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Policy-Making in a Context of Contested Paradigms

The Advantage of Paradigmatic Contestation? How the European Commission 'Sold' CAP Reform

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Abstract

Paradigmatic contestation is likely to result in uncertainty in the policy making process due to the lack of a clear set of dominant ideas to guide policy formulation and implementation. This paper argues, however, that paradigmatic contestation can also be advantageous for policy makers when they legitimate and 'sell' their preferred policies to different audiences. This is particularly the case when the different policy paradigms are not completely incommensurate in the sense that they may aim for different policy objectives, but by means of potentially similar policy instruments. In that case similar policy solutions may fit with different policy paradigms and can thus be justified in different ways, broadening policy maker's available array of legitimating discourses.

Three different policy paradigms have dominated the agricultural policy arena in the European Union. One did not neatly follow the other chronologically, however, and newer paradigms have not completely discarded older ones. After World War II, in a period of food shortages, the 'dependent agriculture' paradigm surfaced as the dominant set of ideas guiding the development of the Common Agricultural Policy (CAP). This paradigm emphasizes farmers' contribution to the national interest by providing a sufficient and safe food supply and claims that the price mechanism is a suboptimal means of achieving an efficient and productive agricultural sector, while farming is a unique and hazardous enterprice warranting special treatment for farmers. Soaring surpluses and negative impacts on the relation with trading partners urged the EU to reconsider its agricultural policies. Starting in the 1980s, the dependent paradigm was challenged by a 'competitive market paradigm' that had already become dominant in the US. This paradigm takes issue with the assumed 'specialness' of the agricultural sector, arguing that market forces should take precedence over state intervention. Not much later, an alternative 'multifunctionalist agriculture paradigm' also made its way in EU policy circles. This paradigm emphasizes the multiple environmental and social functions of farming for which farmers are not rewarded by the market, justifying the granting of public money to farmers to safeguard the multiple functions the sector provides. The rise of the competitive market and multifunctionalist paradigms did not constitute a complete break with the dependent paradigm, though. In the past two decades there has been paradigmatic contestation in the CAP, one paradigm being dominant at one point in time and another at other points in time, without the remaining paradigms being completely discarded.

This paper will show that this ongoing paradigmatic contestation has had the following results in EU policy making on the CAP: 1) It resulted in different aspects of one CAP reform being in line with and legitimated on the basis of different paradigms; 2) It resulted in one and the same aspect of a CAP reform being legitimated on the basis of two different paradigms, addressing the concerns of different audiences; 3) and finally, it broadened the discursive repertoire the Commission and member states had at their disposal to justify CAP reform.

Keywords: contestation; common agricultural policy; ideas; policy paradigms; public policy

Introduction

Many areas of public policy are characterized by paradigmatic contestation: not one single underlying policy paradigm is guiding the preferences of all interested political actors, but instead competing paradigms are appealed to by different actors, resulting in political disagreement during the decision-making process. European agricultural policy is an issue area *par excellence* where new paradigms have surfaced over time, without discarding the existing paradigms. This has not only resulted in political strife over the direction of the Common Agricultural Policy (CAP), but also in inconsistencies between different aspects of the policy to some extent. The market instruments and direct payments, for example, are often considered to reward intensive farming practices, while the rural development policy seeks to further more environmentally friendly farming practices (add reference).

Paradigmatic contestation is also considered to hamper policy making, as it is prone to be accompanied by major disagreement among political actors. While clear dominance of a single policy paradigm is indeed very likely to make the overall policy process go smoother, this article will focus on a way that policy makers could also make use of paradigmatic contestation. It will show how policy makers can also exploit paradigmatic contestation by argumenting and selling their policy preferences and outcomes to different audiences based on legitimating discourses rooted in different paradigms. Such a strategy is possible in particular when there is a certain degree of commensurability between the competing paradigms.

In the remainder of this paper, I will first elaborate on the concept of 'policy paradigm' and how it is applied in public policy study in general, to subsequently turn to its application in the field of agricultural policy studies. There I will make the claim that the three policy paradigms distinguished in agriculture – the dependent agriculture paradigm, the multifunctionality paradigm and the competitive agriculture paradigm – are not completely incommensurate. In the next section I will develop expectations about how this will affect policy makers' room for manoeuvre and the strategies they are likely to apply under different circumstances (types of commensurability). These strategies and their effect on the decision making dynamics will, finally, be illustrated in the case of the introduction and development of direct income payments in the CAP.

1. The concept of 'policy paradigm'

Usage of the concept of policy paradigms was made popular in public policy studies following Hall's elaboration of the concept and application to economic policy making in Britain (1993). Assuming that policy-making processes include three key aspects – overarching policy goals, policy instruments, and settings of these instruments – he argues that 'policymakers customarily work within a framework of ideas and standards that specifies not only the goals of policy and the kind of instruments that can be used to attain them, but also the very nature of the problems they are meant to address' (Hall 1993: p. 279). He labels this interpretive framework a 'paradigm' and distinguishes between first and second order changes in policy on the one hand – where only instruments and settings change – and 'paradigmatic' change on the other hand, implying a more radical change including policy goals.

