of quasi-synchronicity and structural coupling of European publics it is misleading to speak about *the* European public. The European anti-GM mobilization equally illustrates the autonomous behaviour of national publics. Trigger events, for instance, be they of local dimension, like first GMO-releases, or – like Dolly – of international scope, always took hold of *national* ensembles of mass-media, actors and symbolic codes. The *internal* evolution of various public mobilisations against biotechnology varies in many other ways. Media-climaxes, for instance, often depend on internal contingencies like decision processes and political events: the Austrian popular initiative in spring 1997, for instance, the Swiss referendum one year later, or the French *Conférence Citoyenne* in summer 1998. Another source of media-attention are local events. The first GMO-releases in Austria (1996), Greece and Ireland (1997) illustrate that, but also scandals like the affair around *Arpad Pusztai* in Great Britain in February 1999.

Figure 2 illustrates the discreetness of national arenas as mirrored by distinctive media dynamics in Austria and Great Britain. While in Austria, in the first half of the decade, biotechnology hardly played any part in media discourse, from 1996 on, it rapidly grew to a major issue. Maximal media coverage was reached in 1998, although the debate's political intensity, as highlighted by the framing variable "political accountability," culminated the year before, in the months around the popular initiative. After that, political salience remained high until 1999. In the UK, a quite different pattern emerges. British media coverage saw a steady growth in the first half of the nineties and beyond, up to a sudden political escalation in February 1999. While in Britain, after 1999, media interest levelled off to steady growth, in Austria it markedly receded in 2000 (mainly due to government change which utterly absorbed media coverage) only to regain salience in 2001 and 2002.

Media involvement differed not only in terms of dynamics but also in terms of key media involved. While, for example, the popular press drove controversies in Austria and Great Britain, in France it kept rather low profile on the issue.(31) Equally, social movements which were vocal in denouncing agro-food biotechnology display a number of idiosyncrasies. Nowhere else than in France, for instance, a farmers' association, combining an anti-capitalist, internationalist outlook with the clever employment of activist tactics, gained issue leadership.(32)

Figure 2

Moreover, the means employed by opponents to attract attention or else obstruct agro-food

biotechnology varied. Again, the case of France is striking, where, from 1999 on, destructing GM field tests became a customary element of the protesters' action repertoire. The destruction of test sites or other GM crop materials not only set off a series of spectacular court trials, mostly involving activists of the *Confédération Paysanne,* over the years it considerably grew and gained momentum of its own, bringing about the activist network "*faucheurs volontaires*" primarily dedicated to ransacking test sites.(33) The attacking of GM test sites is not a new means of radical protest. Already in the early nineties it had been employed in the Netherlands and Germany, later it had gained currency among radical opponents in the UK.(34) But nowhere else than in France, field destructions became an outright popular movement as strongly resonating in public discourse.

Finally, speaking about national differences, we need to recall the fact that not all national publics in the EU have reacted to GMOs in such a way as to make them a major issue in public debate let alone instigate governments to act. Finland or Portugal are cases in point, or Spain, which, since 1998, is the only EU country to embark on large-scale commercial production of GM crops but, nevertheless, generated only a retarded and fragmented oppositional movement while the Spanish government, until the voting out of the *Partido Popular* in March 2004, took a clearly supportive stance towards industrial biotechnology, basically disregarding critical concerns. (See Fig. 1) (Tàbara et al. 2004: 7-10, 56-69)

As a consequence of the discreteness of European publics, the anti-GMO movement, attempting to spur and leverage mass protest, even though it internationally coordinates its actions, is subjected to the varying conditions of national settings. Vocal GMO opponents are only successful if the local environment proves receptive to their campaigns. Thus, campaigns in states with an unreceptive public ended in nothing. An example is provided by the United States whereto, from 1999 on, international NGOs had attempted to transfer the European mobilisation. In spite of the food-scandal over Aventis' Starlink-maize, the denouncing of "terminator-crops," alerts over GMO-contaminated native maize in Mexico and some local initiatives to locally ban the cultivation of GMOs public pressure in the USA never attained a political impact comparable to the EU. (Joly/Marris 2003b, Ten Eyck et al. 2004, Hornig-Priest/Ten Eyck 2004)

8. Resonance in supra-national decision making

The European anti-GM movement obviously resonated with decision making in EU institutions which, in a still ongoing reform process, established one of the most restrictive legislations on agro-food biotechnology in the world. Reforms started in summer 1997 with legislation aimed at sealing the deficient labelling rules under the Novel Food Regulation.(35) In 1998, the Commission suggested its first draft of a revised Deliberate Release directive, featuring new restraints on the approval process, like a provision for post-marketing monitoring or the approval's revocability after a certain time span. In 2000, the Commission presented a "White Paper on Food Safety" proposing the parameters of a new, more restrictive and transparent risk regime assigning a key role to the new European Food Safety Authority (EFSA). (CEC 2000a) Shortly thereafter followed a ÒCommunication on the Precautionary PrincipleÓ announcing the Commission's commitment to take risk aversive action in situations marked by a possible threat to human health and the environment and scientific uncertainty as to its causal nature and extent. (CEC 2000b, see also: Christoforou 2002)(36) In spring 2001, with the amended Directive on Deliberate Releases of GMOs into the Environment, laying out principles for environmental risk assessment, a keystone of the new and substantially stricter regulatory framework was set.(37) This, however, did not bring an end to the moratorium. In summer 1999, recalcitrant MS had defended the blockade as an interim measure until the reform of safety and labelling legislation was finalized. Now they refused to lift the moratorium despite the new legislation, saying they needed to wait for new biotechnology related traceability, labelling, GM feed and food authorization as well as liability rules to come into force. Eventually, by autumn 2003, the EP and Council finalized the new regulatory framework by adopting directives laying down the rules for the labelling of foods and animal feed, which entered into force in April 2004.(38)

Cornerstones of the European legislation are, firstly, consumers' "right to chose," which is upheld regardless of any proven risk of a particular product and lays the normative ground for a costly and highly complex labelling system. Secondly, the precautionary principle allows – in certain situations commands – "to err on the side of safety," that is to act preventively if there are reasonable grounds for concern even if they cannot draw on scientific certainty. The labelling regime and precautionary principle correspond, thirdly, with the traceability-principle, which requires that any GM product-component is identifiable at each stage of the food chain and aims at both providing the base for a consistent labelling regime and enabling to prohibit or remove a product from the market in case of an emergency. The tightened regulatory regime is not a mirror of oppositional demands, which very often aim at barring agro-food biotechnology altogether.

Still, it is designed to render the introduction of GMOs into the European production and food chain possible. In part, this insistence is due to the liberal basis of regulations in the Common Market framework which allow to preclude the commercial use of innovations only in case of scientifically demonstrated environmental and human health risks. In part, it results from the political imperative to promote key technologies for the sake of international competitiveness.(39) The major reason for the Commission's insistence on installing a working approval mechanism, however, lies in growing international pressure brought to bear on the EU from agro-exporting countries, in particular the USA, to open markets for GM-products abiding by international free trade disciplines enshrined in WTO agreements. Since the setting up of the political ban on GMO approvals in the late nineties, the US government warned the EU to take legal action against the moratorium at the WTO, which, in 2003, it finally did, supported by Canada and Argentina. Therefore, the moratorium, together with the maintenance of safeguard bans on GM seed, feed, and food by some MS regardless of converse scientific opinion, enormously increased the pressure on the Commission's regulatory architects to do whatever possible to regain consumer confidence and appease ecological critique while, at the same time, working as swiftly as possible to restore the approval process.

Thus, in May 2004, the Commission finally set an end to the *de facto* moratorium by approving the maize variety BT-11, marketed by the Swiss firm Syngenta. Five further approvals of GM plants – now under the amended Deliberate Release directive 2001/18/EC – followed until today.(40) It should be stressed, however, that the moratorium's lifting neither noticeably accelerated the introduction of agro-food biotechnology into the European market and production chain nor did it mitigate tensions between oppositional MS and the Commission. Symptomatic of the still hesitant pace of the approval process is the fact that each of the five approvals since July 2004 applies only to the importation, processing and consumption of products as food and feed, not however to their cultivation. The Commission obviously shies away from touching upon one of the most controversial issues, the growing of GM crops on Europe's fields.(41) Furthermore, none of the approvals is based on a MS majority decision. Indeed, the Commission has granted all approvals by using a legal default procedure as MS' governments did not reach a common decision in the complex approval procedure. As a consequence, all approvals were issued against the will of a considerable portion of countries, conjuring up future tensions between them and the Commission. In July 2005, the Commission suffered a decisive defeat in a conflict with MS, which highlighted the lasting deadlock, as the Environmental Council foiled the Commission's attempt to initiate legal action against Austria, France, Germany, Greece and Luxembourg, who, disregarding the disapproving opinion of EFSA scientists, had maintained their "safeguard measures" against a number of GMOs. The voting demonstrated the widespread support for the noncompliant countries and exposed the continuing weakness of the regulatory framework which had been amended throughout more than eight years in order to cope with opposition.

