



# ***Framing Biotechnology Policy in the European Union***

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## **Abstract<sup>i</sup>**

This paper shows how the framing of complex policy issues on the EU legislative agenda influences the processing of political interests and ideas and their expression in policy choices. By tracing the policy-making process in the field of EU biotechnology over a twenty-year period, the analysis explores how the framing of the issues affected turf wars inside the European Commission, the rise and decline of key political interest organisations, and eventually triggered some of the most hard-fought inter-institutional stand-offs in recent EU history. The key to understanding these dynamics, the paper argues, is to focus on how actors in EU politics define and redefine the policy issues at stake. At a time when framing arguments are attracting increasing attention in policy research, this paper discusses the conceptual and theoretical tenets of framing analysis. It shows how this analytical lens can shed new light on the volatility of EU legislative politics and highlights how vigorously EU institutions compete over the right to define the issues on the EU agenda.

## **Key words**

Agenda setting - biotechnology - European Commission - food safety - policy framing

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## Issue framing and policy research

This paper argues that issues drive the policy process. Traditionally, research in political science views policy choices as resulting from factors that are distinct from the issues under consideration. This paper turns the argument around. Policy issues are inherently complex and ambiguous. How to evaluate policy alternatives often remains contentious. The framing of policy issues affects the processing of political interests and ideas and their expression in policy choices. What policy makers perceive to be at stake in a policy issue at a particular time affects the political alignment of actors and the conflict and consolidation of interests in the policy process. Political actors seek to control the flow and structure of policy issues, because issues are the currency of politics. At a time when framing arguments are attracting increasing attention in policy research, this paper discusses the conceptual and theoretical tenets of framing analysis and shows how this analytical lens can offer a unique perspective on current issues in the study of EU legislative politics and policy making.

Students of policy making have long argued that political issues are not external to the process of political decision making – they are not ‘out there’. Every policy issue can be defined in a number of different ways. Conflicting perceptions of what policy issues are about are often difficult or impossible to reconcile. Only recently have political scientists turned to focus more closely on the question of how the definition of political issues affects the processing of political ideas and political demands in policy making. This literature refers to ‘framing’ as the process of selecting and emphasising aspects of an issue according to an overriding evaluative or analytical criterion. Policy frames identify what is at stake in an issue. Students of policy framing ask how the framing of choices influences the way the issue is processed by the political system. How does framing affect which actors and institutions play a role during policy drafting and deliberation? How does the framing of the issues influence which interests find expression in policy choices?

Initially, the study of political issue definition was treated as an integral part of the more established study of agenda setting in political science and policy analysis (Cobb and Elder 1971; Rochefort and Cobb 1993, 1994; Cobb and Ross 1997). Following classic studies such as Nelson’s (1984) work on the issue of child abuse, however, the political representation of policy issues received increasing attention (e.g. Stone 1989, Petracca 1992, Peters 2005). The effects of issue definitions were found to go beyond the initiation of the policy process and to serve several functions in the policy making process. Dery’s (2000)

study of a faltering social protest movement exemplifies research that highlights more ambivalent aspects of the relationship between agenda setting and issue definition. He shows how the failure to control problem representations after the initial agenda setting success can render the advocacy for a specific cause ineffective. 'To legitimize an issue', Dery (2000: 37) concludes, 'is not the same as to legitimize demands.'

Most research attention, however, is devoted to analysing policy frames as a 'weapon of advocacy and consensus' (Weiss 1989: 117) during the political decision making process itself. Research from this perspective typically breaks with the traditional notion that the definition of policy issues can be properly understood as the initial phase of a structured policy process or cycle. Here the definition of policy issues is seen as lying 'at the heart of the action itself' (Weiss 1989: 98) rather than being ascribed to the pre-decisional realm of politics. This type of framing research owes much to Schattschneider's (1957, 1960) conception of politics. His work helped to establish the notion that agenda setting structures political choices (see Bachrach and Baratz 1962, 1963; Cobb and Elder 1971; Baumgartner 2001). From this perspective, the definition of policy choices in the political process is intimately linked to the emergence of political conflict and the evolving structure of political competition (see also Mair 1997: 949). The definition of policy issues and alternatives structure ensuing political conflicts because they fix the attention of the public, influence the formation and organisation of interests and shape political coalitions and alliances. Who has a say in the political decision making process, Schattschneider (1960: 102) argues, depends on 'what the game is about.' More recently, Riker (1986: 150-51) identified the manipulation of issue definitions as one of the most frequently employed strategies in political discourse and claimed that 'most of the great shifts in political life' are caused by the reframing of the issues at stake. As part of his work on heresthetics, Riker advances framing arguments by elaborating how the manipulation of issue definitions can reshuffle majorities.

Framing arguments were introduced to a wider social science audience especially through the work of cognitive psychologists Tversky and Kahneman (1981, 1986; see also Quattrone and Tversky 1988). Their research addresses the effects of the representation of alternatives on the evocation of interests in the process of decision making. The main argument of this literature is that every decision can be framed in different ways and that choices systematically vary in response to the reframing of the issues. Yet while the causal effects of issue framing on individual decision making have been studied extensively, the ways in which framing dynamics play out in

complex policy making environments is less well understood. As Baumgartner and Jones (1991, 2002: 298) point out, frame manipulation rarely goes uncontested. In democratic politics, disadvantaged political actors often challenge dominant issue definitions by raising or emphasising new dimensions of the issue. As a result, the study of stable and systematic effects of policy framing on political choices continues to present theoretical challenges. Current research on policy framing predominantly follows the work of Baumgartner and Jones (1991, 2002; see also Jones 1994). Their research emphasises that one key to understanding the dynamics of policy framing and reframing lies in analysing how framing effects interact with the institutional organisation of politics. According to this perspective, the institutional channels, or policy venues, through which political issues are processed, focus the decision maker's attention on a simplified image of complex policy choices and thereby exert bias towards the inclusion of certain types of information and interests over others (Baumgartner and Jones 1991). The nature of framing effects will thus differ from one policy making system to the next. How policy framing plays out in the complex and fragmented system of EU policy making is the central question addressed in the empirical part of this paper.

## **Theoretical origins**

### **Agenda setting research**

With his famous conclusion that 'the definition of the alternatives is the supreme instrument of power [...] because the definition of the alternatives is the choice of conflicts, and the choice of conflicts allocates power', Schattschneider (1957: 937) paved the way for the study of agenda setting in political science. Policy processes that had until then been labelled 'pre-political' became the name of the game. Schattschneider maintains that what happens in politics ultimately depends on the way in which the actors are divided. Yet the factions they form and the positions they take on the issues are not fixed or given. Instead, they depend on 'which of a multitude of possible conflicts gains the dominant position' (Schattschneider 1960: 60) at a certain time. This theoretical lens focuses on how the scope of a conflict develops strategic implications when advocates of a minority position redefine an issue so as to expand the relevant public and attract more social and political actors.

Schattschneider refers to this strategy as the expansion (or socialisation) of conflict. Through conflict expansion, one political camp can gain strength by

activating more contestants and resources. Most importantly, however, every expansion of scope brings about a shift in the direction of the conflict. 'Every change in the scope of conflict has a bias', Schattschneider (1960: 4, see also 1957: 942) stresses. As new contestants enter a debate, the lines of conflict shift and tilt, new alliances become possible, previously aligned actors split, and opportunities for change arise. Schattschneider regards this effect, which he terms the displacement of conflict, as the most consequential bias of the democratic political process. The bottom line of this argument became known as the 'two faces of power' (Bachrach and Baratz 1962, see Baumgartner 2001 for a concise summary). According to this perspective, the issues which enter political agendas, and the alternative responses to them that are considered, are the result of factors that operate before decisions are taken and votes cast in political institutions. Every political system, the argument runs, encompasses choices that never have to be faced. Some interests are prevented from forming and some policy alternatives are eliminated without ever being considered. Such cases of 'nondecisions', Bachrach and Baratz (1963: 641) argue, result from structural constraints that 'effectively prevent certain grievances from developing into full-fledged issues which call for decision.' While 'nondecisions' themselves naturally defy observation, the authors hold that they result from political processes and structural biases that fall into the realm of political analysis. The 'two faces of power' argument finds a more limited but academically influential expression in Cobb and Elder's (1971) distinction between 'systemic' and 'institutional' political agendas. The first refers broadly to all issues under consideration in a polity at a given time. The second refers to the relatively few issues that the institutions of government take up and process for decision making. Guided by the question of how issues shift from one agenda to the other, the authors focus on the processes through which issues are created. As a result of this research, Cobb and Elder (1971: 905, 903) conclude that the 'pre-political, or at least pre-decisional, processes are often of the most critical importance in determining which issues and alternatives are to be considered by the polity and which choices will probably be made.' The influence of pre-decisional processes is thus not limited to the gate-keeping function discussed in the work of Bachrach and Baratz (1962, 1963). Instead, Cobb and Elder (1971) stress that bias is a universal feature of the political process and that the effects of this necessarily selective process of decision making must assume much more subtle forms than 'nondecisions'.

