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# A DISCOURSE ANALYSIS APPROACH TO EXPLAIN THE PATH DEPENDENCY OF SEASONAL FARM LABOUR REGULATIONS IN GERMANY

Hess, Sebastian<sup>1</sup>; Kleinschmit, Daniela<sup>2</sup>; Theuvsen, Ludwig<sup>1</sup>; von  
Cramon-Taubadel, Stephan<sup>1</sup>; Zschache, Ulrike<sup>1</sup>

<sup>1</sup>Department of Agricultural Economics and Rural Development, Georg-August  
University Göttingen, Germany

<sup>2</sup>Department of Forest Products, Swedish University of Agricultural Sciences,  
Uppsala, Sweden

Ulrike.Zschache@uni-goettingen.de



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# **A DISCOURSE ANALYSIS APPROACH TO EXPLAIN THE PATH DEPENDENCY OF SEASONAL FARM LABOUR REGULATIONS IN GERMANY**

*Sebastian Hess, Daniela Kleinschmit, Ludwig Theuvsen, Stephan von Cramon-Taubadel, Ulrike Zschache\**

## **Abstract**

This article introduces discourse analysis as a theoretical concept and an empirical methodology that may enable the endogenization of path creation and path breaking changes in conventional models of political path dependencies. Economic criteria such as rents created by a policy do not always provide a comprehensive explanation for path dependent political decisions. Discourse theory implies that specific interpretative schemata and narratives, such as storylines in the mass media, heavily influence the political discourse. Discourses themselves exercise a constitutive power that constrains decision-making processes and, thus, influence the ensuing policy creation path. Hence, discourses must be taken into account when political path creation is analysed. In this paper we trace over time individual storylines that represent important elements of the discourse underlying the restriction of seasonal farm workers from central and eastern European countries in Germany. We illustrate how dominant speakers and their storylines have been and currently are interacting to shape this policy.

## **Keywords**

Agricultural Policy, Path Dependencies, Discourse Analysis, Seasonal Farm Labour.

## **1 Introduction**

In this paper we argue that discourse analysis presents a potentially fruitful theoretical model that can be applied to empirical analysis. Path dependencies within politics are marked by self-reinforcing feedback effects that alter the costs of switching from one policy regime to another (for instance, KAY 2005). As a result of such re-affirmative dynamic processes, politics and institutions (NORTH 1990) may get locked into situations that become, once in place, difficult to change. The Common Agricultural Policy (CAP) of the EU has frequently been cited and analyzed as an almost ‘classical’ example in this regard (ACKRILL and KAY 2006).

PIERSON (2000) notes that the political phenomena surrounding path dependencies are associated with far more complexity and, due to a lack of easily measureable indicators, are far more difficult to analyze than cases of purely economic path dependencies. Therefore, in the literature related to political science, PIERSON (2000; 2004) constitutes a rich body of analyses that identifies path dependencies and explains why these dependencies exist within politics, yet without convincing and theoretically deeply rooted explanations of the reasons why certain – potentially inefficient – policies were introduced in the first place. Therefore, in economics as well as in political science the process of path dependence to date largely constitutes a research field with a just emerging and still incomplete theoretical framework (GARUD and KARNØE 2001; SCHREYÖGG, SYDOW and KOCH 2003). In addition, no empirical methods have so far been widely used that would allow general predictions of the causes and

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Sebastian Hess, Daniela Kleinschmit, Prof. Dr. Ludwig Theuvsen, Prof. Dr. Stephan von Cramon-Taubadel, Ulrike Zschache, Department für Agrarökonomie Department für Agrarökonomie und Rurale Entwicklung, Georg-August-Universität Göttingen, Platz der Göttinger Sieben 5, 37073 Göttingen. Email: shess1@gwdg.de

circumstances under which specific policies are introduced and the way they have been introduced in reality, implying that especially the process of political path creation is not well understood yet.

This paper proposes discourse analysis as a new concept that should be integrated into the framework of path dependence in order to reconstruct self-reinforcing feedback effects in politics. The processes of path creation and path dependence is empirically explored through a media analysis on the topic of seasonal farm workers from central and eastern European countries in Germany as an example of a comparatively small but highly regulated factor market. We summarize what established theoretical and empirical evidence can say about this policy, and why the concept of path dependency in this context promises to fill certain gaps in conventional analysis (section 2). Section 3 introduces the concept of discourse theory in connection with path dependencies and outlines a methodological framework that describes how the explanatory power of this concept is empirically tested. Section 4 presents first empirical results that are discussed and from which we draw some conclusions in section 5.