Hall's conceptualization of policy paradigm has subsequently been applied by a range of scholars to specify and explain different types and degrees of policy change in a variety of policy domains [add a number of examples as refs]. However, in many policy domains we see change in policy instruments and settings – signifying incremental policy change – rather than paradigmatic change. The usefulness of the concept 'paradigm' in public policy studies is, therefore, also criticized as being unsuitable for explaining the widest range of occurrences of public policy changes: incremental policy change. In this vein, Schmidt (2011) argues that the paradigm concept fails to explain the process, the reasons for and the timing of incremental change. In addition, a focus on the overarching policy goals 'understimate[s] the degree, pace, and impact of policy shifts, and of political strategies that are particularly aimed at the practical and operational level' (Feindt and Flynn 2009: p. 329). Wilder and Howlett (2014) further point at the problem that Hall – in line with Kuhn's work on 'scientific paradigms' – assumes competing paradigms to be incommensurate,[1] while in fact, paradigms may also overlap, indicating a 'continual coexistence of multiple sets of policy ideas and practices over relatively long periods of time' (p. 185). It is this potential overlap or commensurability between paradigms (see also Oliver and Pemberton 2004; Skogstad 2011) that this paper takes as a point of departure to explain how paradigmatic contestation affects the different strategies that policy makers have at their disposal to legitimate and sell their policy preferences and decisions – whether they signify policy stasis or change – to different audiences in the policy process. In this sense, following Carstensen (2011), a policy maker need not be a *paradigm man* 'deducing solutions from the paradigm he follows', but can be a *bricoleur* who 'combines bits and pieces

[1] Hall actually does not explicitly claim that paradigms are *fully* incommensurable, but rather that 'paradigms are by definition never fully commensurable' (1993: p. 280), thus emphasizing and focusing on their incommensurability.

from several paradigms' (p. 148). I develop this argument in two steps. First, in section 2, I will illustrate how paradigms are conceptualized and applied in Agricultural Policy Studies and how empirical outcomes show that the competing paradigms are not fully incommensurate, or can at least constructed to be partially commensurate. Secondly, in section 3, I will introduce a distinction between two types of commensurability – *cognitive* and *normative* – and develop expectations on how these are likely to affect policy makers' strategies and legitimating discourses.

2. 'Policy paradigms' in Agricultural Policy Studies

In the literature conceptualizing and applying policy paradigms in Agricultural Policy Studies, there is wide agreement that three major paradigms exist, although the labels applied may vary somewhat: (1) the 'dependent agriculture' or 'assisted agriculture' paradigm; (2) the 'competitive market' or 'liberal agriculture' paradigm; and (3) the 'multifunctionality' or 'public goods' paradigm. These three policy paradigms have dominated the agricultural policy debate in the European Union.

After World War II, in a period of food shortages, the dependent agriculture paradigm surfaced as the dominant set of ideas guiding the development of the Common Agricultural Policy (CAP). This paradigm represents the farm sector as an exceptional sector different from other economic sectors, and farming as a unique and hazardous enterprise (Daugbjerg and Swinbank 2009), due to the unstable natural conditions farmers are confronted with and the relatively limited price elasticity of agricultural goods. As a result, the price mechanism is considered a suboptimal means of achieving an efficient and productive agricultural sector, and government intervention in the market is required. Special treatment is further warranted, because the sector contributes to the important national goal of providing a secure and safe food supply (Coleman 1998; Daugbjerg 2003; Skogstad 1998). This paradigm was dominant in the EU until the 1980's, legitimating an interventionist CAP based on price support and export subsidies. However, due to soaring production surpluses and budgetary cost, as well as the policy's adverse effect on relations with trading partners, the policy came under pressure and the competitive market and multifunctionality paradigms came to the fore.

The competitive market paradigm takes issue with the assumed 'specialness' of the agricultural sector, arguing that it should be treated like any other economic sector and the farmer should be treated as en entrepreneur. Market forces should take precedence over state intervention and be the prime determinant of income and production; farmers who cannot

compete should not keep farming and they should protect themselves (through insurance for example) against income losses due to natural conditions (Coleman 1998: Coleman et al 1997; Daugbjerg and Swinbank 2009; Skogstad 1998). State intervention should be limited to providing a safety net. Following this interpretive framework, policy makers should significantly reform the CAP and discontinue its interventionist policy instruments. Another paradigm surfaced, however, which provided a renewed legitimation of state intervention in the agricultural sector, albeit based on a different rationale: the multifunctionality paradigm.

The multifunctionality paradigm emphasized the multiple environmental and social functions of farming for which farmers are not rewarded by the market, justifying the granting of public money to farmers to safeguard the multiple functions or public goods that the agricultural sector supplies (Coleman 1998; Coleman et al 2004; Daugbjerg 2003; Moyer and Josling 2002). The rise of the competitive market and multifunctionality paradigms did not constitute a complete break with the dependent agriculture paradigm, however. Over the past decades there has been paradigmatic contestation in the CAP, one paradigm being relatively more dominant at one point in time and another at other points in time, without the remaining paradigms ever being completely discarded.

While Hall's conceptualization of paradigm as an 'interpretive framework' emphasizes the concept as an ideational one, application of the concept in the agricultural policy domain to conceptualize and measure paradigms tend to include ideational elements (legitimating discourses), substantive policy elements (policy outcomes), or a combination of both. And in essence, both are connected, as the interpretive framework that surfaces in policy makers' legitimating discourse translates into specific policy outcomes consistent with these dominant ideas (Skogstad and Schmidt 2011). In this vein, Schmidt argues that paradigmatic change can be considered a 'conversion and/or reinterpretation of 'what has to be done' that has led to major alterations and/or innovations in 'what is done' (2011: p. 58). It should therefore not come as a surprise that paradigms or paradigm shifts are often measured both on the basis of policy discourses and policy outcomes.