At the same time, international pressure on the Commission to align MS lingers on. Although today (late July 2006) no final verdict has been tabled yet in the WTO case, in February 2006, an intermediary report of the WTO Dispute Settlement Body proves the complainants right finding that, with the blockade on GMO approvals and the persistence of national safeguard bans in spite of positive risk assessment, the EU has violated the "undue delay" provisions of the Sanitary and

Phytosanitary (SPS) Agreement. While the ruling does not question the EU's rigorous regulatory regime itself, it clearly denounces its malfunctioning due to MS recalcitrance and thus increases the Commission's – legal – legitimacy in its future attempts to lift the national bans.

Be that as it may, the framework is rightfully called one of the most stringent in the world, which suggests the question how synchronized European publics influenced its emergence. A sketch of the major factors and institutional mechanisms leading to that outcome begins with the observation that the policy process for biotechnology regulation closely corresponds to what Hellen Wallace (2000) dubbed the "regulatory mode" of governance, characterised by a particular interplay of European Institutions (Shaffer/Pollack 2004: 45-48): The Commission acts as designer and defender of regulatory objectives, mainly according to market criteria; through the Council MS direct harmonization efforts by agreeing to minimum standards; the EP, due to a gain in legislative powers, has increased its impact on the policy process which it attempts to influence in favour of non-market criteria; the role of the European Court of Justice (ECJ) is to ensure that rules are applied properly, and finally, the regulatory mode of European governance also provides opportunities for societal, for the most part economic actors to be consulted about and influence the regulatory process.

The major actors shaping the evolution of the EU's biotechnology regulation, however, are the Commission and MS through the Council of Ministers. In particular, MS, collectively able to control the approval process, could impose the moratorium on the Commission, which constitutes the first and probably most important factor contributing to the subsequent tightening of the regulatory framework. Again and again, the Commission's efforts to restore the approval process were thwarted by MS, who persistently kept up the blockade pressuring for an ever more stringent framework. As an indirect result, the administrative and technical requirements following from its provisions, together with the fact that MS enjoy major prerogatives in the approval process, still makes the marketing of GM products and, even more, the cultivation of GMOs in agriculture, a possible but highly difficult task for potential applicants and will considerably encumber the introduction of agro-food biotechnology in years to come. As pointed out before, the moratorium is a direct result of simultaneously mobilized national publics urging national governments to take up an oppositional stance at the supranational level, thus transmitting public pressure to the supranational decision-making process.

Secondly, regarding the shape of the regulatory framework, MS also directly influenced the amendment process through the Council of Ministers by reviewing framework directives and regulations. Here again, it was predominantly the blockade group and those countries imposing national safeguard bans, who in most cases had gone through political controversies, which pressured for a further tightening of the regulatory regime.(42)

Thirdly, the EP had its part in both instigating institutional change in the Commission and ratcheting up biotechnology directives and regulations. Thus, the EP had considerable impact when, in February 1997, it criticized the Commission and threatened censure for its handling of the BSE issue. Subsequent institutional restructurings in the Commission, upgrading consumer and environmental policies, have to be seen against this backdrop. As to the setting and reinforcement of EU biotechnology legislation, the EP was continually involved in a bargaining process with the Commission and Council. From an, at first, discordant position it evolved into a supporter of strict regulation as the moratorium dragged on, pressing the Commission, in tandem with the Council, for further regulatory controls.(43)

Fourthly, the ECJ had been involved, albeit to a minor degree, by mostly sanctioning the Commission's legal position vis-à-vis MS or regions reluctant to comply with Community legislation.(44) Fifthly, the Commission, embarking on modes of "new governance," held numerous "round tables" and "stakeholder forums" dealing with GMO-related issues, arguably aimed at creating input to the law making process.

Sixthly, the network of experts of the various national Competent Authorities and – after its inception – the EFSA, constituting the gate in the approval process, as well as the MS' representatives in the regulatory committee constituted a deliberative forum going along with the amendment process, bringing up, discussing and elaborating regulatory provisions. Though it is not viable to assess the direct qualitative influence of each of these national expert groups, their positions on various product applications before and after the return to the approval process in 2004 in principle mirror their governments' political attitudes and, accordingly, the degree of public controversy in these countries.

To sum up, the mechanisms bringing about resonance to public GM opposition in the EU's biotechnology policy are essentially based on the prerogatives of MS' governments. (Fig. 3) Certainly, resonance was enhanced by the institutional restructuring and policy reorientation of the Commission itself, which, in an attempt to cope with a European crisis of trust, upgraded consumer and environmental policies, to some extend, "greened" agricultural policy, and set out on a new discourse of participation, transparency and dialogue. To some extent, the Commission also coped with non-state actors as, for instance, retail trade which imposed its proper labelling rules based on criteria varying across MS. As diverse labelling criteria threatened to undermine the internal market, the Commission had to react by specifying and standardising labelling rules. (Levidow 2006 forthc.)

Yet, national governments' capacity to impose safeguard bans, to regulate the approval process and create interstate alliances in order to pressurize the Commission, and finally, to revise the Commission's proposals in the Council and thus directly to influence the legislative process, are the main factors accounting of supranational resonance. Equally, the network of experts, dealing with the "scientific" layers of the approval process, on the whole translates MS' political positions into regulatory concepts and decisions.

Figure 3

As compared to national governments, the other potential channels of influence for European publics have been much less effective. Most influential among them has been the EP which adopted an increasingly GM aversive attitude and, at times together with, at times against the Council, drove the Commission to adopt stricter rules. Finally, minimal if any impact can be attributed to demonstrative attempts to engage in "new governance."

9. Conclusion

This article turns against chronic scepticism about the possibility of a political mass-public in the EU and offers clues as to how, in functional terms, such a public may materialize. An analysis of the European mobilization against agro-food biotechnology yielded evidence for the capacity of European publics to synchronously go through similar processes of opinion formation and, as a consequence thereof, to influence supranational decision-making, thus forcing dramatic turnarounds upon the EU's policy-makers.

It is stressed that the empirical account of the European anti-GM mobilisation does not provide evidence of a "fusion" of European publics.(45) To be sure, stimuli originating in one national arena might string a chord with others.(46) Whether this happens, however, depends on the latter's proneness to react to these stimuli, thus on inherent actor-constellations, frames of relevance and other local contingencies. In both the long-term conflict over biotechnology and in their synchronised state national publics function as basic units of public debate, as discrete communication-communities with their individual horizon or relevance, their historically evolved systems of semantic references, their familiar voices and vested interests.

Thus, on the one hand, the relative autonomy of European mass-publics testifies to the much lamented lack of a common public space in the EU, even suggests the persistence of national

fragmentation. On the other hand, however, the processes described above allow for tentatively optimistic conclusions. Since synchronized European publics create analogous problem definitions and corresponding political pressures, a normative assessment arrives at conclusions similar to those of Meyer's, who, in his study of European political scandals, found the normative functions of mass-publics *information* and *control* fulfilled. As to information, the intense media coverage on biotechnology faced many Europeans (often for the first time) with the issue, and the controversy's high salience gave a strong stimulus to form an opinion. As to control, it is evident that the Commission's policy making was under heightened scrutiny from national mass-publics (mass-media), governments and countless "watch dogs", which put the Commission under permanent pressure to grade up its consumer and environmental protection. Conversely, the third normative function of a mass-public – the creation of *solidarity and identity,* in this case at a European level – seems not to be met. While, for example, there is evidence for discourses linking local identity with regional cuisines and the idea of an unspoiled homeland both perceived as threatened by the intruding technology, there is less indication of Europeans feeling closer to each other because of their shared disdain for GM food.(47)

While, at least in two essential respects, synchronised national publics can be considered functional equivalents of the normative desideratum of a European mass-public, this claim cannot as clearly be sustained for *trans-national, deliberative* publics. Certainly, the evolution of Europe's biotechnology policy also illustrates the existence of such border transcending, deliberative publics. They materialize in the context of the EP, in the form of expert networks dealing with the technicalities of the reform process, are brought about by trans-nationally operating critical NGOs, and might be encouraged by mechanisms of "new governance" recently employed by the EU. Still, the expectations placed in these trans-national deliberative publics are not to be overstated as, neither in realistic nor in normative terms, the performance of these publics is convincing.

First, there is hardly any hint at a tangible political impact of the Commission's recent "new governance" policy.(48) Secondly, it is difficult to determine an independent political impact of the expert networks involved in the policy process. As a general rule, the groups of experts who handle the scientific portions of the approval procedure under the Deliberate Release directive and comment on the amendment process advocate the positions of their states. The scientific positions they adopt in supranational arenas are functions of the institutional context they operate in, which is shaped by national preferences. Further, the expert networks dealing with GMO risk assessment obviously fail to meet the normative expectation on a deliberative public, namely the attainment of consensus. In fact, the scientific component of the Union's "comitology" was as ineffective in its quest to come to binding decisions as was its political branch, the Council.