## Limits of rationality

Focusing on more limited choice situations reflected in voting records and laboratory experiments, recent advances in decision making analysis have made great progress in formulating links between issue representation and choice. Especially the research of cognitive psychologists Tversky and Kahneman (1981, 1986) popularised the notion that 'alternative descriptions of a decision problem often give rise to different preferences' (1986: S251). The type of variation in choice behaviour described in these studies occurs despite the fact that 'alternative formulations of the problem convey the same information, and the problems differ from each other in no other way' (Quattrone and Tversky 1988: 735). Yet, contrary to the assumption of invariance that underlies rational theories of choice; alternative formulations of the issues produce predictable reversals in choice behaviour. Such findings raise serious questions about the ways in which decision makers reason. 'There is compelling evidence', Kahneman (1997: 123) concludes, and 'that the maintenance of coherent beliefs and preferences is too demanding a task for limited minds.'

The argument that decision makers' computational capacities are less sophisticated and the task environment more complex than portrayed in standard theories of choice is most fully developed in the work of Herbert Simon. He argues that choices cannot be easily deduced from assumptions about the interests of strategic actors (Simon 1995: 49, 1986: S223, 1985: 297). Instead, the concept of rationality itself must be reformulated to contribute to our understanding of the processes of interest formation. Models of bounded rationality are premised on the simple truth that decision makers can only be rational in terms of what they are aware of. This argument is even more compelling if the models of choice assume that decision makers utilise information in sophisticated ways before choosing a course of action. In contrast to much stronger assumptions of universal rationality, bounded rational decision making theory presumes that decision makers' ability to reason is limited and that information has to pass the 'bottleneck of attention' (Simon 1985: 302). Since attention is scarce, much more so than information in most standard decision situations, information is processed selectively and successively. Incapable or reluctant to compare and evaluate attributes of a choice across multiple dimensions, individual decision makers, just as policy makers, struggle with ambiguities concerning the 'relevance, priority, clarity, coherence, and stability of goals' (March 1978: 595). One way to avoid confusion and trade-offs across different evaluative dimensions is to break down complex and interrelated issues into smaller, more manageable decisions. Yet decision making strategies that factorise choices in such a way



‘work as intended only in a linear and decomposable world’ (Jones 1994b: 49), a condition not frequently met in politics. Based on these assumptions, Simon formulates the ‘design problem’: how to define the contours and the nature of a choice. The design problem stems from two central decision making tasks, complexity reduction and goal formulation, and it involves the simultaneous search for the alternatives and the evaluative attributes of a choice (Jones 1999: 306; see also Jones 2001: 77, 274). If multiple facets of a problem interact, defining the issue is necessarily a highly discriminating process and prone to goal conflicts both at the level of individual choice, and even more so at the level of collective action (March 1994: 139-174). From this perspective, how policy makers perceive a decision problem is thus not only highly consequential. Problem designs are political choices in themselves.

Instead of comparing attributes of a choice across multiple evaluative dimensions in ways that are systematic and stable over time, theories of framing in the tradition of research on bounded rationality hold that decision making is more volatile and can at times appear outright erratic. Despite this, such behaviour is neither irrational nor entirely unsystematic. The ‘focus of attention’, Simon (1987: 355) maintains, ‘is a major determinant of the goals and values that will influence decision.’ Consequently, to analyse (or control, for that matter) the mechanisms of attention direction is the key to explaining or manipulating complex choices. In this theoretical context, the concept of framing refers to the process of selecting and emphasising aspects of complex issues according to an overriding evaluative or analytical criterion.<sup>1</sup> ‘Nowhere’, Simon (1973: 275) contests, ‘is the problem of attention management... of greater importance than in the political process.’ When the focus of attention shifts, some facets of a problem are emphasised or deemphasised, some aspects of a decision are revealed and others ignored. As the representation of the issue changes, so does the perception of what is at stake, and the preferred solutions vary in response. Likewise, in the process of seeking out new alternatives, decision makers routinely come to reassess the relevance of their underlying interests. Which interests are evoked and how salient they appear thus hinges on the frame of reference. ‘Incoming information’, Jones (1994b: 238) elaborates, ‘can either be put into existing frames... or can force a shift in evaluative focus.’ In the latter case, ‘policy issues are not just illuminated by information, they are framed by it. When issues are reframed, often through

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<sup>1</sup> Building consistently on the insights and terminology of Herbert Simon, Jones (2001: 105) arrives at a particularly parsimonious definition of framing as the ‘phenomenon of directing attention to one attribute in a complex problem space.’ The definition of framing used here selectively encompasses elements of those put forth by Entman (1993: 52), Gamson (1989: 157), and Weiss (1989: 118) to make explicit what the concept essentially entails.

the highlighting of a previously ignored evaluative dimension, our basic understanding of an issue shifts' (Jones 1994b: 50).

From this theoretical angle, some issues of practical policy making appear in a new light. Instead of contesting arguments and facts, Baumgartner and Jones (1993: 107) write, 'it is generally more effective in a debate simply to shift the focus.' In stark contrast to argumentative policy analysis or theories of deliberation, framing analysis is essentially concerned with 'noncontradictory argumentation' (Jones 1994b: 182) – much in line with Schattschneider's emphasis on the role of conflict displacement – and places little or no emphasis on reasoning and persuasion. In his writings on heresthetics, Riker (1984, 1986) further elaborates the political implications of framing (see Simon 1985: 302 for a rejoinder). He uses the term heresthetic to describe the manipulation of decision situations to make participants decide as the manipulator desires, despite an initial disinclination to do so. Framing analysis is a central concern of Riker's work on heresthetics. The 'manipulation of dimensions' of a choice, Riker (1986: 150-151) finds, 'is just about the most frequently attempted heresthetic device, one that politicians engage in a very large amount of the time [...] Most of the great shifts in political life result from introducing a new dimension.' Riker's work on heresthetics still serves as one of the most forceful exemplifications of framing effects, but it also highlights potential limits of the theoretical argument with particular clarity. Heresthetic manipulation of issue definitions derives its power from purposefully creating the instability of multi-dimensional choice. 'But herestheticians in the real world', Riker (1995: 34) warns, 'do not have exclusive access to the persons manipulated, nor do the manipulators have exclusive control over information, nor the exclusive right to formulate issues.' As a result, he laconically sums up his findings, 'real world heresthetical manipulation is sometimes successful, sometimes not.' Jones and Baumgartner (2002: 298) raise the same point when they note that multidimensionality in political decision making 'allows policy entrepreneurs to stress one attribute in a policy debate, but other participants are free to try to focus attention on a second, third, or even fourth attribute of the issue.' In mass politics, moreover, dramatic focusing events can impose highly salient evaluative dimensions across policy fields (Simon 1987: 367, Birkland 1998).