Those emphasizing the substantive outcomes of agricultural policy reforms often seek to answer research questions focused on explaining the degree of policy change: whether a certain CAP reform or a number of reforms cumulatively have resulted in paradigmatic change. In this vein, Garzon (2006) argues that the CAP reforms between 1992 and 2003 taken together have resulted in a shift from a dependent agriculture paradigm to a multifunctionality paradigm (see also Elton 2010). Contrarily, Daugbjerg and Swinbank (2009, 2016) argue that although

the policy instruments may have changed, the paradigm underlying the CAP remained unaltered. Their conclusion is based on the fact that the 'policy impact' essentially remained the same – public intervention remaining key to arriving at the desired policy goals. They even argue that the dependent agriculture paradigm is simply 'rephrased by introducing the concept of multifunctionality' (Daugbjerg and Swinbank 2009: pX).

Based on policy outcome and impact alone, such a claim can be substantiated, but once legitimating discourse is included as an indictor, the dependent agriculture and multifunctionality paradigm have essentially different rationales: the reason for or legitimation of public intervention shifting from a focus on food supply and the uniqueness of agricultural market conditions, to one emphasizing a broader array of functions or public goods that deserve funding as they are not rewarded by the market. Scholars focusing on the ideational and discursive aspects of a paradigm in studies on the CAP are usually interested in establishing which discourses are dominant over time and how policy makers sell or legitimate their policy choices to different audiences. In this vein, scholars find that the discourse in decision making on the CAP has shifted from a neomercantilist or productivist discourse associated with the dependent agriculture paradigm to a multifunctionalist discourse in the late 1990's and a neoliberal discourse in the early 2000's (Erjavec, Erjavec and Juvancic 2009; Erjavec and Erjavec 2009; Potter and Tilzey 2005). More recent research, however, shows a return to a more neomercantilist and productivist discourse – in the midst of international food crises (Erjavec and Erjavec 2015). Furthermore, Alons and Zwaan (2016), comparing and contrasting member state discourses during European decision making and subsequent domestic implementation, show that policy makers tend to sell European policy outcomes in terms of ideas and paradigms that are dominant domestically, whether this fits the actual policy outcome or not. This underscores the potential strategic usage of different policy paradigms, with policy makers acting as 'bricoleurs'.

Finally, scholars addressing both the substantial and ideational aspects of agricultural policy paradigms emphasize that the CAP, over time, has incorporated ideational elements from several competing agricultural policy paradigms (Feindt, 2010, 2012). The CAP's market policies being in line with the liberal agriculture paradigm and legitimated based on a neoliberal discourse, while its rural development policies such as agri-environmental measures fit the multifunctionality paradigm and are legitimated as such (Erjavec and Erjavec 2015; Feindt 2012, 2017). Old paradigms tend to be 'amended, not abandoned' and 'new ideas included in the existing paradigm, rather than replacing it' (Feindt 2010, pX). Additionally, Alons and Zwaan (2016) emphasize that, on the one hand, a single policy paradigm may be

institutionalized in quite different ways, because 'based on a single paradigm, a range of diverse policy instruments can […] be legitimated' while, on the other hand, 'different paradigms can be appealed to through their related discourses to underpin a single policy [instrument]' (p. 352). The former is illustrated by the fact that the EU and the US both subscribed to the dependent agriculture paradigm in the 1960's and 1970's, but nevertheless applied different policy instruments (Coleman 1998). The latter is exemplified in the CAP where certain interventionist policies – such as direct income payments for farmers - are based on both the dependent agriculture and the multifunctionality paradigm, being depicted both as a compensation for income losses due to price drops and adverse market conditions and as a remuneration of the public goods farmers provide. It may be concluded that with respect to European Agricultural Policy, not only the three competing paradigms are not completely incommensurate but also that different paradigms in fact underpin different aspects of the CAP. We will now address the question how this affects the potential for strategic usage of policy ideas and how policy makers are likely to use this room of manoeuvre.

3. Paradigmatic contestation and policy makers' room of manœuvre

Naturally, decision making and policy guidance is likely to be most efficient and straight-forward for policy makers if the most important policy actors subscribe to the same policy paradigm. It is highly unlikely, however, that all decisive policy actors in fact completely agree. Even if a singly paradigm can be considered dominant, competing paradigms are usually present in the shadows. Some degree of paradigmatic competition is thus likely to be present in any policy domain. As argued above, paradigmatic contestation need not necessarily limit policy making capabilities to too great an extent, particularly if the competing paradigms are (or can be constructed to be) partly commensurate. Under these circumstances, paradigmatic contestation will influence policy processes and discourses, affecting policy maker's discursive repertoire with which to legitimate policy choices to different audiences.