Thirdly, certain critical NGOs operating at the supra-national level cultivate somewhat less exclusive, deliberative, supra-national publics by observing policy developments and communicating them to the broader audience. The specialised nature of this information nonetheless confines this audience to the interested few. Further, NGOs operating in Brussels form only a small segment of Europe's "multi-level" anti-GM movement. (Ansell et al. 2003: 29-30) As outlined above, while main oppositional groups are trans-nationally organised and operate at various levels of the European political system, as a basic strategy, the movement embarks on the mobilisation of national publics through which they influence national governments and, through these, the EU decision system. The movement's focus on strategies of mass-mobilisation at the national level, involves a logic of polarisation and escalation as, for example, epitomized by the activist styles of the *Confédération Paysanne*, which further diminishes the validity of the normative argument for deliberative supra-nationalism.

The EP, finally, constitutes the most important focus of a trans-national deliberative public. Keen to present itself as voice of the "European people" and to show political clout vis-à-vis Commission and Council, the EP, indeed, to some extent co-shaped the Union's biotechnology policy. Nevertheless, in spite of its enhanced constitutional prerogatives, the EP's impact on the policy

process clearly stays behind that of MS' governments through the Council. Finally remains a normative reservation against elitism and exclusivity, which pertains to all the forms of deliberative public listed above, from supranational expert networks to professional NGOs and the EP.

At any rate, the fact that the major momentum underlying the EU's policy change derives from mobilised mass-publics forecloses the adoption of deliberative democracy as normative framework. The factual behaviour of mass-publics is a far cry from the open dialogue envisioned by advocates of deliberative democracy, and the expectation that deliberative policies, occasionally adopted by MS in an attempt to cope with public unease, will substantially alter this condition appears all too optimistic.

Unsurprisingly, given the concurrence of mass-publics and nation-state, the central mechanism through which synchronised mass-publics impact upon EU decision making hinges on national governments, which take "their" publics' oppositional pressures to the supranational level. As mentioned, there is no one-to-one link between national mass-publics and governments' positions in the supranational arena. Some countries which had gone through intense debates have not adopted an actively oppositional policy in the EU, while other governments did so in the absence of acute public controversy. In the main, however, MS' supranational policies correspond with issue definitions materializing in national public arenas.

If we recognize the crucial role of this state-mediated mechanism in the EU's response we cannot overlook its contentious character. The Union's current biotechnology policy is marked by major splits; splits between oppositional and promotional MS, and much more so, splits between the Commission and the group of oppositional MS. Manifestations of the latter are, for example, the political moratorium and the stalemate with national safeguard bans, which are maintained by MS in opposition to repeated calls by the Commission for them to be lifted. This split, as well as the division among MS, are also highlighted by the fact that, after the lifting of the moratorium, none of the approvals was based on a consensus or, at least, clear majorities among MS.

Indeed, the Union's response to public pressure against agro-food biotechnology is accompanied by a veritable power struggle between Commission and oppositional MS. The wrangling is reflected in the Commission's attempt to concentrate the approval process in the EFSA, as the thus achieved gain in regulatory efficiency means a loss of MS' influence at the expert level. An attempt of the Commission to curb MS' obstructive capacity, which was thwarted by MS and the EP, was its proposal to remove the safeguard clause from the regulatory framework. (Shaffer/Pollack 2004: 35) The Commission suffered an even more serious defeat in summer 2005, when failing to rally support for initiating legal action against the MS which uphold their safeguard measures contrary to the opinion of EFSA scientists.

Notwithstanding these tensions and the fact that the formation of the EU's biotechnology policy goes along with protracted self paralysis and muddling through, the process constitutes a supranational response to European publics' opposition. The fact that this response (or its slowness) conjured up a trade confrontation with the major biotechnology exporters, with small chances for a success of the EU, is a sign of the weight of this policy change and the high international stakes involved. Nevertheless, even the Union's new biotechnology policy runs the risk that, due to ongoing and conspicuous contention between MS and Commission and due to the Commission's long term goal to render possible the marketing of agro-food biotechnology, input legitimacy wont materialize – at least in terms of public perception. Output legitimacy, in turn, will depend on the efficacy of the regulation, particularly its capacity to provide a robust labelling regime accepted by consumers, and the further expansion of agricultural biotechnology in the EU.

Can we expect similar events of synchronisation and supranational responsiveness to occur in other policy fields? The answer is tentatively positive, even though the European mobilization against agro-food biotechnology features a peculiarity which underlies its outstanding impact but is not

necessarily to be found elsewhere – the pertinence of consumer policy.

Biotechnology policy evolved along with European consumer policy, which, in fact, became its main driving force. Consumer demands – for product safety and the "right to know" – provided biotechnology opponents with their major political lever, since, as virtually everybody is a consumer, consumer advocates can base their claims on a maximum of popular support. Moreover, the high salience of consumer concerns in the affluent Western European societies considerably extended the oppositional camp to include, for example, retailers and segments of the food industry. Coping with a series of food crises, at last, the Commission had to significantly step up its consumer policy which inevitably had consequences for its stance towards agro-food biotechnology so that, today, the main pillars of the new regulatory regime – precaution, labelling, traceability – are all consistent with this upgraded policy. In short, the co-evolution of consumer and biotechnology policy is key to understand the unparalleled impact of synchronised public mobilisations on political decision-making in the EU, and any consideration as to whether a similar process could take place, has to take this fact into account. At any rate, a strong element of unpredictability as, in important respects, this development owes itself to contingent events, above all the BSE crisis.

Then again, there are structural conditions and long-term trends operating in the process described above which allow for a tentatively positive assessment. As major factors accounting for synchronisation, the analysis suggests structural coupling of European publics, brought about by the Common Market, and the operation of trans-national critical actors, effectively capitalising on the opportunity structure of the EU. (see Fig. 3) In these respects, therefore, we face "a self-constituting dynamic of a European public sphere," (Trenz/Eder 2004: 5) and to the extend to which market integration and the expansion of civil actors' operational range are continuous trends we might expect similar synchronisation events in the future.

References

Agrikoliansky Eric, Fillieule Olivier, Mayer Nonna (2005) L'altermondialisme en France. La longue histoire d'une nouvelle cause. Paris: Flammarion.

Allansdottir, Agnes, Fabio Pammolli and Sebastiano Bagnara (1998) Italy, in: John Durant, Martin W. Bauer, George Gaskell (Eds.) Biotechnology in the Public Sphere. A European Sourcebook, London: Science Museum, 89-102.

Allansdottir, Agnes, Sebastiano Bagnara, Laura Angotti, and Lorenzo Montali (2001) Italy: from moral hazards to a cautious take on risks, in George Gaskell and Martin W. Bauer (Eds.) Biotechnology. 1996 – 2000. The years of controversy, London: Science Museum, 215-228.

Anderson, Benedict (1991) Imagined Communities: Reflections on the Origin and Spread of Nationalism. (2nd Ed.) London: Verso.

Ansell, Chris, Rahsaan Maxwell, and Daniela Sicurelli (2003) Protesting food: NGOs and political mobilization in Europe. Paper prepared for the Workshop on Food Safety, Berkeley, 7-8 November 2003.

Baark, Erik, Andrew Jamison (1990) 'The Impact of Public Debates on Government Regulation in the United States and Denmark', in: Technology in Society 12, 27-44.

Bauer Martin W. (2005) Distinguishing GREEN from RED biotechnology – cultivation effects of the elite press, in International Journal of Public Opinion Research, 17 (1), 63-89.

Bauer, Martin W., John Durant, George Gaskell, Miltos Liakopoulos and Ella Bridgman (1998) United Kingdom, in Durant, John, Martin Bauer and George Gaskell (Eds.) Biotechnology in the Public Sphere. A European Sourcebook, London: Science Museum, 162-176.

Bauer, Martin W., Matthias Kohring, Agnes Allansdottir and Jan Gutteling (2001) 'The dramatisation of biotechnology in elite mass media', in Gaskell, George and Martin W. Bauer (Eds.) Biotechnology. 1996 – 2000. The years of controversy, London: Science Museum, 35-52.

Bonfadelli, Heinz, Petra Hieber, Martina Leonarz, Werner A. Meier, Michael Schanne, Hans-Peter Wessels (1998) Switzerland, in Durant, John, Martin W. Bauer and George Gaskell (Eds.) Biotechnology in the Public Sphere. A European Sourcebook, London: Science Museum, 144-161.

Bonfadelli, Heinz, Urs Dahinden, Martina Leonarz, Michael Schanne, Colette Schneider, Sandra Knickenberg (2001) Biotechnology in Switzerland: from street demonstrations to regulations, in: George Gaskell and Martin W. Bauer (Eds.) Biotechnology. 1996 – 2000. They years of controversy, London: Science Museum, 282-91.

Bonneuil, Christophe (2000) Aborted Participation: The Recombinant DNA Controversy in France (1974-1980) Paper presented at the 4S/EASST joint conference World in transition: Technoscience, citizenship and culture in the 21st Century, Vienna, Sept. 27-30, 2000.

