

Food safety governance and social learning: The Spanish experience

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Abstract

This paper analyses the significance of regulatory governance in the food safety system in the context of a European Union member state with little track record of public participation in administrative decision making. The recent introduction in Spain of regulatory governance in the food system (characterized by actor participation, increased transparency and partial independence from government) was induced by European legislative mandate, rather than being the result of a clear local social demand. Social actors are not necessarily prepared to assume the roles the legislation expects of them. However, regulatory governance, instead of being the result of a process of social learning, may in turn start social learning, with the concomitant changes in actors' values and demands.

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1. Introduction: regulatory governance

Profound changes have taken place in recent years in regulatory systems related to technology, environment and consumer safety. In many cases, decision making, which for decades had been based on government-mandated top-down policy making and scientific expertise closely focused on policy making needs (regulatory science), can now be described by the term *regulatory governance*. Regulation has begun to open up to a wide variety of social actors. Decision making is becoming more participatory and transparent, with increased public access to relevant information. The social actors involved with such regulatory processes tend to act in pluri-centric self-organizing networks that combine public and private organizations and can act with more or less independence from government and public administrations.

Regulatory governance can be characterized by the predominance of negotiation, manipulation of information or alliance formation in actor communication and interaction

(as opposed to the reliance on structures of command and control). In other words, the emphasis is more on *processes* of governing than on *structures* or hierarchies of government (van Kersbergen & van Waarden, 2004). In fact, structure – instead of being given – is seen to emerge from such regulatory processes, through the interaction of the different actors. In that way, networks of social actors characterized by governance may be likened to ecosystems (where the flow of financial and other resources would be equivalent to the ecosystem's energy flows, socio-political factors to physical factors and social actors to living organisms whose activities are mediated or shaped by those factors: Muñoz, Espinosa de los Monteros, & Díaz, 2000). In such systems, organization (hierarchy) emerges from the interaction of the diversity of organisms. In fact, since in regulatory governance the decisions are a result of the interaction among all the actors, it is generally unlikely that any one actor be able to impose their view. The outcome is more likely to depend on the state of the network of actors at a specific moment.

These changes in decision making, which environmental and technology-related legislation and regulation are gradually adopting, can be traced back to factors like the

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growing complexity of technological systems or the ongoing reorganization of public administrations in terms of efficiency. However, for the most part they are the result of profound transformations in the social structure and of individual values in highly industrialized society. Citizens' demands for participation and public information have grown constantly, along with the importance of civil society. At the same time, citizens' trust in regulatory decision making and scientific expertise as a privileged basis for policy has decreased. In this, the publicly perceived lack of experts' independence from policy makers and their questioned ability to take account of uncertainty in regulation (Funtowicz & Ravetz, 1993) played an important role, particularly in the European Union (EU) (EC, 2001b, 2003).

One of the main drivers behind these changes has been the accelerated politicization of many aspects of daily life ("life politics": Giddens, 1990), as well as a process of detraditionalization and individualization (Beck & Beck-Gernsheim, 2002; Pérez Sedeño, 2001). Both are part of the "reflexive modernization" of industrial society (Beck, 1997). Increasingly, individuals are forced to negotiate and decide on fundamental aspects of their lives (and biographies) without being able to recur to tradition or local culture. Today, in fact, people have to take decisions (and justify those before themselves and others) on very basic aspects of their day-to-day lives. For instance, characteristics of food, like its origin, composition or production, cease to be "natural" (i.e., given by customs or culture) and become subject to questioning and election, even without the occurrence of any food crisis (Marsden, 2000).

In addition, in today's industrialized societies many of the citizens' preoccupations (and occupations) become related to industrialization's "side-effects", like technological accidents, profound environmental and social changes, or the growing perception of risk (see, for instance, EC, 2005a). The virtual impossibility of eradicating such effects, given that they originate in the institutional structure of highly industrialized society itself (Ravetz, 2003), contributes to the loss of citizens' trust in regulatory systems. At the same time it defines and mediates the new spaces for public action which reflexive modernization is opening up for individuals in these societies.

Beck and Beck-Gernsheim (2002), in fact, argue that it is precisely the new space for self-organization, as well as the culture of the self opened up by individualization (and not just the perception of ecological crises or technology's intractable "side-effects") which is driving the new political dynamics related to technology and the environment. The citizens' political action is moving from more traditional mechanisms of democratic participation, like voting or party membership, to new expressions and places of participation: issue-specific civil action, non-governmental organizations (NGOs), etc.

Facilitating the participation of a diversity of actors in decision making, improving public access to regulatory information or making regulatory bodies more independent of government can be seen as the regulators' direct answer to such social demands. Regulatory governance

may facilitate the expression of these new collective and individual values in and by regulation itself, as well as ease the growing questioning of society's ability to deal with the effects of industrialization (Echeverría, 2003). At the same time, regulatory governance constitutes an effort of regaining public trust in regulatory decisions and scientific expertise, as well as channel public resistance to new technologies (like genetically modified food).

Decision-making processes, which in one way or the other show characteristics of regulatory governance, have recently been introduced in fields as diverse as environmental management (Lane, 2003), drug policy (Wälti, Kübler, & Papadoulos, 2004) or research and development policy (Edler, Kuhlmann, & Behrens, 2004). One of the areas in which such decision-making processes have been applied on a wide scale is the regulation of the European food safety system (Berg, 2004; Macfarlane, 2002; Phillips & Wolfe, 2001).

As these examples show, regulatory governance is being used mostly in countries which show a history of social protests in relation to issues of science, technology and the environment and have a strong and organized civil society (as well as some experience with participatory decision making). However, so far it has found little application in countries like Spain (an EU member state) in which citizen participation in regulatory decision making is uncommon, civil society weak and protests related to science and technology limited to very specific issues and cases (López Cerzo, Méndez, & Todt, 1998).

The aim of this paper is to elucidate, in the case of food safety, what regulatory governance means in a context like the Spanish one. The recent introduction in Spain of organized and encompassing regulatory governance processes (characterized by public participation, increased transparency and partial independence from government) was induced by EU legislative mandate, rather than being the result of a clear local social demand. Especially important here is the question as to the role of the social actors, particularly from civil society, given that they do not possess much practical experience with participation in regulatory decision making nor show a strong demand for it.

The analysis was based on research interviews (conducted between June and November of 2004) as well as relevant documents, including legislation. The interviewees were selected because of their profound knowledge of the food safety system in Spain, before and after the regulatory changes took place. They included representatives from consumer organizations, trade unions, industry organizations as well as scientific experts and public managers. While most of the interviewees are directly participating with the current food safety system, some were chosen because they are not represented in the Spanish Food Safety Agency.

2. Food safety

Food safety is one of the first examples of a complete regulatory overhaul based on the systematic application of

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