This paper takes a Discursive Institutionalist (DI) (Schmidt 2008, 2013) approach as its point of departure. This approach emphasizes the role ideas policy actors hold can play in the policy making process, as well as the legitimating discourses actors apply in their discursive interactions to further their interests. Ideas expressed in discourse can be used as weapons 'with which agents contest and replace existing institutions' (Blyth 2002, p. 30) or can be geared towards 'preparing the public for the implementation of acts and other measures or advocating and rationalising the existing ones (Erjavec and Erjavec 2009, p. 219). In this process actors

can show consistency in the discourses they use, but they may also strategically apply different discourses to address different audiences emphasizing the discourse this audience already articulates (Fouilleux 2004). I subscribe to Carstensen's claim (2011: 154-155) that preferences and discourses of actors need not fully be determined by the ideas or paradigm they or the institutions they represent subscribe to.

Actors cannot sit back and let ideas do the thinking for them. Instead, political actors must employ ideas creatively and pragmatically to make them work […] in the strategic endeavour to satisfy their political preference.

Policy makers, acting as 'bricoleurs' are able to use their existing set of ideas and apply and adapt them to concrete circumstances, combining ideational elements of different paradigms 'to create resonance in the public and support in the political system – rather than upholding stringency in a paradigm' (Carstensen 2011: 156).

In this vein, policy makers can also strategically use or 'exploit' existing commensurabilities between competing paradigms or construct such commensurability in order to pursue their preferred policies. Considering that competing interpretive frameworks or paradigms can be described in terms of assumptions with respect the *policy problem*, the appropriate *policy instruments* to address this problem, and the broader *objectives* or *vision* of the sector, I distinguish between two types of commensurability between competing policy paradigms that can be conceptualized:

(1) A certain measure or policy instrument can be argued to provide a solution for different problems emphasized in various competing paradigms. I term this type of commensurability '*cognitive commensurability'*, because it is based on the problem-solving capacity of a single policy instrument addressing different problems simultaneously. As such it includes ideas on cause-effect relationships for example, which are considered 'cognitive' ideas (Skogstad and Schmidt 2011, p. 9). This cognitive commensurability need not be straightforward – it is not just 'out there', but rather constructed by policy actors who develop a legitimating discourse seeking to convince their interlocutors in the policy process. An example would be the direct payments fitting with both the dependent agriculture and multifunctionality paradigm.
(2) A measure or policy instrument can be considered appropriate in terms of the different broader objectives or vision of the policy domain that different competing policy

paradigms propose. I term this type of commensurability '*normative*' as it connects to the more philosophical ideas underlying a paradigm (Skogstad and Schmidt 2011, p. 9). This type of commensurability is, again, essentially constructed, and some legitimating arguments and linkages are likely to be easier to make than others.

Considering that commensurability needs to be constructed by policy makers, but, at the same time, that this will be easier and more straightforward in some cases than others depending on the content of the policy paradigms, there are four potential 'situations' or 'strategies', as depicted in the matrix below. These four situations have different likely consequences in terms of the expected policy choice, the legitimating discourse of policy makers, and the chances of the policy passing.

Cognitive Commensurability / **Normative Commensurability**	*Yes*	*No*
Yes	I	II
No	III	IV

Yes = is straight-forward, can be relatively easily constructed
No = is not straight-forward and relatively difficult to construct

I Cases of cognitive and normative commensurability

In cases of paradigmatic contestation – where different political actors prefer different policies based on different paradigms – if both cognitive and normative commensurability between two or more competing paradigms can be relatively easily constructed, policy makers are likely to prefer and select ***policy instruments*** that can both cognitively and normatively be connected to different competing paradigms. In terms of **legitimating discourses**, they will apply both cognitive and normative arguments to convince their interlocutors and sell the policy outcome, adapting to different audiences based on the policy paradigm the audience subscribes to. The **chances of the policy passing** are high, as different political actors are likely to support the policy based on different considerations, providing sufficient political support.

II Cases of normative commensurability but no cognitive commensurability

In these cases, policy makers are likely to prefer and select **policy instruments** that can be constructed to be normatively appropriate in terms of two or more competing paradigms. The

legitimating discourse will emphasize normative arguments, again adapted to different audiences, and is likely to obscure or gloss over the fact that the policy instrument fails to address important policy problems. The **chances of such a policy passing** are higher under conditions of high degrees of politicization of the issue, increasing the importance of public opinion and societal pressure, while the odds are less positive when the issue is considered more technical and considered less politically sensitive.

III Cognitive commensurability, but no normative commensurability

Policy makers are likely to prefer **policy instruments** that can cognitively be connected to two or more paradigms in this case. Their **legitimating discourse** will emphasize cognitive arguments adapted to different audiences, focusing on the problem solving capacity of the policy instruments rather than their appropriateness in terms of the wider objectives of the policy paradigms. Contrarily to the expectations for quadrant II, the **chances of the policy passing** in this case increase when the issue is less politicized and considered more technical.

IV Neither cognitive nor normative commensurability

If it is difficult to either construct cognitive or normative commensurability it is difficult to push for single policy instruments and policy makers are likely to revert to the strategy of choosing a **policy instrument** mix (preferably in the form of a package deal) with different parts appealing to different audiences, subscribing to different paradigms. This mix will also be visible in the **legitimating discourse** where some instruments are legitimated both cognitively and normatively based on one paradigm and other instruments on the basis of another paradigm. The **chances of the policy passing** increase if the package deal is overall sufficiently appealing to the institutionally most powerful actors and thus addresses the policy problems these actors find most important with policy instruments that fit their preferred paradigms.