Boschert, Karin, Bernhard Gill (2004) Precaution for Choice and Alternatives. Precautionary Expertise for GM Crops. National Report – Germany. Quality of Life and Management of Living Resources. Key Action 111-13: Socio-economic studies life sciences. Project n· QLRT-2001-00034

Bourdieu, Pierre (1979) Public Opinion Does Not Exist, in: Armand Mattelhart, Seth Siegelaub (Eds.) Communication and Class Struggle. New York: Interational General, 123-130.

Boy, Daniel, Suzanne de Cheveigné, Jeanne-Christophe Galloux, Anne Berthomier and Hélène Gaumont-Prat (1998) France, in Durant, John, Martin Bauer and George Gaskell (Eds.) Biotechnology in the Public Sphere. A European Sourcebook, London: Science Museum, 51-62.

Campagna, Norbert (1996) Luxembourg: regulating and deterring biotechnology, in: Science and Public Policy 24, 3, 191-194.

CEC (Commission of the European Communities) (2000a) White Paper on Food Safety. Brussels, 12 January 2000 COM (1999) 719 final, http://ec.europa.eu/dgs/health_consumer/library/pub/pub06_en.pdf

CEC (Commission of the European Communities) (2000b) Communication from the Commission on the precautionary principle. Brussels, 2 February 2000 Com (2000) (1).

Chavot, Philippe, Anne Masseran, Jean Zoungrana (2004) “Tracing food / tracing risk? Negotiating sense around notion of food "traceability" in Alsace (France)” 4S/EASST Meeting: Public proofs, science, technology and democracy, August 25-28 2004

Christoforou, Theofanis (2002) The origins, content and role of the precautionary principle in European Community law, in: Charles Leben, Joe Verhoeven (Eds.) Le principe de précaution – Aspects de Droit International et Communautaire. Paris: Edition Panthéon Assas, L.G.D.J. Diffuseur, 205-230.

Christoforou, Theofanis (2004) The Precautionary Principle, Risk Assessment and the Comparative Role of Science in the European Community and the US Legal System, in: Norman J. Vig, Michael G. Faure (Eds.) Green Giants. Environmental Policies of the United States and the European Union.

Cambridge MA: MIT Press, 17-50.

De Swaan, Abram (2002) Words of the World. The world language system; A political sociology and political economy of language. Cambridge: Polity Press

Durant, John, Martin W. Bauer and George Gaskell (Eds.) (1998) Biotechnology in the Public Sphere. A European Sourcebook. London: Science Museum.

Eder, Klaus, Cathleen Kantner (2000) Transnationale Resonanzstrukturen in Europa. Eine Kritik der Rede vom Öffentlichkeitsdefizit in Europa, in: Bach, Maurizio (Hg.) Transnationale Integrationsprozesse in Europa (Kölner Zeitschrift für Soziologie und Sozialpsychologie, Sonderheft 40) Opladen: Westdeutscher Verlag, 306-331.

Fjæstad, Björn, Susanna Olsson, Anna Olofsson and Marie-Louise von Bergmann-Einberg (1998) Sweden, in: Durant, John, Martin Bauer and George Gaskell (Eds.) Biotechnology in the Public Sphere. A European Sourcebook. London: Science Museum, 130-143.

Gamson, William A. (2004) Bystanders, Public Opinion and the Media, in: Snow, David A., Sarah Soule, Hans-Peter Kriesi (Eds.) The Blackwell Companion to Social Movements. Blackwell Publishing, 242-310.

Gaskell, George and Martin W. Bauer (Eds.) (2001) Biotechnology. 1996 – 2000. The years of controversy, London: Science Museum.

Gellner, E. (1983) Nations and Nationalism, Ithaka: Cornel University Press.

Gerhards, Jürgen (1993) Westeuropäische Integration und die Schwierigkeiten der Entstehung einer europäischen Öffentlichkeit, in: Zeitschrift für Soziologie 22, 2, 96-110.

Gerhards, Jürgen (2000) Europäisierung von Ökonomie und Politik und die Trägheit der Entstehung einer europäischen Öffentlichkeit, in: Bach Maurizio (Hg.) Die Europäisierung nationaler Gesellschaften. (Kölner Zeitschrift für Soziologie und Sozialpsychologie, Sonderheft 40) Opladen: Westdeutscher Verlag, 277-305.

Gieryn, Thomas F. (1983) 'Boundary-Work and the Demarcation of Science from Non-Science: Strains and Interests of Scientists', in American Sociological Review 48, 781-795.

Gill, Bernhard (1991) Gentechnik ohne Politik, Frankfurt a. M.: Campus.

Grabner, Petra, Helge Torgersen (1998) Österreichs Gentechnikpolitik – Technikkritische Vorreiterrolle oder Modernisierungsverweigerung? in Österreichische Zeitschrift für Politikwissenschaft 27, 1, 5-28.

Grabner, Petra, Nicole Kronberger (2003) "… aber ich sage: ‚das was ich esse, das bin ich', nicht?" – Widerstand gegen gentechnisch veränderte Nahrungsmittel im Kontext von Identitätsfragen, in: SWS-Rundschau 43, 1, 129-152.

Habermas, Jürgen (1962) Strukturwandel der Öffentlichkeit. Neuwied: Luchterhand

Hampel, Jürgen, Uwe Pfenning, Matthias Kohring, Alexander Görke and Georg Ruhrmann (2001) Biotechnology boom and market failure: two sides of the German coin, in George Gaskell and Martin Bauer (Eds.) Biotechnology. 1996 – 2000. The years of controversy, London: Science Museum, 191-202.

Heller, Chaia (2002) From scientific risk to *paysan* savoir-faire: Peasant expertise in the French and global debate over GM Crops, in: Science as Culture, 11, 1 (March 01), 5-37

Horlick-Jones, Tom, John Walls, Gene Rowe, Nick Pidgeon, Wouter Poortinga, Tim O'Riordan (2004) A deliberative future? An independent evaluation of the GM Nation? public debate about the possible commercialisation of transgenic crops in Britain. Programme on Understanding Risk, Working Paper 04-02, University of East Anglia; 2004.

Hornig-Priest, Susanna, Toby Ten Eyck (2004) Transborder Information, Local Resistance and the Spiral of Silence: Biotechnology and Public Opinion in the United States, in: Sandra Braman (Ed.) Biotechnology and communication; the meta-technologies of information. Mahwah, New Jersey: Lawrence Erlbaum Ass., 175-196.

Irwin, Alan (2001) Constructing the scientific citizen: science and democracy in the biosciences, in: Public Understanding of Science 10 (2001) 1–18

Jasanoff, Sheila (2005) Designs on Nature. Science and Democracy in Europe and the United States. Princeton: Princeton University Press

Jelsøe, Erling, Jesper Lassen, Arne Thing-Mortensen, Helle Frederiksen, Mercy Wambuti-Kamara (1998) Denmark, in Durant, John, Martin W. Bauer and George Gaskell (Eds.) Biotechnology in the Public Sphere. A European Sourcebook, London: Science Museum, 29-50.

Joerges, Christian; Jürgen Neyer (1997) Transforming deliberative Interaction into Deliberative Problem Solving: European Comitology in the Foodstuffs Sector, in: Journal of European Public Policy 4, 609-625.

Joly, Pierre-Benoit, Gérald Assouline, Dominique Kréziak, Juliette Lemarié, Claire Marris, Alexis Roy (2000) L 'Innovation controversée : Le débat public sur le OGM en France. Rapport. Collectif sur les risques, la decision et l'expertise (CRIDE), INRA: Grenoble

Joly, Pierre-Benoît, Claire Marris (2003a) "La participation contre la mobilisation? Une analyse comparée du debat sur les OGM en France et au Royaume-Uni," Revue Internationale de Politique Comparée, 10, 2 (2003): 195-206.

Joly, Pierre-Benoît, Claire Marris (2003b) Les Américains ont-ils accepté les OGM? Analyse comparée de la construction des OGM comme problème public en France et aux États-Unis, in: Cahier d'economie et sociologie rurales, 68-69, 12-45.

Joly, Pierre-Benoît, Claire Marris, Marie-Angèle Hermitte (2003) À la recherche d'une „democratie technique" – Enseignements de la conférence citoyenne sur les OGM en France, in: Natures Science Société 11 (2003) 3-15.

Kempf, Hervé (2003) La guerre secrète des OGM. Paris: Seuil.

Kielmansegg, Peter Graf (1994) Läßt sich eine Europäische Gemeinschaft demokratisch verfassen? in: Europäische Rundschau 22, 2, 23-33.

Lippman, Walter (1925) The Phantom Public. New York: Harcourt.

Levidow, Les (2006 forthc.) The Transatlantic Agbiotech Conflict as a Problem and Opportunity for EU Regulatory Policies, in: Robert Falkner (Ed.) The International Politics of Genetically Modified Food: Diplomacy, International Trade and Environmental Law. Palgrave, 2006

Marks, Gary, Doug McAdam (1996) Social movements an the changing structure of political opportunity in the European Union, in: West European Politics, 19, 249-278.