## **2 Path Dependency in Agricultural Policies – The Case of Seasonal Farm Labour in Germany**

In (agricultural) economics, rent-seeking behaviour (KRUEGER 1974) and the associated activities of lobby groups often provide convincing explanations for the existence of protectionist policies, which in turn have, in many instances, especially distortive effects (ALSTON, NORTON and PARDEY 1995). Lobby groups aim at the redistribution of income in their own favour and accordingly lobby actively within politics. Assuming utility maximizing behaviour, the cost of the lobbying effort will be equal to or less than the volume of the actual rent involved (KRUEGER 1974). In this context, agricultural policies have been analyzed by economists as well as political scientists for a long time and may be considered a classical example of redistributive policies that benefit the various farm lobby groups involved (for instance, TANGERMANN 1976; ALSTON and JAMES 2002).

From the rational choice perspective, politicians can be viewed as aiming to provide best policies given various political constraints (for instance, pressure arising from the activities of lobby groups, see DIXIT and ROMER 2006). Alternatively, politicians and political institutions themselves can be seen as rent seekers (OLSEN 1965: “stationary and roving bandits”) with selfish preferences who are trying to maximize their own benefits rather than being motivated by the best possible provision of public goods. The analysis of distortive market policies that are common in agriculture describes the incidence of policy (ALSTON and JAMES 2002) typically as a failure to provide socially optimal outcomes due to some redistribution of income in favour of certain lobby groups (ALSTON, NORTON and PARDEY 1995).

These redistributive policies typically create economic rents. An economic rent can be defined as “the payment to a factor of production over and above the minimum necessary to induce it do to its work” (CURRY, MURPHY and SCHMITZ 1971, p. 758). Once an economic rent has been created and is assigned to a group of beneficiaries, it can be argued that policy makers may already have induced political path dependency since this rent creates a large potential for self-reinforcement due to the fact that beneficiaries will be unwilling to give up their privileges again (KRUEGER 1974). However, a closer look at different definitions of path dependency on the one hand, and individual agricultural policy measures on the other, does not always clearly suggest that what is observed in reality necessarily fulfils anything more than the broadest criteria of ‘path dependency’ (e.g., not more than the general argument that ‘history matters’, ACKRILL and KAY 2006). Therefore, a closer look at more specific policy fields provides better opportunities for analyzing processes of path creation and path dependence in the political sphere in more detail.

An example of a very specific, highly protective and very persistent agricultural policy is the regulation of seasonal farm workers from central and eastern European countries (CEEC) who work each year in German agriculture (e.g. GERDES 2000). Although it can be traced back to the late 19<sup>th</sup> century, this policy does not seem to benefit neither farmers nor workers and is, at the same time, a perennial source of tensions between lobbyists and politicians. In *de facto*, if not *de jure*, violation of the EU's common market, Germany and Austria continue to restrict the employment of workers from new EU member states in agriculture and neighbouring economic sectors. Under the current regulation for seasonal farm workers from CEEC in Germany, farmers have to apply formally for a certain number of workers several months ahead of the harvest season. Farmers have to prove that they really need these workers on their farms and that they were unable to fill vacant positions with German unemployed persons. In general, farmers are currently granted only 80% of the workers they have requested. Hence, in theory they are obliged to hire at least 20% of their seasonal workforce on the German labour market. In practice, however, German workers are not able or willing to do the work in question. Therefore, a 20% input restriction is imposed on labour-intensive agricultural products in Germany, or, in other words, an input quota equal to 80% of total seasonal farm labour demand is in place. German farmers are all equally restricted by this 20% cut of their labour demand. Compared to a scenario of free movement of workers, this policy therefore constitutes a politically induced market distortion with associated potential welfare losses (Hess 2004). If rent seeking were the key motivation for the existence of this policy, at least one of the interest groups involved should clearly benefit in monetary terms. The following analysis shows that this is in fact not the case.