One could argue that policy makers will always – also in situations where commensurability can be established – seek this solution by justifying one policy instrument based on one paradigm and another policy instrument based on another paradigm. I would argue that this is not likely to be a policy maker's preferred strategy for two reasons. First of all, it is likely to result in a policy amalgam with potentially contradicting parts (different policy instruments working at cross-purposes) which is not only likely to make the policy less effective, but also more prone to critique and therefore less stable in the longer term. Secondly, if the different

policy instruments can be legitimated on the basis of a single paradigm (even though policy makers may apply a different 'single paradigm' in discourses to different audiences), or a single instrument based on two paradigms, the argument is likely to be considered more congruent and convincing, thus making a better chance at dominating the policy making process. This does not take away that the outcome of the decision-making process – particularly when it is a compromise or package deal – may very well show a mix of different policy instruments legitimated on the basis of competing paradigms, but I would expect single policy actors to prefer emphasizing one paradigm or discourse rather when addressing a single audience.

4. Illustration from the Common Agricultural Policy: The introduction and development of direct income payments

The EU's shift from a focus on price support to income support to stabilize farm income, instigated with the 1992 MacSharry reform and extended in subsequent reforms, provides an appropriate case to illustrate the strategies the European Commission applied to justify the policy change and the subsequent continued existence of direct income payments, making use of the partial commensurability of the different agricultural policy paradigms.

The 1992 CAP reform: First step in the shift to income support

When the EU developed the CAP in the 1960s, the policy's main focus was on price support. High guarantee prices were set for a large number of agricultural commodities in combination with variable import levies to establish 'community preference' and export restitutions to sell potential surplus produce on the world market. This policy incentivized production and over time resulted in production surpluses that were partly dumped on the world market with the help of export subsidies. Both in terms of budgetary expenditure and trade relations with third countries, this policy came under increasing pressure in the 1980s and was no longer tenable. After different attempts to effectively constrain production had failed, Commissioner Ray MacSharry's 1992 CAP reform reduced guarantee prices by 30% and compensated farmers for their income losses by introducing direct payments. These payments were further – for the larger farms – made conditional upon 15% set aside.

The shift from a main focus on price support to one on income support is in alignment with both the dependent agriculture and the competitive agriculture paradigm. It is *cognitively*

commensurate, because it simultaneously contributes to income stability and reduces trade barriers and protectionism, thus making the policy more market oriented. *Normative* commensurability between these two paradigms seems to be more difficult to establish – exceptionalist visions of the agricultural sector clashing with the perception it should be considered an economic sector like any other. Nevertheless, for the duration of the shift from price support to income support, as long as it is unclear whether direct payments will be a temporary compensation (in line with the competitive paradigm) or a permanent component of the policy instrument mix (in line with the dependent agriculture paradigm) there is at least no explicit normative contestation. Finally, commensurability with the multifunctional paradigm can also be constructed if a convincing case can be made that direct payments contribute to the multiple functions farming provides society with. The situation thus seems to qualify as a either a situation I or III – with potential cognitive commensurability between all three paradigms and at least no explicit normative contestation with regard to this policy shift in the short term. However, as absence of clear normative contestation does not actually equal normative commensurability that the Commission can appeal to, we would expect the Commission to emphasize cognitive arguments rather than normative arguments, in line with the strategy expected in situation III. We will now turn to the legitimating discourses the European Commission applied to justify the policies and investigate whether our expectation is corroborated.

Already in the 1980's, the Commission acknowledges that the current focus on price support is not effective, as it neither effectively achieves the goal of supporting farm income nor that of stabilizing markets (Commission 1985, 1991a). A reform should solve these problems (Commission 1985, p. 17).

> *A […] restrictive price policy, together with a number of well directed accompanying measures could solve this problem at least in the medium term perspective. This would imply that the economic function (market orientation) of price policy is stressed at the expense of its social function of income support. It has become increasingly difficult for price policy over the last 15 years to fulfil this second function, and there are doubts whether price policy with its relatively low degree of selectivity is the best suited instrument for such a purpose in view of the important diversity of agricultural situations in the Community.*

A cognitive argument for policy change is presented here: Existing policies are not effective so additional policy instruments have to be introduced. While the focus in the 1985 paper is foremostly on the social problem of farm income, the Commission's reflection papers for the actual MacSharry reform in the early 1990's take a broader perspective, including the issue of market balance and thus surplus production (Commission 1991a, p. 4). A combination of price reductions and compensatory payments to offset income losses resulting from price reductions is proposed. In contrast to the Commission's reflections in 1985, however, the direct income payments are not considered a mere accompanying measure, but are to become part of the market management system (Commission 1991a, p. 12):

> *The agricultural budget should then become an instrument for real financial solidarity in favour of those in greatest need. That implies that the support provided by the market organisations should be redirected so as not to relate almost exclusively to price guarantees. Direct aid measures, based generally on the livestock numbers or area of farms and modulated in function of factors such as size, income, regional situation or other relevant factors, should be integrated into the market organisations so as to guarantee the producers income.*

The differentiated application of the direct payment instrument based on farm size, geographical region and other conditions emphasizes the farm income support objective the policy seeks to achieve. Critique of such differentiation from both member states and farmers – the latter even preferring production restrictions over price reductions compensated with direct payments (COPA add) – instigated the Commission to drop the differentiation based on farm size. Although this did not remove the policy's farm income rationale, the distribution of direct income support that resulted from the policy would later affect perceptions of its effectiveness and fairness. Once the debate on the reform reached the decision-making stage, it is striking that in the Commission's proposals for the legal text and Council Regulations to implement the reform, the focus in on the policy problem of 'market balance' rather than the social problem of farm income, stating that 'the new orientation of the common agricultural policy must lead to better market equilibrium and to a better competitive position for Community agriculture' (Commission 1991c, Commission 1992, p. 21).