Marks, Gary, Doug McAdam (1999) On the relationship of political opportunities to the form of collective action. The case of the European Union, in: Donatella della Porta, Hanspeter Kriesi, Dieter Rucht (Hg.) Social Movements in a Globalizing World. London: Macmillan. 97-11.

Martin, Jean-Philippe (2005a) La Confédération paysanne et José Bové, des actions médiatiques au service d'un projet ? in: Ruralia [En ligne], (Mis en ligne le : 22 janvier 2005) Available at : http://ruralia.revues.org/document142.html

Martin, Jean-Philippe (2005b) Les mobilisations altermondialistes, role et place de la Confédération Paysanne, in: Agrikoliansky Eric, Fillieule Olivier, Mayer Nonna (Eds.) L'altermondialisme en France. La longue histoire d'une nouvelle cause. Paris: Flammarion, 107-142.

Marouda-Chatjouli, Athena, Angeliki Stathopoulo, George Sakellaris (1998) Greece, in: John Durant, Martin W. Bauer and George Gaskell (Eds.) Biotechnology in the Public Sphere. A European Sourcebook, London: Science Museum, 77-88.

Marris, Claire, Stéphanie Ronda, Christophe Bonneuil, Pierre-Benoit Joly (2004) Precautionary Expertise for GM Crops. National Report. Quality of Life and Management of Living Resources Key Action 111-13: socio-economic studies of life sciences. May 2004

Meyer, Christoph O. (2003) Die Wächterfunktion von europäischer Öffentlichkeit. Das Brüsseler Pressecorps und der Rücktritt der EU-Kommission, in: Klein, Ansgar, Ruud Koopmans, Ludger Klein, Christian Lahusen, Emanuel Richter, Dieter Rucht, Hans-Jörg Trenz (Hg.) Bürgerschaft, Öffentlichkeit und Demokratie in Europa. Opladen: Leske + Budrich, 231-245.

Motherway, Brian (1999) Ireland. Contested Precaution as Policy Evolves IR-NATReport.doc Oct. 1999 'Safety Regulation of Transgenic Crops: Completing the Internal Market?' DGXII/RTD Biotechnology Programme on the Ethical, Legal and Socio-economic Aspects (ELSA)

Midden, Cees, Anneke Hamstra, Jan Gutteling and Carla Smink (1998) The Netherlands, in Durant, John, Martin W. Bauer and George Gaskell (Eds.) Biotechnology in the Public Sphere. A European Sourcebook, London: Science Museum, 103-117.

Neidhardt, Friedhelm (1993) The public as a communication system, in: Public Understanding of Science 2, 339-350.

Neveu, Eric (2002) Europe as an "Un-imaginable Community"? The Failure of the French News-Magazine L'Européen, in: Journal of European Area Studies 10; 283-300.

POST (Parliamentary Office of Science and Technology) (2000) The 'Great GM Food Debate' A survey of media coverage in the first half of 1999. Report 138, May 2000.

Rayner, Steve (2003) Democracy in the age of assessment: reflections on the roles of expertise and democracy in public-sector decision making, in: Science and Public Policy, 30, 3, 163 – 170.

Reich, Robert, B. (1992) The Work of Nations. Vinatge Books: New York.

Roy, Alexis (2000) Expertise et appropriation du risque: Le cas de la Commission de Génie Biomoléculaire. Université de Rouen, Département de Sociologie.

Sakellaris, George, Athena Chatjouli (2001) Greece: Losing faith in biotechnology, in George

Gaskell and Martin W. Bauer (Eds.) Biotechnology. 1996 - 2000. The years of controversy, London: Science Museum, 204-14.

Schenkelaars Biotechnology Consultancy (2004) Precaution as Societal-Ethical Evaluation. Precautionary Expertise for GM Crops. National Report – The Netherlands. Quality of Life and Management of Living Resources. Key Action 111-13: socio-economic studies of life sciences. Project n· QLRT-2001-00034

Scharpf, Fritz W. (1999) Governing in Europe. Effective and Democratic? Oxford: Oxford University Press.

Schlesinger, Philip (1999) 'Changing Spaces of Political Communication: The Case of the European Union', in: *Political Communication*, 16 (3): 263-280.

Schurman, Rachel (2004) Fighting „Frankenfoods“: Industry Opportunity Structures and the Efficacy of the Anti-Biotech Movement in Western Europe, in: Social Problems, 51, 2, 243-268.

Seifert, Franz (2003) Gentechnik – Öffentlichkeit – Demokratie. Der österreichische Gentechnik-Konflikt im internationalen Kontext, München: Profil Verlag.

Shaffer, Gregory C., Mark A. Pollack (2004) Regulating Between National Fears and Global Disciplines: Agricultural Biotechnology in the EU. Jean Monnet Working Paper 10/04, NYU School of Law New York. http://www.jeanmonnetprogram.org/papers/04/041001.pdf

Tàbara, David J., Daniel Polo, Louis Lemkow (2004) Caution *versus* Precaution. Precautionary Expertise for GM Crops. National Report – Spain. Quality of Life and Management of Living Resources. Key Action 111-13: socio-economic studies of life sciences. Project n· QLRT-2001-00034

Ten Eyck, Toby A., George Gaskell, Jonathan Jackson (2004) Seeds, foods and trade wars: Public opinion and policy responses in the USA and Europe, in: Journal of Commercial Biotechnology (Mar 2004) 10, 3, 258-267.

Toft, Jesper (2004) Precautionary Expertise for GM Crops. Co-existence Bypassing Risk Issues. National Report – Denmark. Quality of Life and Management of Living Resources. Key Action 111-13: socio-economic studies of life sciences (Project n· QLRT-2001-00034)

Trenz, Hans-Jörg (2000) Korruption und politischer Skandal in der EU. Auf dem Weg zu einer politischen Öffentlichkeit? in: Bach, Maurizio (Hg.) Die Europäisierung nationaler Gesellschaften. (Sonderheft 40 der Kölner Zeutschrift für Soziologie und Sozialpsychologie.) Opladen: Westdeutscher Verlag, 332-359.

Trenz, Hans-Jörg, Klaus Eder (2004) The Democratizing Dynamics of a European Public Sphere: Towards a Theory of Democratic Functionalism, in: European Journal of Social Theory (Feb 2004) 7, 5-25.

Turner, Roger (2004) The field-scale evaluation of herbicide-tolerant genetically modified crops conducted in the UK (1998-2003), in: Journal of Commercial Biotechnology 10, 3 (March 2004), 224-233.

Van de Steeg, Marianne (2003) Rethinking the Conditions for a Public Sphere in the European Union, in: European Journal of Social Theory 5, 499-519.

Wagner, Wolfgang, Nicole Krohnberger, Franz Seifert (2002) Collective symbolic coping with new

technology: Knowledge, images and public discourse, in: British Journal of Social Psychology 41, pp. 323-343.

Wallace, Helen (2000) The Institutional Setting. Five Variations on a Theme, in: Wallace, Helen, William Wallace (Eds.) Policy-Making in the European Union. Fourth Edition. Oxford, New York, Athens : Oxford University Press, 3-38.

Whiteside, Kerry H. (2003) French Regulatory Republicanism and the Risks of Genetically Engineered Crops, in: French Politics, 1, 153-174.

Endnotes

(*) The author has been supported by the Austrian Science Fund (P16403-G04) and a fellowship from the United Nations University – Institute of Advanced Studies (UNU-IAS) Yokohama, Japan. He is also grateful to three anonymous reviewers and to Martin Bauer from the London School of Economics (LSE) for the opportunity to present and discuss the ideas developed here at the LSE in winter 2004.

(1) The debate on the normative significance of „the public“ in the context of democratic theory is a classical one and from its beginnings knew sceptical tones too. (e.g. Lippman 1925) Nevertheless, for the purpose of this argument the public is regarded as a necessary, albeit insufficient, condition of democracy.

(2) For further accounts on mass-publics prompted by political scandals see Trenz 2000 and Eder/Kantner 2000.

(3) Which is why, in the following, the term “mass-public” will be used in plural where appropriate.

(4) There is general agreement that mass media and speakers, who seek to influence the mass media, frame issues in the public sphere, act as agenda-setters, and actively shape public opinion, exert an influence on the policy process, either directly through elections, the media and opinion polls, or indirectly through the opinions of actors and interest groups which are brought to bear directly through lobbying.

(5) Less attention is paid to the “actual” preferences of the audience, usually measured by opinion polls. While, as survey researchers tend to suggest, these measures are indicative of the “true” public opinion, methodological and epistemological reservations left aside, we can assume that the extent, to which unpublished or unnoticed public attitudes influence the policy process, is negligible. What counts is not “the true” but the publicly communicated, or “reified” public opinion. (compare Bourdieu 1979, Gamson 2004)

(6) The most intense debate, which arose in Sweden. (Fjæstad et al. 1998: 134-6) Only a minor and local controversy erupted in France due to a planned risk-laboratory. (Bonneuil 2000)

(7) “*Gentechnik Volksbegehren*“.