In sum, Riker's work illustrates the effects of the framing on choice, but it cannot explain what renders a frame stable and hence consequential in the policy process. As decision makers are frequently left with 'contradictory and intermittent desires partially ordered but imperfectly reconciled' (March 1978: 598), a theory of stable and systematic framing effects in political analysis must

go beyond the level of individual decision making behaviour. Simon's formulation of bounded rationality offers a much richer theoretical picture in this respect because it places shifting evaluative dimensions as moving parts of the explanatory model front and centre and links them back to attention dynamics. Building on these theoretical advances, framing theory in policy research needs convincing theoretical arguments at the organisational and institutional level of analysis to link issue-based conceptions of framing effects to systemic outcomes at the level of the policy making system (see also Baumgartner and Mahoney 2008). The following sections discuss key extensions of the framing argument in theories of the policy process.

## **Issue framing and the policy process**

### **Complexity and compartmentalisation**

Once political decision making acquires the levels of complexity that characterise contemporary national or supranational politics, part of the reason why decision making remains possible at all is that the institutions of the political system process vast numbers of issues and decisions in parallel. The factorisation of choices, in other words, allows policy making organisations to take decisions simultaneously. Governments deal with energy crises, health care reform and urban crime at the same time. In this context, the organisation of political institutions such as administrative departments or legislative committees plays a pivotal role. They shape the perceptions and task environments of the policy makers and thereby channel and reduce the amount of processed information. But as the following discussion will show, policy issues also interact with the legislative and administrative organisation of policy making institutions in more complex way.

The institutionalisation of decision making substantially elevates the capacity of political systems to identify and process problems and solutions. One of the most central effects of organisations in politics is that they enable the parallel processing of a huge amount of information and decisions and thus overcomes the limitations of serial processing, or the 'bottleneck of attention', to borrow Simon's (1985: 302, see above) term. As Allison (1969: 698) notes, 'government perceives problems through organizational sensors. Government defines alternatives and estimates consequences as organizations process information.' In this process, 'institutions often 'solve' what Simon termed the design problem', Jones (1994b: 159) notes, 'they structure situations so as to limit choices to a relatively small number of alternatives, usually doing so by causing participants in the institutions to focus on a limited number of

evaluative dimensions.’ These biases are sustained because organisational units of the political system specialise in obtaining and communicating information that fits their existing perceptions and legitimises their tasks. They reduce uncertainty by forming ‘negotiated environments’ (Allison 1969: 701) and limit the range of considered choices to the ‘recombination of a repertory of programs’ (March and Simon 1958: 150). The perceptions and actions of organisational actors are thus substantially shaped by the context in which decisions are taken. ‘The organisation’, Jones argues (2001: 131) ‘becomes our relevant referent, in effect selecting the attributes that order our decision making.’

Factorisation of choices thus allows policy making organisations to take decisions simultaneously and in quasi-independence. But this ability to respond through the decentralisation of decision making also means that the total system of decisions is factored ‘into relatively independent subsystems, each one of which can be designed with only minimal concern for its interactions with the others’ (Simon 1973: 270). The departmentalisation of choice in organisations means that the focus of attention is ‘a function of the differentiation of subgoals and the persistence of subgoals’ (March and Simon 1958: 152). Since ‘most information relevant to top-level and long-run organizational decisions typically originates outside the organization, hence in forms and quantities that are beyond its control’, Simon (1973: 271) argues, coherence of political choices across organisational domains is difficult to attain. As a result, multi-dimensional policy issues are rarely dealt with in terms of all their potentially conflicting facets, and choices over these policy issues rarely reflect all the potentially conflicting interests to which the issues may give rise. Instead, policy making organisations, such as specialised regulatory committees or functionally organised administrative services, regularly assure that only one or few aspects of an issue are taken into account at any point in time and that choices reflect only a limited set of interests.

## **Institutional venues**

The institutional channels through which political issues are processed are therefore decisive in determining how political issues are decided. They include points of access to policy agendas. But more importantly, policy venues encompass the political institutions that are formally assigned jurisdiction over policy choices. Each policy venue can be analysed in terms of its ‘decisional bias, because both participants and decision making routines differ’ (Baumgartner and Jones 1991: 1047) from one policy venue to the next. In legislative politics, one particular organisational effect in political decision

making is the 'structure induced equilibrium' (Shepsle 1979; Riker 1982). Instead of comparing and evaluating policy choices across multiple dimensions, the organisational basis of politics guarantees that preferences are evoked and ordered by virtue of legislative committee assignment. This way, preference formation generally falls in line with a specific perception of the issues, which in turn depends on the organisational delineation of policy jurisdictions. In sum, Jones and Baumgartner (2002: 299) propose that 'committees often represent, in gross terms, different approaches or perspectives toward the issue: they are institutionalised frames.' The foremost function of policy venues is thus compartmentalisation. Policy venues create stability for most issues most of the time because political decisions are typically taken in relative independence from each other and without reaching an agenda status that calls for the comprehensive reconsideration and coordination of conflicting interests. But when issues rise high on the agenda of political organisations, Simon (1973: 270-271) notes, 'parallel processing capacities become less easy to provide without demanding the coordination function that is a primary responsibility of these levels.' When the upper echelons across a political system address a policy issue, the parallel processing of interests and ideas is interrupted and responsibilities are often rearranged as the result of a more comprehensive consideration of the issue at stake. While the literatures on policy venues and structure induced equilibrium primarily emphasises how the organisational foundation of policy making contributes to more predictable types of interest representation, the reverse logic therefore applies as well. When issues are reassigned, the balance of power shifts dramatically and policy choices often change in response. In short, the change from one policy venue to another can have transformational effects.

From this analysis of political institutions, several implications for a framing perspective follow. Not only can we expect that policy choices typically reflect the organisational biases of the administrative and legislative units of the political system involved in the decision making process. The parallel processing of decisions in politics also reinforces policy frames once they are adopted. Conflicting perceptions that would give rise to diverse interests are typically organised out of the political process. From a framing perspective, 'political institutions serve to sustain attention to particular goals over extended periods of time. In essence, they fix attention on a limited number of aspects of a situation, thereby defining and structuring issues. They do so both by factorising complex decisions and by disempowering coalitions... that would like to change the status quo' (Jones 1994b: 164). As a result, policy frames can become partially self-reinforcing and more likely to remain steady

even under growing pressure from the totality of affected interests. Turning this logic around, when political actors or coalitions contest a prevailing policy frame, the effects of their advocacy will be infinitely stronger in conjunction with a shift in policy venues (Baumgartner and Jones 1991). Framing strategies are hence significantly more likely to succeed if the contesting coalition not only manages to challenge the prevailing framing of an issue in public or political discourse. In addition, it is often crucially important that frame contestation also affects the choice of policy venues in which the issue is being processed. Opportunities for venue change typically arise when issue are high on the political agenda. Once policy issue become publicly contested, administrative or legislative actors and institutions often start vying over jurisdictions and add an organisational dimension to the mere contestation of problem perception. Some effects of policy framing, however, reach beyond the organisational structure of politics. 'Therefore', Peters (2005: 355) points out, 'as we begin to conceptualize the numerous factors that might be utilized to define problems, we need to think about a broad range of variables, rather than confining our attention to those familiar labels of policy areas and government departments.' While both play a role, as the above discussion has set out in some detail, policy framing theory considers the contours of policy fields and the institutional areas that contain them as variables of the policy process, which are themselves subject to pressures and change.