Commissioner MacSharry uses a mix of arguments, including the claim that direct payments will provide a 'more reliable basis for supporting farmers incomes' (10.3.1992). However, on the whole, arguments in line with the competitive agriculture paradigm were more

dominant in his speeches, focusing on the improved market balance and competitiveness that price reductions would bring, allowing farmers to increase their income from the market in the longer term (MacSharry 21.6.1991; 14.11.1991; 10.3.1992). While environmental arguments in accordance with the multifunctionality paradigm were not absent from the reform debate, MacSharry (11.3.1991) arguing for the recognition of a dual role of farmers as producers of food support and guardians of the countryside for example, they were not applied to justify direct income payments. Instead, only agri-environment measures – an accompanying policy measure – were presented as remuneration for services provided by farmers (1991b, p. 33).

Overall, MacSharry's speeches largely mirror the gist of the argument applied in the official Commission policy documents, emphasising that the existing policy simply cannot be continued as it is ineffective and costly. Most of his speeches on the CAP reform are directed at farm oriented audiences and the European Parliament (EP). The gist of his argument does not vary widely between the different audiences, but what does stand out is that it is to farmers in particular that he tries to convince his audience that the compensatory payments will 'have a secure place in the Community's agricultural regime' (16.1.1992). This is a more explicit reference to the potential permanence of the new policy instrument than can be found in the official Commission proposals.

We may conclude that the Commission's discourse to legitimate the instigated shift from price support to income support indeed appeals both to a farm income rationale in accordance with the dependent agriculture paradigm and market balance and orientation in accordance with the competitive market paradigm. The type of arguments applied are mainly cognitive, emphasizing that the new policy will solve the existing policy problems. The Commission may have refrained from emphasizing normative arguments, because they foresaw how this might have unveiled the normative incompatibility between the ultimate goal of market-orientation on the one hand and continued state intervention by means of direct payments on the other hand. Particularly considering MacSharry's indirect references that the direct aids will not only be temporary, a strategy resembling situation III appears sensible.

The direct income payments' income support rationale under pressure

The introduction of direct payments made the support to farmers more visible and transparent than price support had been. In case of the latter, the consumer eventually pays, but it is unclear what part of the price consists of agricultural subsidies. With direct payments, it is clearly visible to taxpayers what they are paying and what farmers receive. This was one of the reasons

why farm organizations in particular had initially objected to direct income support, fearing the transparency of these payments would make them more susceptible to critique and more difficult to maintain in the longer term (Alons 2010). And indeed, because the compensatory payments were (indirectly) still based on production, the larger farms profited relatively more from the payments than the smaller farms, while the latter were more in need of support to maintain a stable income (Commission 1998, p. 3). This jeopardizes the cognitive dependent agriculture rationale of direct income payments as an effective means of farm income stability.

The Commission was aware that the generalization of direct payments to farmers made support more transparent and 'increased the need for it to be economically sound and socially acceptable' (Commission 1997: p. 29). In the words of Commissioner Fischler (2.2.1999):

> *For all sectors, the proposed shift from price support to direct income payments would transfer the overall cost of agricultural support from consumers to taxpayers and make it more transparent. This is likely, in turn, to lead to questions about how to distribute support amongst farmers.*

When, in the 1999 CAP reform, the Commission developed a market-orientation based argument for further increased price reductions compensated by higher direct aids – aligning support prices more closely with world market prices to turn them into a 'safety net' for cases of 'serious market disruption' – it, therefore, also saw the need to make adaptations to the direct payment instrument (Commission 1997; Fischler 20.6.1997; 2.2.1999). The Commission proposed to make individual direct payments degressive above 100,000 EURO[2] and give member states more flexibility through national envelopes to differentiate to gear the payments better towards farmers that needed them most or towards environmental objectives (Commission 1997: p. 31; 1998a). The arguments for this policy change constitute a strategy to maintain or re-establish the cognitive rationale based on a dependent agriculture paradigm for direct payments. As this appeal is not based on the commensurability of different paradigms, it does not fit in either of the four 'situations' but should rather be considered an attempt to defend the dependent agriculture rationale as such against potential critique.

How to establish market-orientation when direct payments are no longer 'compensatory'?

[2] Originally the plan had been to introduce absolute ceilings (Commission 1997), but in later stages of the proposal the plan did not include ceilings anymore, but percentage-wise reductions in payments over 100,000 EURO.

Up to the 1999 CAP reform, (increased) direct payments had always coincided with further reductions in guarantee prices, allowing a justificatory discourse combining an income support and a market-orientation rationale based on the cognitive commensurability between the dependent agriculture and competitive agriculture paradigms. In the 2003 Fischler reform, however, no further price reductions were deemed appropriate, as the European price level had now effectively moved into the direction of world market prices. Based on the competitive agriculture paradigm a phase-out of the 'compensatory' direct income payments would now be appropriate. The Commission chose to take a different route, however. On the one hand, it opted for the 'decoupling' of direct payments to maintain the cognitive commensurability between the dependent agriculture and competitive agriculture paradigms. On the other hand, it presented the direct payment as in part a reward for the services farming provides for society, using the commensurability between the dependent agriculture and multifunctionality paradigm to (re)legitimate the policy instrument of direct payments.