(8) Surprisingly, in Germany, the eighties “Mecca” of an organised critique against biotechnology, no remake of the old controversy took place. (Hampel et al. 2001: 192, 202, Jasanoff 2005: 139-143) Yet, most of Europe’s conflicts and the most intense among them occurred in publics, which never had been critical of the subject before. Switzerland, by contrast, experienced a broad public controversy around the national referendum on biotechnology in 1998. Since, however, initiatives for the plebiscite date back to 1993, the Swiss controversy must be considered outside the general

European dynamic. (Bonfadelli et al. 2001: 282-3)

(9) Protesting the government decision, in February 1997, Axel Kahn, prominent head of the beforehand almost self-ruling *Comission du génie biomoléculaire*, resigned, thus attracting public attention. (Roy 2000, Kempf 2003: 93-102, 141-144)

(10) Technically: Directive 90/220/EC. In Austria, the decision to invoke this "safeguard measure" under Article 16 of the Directive was taken by the Minister of Health amidst utmost public uproar on the issue. (Seifert 2003: 183-185) In Luxembourg, by contrast, a parliamentary majority, outspokenly critical of biotechnology, drove the decision. (Phone interview Norbert Campagna, 27.9.2004, see also: Campagna 1996)

(11) After 1999, Germany, Great Britain, and ultimately, in 2005, Hungary invoked safeguard measures under the same safeguard clause of the Directive 90/220/EC. In 2000, also Italy invoked a like safeguard procedure, however under Article 12 of the Novel Foods Regulation, to ban the sale of food products containing ingredients from four varieties of GM maize. (Ansell et al. 2003: 25-26) Great Britain and Italy later revoked their bans.

(12) Later on, in 2000 and 2001 respectively, Austria and Belgium joined the blockade group. Although, by summer 1999, Austria was among the staunchest opponents of agricultural biotechnology it refrained from joining the alliance in the beginning, as it deemed the case-by-case principle, contained in the Directive on Deliberate Releases, violated by the action. Belgium, by contrast, was among the latest countries to undergo a public controversy over biotechnology and thus to reconsider its supranational stance; in summer 1999, the scandal over Dioxin-contaminated food scattered public trust in authorities and had a considerable part in the subsequent change of government which, for the first time in Belgian history, allowed for participation of the Belgian Greens. (Interview Sebastién Denys, CAGE, 29.9.2004, Brussels)

(13) While the connection between modern biotechnology, i.e. gene transfer between unrelated organisms, and reproductive cloning, which is a reproductive technology, is an arbitrary and "unscientific" one, it was, nevertheless, taken for granted in public discourse.

(14) Though, by the end of the nineties, opposition to agro–alimentary biotechnology came to drive political debate in Italy as well, the prominence of ethical doubts surrounding advances in human reproductive technology remained a standing feature of the Italian discourse – arguably due to the influence of Catholicism in Italy. (Pers. comm., phone Agnes Allansdottir, 5.10.2004)

(15) BSE for "Bovine Spongiform Encephalitis".

(16) The mad cow disease has not been the first food-scare in Europe but, while former food crises had unfolded within *national* publics, for economical, logistic, legal and political reasons, BSE became the first food-scare of a clearly *European* dimension.

(17) While the EU had already authorised Monsanto's „RoundUp-Soya-Bean", which arrived in October 1996, a herbicide-resistant maize brand of CibaGeigy (later Novartis and Syngenta respectively) arriving in December had not even been authorised. Moreover, both food-components were not covered by the Novel Food Directive, still under dispute in late 1996, so that foods containing them would not be labelled either.

(18) The campaign, starting in Holland, Germany and Switzerland, involved the dramatic blocking of soy and maize shipments in a number of harbours and the lobbying of food industry to ban GM ingredients. Public resonance considerably varied among countries. While in Austria the Greenpeace campaign added fuel to an already burning controversy, in France and Great Britain it met with still embryonic debates.

(19) Since 1997, Greenpeace remained active throughout, pushing government for ever more restrictive policies. (pers. com., phone George Sakellaris 18.11.2004)

(20) Global 2000 is customarily associated with the international NGO Friends of the Earth – beyond Greenpeace the most fervent rival of biotechnology in the global arena.

(21) For an account of the wide and complex network of mostly environmental and agricultural organisations militating against GMOs in Italy see Ansell et al. 2003: 24-29.

(22) Particularly the Irish and French opposition resorted to the latter approach, which the *Confédération Paysanne* most effectively combined with acts of civil disobedience, thus highlighting a conflict between illegality and illegitimacy. (Joly et al 2000: 37-38, 51-56, Kempf 2003: 151-153)

(23) From February until April 1999, UK retailers, *ASDA, Marks's and Spencer, Sainsbury's, Co-op, Waitrose*and *Tesco* gave such guarantees. (Schurman 2004: 25)

(24) The new mood of dialogue with the public is not a consequence of the GMO-controversy alone. Other contextual factors equally account for the seeming "opening up" of government. Thus, both Blair and Jospin, who headed a governing coalition with *Les Verts*, had proclaimed to "modernize" government and democracy respectively, putting emphasis on stakeholder and citizen participation. Moreover the politicization of food-safety in the wake of a series of food crises brought with it a demand for resuming trust in public institutions. For critical perspectives see: Irwin 2001 and Rayner 2003.

(25) With main prerogatives remaining with the MS though, as, for instance, the setting up of coexistence and liability regimes.

(26) Media prominence of various oppositional NGOs has been measured by Ansell et al., content-analysing the comprehensive Genet on-line archives. (Ansell et al. 2003: 7-14)

(27) The anti-GMO campaign of 1996 was the first one Greenpeace International decided to launch at the European level even though the idea had been discussed for several years within the organisation. Particularly the Swiss and French experts had accumulated expertise since the early nineties and advocated a pan-European approach, a first attempt, however, to organise a common strategy failed in 1994. In March 1995, a first cooperation of local Greenpeace offices brought together the British, German, Swiss, and EU offices in (remarkably successful) protests against the EU-Directive on the legal protection of biotechnological inventions. However, only later in the same year, when in became clear that, in 1996, a first, massive wave of GM products was to enter the European market, the decision to prepare a European campaign was taken. (Interview Isabelle Meister, Greenpeace, 6.7.2005, Zurich, see also: Ansell et al. 2003: 14-19)

(28) In fact, the quarterly "FoEE biotech mailout," published by Friends of the Earth Europe (FoEE) since 1995, ranks among the best investigated, up to date sources on the subject of biotechnology policy. (http://www.foeeurope.org/GMOs/)

(29) For the *Via Campesina* see http://viacampesina.org, for the CPE http://www.cpefarmers.org.

(30) Which, for instance, explains the fact that protest events staged by NGOs in Brussels are less frequent and acrimonious than those in the national arenas. (Ansell et al. 2003: 32)

(31) In Austria, the unyielding stance of the highly influential tabloid *Neue Kronen Zeitung* regarding biotechnology constitutes a fact not to be ignored by Austrian policy-makers. (Seifert 2003:167-189) The British mobilization against GM-food in February 1999 was very much media-driven, with the *Guardian* and tabloids like the *Daily Mail* and *Mail on Sunday,* the *Express* and

Express on Sunday, and the *Independent on Sunday* acting as chief campaigners. (POST 2000: 14-15, 41-48)

(32) In fact, the successful staging of acts of civil disobedience, and the – often awkward – reactions of state authorities, provided the ground for an unprecedented upsurge in popularity of the *Confédération*, which, in the national elections to the chamber of agriculture in 2001, rose to 27 %, from 21 % in 1995. For the beforehand unknown farmer and activist José Bové, the decision of the farmer' organization to embark on anti-GMO campaigning set the course for a rise to international celebrity. (see: Heller 2002, Martin 2005a)

(33) The group's major thrust is directed against neo-liberal globalisation, as embodiment of which GMOs are perceived. It took off after the spectacular meeting of the "*Altermondialistes*" in the *Larzac* in August 2003, attracting over 200.000 sympathizers. Besides the *Confédération Paysanne*, it comprises associations like *Attac* or *G10 Solidaires*. (www.monde-solidaire.org/index.php) In summer 2003, 22 out of 55 test sites were "mowed," in the subsequent year, it was 27 out of 48. (CD-Rom research *Le Monde*) As to the anti-globalisation movement in France see: Agrikoliansky et al. 2005, as to the role the *Confédération* plays in it see: Martin 2005b. As to the series of court trials, provoked by acts of vandalism on GM test sites, and their impact on French public debate see: Marris et al. 2004: 18-37.