Input quotas typically limit the competitive market output of a farm product (ALSTON, NORTON and PARDEY 1995). They also reduce the factor price equalisation that would otherwise take place as high wages for farm labour in Germany attract low-priced workers from CEECs. This will, *ceteris paribus*, increase the price of labour as well as of the corresponding output product(s). *Seasonal farm workers* in Germany (both Germans and those within-quota workers from CEECs) clearly benefit through higher wages, while consumers of labour intensive agricultural products clearly lose as a result of higher prices. The impact on farm enterprises that produce the seasonal fruit and vegetable products is ambiguous; as both output and input prices increase.

The political influence of seasonal workers from CEEC in Germany can be assumed to be low. Furthermore, workers in CEEC who do not get in-quota positions in Germany lose as a result of the policy. Hence, it is unlikely that this interest group has had an impact on the introduction and persistence of this policy, while almost no German seasonal farm workers exist (GERDES 2000). Consumers typically have little voice in agricultural market policy (price and trade policy measures) in the EU and specifically Germany. It turns out that farmers' organizations are the strongest political opponents of seasonal farm worker regulations in Germany and lobby very actively against this policy. This indicates that of the two effects outlined above (increasing output and increasing input prices), the latter dominates and that farmers would be better off without the quota system.

German farm workers represented by the German *labour union* ("Industriegewerkschaft Bauen-Agrar-Umwelt", IG BAU) may fear incoming competitors who drive down wages. Therefore, the union might have a strong incentive to lobby against seasonal farm workers from CEEC. However, since Germans are typically not willing to take seasonal jobs, there is no direct competition and, hence, German wages for year-round employees in agriculture will not be affected by the wages paid for seasonal farm hands. Thus, no direct rent seeking effort by German labour unions is likely to be the driving force behind the politically induced reduction of farm labour migration. On the contrary, from the union's perspective the CEEC workers can be considered safeguards against societal pressure on union members to accept low-paid, arduous seasonal jobs in agriculture.

In theory the quota on migrant farm labour from CEECs creates jobs for *unemployed Germans* in the amount of 20% of total seasonal farm labour demand. It would be reasonable to expect this group to have a vital interest in even more restrictive labour market protection and to be the real beneficiary of the rent that is generated by this policy. Instead, experience shows that the German labour administration initially had difficulties finding Germans who were willing and able to take on this work. Only after special training programs and additional monetary rewards were issued by the labour administration, were a few positions filled by Germans. German farmers have frequently blamed policy makers for the resulting labour shortage. The lack of motivation for unemployed Germans to apply for unoccupied jobs in agriculture indicates that rent-seeking by this group is not a convincing explanation for the persistence of an inefficient agricultural policy.

*Land owners* are also frequently identified as the ultimate beneficiaries of protective agricultural policies. Although this is likely an important interest group with regard to the market protection of crops that are especially land intensive, less than 5% of total farm land is cultivated with seasonal, labour intensive crops in Germany (although these crops account for about 40% of total sales from crops in Germany). Therefore, there are much more attractive policy arenas for land owners to invest in lobby activities, for instance the emerging extremely land intensive production of bio energies.

Taking into account all the arguments discussed before, it is obviously hard to identify any specific interest group that clearly benefits in monetary terms from the existing policy that reduces farm labour employment. Nevertheless, the policy persists, a fact that obviously requires an alternative explanation.

### **3 Discourse Analysis as an Alternative Approach to Explaining Path Dependent Processes in Politics**

The example of the restriction of seasonal farm workers in Germany shows that economic criteria such as rents created by a policy do not always provide a comprehensive explanation of path dependent political decisions. Instead, there have to be different sources of positive, potentially self-reinforcing feedback processes in the political system. Therefore, for theoretically more substantiated and empirically sound explanations of the reasons for path dependent processes, the framework needs to be enriched by an alternative theoretical concept. Discourse analysis is a rich theoretical concept which offers the opportunity to understand social and political behaviour in a specific direction *ex post* and which can also be applied to empirical analyses. The results of these analyses may in future also help to identify political path dependence *ex ante*.