During the debate on the 2003 Fischler reform, the Commission considered that a problem of the CAP was that it was not yet sufficiently market-oriented, because the direct payments were still partly linked to production or means of production (Commission 2002, p. 6). Furthermore, it was argued that, over time, the direct payments 'have lost their compensatory character […] and have become income payments, raising the question of whether the distribution of direct support is optimal' (Commission 2002, p. 8). The first solution – 'decoupling' by introducing a Single Farm Payment in which the link between between production and payments was largely removed – allowed for increased market-orientation without actually phasing out direct support.

Of course, this also raised the question what the payments were then for, if production could no longer be considered the service in return on the part of the farmer (Daugbjerg and Swinbank 2016: p. 273). Such concerns were met by the depiction of direct payments as being in part remuneration for the environmental and social services farmers provide for society. In the words of Fischler (15.7.2002):

> *Farmers are […] right to demand due reward for the quality products they supply, the environmental services they perform and their role in the upkeep of the countryside – in other words, for all the products and services that they provide for society. Direct payments remain essential in this context, since market prices alone are not enough.*

The introduction of mandatory cross compliance in the same reform – making direct income payments conditional on a number of basic environmental and animal husbandry conditions – gave some credence to the argument that direct payments could at least also be connected to environmental services. This seems to be in line with Commission considerations during the 1999 reform process, during which it only succeeded in introducing voluntary cross compliance, that 'cross compliance conditions may be considered also a first step to relate the payments to their only rationale in the long run, being a payment for the delivery of public goods' (Commission 1998b, p. 103).

Where decoupling helped to maintain the cognitive competitive market rationale for direct payments – even though the normative incommensurability between the dependent and competitive agriculture paradigms now became increasingly clear – the mandatory cross compliance helped to underscore an additional environmental purpose for the policy instrument of direct payments, exploiting the commensurability between the dependent agriculture and multifunctionality paradigm. Direct payments were now branded both income support and remuneration for environmental and social services. The Commission thus applied a discursive strategy combining 'situation' I (appeals based on full commensurability between the dependent agriculture and multifunctionality paradigms) and 'situation' III (appeals based on cognitive commensurability between the dependent and competitive paradigms).

The 2013 CAP reform: The rationality of all rationales in question?

As long as the changes to the policy instrument of direct payments could be constructed as increasing the market-orientation of the policy, the reforms could be legitimated on the basis of a mix of arguments relating to all three paradigms. Cognitive commensurability between the paradigms could be established, because the policy changes increased market orientation, supported farm incomes stability and the provision of public goods all at the same time. Once the direct payments were completely decoupled, however, a competitive agriculture rationale was no longer an appropriate, let alone a convincing legitimation for the payments. For even though decoupled direct payments do not directly affect market prices and trade, they do shield farmers to some extent from market conditions. And the larger part of farm income consists of direct payments, the more difficult it is to continue presenting the farmer as a real 'entrepreneur' rather than being 'on welfare'.

This was the situation around the 2013 CAP reform as direct income payments had been completely decoupled from production in the previous reforms. Nevertheless, the Commission

continued linking rationales from the three different paradims to the instrument of direct payments (Commission 2010, p. 4)

> *The introduction of direct payments have been a lever for consistent market-oriented reforms, enhancing the competitiveness of the agricultural sector by encouraging farmers to adapt to market conditions. Decoupled direct payment provide today basic income support and support for basic public goods desired by European society'.*

At the same time the Commission was aware that both the dependent agriculture and multifunctionality cognitive rationales for direct payments were under pressure. First of all, because it was questioned whether they effectively established income stability and a fair distribution of income. Secondly, because the CAP policies, including the direct payments, were argued to still contribute to environmentally unfriendly farming practices. The Commission was aware of the problems with the distribution of direct income support (Commission 2011, p. 15):

> *Due to the successive integration of various sectors into the single payment scheme and the ensuing period of adjustment granted to farmers, it has become increasingly difficult to justify the presence of significant individual differences in the level of support per hectare resulting from use of historical references. Therefore direct income support should be more equitably distributed between Member States.*

The Commission, therefore aimed for redistribution, redesign and better targeting of direct payments (Commission 2010, p. 8). In order to support a more equitable distribution of direct payments it proposed to cap payments above a certain level and change the basis for the calculation of direct payments to obtain convergence both within and between member states.[3] Capping was legitimated by the argument that 'due to economies of size, larger beneficiaries do not require the same level of unitary support for the objective of income support to be efficiently achieved' (2011, p. 13). In one of his speeches Ciolos added (12.10.2011):

[3] Particularly the Eastern-European member states emphasized the need for redistribution between member states, as they received significantly lower payments (when calculated per hectare) then the EU's original member states.

> *Above a certain amount, is it still acceptable to talk of basic income aid? I am sure you will agree that it is not.*

Not all the member states agreed, however, with Germany and the United Kingdom being the most critical of the proposal. They argued that if direct income payments are rewards for the provision of public goods, then large farms provide them just like small farms do and it would therefore not be justifiable to cap their payments (add source). It will come as no surprise that the eventual outcome of the reform did not contain capping in the way the Commission had proposed. Nevertheless, the Commission's discourse in this respect is clearly aimed at reinforcing the cognitive rationale for direct payments based on the dependent agriculture paradigm, whether it eventually succeeded in achieving their preferences or not.