(34) In the course of the state funded "field-scale evaluation programme," conducted from 1998 to 2003, out of 282 test sites 52 sites were vandalised, mostly causing only minor damage however; only six trials had to be discontinued. (Turner 2004: 228)

(35) In June 1997, the Commission adopted Commission Directive 97/35, overturning the rules on GM labelling in the Novel Foods Regulation. In September of the same year, Commission Regulation (EC) 1813/97, requiring labelling of foods produced from GM soy and maize varieties, which had been approved prior to the Novel Foods Regulation having taken effect. In May 1998, the Council passed Regulation 1139/98 ratifying an unambiguous label for GM food. In January 2000, the Commission enacted Regulation (EC) 50/2000 on food and food additives, and Commission Regulation (EC) 49/2000, established a threshold of 1 % above which food containing GM ingredients due to adventitious admixture had to be labelled.

(36) Neither the White Paper on Food Safety nor the Communication on the Precautionary Principle are responses to the European GMO controversy only. They reflect a general change in the Union's policy orientation in the fields of food safety, risk assessment and risk management, coping with an internal crises of legitimacy as well as challenges raised by a changing global policy-environment.

(37) "Directive 2001/18 /EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC." Among other new hurdles to the approval process, the directive entails mandatory post-market monitoring, a requirement to ensure labelling and traceability at all stages of the placing on the market, a restriction to approvals to a maximum of ten years, an obligation to consult the EP on authorizations, and the possibility for the Council of Ministers to adopt or reject a Commission proposal by qualified majority. The directive entered into force by October 2002 but MS proved reluctant to transpose it into national law. In 2003, the Commission initiated a lawsuit against eleven MS for non-compliance. In summer 2005, backed by judgements of the ECJ, the Commission decided to continue legal infringement procedures by issuing first warnings to Germany, France and Greece.

(38) Regulations "1829/2003/EC of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed" and "1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified

organisms and amending Directive 2001/18/EC." For a comprehensive review of the new regulatory system see Christoforou 2004. Missing and highly contentious key elements of the European regulatory system are, firstly, coexistence and liability policies, which have to be settled at the national and regional level, and, secondly, legislation establishing thresholds for so called "adventitious or technically unavoidable" traces of GMOs in non-GM seeds. Debates on the latter are going on since 2003, the latest suggestions for the highly controversial threshold levels not requiring labelling range from 0,3 % for maize and rape seed and 0,5 % for all other crops.

(39) Conversely, the push for access to the technology from the European agro-industrial lobby grew weaker in the late nineties since, due to GM aversive retailer policies, farmers and companies selling GM crops in Europe are at a disadvantage.

(40) On 19. July 2004 Monsanto's herbicide resistant maize NK 603, on 8. August 2005 Monsanto's insect resistant maize MON 863, on 31. August 2005 Monsanto's herbicide resistant oil seed rape GT 73, on 3. November 2005 Pioneer's herbicide and insect resistant maize 1507, and 16. January 2006 Monsanto's insect resistant maize MON 863 X MON 810.

(41) Therefore, in June 2006, at the instigation of the Austrian Presidency, experts from EFSA, the European Commission and MS met to discuss the first pending GM crop submissions for cultivation, and also the Council of Environmental ministers on June 27th debated the issue – without, however, arriving at any commonly agreed on scheme on how to move ahead.

(42) There are, however, exceptions that prove the rule. A case in point is Great Britain. As one of the countries which had experienced a heated controversy, after at first tentatively joining the opposition front by invoking a safeguard measure, the UK later changed its course at the supranational level to increasingly advocate the lifting of the moratorium and less restrictive regulatory provisions. Something similar holds for Ireland. Conversely, Germany, where GM opposition in the late nineties did not attain the same level of intensity as in the eighties or later elsewhere in Europe, joined the opponents' alliance. Countries like Belgium and Portugal displayed inconsistent behaviour, at times supporting the GM opponents, at times opposing them.

(43) This became evident, for instance, in the Parliament's demands for tighter restrictions regarding labelling requirements and thresholds on GMO traces in conventional products in the co-decision procedure on the Food and Feed as well as Labelling and Traceability Directives.

(44) Examples are the rulings of the ECJ against those countries who failed adopt and communicate national legislation to give effect to Deliberate Release Directive, providing the Commission with the legal basis to initiate legal infringement procedures against these countries. Another example is the EJC's recent dismissal of Upper Austria's law to ban all cultivation of GM crops to protect organic and conventional crops from GM contamination. In this case legal proceedings had been initiated by Upper Austria. (Seifert 2005) Besides, also oppositional NGOs addressed the ECJ at several reprisals in order to raise attention. From 1998 to 2003, they brought 18 cases related to GMOs before the ECJ.

(45) Conversely, there are indications of linguistic and cultural influences crossing national boundaries. It is probably not a coincidence that the first wave of debate in Switzerland in the late nineties took place in the country's German speaking part. Similarly, the later mobilization in France began earliest in the region of Alsace culturally influenced by neighbouring Germany. (Chavot et al. 2004) Similarly, in the late nineties and early two-thousands, it was mainly Belgium's Vallon region, strongly influenced by French media, to undergo controversy. (Interview Sebastién Denys, CAGE, 29.9.2004, Brussels)

(46) The *Pusztai* affair in the UK, which made it to the headlines in a number other European countries, could serve as a case in point. As preliminary evidence indicates, however, the event

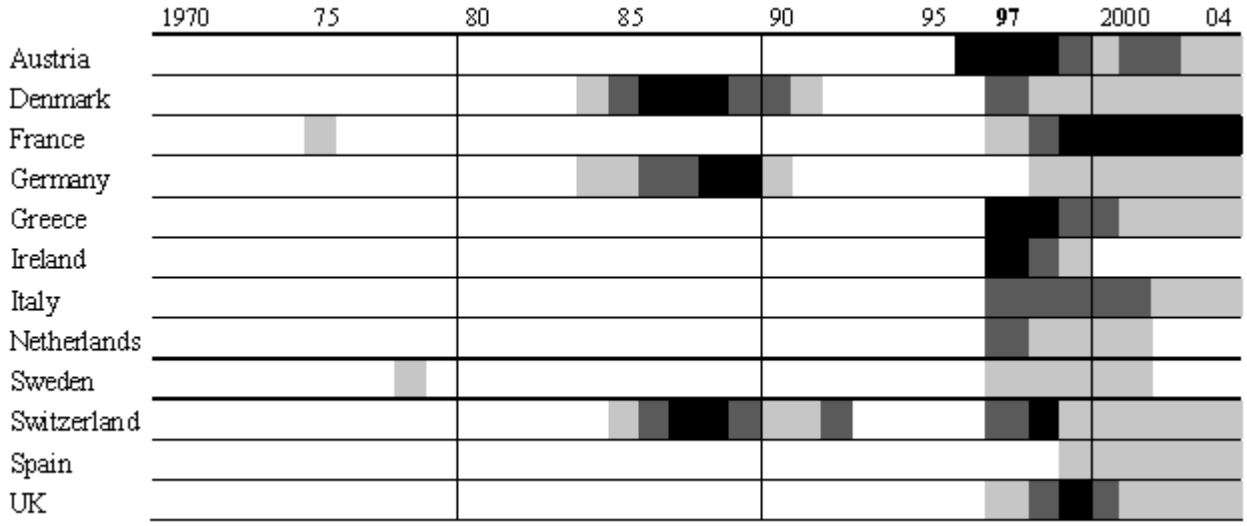
raised public attention mostly in those countries which were already undergoing controversy themselves.

(47) For a study examining the link of national and regional identity and aversion against GM food see: Grabner/Kronberger 2003.

(48) „ The adoption of these governance modes … has been quite limited, with … stakeholder forums having only a limited impact on EU decision-making. References to these governance modes appear primarily as responses to legitimacy challenges to EU decisions about risk management, as opposed to genuine alternative modes of governance.“ (Shaffer/Pollack 2004: 48)

Figure 1

Public conflicts over modern biotechnology 1970-2004



In Fig. 1, three different shades of grey correspond to variations in estimated conflict intensity within national conflicts. Light grey reflects either merely regional conflicts (the conflicts around risk laboratories in France and Sweden in the seventies, for example) or such of low intensity in latency-, up- or downswing-phases. Dark grey or black fields indicate highs or climaxes of media-attention and political controversy respectively. Estimations of conflict intensity are based on non-quantitative inferences, taking into account media intensity as well as pertinent policy events and largely fall back on an extensive research of the available literature including a number of quantitative studies on public opinion, policy and media-content. Fig. 1 serves as a heuristic device to summarize the long-term evolution of European public debates. It does not claim to objectively represent conflict intensity. (For a general critique of the positivist approach to public opinion see Gamson 2004) Nor does it suggest the theoretical necessity to take the year as natural unit since phases of controversy might span months or years alike. Nor does Fig. 1 claim to measure conflict intensity across national publics since sources mostly refer to national controversies and at times are not comparable. Variations in intensity rather mirror the temporal patterns of national conflicts. Sources: A number of national contributions in Durant et al. 1998 and Gaskell/Bauer 2001 and independent analyses of longitudinal quantitative media-materials up until 2002. These materials result from two consecutive European network projects bringing together research groups from Austria, Denmark, France, Germany, Greece, Italy, the Netherlands, Sweden, Switzerland and the UK. The data include content-, policy- and survey-analyses which provide a high degree of standardisation and comparability. As quantitative data on media activity mostly end around 2002, assessments of subsequent years had to be based on other sources. First, on current in-depth accounts of the controversy: For Austria Seifert 2003: 201-107, and Seifert 2005, for France Marris et al. 2004: 5-7, 29-37, for Germany Boschert/Gill 2004: 8-9, 15-16, Greece: Sakellaris/Chatjouli 2001, Italy: Allansdottir et al. 1998, 2001, and Ansell et al. 2003: 24-29, Spain. Tàbara et al. 2004: 21-24, 57-59, the Netherlands Schenkelaars Biotechnology Consultancy 2004: 13-19, and for Denmark Toft 2004: 4-6, 13-14. Second on CD-ROM or online-research in the digital archives of Le Monde for France, the HR-Net archives (www.hri.org/cgi-bin/news-search) for Greece, the Irish Times online (www.ireland.com) for Ireland, and the Neue Zürcher Zeitung for Switzerland. Finally, personal communication with national experts completed the picture. On France: Claire Marris, Pierre-Benoît Joly and Christophe Bonneuil (all in Paris, May 2004), on Ireland: Brian Motherway (e-mail, 22.9.2004), on Italy: Agnes Allansdottir (phone 5.10.2004), on Greece: George Sakellaris (phone 18.10.2004).