Different concepts of discourses are used in policy analysis (KELLER and VIEHÖVER 2006; KERCHNER 2006). This paper focuses on the FOUCAULTIAN perspective of discourse practices. FOUCAULT expects discourses to actively construct society along various dimensions and hypothesizes interdependencies between the discursive practises of a society and its institutions. Such practices, understood as texts, always draw upon and transform other contemporary and historically prior texts. Any given type of discursive practice, thus, is generated out of combinations of other analyses of collective knowledge orders and discursive practices. Therefore, a discourse is a bounded “positive” field of statement accumulation implying at the same time that other possible statements, questions, perspectives and difficulties etc. are excluded. These exclusions can be consolidated by institutions (LINK and LINK-HERR 1990). In this meaning discourses have a formative or constitutive power that structures basic definitions and meanings that are later on taken for granted. Linking the concept of discourse analysis with the framework of path dependence leads to the assumption that discourses and their constitutive character can be seen as explanations for self-reinforcing processes in politics because political discourses are always built on historically prior texts so

that the past strongly determines future political actions. The taken-for-granted nature of definitions and meanings structured by discourses creates (psychological and institutional) switching costs for policy makers and administrations. Cognitive processes, socio-emotional processes and mental models have frequently been identified as drivers of path dependencies in recent path research (ACKERMANN 2001; SCHREYÖGG, SYDOW and KOCH 2003).

Discourses take place at different levels: media, politics, science, literature, administration etc. Identifying and explaining positive feedback processes in politics requires, of course, the analysis of the political as well as the media discourse. While the first is a sign of political behaviour, the latter provides a master forum including virtually everyone. It is “*the* major site of political contest because all of the players in the policy process *assume* its pervasive influence” (FERREE et al. 2002, 10).

With regard to path dependence processes in politics, two main categories can explain positive feedback processes as well as path breaking or path creation: actors and storylines. Those who speak in the discourse represent the interests of collective actors. This position is very powerful, especially in the media. These speakers have the chance to give their interpretative pattern of a problem and, thus, actively shape the discourse, and they can be connected to the used storylines. Thus, considering the diachronic dimension of the discourse, the prevalence of certain speakers and storylines can be interpreted as path dependence, i.e. the supremacy of a predominant mental model or frame of reference. On the other hand, considerable changes in the composition of the speakers’ ensemble or the emergence of new ideas underlying new storylines are indications of path breaking and path creation processes.

Thus, the case of the restriction of seasonal farm workers and the framework of path dependence and discourse theory leads to two main questions that can be answered by a first empirical test:

- Who are the actors influencing the public media discourse of seasonal farm workers with their interpretative pattern?
- Which storylines are used by actors shaping the media discourse?

## Methodology

The empirical analysis is limited to the German quality newspaper „Süddeutsche Zeitung“. Quality newspapers direct their messages to an elite readership, especially decision makers. Therefore, the impact of this kind of newspaper is enormous (GERHARDS 1991).

**Table 1: Vectors of searchwords**

Vector of labour related searchwords			Vector of farm related searchwords		
Arbeit	Arbeiter	Helfer	Saison	Ernte	Landwirtschaft
Wanderarbeiter	Schwarzarbeiter	Beschäftigung	Erdbeeren	Wein	Gemüse
Arbeitslos	Sozialhilfe	Langzeit	Agrar	Spargel	Obst
Jobs	Teilzeit	vorübergehende			
Erwerbsperson	Hartz IV	Arbeitskräfte			
Beschäftigte	geringfügige				

Source: Own.

The selection of articles is based on an online search using headwords that are displayed in Table 1. Each element of the first vector of labour related search words has been combined with each vector of farm-related search words and all elements from the resulting search word matrix have been applied to the Lexis-Nexis newspaper archive. The analysis covers a time period from 1991 to 2007. In this time period 198 articles on seasonal farm workers were

published. These articles constitute the population of the exhaustive sample of the results presented in the following section.

All articles have been analyzed for their formal characteristics through a quantitative-qualitative content analysis. The basic category system, derived from media and discourse theories, is subdivided into groups of categories. For the media analysis presented here, the variables “speaker” and “storylines” are relevant.

Possible attributes of the variable “speaker” are subdivided to allow examination on which type of actor ‘has a say’ (speaks) in the national media public. Parts of this variable are for example “politics”, “administration”, “farmer association”, “media” etc. These variables result from an exploitative pretest of the empirical data.