The Commission sought to address the environmental critique on the CAP by proposing increased environmental conditionality through the introduction of three so called 'greening' requirements. These requirements entailed rules about (1) crop rotation; (2) an ecological focus area; and (3) permanent pasture that had to be met in order to get 30% of the direct payments. Greening would ensure that:

> *All EU farmers in receipt of support go beyond the requirements of cross compliance and deliver environmental and climate benefits as part of their everyday activities.*

Greening was aimed at improving the environmental image of the CAP and provide an improved and clearer link between direct income payments and the services or public goods farmers provide to society (Commission 2011). In terms of discursive strategy the Commission thus tried to strengthen the cognitive multifunctionality rationale for direct payments.

While the shift from price support to incomes support in general is still presented in terms of establishing increased market-orientation, the rationale for the maintenance of direct payments is now mainly based on a combination of dependent agriculture and mulfitunctionality rationales and less on the competitive market paradigm (Ciolos 6.1.2011):

> *Yes, direct payments can deliver more in terms of public goods than they do today. But their income supporting function is a must. However, there is a definite need to redefine the system, in order to link payments more closely to*

their role as a) income support for farmers, and b) recognition for the provision of public goods not remunerated by the market.

As with capping, it should be noted that the greening requirements were also significantly watered down by the Council of Ministers and Parliament and subsequently implemented in such a way that many farmers will not or will hardly have to change their production processes to meet the demands and receive their direct payments (Hart 2015). This implies that although the Commission's discursive appeals may be sound, the actual policy outcome does not entirely solve the legitimacy issues that gave rise to the 2013 reform. While this does not necessarily jeopardises the normative views that government intervention by means of direct income payments for farmers is appropriate to establish the goals of income stability as well as a multifunctional agriculture, it does raise the question whether the current form of direct payments are the best means of achieving these goals, thus weakening the existing cognitive rationale for the policy based on the commensurability between the dependent agriculture and multifunctionality paradigm. This does not only give rise to renewed demands for reform, including a more fundamental shift away from the current general direct payments to other forms of support (such as specific payments for very specific environmental results as organizations like Birdlife promote), but also raises doubts about the real intentions and motivations of the Commission. In that vein, it is argued that environmental arguments were simply used strategically to maintain direct income support, without ever seriously being considered a fundamental policy objective (add ref).

(Preliminary) Conclusion

This paper developed the argument that policy makers' repertoire of legitimating discourses, which they can strategically apply to convince a variety of audiences subscribing to different policy paradigms, is more extensive when the competing policy paradigms are – or can be constructed to be – at least partially commensurable.

The empirical analysis of the Commission's legitimation of the introduction of direct income payments in the CAP shows how the Commission depicted the policy instrument to solve the problems and contribute to the policy goals as defined in different competing paradigms. In the subsequent development of the policy instrument in terms of changes to the basis for the payments and the addition of environmental conditionality in order for farmers to qualify for (part of) these payments, the Commission addressed problems that surfaced (which called the

original cognitive and normative arguments for the policy in question), thus seeking to maintain the legitimacy or to relegitimate the policy by adapting the justificatory discourse using new and additional rationales appealing to varying mixes of the three paradigms.

Reform	**Problems**	**Policy instrument (mix) solution**	**Cognitive comm.**	**Normative comm.**	**Strategy**
1992	- market imbalance - surplus production - income problems for farmers	Price reductions compensated by direct income payments to: increase market-orientation, provide more effective income support, and reduce surpluses.	CA + DA		III
1999	- unequal distribution of direct income payments calling DA cognitive argument into question	Degressive payments	DA (+ some MF argumentation)		DA internal consistency
2003	a) direct payments need more market-orientation, other than being combined with further price reductions b) No clear environmental services in exchange for direct payments	a) decoupling b) cross compliance	a) DA + CA b) DA + MF	DA + MF	I (DA+MF) III (DA + CA)
2013	a) unequal distribution of payments calling DA cognitive rationale into question b) no sufficient link between environmental services and direct payments calling MF rationale into question	a) capping b) greening	a) DA b) DA + MF	DA + MF	DA internal consistency I

CA = Competitive Agriculture
DA = Dependent Agriculture
MF = Multifunctionality

Considering the current situation that direct payments are still a central policy instrument within the CAP and have survived a number of reforms, one could argue that the Commission's strategy has been successful. It should be note, however, that the eventual reforms were watered down, first by the Council of Ministers and European Parliament during the decision-making process, and later in the implementation phase in the member states. This eventually makes the adapted or new rationales for the policy that were central in the Commission's discourse less convincing. For the distribution of direct payments, for example, still rewards bigger farms relatively more than smaller farms, while the discrepancies in

payments between the original member states and the East European member states are still substantial. Furthermore, despite the Commission's efforts, the link between direct payments and environmental public goods that farmers provide is still weak, at best. As a result both dependent agriculture and multifunctionality based cognitive rationales for the direct income payment instruments are subject to questions and critique. New debates on reform of the CAP will have to show whether the policy instrument can be maintained and on the basis of which rationale.

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