### **Serial policy shift**

Following the logic of parallel processing in political systems summarised above, the choices over most policy issues are made in relative isolation from one another. But when policy issues rise on the political agenda, Simon (1973: 270-271) notes, 'the bottleneck becomes narrower and narrower as we move to the tops of organisations, where parallel processing capacities become less easy to provide without demanding the coordination function that is a primary responsibility of these levels' (see also March and Simon 1958: 150). Here, parallel decision making shifts to sequential, or serial, processing of information as issues are addressed outside their original decisional context. While 'particular decision domains will evoke particular values', Simon warns (1983: 18), 'great inconsistencies in choice may result from fluctuating attention.' New salient dimensions of choice can override the dominant framing of the issues, and times of stable policy choices give way to dramatic change as a result. Jones (1994b: 184-186) refers to this type of change as the 'serial shift' in policy making to emphasise the change in the information processing from parallel, compartmentalised venues to a comprehensive reconsideration of policy issues. When policy issues are re-evaluated and the

focus shifts from one attribute or dimension to another, conflicts cannot be easily contained within the original decision domains. Political systems often react to such inconsistencies by reallocating issue responsibilities or by reorganising or creating new legislative or administrative venues that more adequately reflect the new salient problem perception. While this type of policy shift will often appear erratic, some theoretically derived determinants of greater or lesser political volatility can nonetheless be identified. Depending on the structure of the issue at stake, political consolidation can entail marginal adjustments or take the form of political restructuring. In the case of policy issues that encompass greater numbers of unrelated underlying dimensions, serial policy shifts are more likely and their effects are likely to be more dramatic (see Baumgartner and Jones 2002: 15). When the attention shifts from one evaluative attribute to another, entirely unrelated attribute, the reframing of the issue recasts the conflict in such a way that the existing coalitions easily lose their footing. As a result, the higher the number of unrelated evaluative dimensions that characterise an issue, the more easily the prevailing issue representation can be challenged.

## Summary

Models of bounded rationality (Simon 1985, 1987, 1995; Jones 1994b) and the heresthetic manipulation of decision making (Riker 1986, 1990, 1995) have greatly advanced our understanding of why the complexity of political choice and the limits of rationality render framing critical for the outcome of political decision making. Yet while frames structure choice, frames are not given in a politically meaningful way. Instead, frames are contestable in most political contexts. Conflicting interests remain partially ordered and imperfectly reconciled. There is room and incentive for manipulation. As a result, the scope and nature of framing effects in the policy process requires separate explanations. Sometimes external events cause the overall perceptions of policy issues to change dramatically and result in the reshuffling of policy positions. But politics entails more subtle and frequent forms of framing and reframing, which develop their impact endogenously in the process of policy making. The above discussion has shown how the organisational foundation of politics can structure and sustain emerging policy frames. Framing strategies that reorder jurisdictional responsibilities and translate into the empowerment of specific policy venues thus limit the possibilities of frame contestation and can help to keep framing effects steady, even under increasing pressure for change. Policy framing that manipulates the scope of an issue has been emphasised as a particularly potent mechanism to cause the lines of policy contestation to shift. By defining the scope and applicability of a

policy, issue framing can add or subtract actors and interests, and thereby construct the areas of likely agreement as well as the areas of conflict that shape coalition formation processes.

Finally, issue framing never takes place in a political vacuum. Some dimensions of conflict are more established or more easily evoked than others and different political systems facilitate or predetermine to widely varying extents which system-level conflict dimensions have sufficient force to recast issue framing controversies. In the case of the EU, lacking the clear dimensionality of a stable political space, but with multiple constituencies and a complex system of representation, issue framing can be especially important for our understanding of policy dynamics. Research on EU legislative policy making from diverse theoretical perspectives has essentially converged around the conclusion that it is 'frequently difficult to predict how key actors will align themselves on any given issue or which battle along which cleavage will matter most in determining outcomes' (Peterson 2001: 292-293). Furthermore, the fragmentation of the policy process means 'that the difference between policy issues may be more significant than any similarities at the sectoral, or even subsectoral, level' (Kassim 1994: 21). As a result, Kassim notes, it probably 'make more sense to focus on individual decisions or issues rather than to address broader units of analysis'. Because issues in EU politics rarely enter the political agenda neatly wrapped, as Peters (2001, 1994) argues, these political dynamics are largely endogenous to the processing of policy issues at the supranational level.

## **The framing of EU biotechnology**

### **The creation of a policy field**

When the European Commission concluded its first review of the state of European biotechnology in the early 1980s (European Commission 1983a), biotechnology was found to hold great promise for the industrial and agricultural sectors of the Community. The promotion of European economic competitiveness, in particular in comparison with the United States and Japan, was the foremost objective. In a second, more extensive paper from the same year, the Commission (1983b) furthermore issued the opinion that existing Community law 'will meet current regulatory needs'. Soon, however, competing perceptions over the appropriate nature and direction of biotechnology policy surfaced inside the Commission and manifested themselves in turf wars among different Commission services. After a



succession of internal coordination committees and sub-committees failed to establish common ground, the policy debate took a decisive turn.

In stark contrast to the policy objective of market building and the industrial and agricultural exploitation of the new technology that had been initially advocated by the Commission, by the mid-1980s the 'Community's interest in controlling the possible risks from biotechnology' moved to the centre of the debate (European Commission 1985, 1986). The task of identifying and addressing the Community's stakes in biotechnology from a regulatory perspective became the focus of a Commission inter-service sub-committee under the joint chairmanship of DGs Industry and Environment. Controversy over the question of how to break the complex issues of biotechnology down into manageable pieces and how to define the scope and applicability of the planned regulations dominated the work of the regulatory inter-service committee. The main question was whether to adopt product legislation that sets rules and standards specific to each sector and application, or a horizontal policy approach that would promote common safety standards across a variety of sectors of biotechnological research and application. While DG Industry spearheaded a wide coalition of Commission services that favoured sector-based product policy, DG Environment promoted the more ambitious, technology-based alternative. The Commission's choice among the alternative approaches shaped the policy dynamics for years to come.

In 1988, the European Commission adopted two policy initiatives concerning the regulation of biotechnology research and the field release and marketing of genetically modified organisms (European Commission 1988a, 1988b). Embracing the horizontal approach advocated by DG Environment, the Commission initiatives emerged as some of the strictest laws in international comparison. Procedurally, the policy choices laid the groundwork for extensive, sector crosscutting regulation of the technology as such, largely irrespective of its planned use or area of application. As a result, DG Environment was now in charge of a legislative portfolio that had far-reaching implications for numerous areas of industrial and agricultural activity. Unsurprisingly, the ministers in the responsible Environment Council followed the Commission's call for a strict regulatory approach (European Council 1989, 1990).

As the European Community entered the 1990s, the Commission had used the issues of biotechnology to greatly expand its policy jurisdiction in the area of EU environmental policy. The framing of biotechnology policy as a regulatory issue of environmental and human safety had not only trumped the dominant

economic rationale behind most Community policy-making to date. The new policy outlook had also allowed the Commission to press ahead despite the fact that the majority of member states had initially seen no need for Community-level intervention (Cantley 1995: 550-553). In addition, the reallocation of competences inside the Commission had marginalised some of the Community's most entrenched interests in this policy field. The industries that were most directly affected by the new regulatory framework found their voice only late in the policy process. For the most part, they left the impression of 'interested bystanders' that failed to produce 'any recognizable pattern of political action' (Greenwood and Ronit 1992: 85). The European Biotechnology Co-ordination Group (EBCG), an umbrella organisation of European sectoral associations with stakes in biotechnology, failed to affect the course of events, and the interest organisation withered away shortly after the biotechnology directives were passed into law (Cantley 1995: 537). Only with the creation of the Senior Advisory Group on Biotechnology (SAGB) in 1989 began the representation of the interests of the biotechnology industries at the European level to change. Key industrial players translated their informal communication networks into a more cohesive, sector-crosscutting lobby that could adequately monitor and respond to the policy challenges they faced at the Community level. However, the lobby group was established just months before the safety directives were adopted in the Environment Council, and it entered the fray too late to turn the course of events around.

## **Issue framing and policy change**

While the first battle over biotechnology policy was lost, the new industry group SAGB played a central role in convincing the Commission that the multiple challenges and opportunities of EU biotechnology policy demanded more extensive coordination with a wider set of stakeholders inside and outside the Commission. In response to these calls, the existing committee structure at the Commission level was abandoned, and the Commission Secretary General David Williamson personally took over the chairmanship of the newly founded Biotechnology Coordination Committee. With the portfolio for biotechnology now firmly under the control of the Commission's central political leadership, the tone of the debate changed markedly. A first indication of this change in direction came with the publication of a Commission communication in 1991 on the promotion of industrial biotechnology in the Community (European Commission 1991). Drafted by DG Industry, the communication identified the competitive development of European biotechnology industries to be of 'paramount importance' and heralded its positive effects on European industrial competitiveness across a

wide spectrum of economic activities. In this context, existing market structures in the Community were deemed fragmented and obtrusive. In particular, the newly adopted safety regulations were seen as hampering economic developments. As a result, the communication called for a shift back to product-based, sectoral legislation - the policy approach the Commission had just abandoned in favour of its encompassing environmental safety regulations.