The unit of analysis for categorizing the speaker is the statement. Statements, which are identified as relevant for coding, are single verbal messages from actors speaking directly or indirectly in the article (GERHARDS et al. 1998). Thus, in one article more than one message (statement) can be coded. Relevant for coding are statements referring to seasonal farm workers. It has to be taken into consideration that the media themselves can also appear as speaker. During the coding process, data are directly entered through pre-defined forms into a database. Also during the analysis, cross-validation tests ensure the intercoder reliability of the coding persons (see e.g. Früh 1981). This means that during the coding process same articles are randomly analysed by all coding persons in order to compare and control their results. This procedure makes sure that intersubjective characteristics of the articles are recorded.

#### **4 Results**

Figure 1 plots the number of sayings for important storylines over time. Moreover, this figure includes the number of unemployed Germans per year and indicates crucial political events regarding the regulation of seasonal labour in Germany („Eckpunkteregelung der Bundesregierung für die Zulassung mittel- und osteuropäischer Saisonbeschäftigter“).

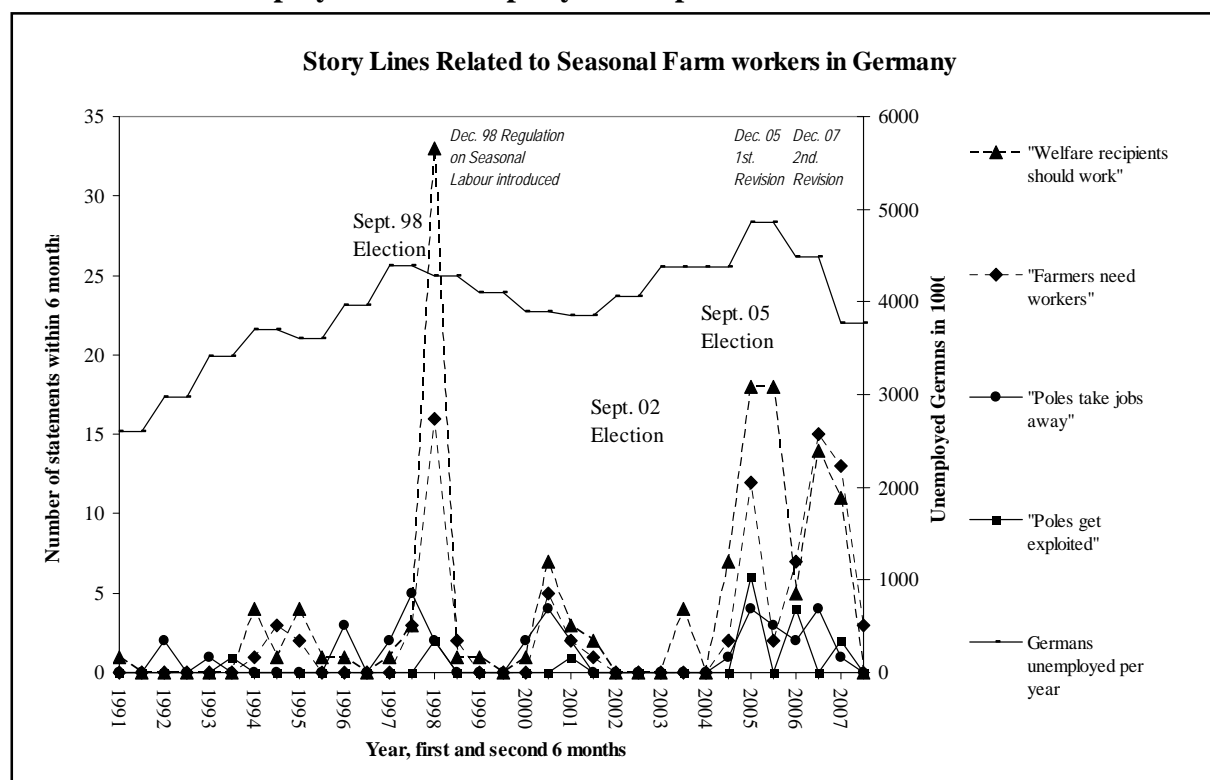
The first important result is that the public debate (measured in terms of sayings per six months) intensifies remarkably whenever policymakers decide about work permissions for seasonal workers from CEEC. The issue of seasonal farm labour gained for the first time significant media attention in 1998 when German politicians attempted to limit the total number of seasonal workers per farm to 85 % of a farm’s seasonal CEEC employment in the year 1996.