Figure 2

Intensity of media coverage in Austria and Great Britain 1990-2002

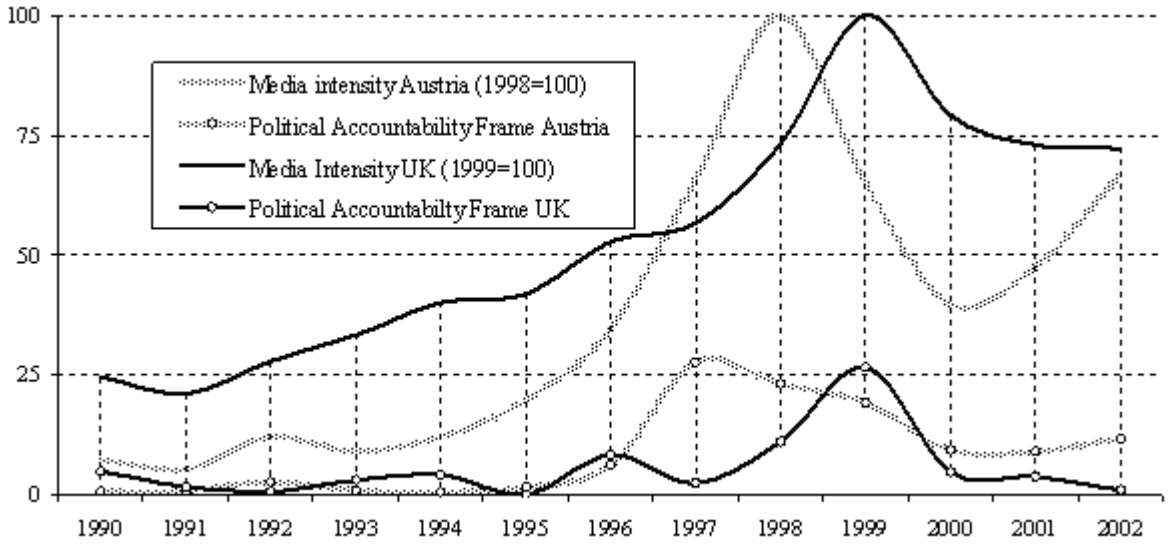


Fig. 2 plots intensity of media coverage of biotechnology in Austria and the UK on the time axis. Data are derived from a longitudinal sample of elite media, provided by the EU-funded project "Life Sciences in European Society" coordinated by George Gaskell and Martin W. Bauer at the London School of Economics and Political Science; (old.lse.ac.uk/Depts/lses/outline/overview) The Austrian sample is based on the daily broadsheet Die Presse and the weekly broadsheet profil, in the UK the daily broadsheet The Independent was used. Selection of articles is based on key words referring to biotechnology like DNA, gene engineering, biotechnology, genome. The graph "media intensity" reflects the total number of articles per year, irrespective of their content. The variable "political accountability" defines the subset of articles chiefly dealing with political actors and events. It thus serves as an indicator for the degree of political controversy in both countries. To provide comparability of samples among the two countries, absolute numbers of articles are plotted relative to respective years of maximal intensity, which was 1998 in Austria and 1999 in the UK.

Figure 3

Mechanisms of supranational responsiveness to synchronised national publics

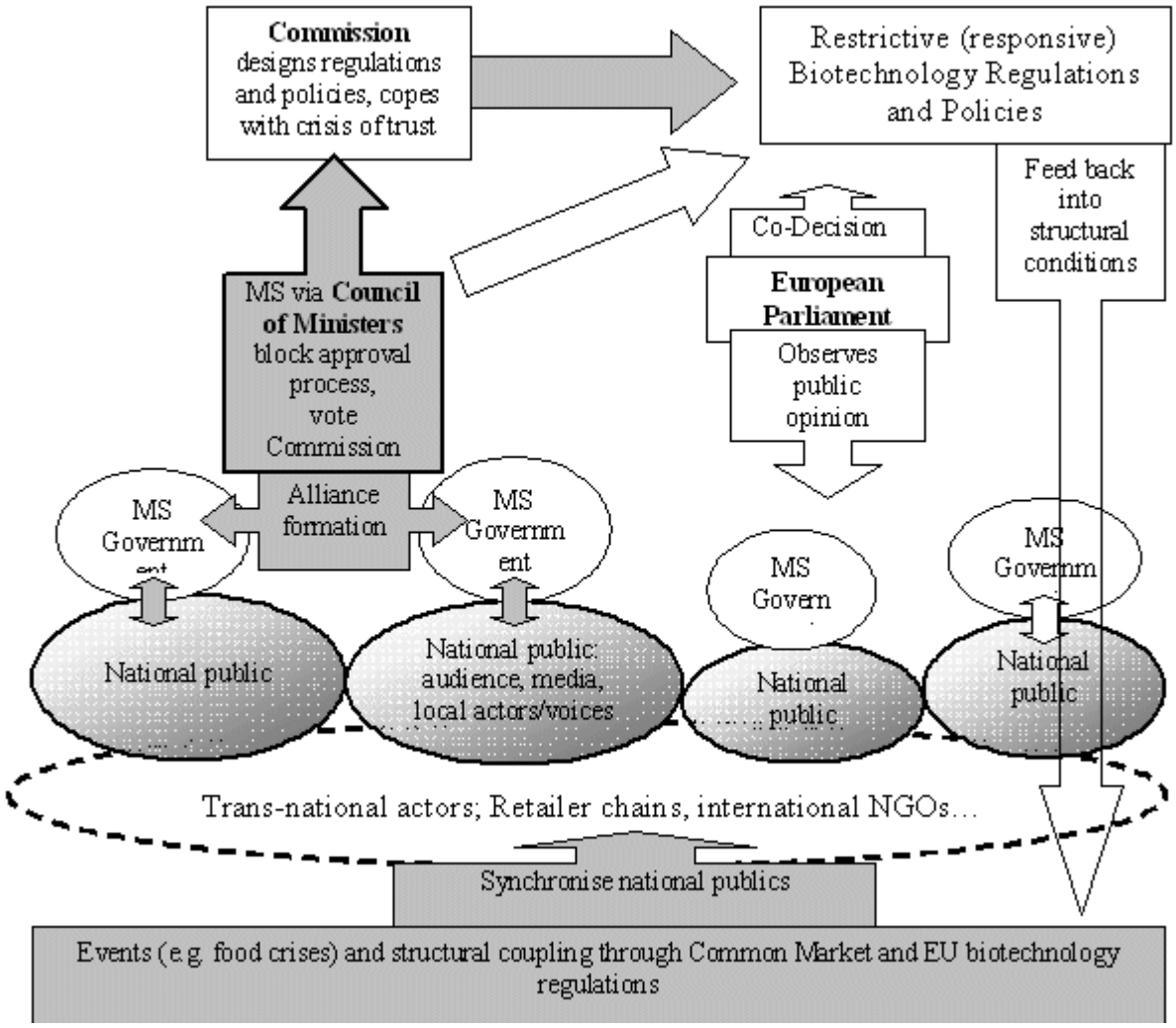


Fig. 3 summarizes the main channels by which synchronized publics can influence supranational decision making, as exemplified in the case of biotechnology. National publics might, to varying degrees, respond to stimuli synchronized through structural coupling and coordinative trans-national actors. To varying extent, national governments prove responsive to public arenas and carry recalcitrant national postures to the supranational level. MS governments exerted the most tangible effect by forming an alliance to block further GMO approvals thus ratcheting up biotechnology regulations designed by the Commission. These proposals next go through common decision-making by Council and European Parliament. At the same time, Commission proposals reflect international pressure from trading partners and free trade agreements. Resulting policies and regulations feed back into the structural make up of the EU, thus tightening structural coupling of European publics.