The decisive boost for the new economic focus in EU biotechnology policy came with the adoption of the White Paper on Competitiveness, Growth and Employment (European Commission 1993). Out of only three policy areas explicitly addressed in the so-called Delors White Paper, biotechnology was deemed 'one of the most promising and crucial technologies for sustainable development in the coming century'. To allow for an 'optimum exploitation of these technologies', in particular in the chemical, agricultural and pharmaceutical sectors, the White Paper concludes that a review of the EU policy framework was necessary to establish an 'appropriate regulatory and political environment'. The existing regulatory approach was directly criticised, and the strict safety standards needed to be reformulated so as not to curtail the Community's economic potential as an internationally competitive producer of biotechnological products, the Delors White Paper concluded. Flexibility and simplification of risk assessment and market approvals for biotechnology products were the obvious policy conclusions.

Under the direct leadership of the Secretariat General, the Biotechnology Coordination Committee followed up with a Commission communication on biotechnology policy objectives in light of the new focus on economic competitiveness (European Commission 1994). The communication announced legislative initiatives across the board. A planned regulation on novel foods and food ingredients, a biotechnology patents directive and the revision of the safety directive on laboratory research in biotechnology were identified as policy priorities. In two short passages, the Commission's follow-up communication also acknowledged the role of the European Parliament. The legislative body was taking an interest in the topic, the Commission noted, and it announced that it was 'ready to establish the necessary dialogue on biotechnological issues.'

The political dialogue with the Parliament on issues of biotechnology indeed proved necessary, and more critical than the Commission appeared to foresee in the early 1990s. While the reform of the directive that had established laboratory safety procedures ('contained use') for biotechnological research

encountered few parliamentary obstacles and passed uncontested in 1998 (European Parliament and Council 1998), the European Parliament vetoed the biotechnology patents directive in 1995 on ethical grounds and only passed a revised version of the law after substantial changes. The main cornerstone of the new economic agenda in EU biotechnology, however, was the novel food regulation. It was in the context of deliberating this law that the dynamics of EU biotechnology policy-making would undergo yet another decisive turn.

### **Interim success: the novel food regulation**

The proposed regulation of novel food, including genetically modified food products, was part of the new strategy to exempt products from the strict provisions of the horizontal safety directive by introducing sector-based product legislation. The European Parliament delivered its first opinion on the proposed regulation in October 1993, just weeks before the legislative procedure was changed to the co-decision procedure under the Maastricht Treaty. In its committee report and during the following discussion in Parliament, the most controversial point concerned the issue of whether or not genetic modification of food and food ingredients demanded mandatory labelling.

Shortly after the Commission adopted an amended proposal, the process came to a standstill for almost two years. One year after the Commission had issued a coherent and ambitious follow-up communication on the implementation of the Delors White Paper in the area of biotechnology, divisions inside the Commission resurfaced. Open conflict finally erupted when the Environment Commissioner surprised her colleagues by unilaterally changing a draft decision on the authorisation of a new strain of genetically modified rapeseed to include strict compulsory labelling provisions. With labelling emerging as a contentious issue in the context of the novel food regulation, her decision was seen as undermining the Commission's new objective on easing market regulations. Angered Commission officials observed that 'she is basically on her own' (European Voice, 16 November 1995).

In reality, the split over the issue already went far beyond internal battles between the Directorates-General for Environment and Industry. When the Council adopted a common position on the novel food regulation in October 1995 that substantially went along with the Commission proposal, it was met by strong opposition in the Parliament. In the opinion of the Environment Committee, fast-track authorisation procedures for genetically modified food products that were 'substantially equivalent' to organic food, as envisioned by

the Commission and Council, were rejected outright (European Parliament 1996). Ultimately, the responsible committee found itself in complete disagreement with the notion of product legislation as such. Taken together, the proposed parliamentary amendments practically eradicated the main difference between the regulatory approach of the original safety legislation from 1990 and the product-based approach envisaged in the Commission proposal for a novel food regulation. In defence of these wide-ranging changes, the rapporteur reiterated that her committee had taken on the issue of biotechnology 'in all the crucial areas where the Council of Ministers failed to deliver a proper common position in the interests of Europe's 370 million consumers' (European Voice, 7 March 1996). Given the parliament's recent veto of the biotechnology patents directive in 1995, a renewed standoff between Parliament and the Commission seemed increasingly likely. But the political dynamics had changed.

During its 12 March 1996 session, virtually all of the forty-eight amendments recommended in the report by the Environment Committee were defeated in the plenary and only a single amendment passed the floor vote without further changes. The majority of the assembly decided to follow the Commission's approach and equally disregarded the environment committee's calls for more extensive food labelling provisions (European Information Service, 16 March 1996). After parliamentarians backed down from further regulatory demands in conciliation, the law was passed in January 1997 (Agence Europe, 10 January 1997 and 21 January 1997).

### **Food safety and consumer protection**

Alongside the publication of the novel food regulation in the Official Journal, the Commission issued a supplementary statement proclaiming that 'should it appear, in the light of experience, that there are gaps in the system of protection of public health provided for by the existing legal framework, [...] it will formulate appropriate proposals in order to fill those gaps' (Agence Europe, 18 February 1997). In the opinion of an increasingly well-connected set of actors on the European level, the mere existence of product legislation with safety standards only similar to the horizontal biotechnology legislation from 1990 was evidence of exactly such gaps in the area of public health and environmental protection. After the fight over the novel food regulation was lost, the key to closing this gap was the revision of the original directive 90/220 on deliberate release from 1990, which was already under way at the time.

Because of the directive's massive regulatory scope, the reform of directive 90/220 was the linchpin of the Commission's entire biotechnology policy agenda, and specifically of the Commission's ability to create a more coherent and industry-supportive regulatory framework. The review of the law (European Commission 1996) set out ways in which the directive could become more flexible in scope and procedures so as to facilitate the economic objectives of the Delors White Paper. Yet after extensive preparation to revise the biotechnology safety law and implement the new economic agenda in the area of biotechnology, it was the side issue of labelling which catapulted directive 90/220 back onto the political stage. The question of labelling provisions turned into the 'watershed issue' (Toke 2004: 153) of EU biotechnology policy. Because of the debate it triggered, the economic rationale behind the Commission's biotechnology policy, as set out in the Delors White Paper and reiterated in numerous follow-up reports, would eventually unravel.

With the novel food regulation adopted but not yet in force, the patchwork character of the labelling requirements under EU law, and the inconsistencies of the novel food regulation and the original directive 90/220 in particular, became increasingly difficult to sustain. 'The Commission's most pressing task', one observer noted at the time, 'must be to decide who is in charge of the GMO issue' (European Voice, 29 May 1997). In the light of increasing politicisation, the inter-service Biotechnology Coordination Committee inside the European Commission had lost its sway over the policy formulation process. Its meetings were convened less and less frequently. After holding eight meetings in 1992, the number was down to six in 1993 and 1994, then three, two and finally one in 1998. In addition to the already divisive atmosphere between the different Commission services, Parliament's persistent scrutiny of their respective activities led to an almost complete breakdown of effective internal communication. 'Coordination across services had become simpler,' one senior Commission official remarked, 'because it had become impossible' (Interview, European Commission, March 2005).