This regulation was first revised in 2005 under the new German coalition of conservative and social democratic parties. Their effort to re-restrict the number of foreign seasonal workers per farm to an amount of 80 % of the farm’s total farm labour demand resulted again in a heated public discussion, as reflected in the related media coverage (Figure 1). This can also be observed in case of the latest revision of the legal framework, which took place in December 2007. This time, the regulation had slightly been relaxed: for instance, in regions with low domestic unemployment farmers were now allowed to hire up to 90% of their 1996 level of CEEC employment.

As for individual storylines, the storyline “German welfare recipients should work in agriculture” occurs most often and peaks twice: in the year of elections for the federal government (Bundestag) 1998, and in the election year 2005. In both years, domestic unemployment in Germany had previously experienced a strong increase, while it has been on decline prior to the election year 2002. Consequently, the topic of seasonal farm workers in German agriculture does not seem to play a major role in the year 2002.



**Figure 1: Important storylines over time in relation to the total number of unemployed Germans per year. Explanation: See text.**



Source: Own.

**Table 2: Number of times that a storyline has been addressed by an agent (count)**

Storyline / Speaker	<i>German Policy Makers</i>	<i>German Administration</i>	<i>Media</i>	<i>Farmers Associations</i>	<i>German Farmer</i>	<i>Single Worker/ German Unemployed</i>	<i>German Labour Union</i>	$\Sigma$
Foreign seasonal workers are exploited by German farmers	0	0	12	3	0	1	0	16
German social welfare recipients should be required to work	24	25	37	27	23	5	0	141
Polish workers introduce competition to German labour market	8	5	15	5	0	4	1	38
German labour intensive farm products are selling well	0	0	2	0	2	0	0	4
German farms need workers	8	4	24	37	14	1	1	89
Other storylines	0	1	4	1	3	0	0	9
$\Sigma$	40	35	94	73	42	11	2	297

Source: Own.

The second most important storyline is the fact that German farmers need seasonal workers. Obviously, this graph follows the first storyline closely, indicating that whenever arguments are raised to bring German unemployed people into seasonal jobs, German farmers and farmer's associations stress the fact that they cannot find enough qualified and motivated workers among Germans. Since the second half of 2006, this storyline occurs even more often than the argument that Germans need to be brought into farm jobs. This can be explained by the fact that domestic unemployment has been on sharp decline after 2005, which takes pressure to 'find' jobs for Germans away from politicians and the labour administration. Table 2 splits the storylines depicted in Figure 1 into columns for each agent who argues along the storylines (rows). It is evident that the most important storyline is the fact that German unemployed persons should fill seasonal farm jobs first. Most actors address this argument. However, with slightly different conclusions: Policy makers and labour officials see the potential to reduce domestic unemployment, while farmers argue in this context that they have no objections to work with Germans as long as they would be equally productive and reliable as the Polish workers are. Table 3 and Table 4 (see appendix) are supplementary and provide the same information as Table 2. However, Table 3 presents the relative importance of storylines for each actor; in contrast, Table 4 presents the relative importance of the related actors for each storyline.

## 5. Discussion and Conclusions

The empirical analysis of important storylines around the regulation of seasonal farm workers in Germany suggests that especially policy makers and the German labour administration propose in the media public to bring German unemployed people into seasonal jobs, while farmers stress their limited productivity in comparison to Polish seasonal workers. In other words: the motivation of labour market regulation in this instance does not seem to be motivated by the protection of domestic wage premium, jobs, rents or other economic benefits. Instead, German officials use the media public to confirm their interest to reduce domestic unemployment through bringing Germans into seasonal jobs. The domestic unemployment level is one of the most important issues in German politics. Voters expect politicians to solve this problem. In turn, politicians are driven by the fact that elections in this context often provide occasions at which the public judges their (anticipated) ability to reduce domestic unemployment. Therefore, as long as politicians are assumed to maximize votes, they would aim to appear in the media as competent reducers of domestic unemployment. The hypothesis that these attempts are especially fierce when domestic unemployment is on the rise and elections are near cannot be rejected. However, it would have to be tested to what extent other media support the same view and on average carry similar storylines.

From a methodological point of view, this paper has introduced discourse analysis as a theoretical concept and an empirical methodology that may enable the endogenization of political path creation, path dependencies and path breaking as a result of ongoing and changing discourses within societies. This research has revealed that purely economic mechanisms such as rent-seeking behaviour do not fully explain the emergence and persistence of the political regulations surrounding seasonal labour in Germany. Furthermore, it has been shown that changes in this policy can be linked to the aim of politicians to convince the broader public of their problem-solving capacity in order to be re-elected.

Newer discussions on path dependencies in the political realm point to the complexity of the underlying processes that constitute self-reinforcing effects which cannot easily be measured or expressed in monetary terms alone. With regard to institutionalist theory scholars rather underline the importance of legitimation and power as sources of institutional reproduction and the persistence of certain policies (e.g. MAHONEY 2000, PIERSON 2000, THELEN 1999, 2003). Moreover, according to the institutional approach, key guiding assumptions, interpretative frameworks or "shared mental models" (DENZAU and NORTH 1994) can be

considered as important factors that contribute to self-reinforcing processes in the political decision-making (e.g. NORTH 1991: 36f. and 66ff.; PIERSON 2000b; THELEN 2003). “Path dependency in the policy process is [...] a form of context bound rationality among policy actors” (KAY 2005: 564). In this perspective, it can be hypothesized that the suboptimal regulation of seasonal farm labour in Germany became resistant to major change because social politicians of the federal government are constrained by the guiding assumption to reduce unemployment and, in the long term, to realise full employment in order to meet the public expectations and to gain the voters’ support.

Processes of political legitimation and the struggle for political power are closely bound to discursive practices: In Western democracies, policy-making requires the presentation of convincing reasons to the public as well as to law-making bodies. Hence, discourse analysis, in combination with conventional policy analysis, appears to be a promising complement that will allow to explain why some policies turn out to be path dependent and how they become path dependent, and whether the discourses around certain policies can be approximated reasonably well through the qualitative and/or quantitative reconstruction of the speaking actors and corresponding storylines.

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## Appendix

**Table 3: Relative importance of storylines for each agent (column share in per cent of column sum). E.g. “Out of all statements made by German policy makers, 60% have addressed the fact that German welfare recipients should be required to work.”**

Colum Shares in per cent	German Policy Makers	German Administration	Media	Farmers Associations	German Farmer	Single Worker/ German Unemp.	German Labour Union
Foreign seasonal workers are exploited by German farmers	0,0	0,0	12,8	4,1	0,0	9,1	0,0
German social welfare recipients should be required to work	60,0	71,4	39,4	37,0	54,8	45,5	0,0
Polish workers introduce competition to German labour market	20,0	14,3	16,0	6,8	0,0	36,4	50,0
German labour intensive farm products are selling well	0,0	0,0	2,1	0,0	4,8	0,0	0,0
German farms need workers	20,0	11,4	25,5	50,7	33,3	9,1	50,0
Other storylines	0,0	2,9	4,3	1,4	7,1	0,0	0,0

**Table 4: Relative importance of agents for each storyline (row share in per cent of row sum). E.g.: “Out of all statements for storyline 1 ‘exploitation’, 75% have been stated by the media”**

Row Shares in p.c.	German Policy Makers	German Administration	Media	Farmers Associations	German Farmer	Single Worker/ German Unemp.	German Labour Union
Foreign seasonal workers are exploited by German farmers	0,0	0,0	75,0	18,8	0,0	6,3	0,0
German social welfare recipients should be required to work	17,0	17,7	26,2	19,1	16,3	3,5	0,0
Polish workers introduce competition to German labour market	21,1	13,2	39,5	13,2	0,0	10,5	2,6
German labour intensive farm products are selling well	0,0	0,0	50,0	0,0	50,0	0,0	0,0
German farms need workers	9,0	4,5	27,0	41,6	15,7	1,1	1,1
Other storylines	0,0	11,1	44,4	11,1	33,3	0,0	0,0