As the proponents of the economic agenda inside the Commission struggled to implement their policy outlook across the existing patchwork of biotechnology regulations, the Environment Commissioner seized the opportunity by linking the emerging issues of food safety and consumer choice more and more closely to the planned revision of the original safety directive 90/220. In an attempt to stem the tide, Commission President Santer personally took over the task of policy formulation and drafted a policy paper on the labelling of food products. Santer's paper drew heavily on language from the novel food

regulation and input from DGs Industry and Trade. But when the paper was put to a vote before the College of the Commissioners, the President of the European Commission was outvoted. A counter proposal won the approval of the Commissioners (European Voice, 29 May 1997). Drafted jointly by the DGs for Agriculture, Environment and Consumer Protection, the counterproposal went far beyond the provisions of the novel food regulation and called for the complete separation of genetically modified from traditional food, as well as much stricter labelling rules. If adopted, one Commission official commented, it would make the core provisions of the novel food regulation 'obsolete only two months after coming into force' (European Voice, 17 July 1997). The policy paper, appropriately called the Commission's new 'general orientation' on labelling, was adopted on 23 July 1997 (Agence Europe 25 July 1997). Advocates of the economic frame in EU biotechnology, who had just secured a hard-won victory with the adoption of the novel food regulation, were largely locked out of the following decision-making process, and stood by and watched as subsequent Commission policy decisions were drafted in unusually stringent regulatory language. After a wrenching legislative procedure that had spanned almost five years, everything was up for grabs again.

Competing political pressure from interest groups that had dominated the early years of policy-making was still a factor as the revision of the safety directive got under way. Towards the end of the 1990s, however, the political dynamics of biotechnology policy revision had slowly taken on a completely new direction. Throughout the Union, food retailers started to adopt their own labelling policies and worked on the technical possibilities of detecting the presence of genetically modified food ingredients at levels as low as 0.1 per cent (European Voice, 28 October 1999). With many of their demands, such as the call for extended labelling provisions, retailers were not alone. Instead, their positions were now often identical with the positions taken by European consumers advocates, primarily voiced by the European Consumers' Organisation (BEUC), which serves as an umbrella organisation for the primary national consumer associations of the Unions (see Toke 2004: 184-185). In March 1999, five of Europe's largest supermarket chains finally announced in a joint press conference that they had founded a consortium to buy foods completely free of genetically modified ingredients in order to market them under their own labelling scheme (European Voice, 25 March 1999). 'Our policy is freedom of choice for our consumers', explained the secretary-general of the EU retailer's lobby Euro-Commerce, 'and that obviously means clear labelling [...] We need a lead from the lawmakers on this. We need a clear definition' (European Voice, 18 March 1999). As the future of further

authorisations of genetically modified organisms for agricultural use and marketing in the EU remained uncertain, and as retailer and consumer took an increasingly hesitant stance towards food products based on modern biotechnology, the number of experimental field releases of already authorised organisms in the EU began a steep decline.

Against this backdrop, the Environment Commissioner slowly transformed the focus on environmental and human protection into an economic argument. The official line or reasoning became that only the most stringent regulations could revive the confidence of consumers and the public. After years of highly public political conflict, even the proponents of the economic frame had to concede that their demand for deregulation would only fuel public skepticism and further inhibit the possibility of reaping economic benefits. Now, more stringent safety regulations were seen as the only hope of restoring consumer confidence and creating a European market for biotechnology products. As a corollary of this shift in policy issue definition, the biotechnology industry was politically disabled. Only one year after the Industry Commissioner had fought to avoid mandatory labels for genetically modified food and pushed through rules that exempted genetically engineered food products from full risk assessments and authorisation procedures, the interests he had claimed to represent now practically rested their case. Recalling a meeting convened by DG Environment with environmental interests and biotechnology industry representatives, one Commission official summarised the position of the industry lobby with the words: 'We will play by your rule book. You just tell us what you want, and we will comply'. 'The pressure on us', this Commission official recalls the policy process 'came from the NGOs. And if there had been a bit of pressure from industry, it might have changed things. But there wasn't' (Interview, European Commission, March 2005).

### **Revision of the EU biotechnology framework**

Six years after the Delors White Paper, the same biotechnology policy issues were placed yet again at the centre of a major Commission policy document, the White Paper on Food Safety (European Commission 2000). In response to the shift in the framing of the policy issues, the Commission had also reorganised institutional responsibilities for food policy in the EU. The renamed Directorate-General for Health and Consumer Protection (SANCO) assumed part of the regulatory oversight (European Commission 1997a). DGs Agriculture and, to a lesser extent, Industry were stripped of parts of their portfolios.



The new White Paper addressed every aspect of food production and marketing (European Commission 2000a: 3) and announced, in the words of the responsible Consumer Protection Commissioner, 'the most radical and far-reaching ever presented in the area of food safety' (European Information Service, 15 January 2000). EU biotechnology policy issues, many of which had been contested in the legislative arena for the better part of two decades, were now integrated into an EU agenda that focused on transforming EU biotechnology policy 'into a proactive, dynamic, coherent and comprehensive instrument to ensure a *high level of human health and consumer protection*' (European Commission 2000: 8, original emphasis). Safety and protection, the Paper established in the very first paragraph, 'must always take priority'. Even the environmental dimension of biotechnology policy, along which political alliances had formed and at times transformed the distribution of power across EU institutions, was reduced to a policy consideration that merely played a role 'in addition' to what the issues were really about: 'to protect and promote the health of the consumer' (European Commission 2000: 1). The battle inside the Commission was over.

Striking while the iron was hot, the Environment Commissioner, with only slight delay, fulfilled her promise to provide an early draft of a proposal for the revision of biotechnology safety directive 90/220 (European Commission 1998). The proposal included extended authorisation procedures for genetically modified organisms such as plants and seeds, time limits on initial product approvals, extensive labelling provisions, and mandatory monitoring of products after they enter the market. Statements clarifying the scope and status of the directive established it as the principal source of EU law in this area, thus preventing later product legislation to bypass its regulatory standards (European Commission 1997b, see also European Commission 1998: 6-7). Testifying to the confidence with which the Commissioner entered the formal legislative deliberations over one of the most contested and turbulent policy areas in the EU at that time, the accompanying press statement trumpeted the news of extensive consumer protection and enhanced protection of human health and the environment (European Commission 1997b). The proposal for a directive revising the original directive 90/220 on the deliberate release of genetically modified organisms (European Commission 1998) was formally adopted on 23 February 1998.

Despite the already far-reaching provisions foreseen by the draft, the Parliament was quick to discard the Commission proposal as an insufficient and incoherent mix of 'so-called concessions' (Agence Europe, 26 February 1998) and called for ever more stringent regulatory measures. The responsible

committee's report eventually proposed changes based on a stunning 188 amendments tabled by its members. This time, the assembly adopted the report with only a few changes (European Parliament 1999). Pushed forward by a Parliament bristling with self-esteem, the responsible DG Environment began work on further tightening the directive and seeking ways to expand the scope of the regulatory framework. 'There was no competing with that from the other DGs that might have been disposed to fight it', a Commission official recalled, 'Research, Industry and Agriculture and Trade were essentially silent' (Interview, European Commission, March 2005). Adding growing political pressure on the Commission to resolve the issue of biotechnology regulation conclusively, the Council during its 24-25 June 1999 meeting of Environment ministers reached agreement on the dramatic step of declaring a *de facto* ban on all approvals of genetically modified field releases and their marketing until a new encompassing biotechnology framework had been adopted.

After remaining disagreements had been settled in conciliation, Parliament and Council voted to adopt the last changes on 14 and 15 February 2001 respectively, and signed the text into law on 12 March 2001 (European Parliament and Council 2001), repealing the original safety directive 90/220. In comparison to the piecemeal character of all preceding EU regulations in this policy area and judged against the standard of most EU law, one expert from the Commission's Legal Service observed that the safety regulation included in the law 'can be considered to have achieved a level of harmonization that is nearly complete' (Christoforou 2001: 671). Two follow-up laws on the risk assessment, authorisation and monitoring of genetically modified food and feed, as well as on the traceability and labelling of genetically modified organisms were adopted by Parliament and Council two years later (European Parliament and Council 2003a, 2003b), completing the new regulatory framework.

The day the two follow-up laws were adopted, Consumer Protection Commissioner Byrne issued a joined statement with Environment Commissioner Wallström. 'European consumers can now have confidence', he was quoted in the Commission press release, 'that any GM [genetically modified] food or feed marketed in Europe has been subject to the most rigorous pre-marketing assessment in the world' (European Commission 2003a). The adoption of the revised, extended and substantially more stringent biotechnology safety directive 2001/18, which replaced the original law from 1990, as well as the adoption of extensive follow-up legislation, had cemented the new policy frame of consumer protection. All ground gained in the interim

period as part of the Commission's original economic competitiveness agenda was lost. 'The reframing [of EU biotechnology policy] in terms of the Delors White paper', one senior Commission official remarked in summary of the political developments, 'has totally failed' (Interview, European Commission, March 2005).

## **The Architecture of a Policy Conflict**

### **Framing and reframing**

The first step of solving the puzzle of EU biotechnology policy is to understand its unusual potential for policy reversal. Over the first ten years, the Commission's agenda in biotechnology shifted from environmental safety regulation to an economic policy approach with little concern for the rationale or legitimisation of the Commission's own past initiatives. As the analysis of the earliest Commission communications on biotechnology has shown, this twofold emphasis on the issue dimensions of economic competitiveness versus environmental safety prevailed from the very outset of policy-making. The advocacy of the two policy frames continued to highlight mutually incompatible interests at stake in the issue and facilitated conflict dynamics that proved increasingly volatile. Everything from the appropriate overarching structure of the regulatory approach to the actual provisions of the laws depended directly on the respective frame of reference. Because of the structure of the policy conflict, any brokered compromise was hence unlikely to emerge. Faced with incompatible perceptions and interests, the Commission's only way forward was to choose one frame over the other. Initially, that choice was to pursue biotechnology safety regulation, a decision that allowed the Commission to vastly expand its new competences under the environmental chapter of the Single European Act.

Yet, how did the Commission succeed in sidelining the respective opposition, both internally and externally, throughout the initial legislative process? Why did the environmental safety frame work? Following Baumgartner and Jones (1991, 2002), the analysis takes a broader look at the interplay of frame conflicts and the organisational foundations of EU politics. This approach allows addressing questions of how issue definitions affect the contours and allocation of policy jurisdiction, the choice of appropriate institutional channels, and the applicable rules of decision-making. Concurring with Baumgartner and Jones, this study finds that the institutional channels of decision-making, or policy venues, played a pivotal role because each venue exerted a bias, both in terms of the dominant policy outlook and in terms of

the set of actors that were empowered to take decisions (e.g. Baumgartner and Jones 1991: 1047). This framing argument thus highlights that the definition of issues during the policy formulation stage can affect institutional determinants of policy-making by influencing the administrative and legislative allocation of responsibility. From this perspective, the organisational structure of government can be seen as a set of powerful intermediary factors acting upon policy outcomes or, as Baumgartner and Jones (2002: 4) summarise the theoretical point, 'institutions are fundamentally endogenous to the policy process.' As noted above, when the safety dimension became increasingly dominant during policy deliberations, DG Environment was assigned the co-chairmanship of the regulatory subcommittee BRIC. As a result of the subcommittee's influence over the drafting process, the new policy frame became institutionally entrenched for the first time. The shift of emphasis away from the criterion of economic competitiveness gained additional force with the Commission's decision to propose horizontal legislation to the Environment Council, which was the single decisive legislative body at that time. Unsurprisingly, the ministers in the Environment Council proved perceptive to the Commission's chosen policy outlook. As an institutional venue of decision-making, the Council sustaining the initial momentum, and the Commission successfully pushed for the adoption of a strict and encompassing regulatory approach.

Shortly thereafter, however, the advocacy of new problem perceptions inside the European Commission resulted in a redefinition of the issues at stake. In response, policy venues shifted yet again. The same mechanisms that had previously shielded environmental safety legislation from challenges launched by disenfranchised proponents of industrial biotechnology now exerted the reverse effect and facilitated an abrupt policy shift (see Baumgartner 2007: 484). In the case of EU biotechnology policy, this is what happened with the adaptation of the Delors White Paper and the move by the Commission President to reverse biotechnology regulation by way of product-based legislation drafted by DG Industry. The same two issue dimensions were still characteristic of the political conflict over biotechnology policy during this period, just as the advocacy for both frames all but ceased after the reframing of the issue. In contrast to the first phase of framing, however, the economic dimension now dominated, and with the new salience of the economic rationale of policy-making a new set of actors and interests took centre stage.

The relevance of this line of argument for the case of EU policy-making clearly derives in part from the special role assumed by the European Commission in legislative decision-making, in particular its prerogative of policy initiation. At

the same time, this fact only underlines the original empirical puzzle, as it would seem to indicate that Commission choices at the earliest stages of policy-making leave the advocates of alternative policy options without the political access or institutional leverage necessary to contest the initiatives effectively. But in the case of the economic reframing of EU biotechnology policy, after the novel food regulation passed, the tide turned rapidly. The Commission clearly failed to oppose counter-framing attempts and eventually lost control over the policy process. How did the policy dynamics that characterised the last phase of policy-making differ? What accounts for the failure of the reframing strategy?

### **Framed by public opinion?**

In explaining the Commission's failure to reframe biotechnology, public opinion has been widely ascribed the role of the 'joker in the pack' (Cantley 1995: 656). According to this argument, had it not been for the outbreak of BSE (bovine spongiform encephalopathy) and other food-related scandals over the course of the 1990s, the strategy of the Commission to reframe biotechnology in terms of its positive effects on Europe's economic competitiveness might have prevailed. While the link between traditional food scandals and the regulation of EU agricultural biotechnology is less than straightforward, these external events may nonetheless have caused political dynamics that ran counter to the Commission's intentions. This analysis, moreover, seems easily substantiated. Public support for genetically modified crops and food was dwindling throughout the period of deliberation over the reform of EU biotechnology policy. In the years from 1996 to 1999, when the BSE crisis shook Europe's food sector, support for genetically modified food across Europe dropped from 45 to 36 per cent, while outright opposition rose from 39 to 52 per cent (European Commission 2003b: 16). Contrary to this line of reasoning, however, a look at the chronology of events indicates that the effect of the BSE crisis on the eventual failure to reframe EU biotechnology policy did not seem decisive at all. The advisory committee of the Creutzfeldt-Jakob Disease surveillance unit at Western General Hospital in Edinburgh revealed that BSE had apparently jumped to humans on March 20, 1996. This was ten months *before* both Parliament and Council adopted the novel food regulation under the co-decision procedure. The very law that was the centrepiece of the new economic agenda in the area of agricultural biotechnology, and that was heavily criticised at the time for allowing biotechnological food products to bypass the safety standards set up by the original regulatory framework, was hence adopted by both chambers of the EU legislature just around the time

when the food scare in the EU peaked and pictures of smoldering cattle could be seen on television screens across the Union.

It therefore appears unlikely that the food scare of the 1990s was the decisive external factor that powerfully overrode all other political dynamics and cancelled out the Commission's agenda-setting power at a critical time. Short of providing strong evidence of a direct effect on the eventual failure of the European Commission to reframe biotechnology policy, changes in public opinion can instead be integrated from a framing perspective and their effects endogenised. This interpretation would place emphasis on the translation of external factors into political dynamics already at work at the supranational level and ask how they were transformed, rather than superseded. The argument will be taken up again below, in the context of my concluding comments on EU issue expansion.

### **Sidelined by institutional reform?**

Just as external events could have decisively intervened in the course of events, the changes in the institutional decision-making rules in the EU over the period included in the empirical analysis might have affected the Commission's ability to successfully frame policy initiatives. Over the course of the first two decades of EU biotechnology policy-making, the formal role of the Parliament grew with every treaty revision. The view that the new codecision procedure, introduced by the Maastricht Treaty in 1992 and simplified and extended by the Amsterdam Treaty in 1997, diminished the Commission's influence over EU policy-making is widespread (e.g. Tsebelis and Garrett 2000), and the legislative Commission's demise could easily be counted as sufficiently strong effect to blur the analysis of independent framing effects in a cross-case comparison of law-making before and after the procedure's introduction. Furthermore, the claim that the rules and reforms of inter-institutional decision-making in the EU make all the difference has particular plausibility in the case of biotechnology legislation, the policy field in which the European Parliament used its veto power to block the adoption of biotechnology patents in 1995 (Rittberger 2000). But were the framing successes of the Commission in fact limited to those legislative initiatives that could be pursued without substantial involvement of the European Parliament? In other words, did the increase of policy oversight and political competition caused by these fundamental institutional reforms transform the European political playing field in such a way as to diminish or even eliminate the scope for policy framing as a viable policy-making strategy? It seems they did not.

A straightforward institutional explanation of the reform of EU biotechnology policy falls short of meeting even the most obvious tests. Again, the novel food regulation serves as case in point. The law was adopted in 1997 under the co-decision procedure. The Parliament had long since used its veto power and established itself as a co-equal legislature together with the Council. When the Commission presented the novel food regulation, the members of the European Parliament were therefore presented with the chance to sink the Commission's new biotechnology agenda right from the start. Yet instead, the novel food regulation passed the European Parliament largely intact and the advocates of a less rigorous regulatory framework secured a substantial (albeit short-lived) legislative victory.

As noted above, the empirical case in fact reveals strong effects of policy reframing on the votes in the Parliament. The responsible environmental committee, in outright opposition to the new law, continued to advocate the original safety frame and attempted to block the passage of the novel food regulation in the form in which it was later adopted. But the committee was outvoted in the plenary. This must surprise even more since party politics, in addition to the committee's recommendation, would have indicated early opposition to the Commission initiative. The social democrats still formed the strongest group in Parliament at the time, provided the *rapporteur* who handled the legislative file in the case, and they traditionally allied with the Green group on biotechnology issues. Yet not even the intense lobbying by the environmental interest groups that had successfully established contacts with the Parliament during the biotechnology patents campaign in the same period, nor the last minute attempts by the members of the Green group to assemble enough votes for a renewed veto effort, managed to offset the policy dynamics. The plenary voted in line with the Commission's point of view that deregulation and economic interests had to take precedence over environmental safety concerns. Until the end, the environmental committee tried to stem the tide, but the Commission's reframing strategy had successfully eroded the committee's control over the issue and its backing in the assembly. The reframing strategy of the Commission thus proved robust enough to survive the reformed setup of EU legislative politics and to undermine the responsible committee's control over the plenary vote. Codecision, in short, was not the problem.

### **Issue expansion in EU policy-making**

Clearly, the policy agenda of deregulation and proactive market creation in biotechnology had caused fierce resistance among environmental interests.

But while this opposition had failed to stop the process of biotechnology reform in the wake of the Delors White Paper, the policy conflict expanded dramatically when the issues were pushed back on the agenda of the College of the Commissioners by open internal conflict over food labelling schemes. In the process, the architecture of the policy conflict itself began to change.

Just as 'every change in the scope of conflict has a bias' (Schattschneider 1960: 4, see also 1957: 942), in this case the new lines of policy contestation united a previously unrelated set of actors and interests in common advocacy of change. Faced with a growing alliance of adversaries, the reframing of biotechnology as an issue of consumer protection furthermore disabled the effective advocacy by the biotechnology industries. Instead of contesting the economic rationale of EU biotechnology reform, the advocacy of the new focus on consumer protection integrated the economic issue dimension into its problem perception. Until now, the primary concern of biotechnology advocates had been to harmonise product legislation, lower the regulatory burden associated with product authorisations, limit mandatory risk assessments for new genetically-modified products both procedurally and substantively, and generally seek the legal certainty necessary to encourage investment in the new technology. While all of these concerns were still important in the mid and late 1990s, and while they were far from resolved in the industries' favour, the question that had become most pressing was marketing. Agricultural biotechnology industries needed to win over the consumers in order to make the technology profitable. Correspondingly, consumer protection replaced environmental safety as the rationale behind the calls for ever-tighter regulatory standards and a wider scope of EU biotechnology legislation.

Following Schattschneider's logic, not the frontal attacks by opposing political camps that characterised the course of EU biotechnology until the late 1990s settled the issue, but the displacement of conflict that resulted from the introduction of consumer protection as the new frame of reference. In a remarkable twist of events, this framing strategy turned the biotechnology industries' own interests against themselves and used them as justification for the specific regulatory policy approach they had originally set out to overcome. Both the Parliament and the proponents of stricter biotechnology regulation inside the Commission skilfully used the decline in consumer support for agricultural biotechnology to transform the long-standing policy conflict to their advantage, expand its scope and legitimise sweeping regulatory reform under a new policy frame. Towards the end of the 1990s, the biotechnology industry lobby practically rested their case. The result was a complete defeat of the policy objectives expressed in the Delors White Paper.



## Conclusions

The above analysis has argued that a focus on the architecture of the policy conflict, the framing of the issues and the structure of the policy venues greatly help in explaining the policy dynamics. Yet the dramatic, rapid and repeated transformation of the policy debate still remains puzzling. The concluding discussion takes a closer look at some of the features of the EU political system that contribute to these outcomes.

As the empirical analysis shows, the fragmentation of the EU policy process counteracted mechanisms of policy coordination and conflict consolidation. Different Commission services not only processed issues from their respective policy area independently from one another. The Commission also processed individual issues from the same field of policy making simultaneously in different DGs and often two or more competing DGs processed the very same issue at the same time. While a multiplicity of institutional venues was vital for the Commission's ability to reframe the biotechnology debate, its prevailing tendency to decompose into competing organisational arenas as soon as issues rose higher on the EU agenda also counteracted the Commission's pursuit of a single coherent line of action. Coordination across the Commission services failed repeatedly, illustrating the difficulties in overcoming framing differences through bargaining, argumentation or evidentiary policy discourse.

Quite in contrast to the many possibilities for new issues to enter the EU agenda through vertical venue shopping, the opportunities to settle policy conflict by reassigning policy responsibilities at the supranational level through horizontal venue shopping are often more constrained. 'For any given piece of legislation', Jupille (2007: 303) points out, 'actors are not free to choose or... to design the legislative procedure that suits them. Instead, the treaty links institutions to 'issues' by attaching specific procedures to specific policy areas by way of an empowering provision or legal basis'. Sheingate (2000: 357) equally concludes that 'institutions in the United States create more opportunities for strategic venue change' in comparison to the jurisdictional allocation of issues in the EU. Partially as a result, EU policy fields frequently consist of a multitude of disparate measures, taken under different voting rules and placed under the purview of different legislative and administrative actors. The consequences of this decision making structure, Majone (2002a: 377) notes, is a 'rather excessive fragmentation' of the policy making process. But while many competing and overlapping jurisdictions ensure the persistent influx and circulation of diverging policy perceptions and demands, the

system does not always offer easily available mechanisms of central coordination and prioritisation. Instead, the initial openness of the EU policy process and the many opportunities to access the EU agenda through vertical venues contrast with the more rigid fragmentation of responsibilities at the supranational level. Rather than working to counteract the destabilising effects of institutional fragmentation, students of EU interest intermediation increasingly confirm that the shifting tides of EU policy reverberate far beyond the administrative and legislative arena. 'EU lobbying is characterised by institutions seeking out and, in some cases, funding private and public interests' Coen (2007: 336) notes. 'In such complex policy surroundings, EU interests continually re-align on policy' (2007: 340).

In sum, while the political motivations and the institutional possibilities to seek out, create and sustain conflicting pressures in EU policy making seem particularly abundant, the mechanisms of consolidation are formally weak and comparatively erratic. Given the EU's multiple constituencies and complex system of representation, whose perceptions and demands should be reflected always remains contentious. At the same time, 'populist policy equilibria' (Jones 1994b: 158, 174-175) that reflect mass preferences over policy issues are notoriously difficult to seek out at the supranational level. It can hardly surprise that EU politics is frequently characterised by 'rapidly shifting policy agendas' (Peters 2001: 85) but remains searching for its policy equilibrium in many areas (2001: 80). As the case of biotechnology has shown, the EU policy-making system proved exceptionally effective in creating a multidimensional conflict space at the supranational level. It was less effective in containing or ordering the conflicting dimensions once they had become salient. The resulting fragmental policy dynamics deviate markedly from the more common patterns of punctuated equilibria found in comparative policy research.

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