Abstract

The present paper is about the role of public health experts in making smoking prevention policies in the Swiss federalist system\(^1\). We analyze the activity of national public health experts who are attempting to impose an evidence-based mode of policy making in this domain, by establishing an alliance with cantonal public health civil servants within the framework of national and inter-cantonal coordination activities. Relying on Haas’ concept, we consider them as forming an epistemic community. We argue in this paper that there is a specific form of epistemic community, that we call vertical epistemic community. Thus, the vertical epistemic community is made of national and federal experts, who promote their views within the frame of the vertical cooperation that occur during the policymaking in a federalist system like the Swiss one. This is made through a process of secondary harmonization, where cantonal politics are progressively bring closer, via coordination instruments and procedures. These national and cantonal experts try to make smoking prevention activities less vulnerable to political uncertainties, by creating a new centralized body of expertise to protect this subject from any attacks. By doing so, the experts manage to partly shift the discussion from the public political sphere, to the more confidential circle of (para)administrative experts. We will see how this process occur through the specific interactions implied by the vertical coordination, where the cantonal experts define and implement cantonal policies, and the national experts set general guidelines, provide technical assistance and fund the cantons. This paper will address this question through a case study of the birth and the development of the vertical epistemic community.

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We will examine how national experts encouraged the adoption of evidence-based logic in this policy area, via policy programs as a new policy instrument for the cantons. Finally, we will see that the main condition for the success of this epistemic community is its capacity to shift the decision-making process from politics to administration.

1. Introduction

Since 2012, a new epistemic community made of national and cantonal high civil servants is emerging in the field of tobacco prevention in Switzerland. Its members pursue the purpose of establishing evidence-based policies through the vertical cooperation that is required in this sector in the Swiss federalist state. By retracing this policy processes in the present paper, we will underline the existence of this specific category of epistemic community, which we will call a vertical epistemic community. We will see how this vertical coordination is leading to a secondary harmonization, via the cantonal smoking prevention programs as a policy instrument, under the impetus of the vertical epistemic community. Moreover, we will observe that this vertical epistemic community, made of civil servant experts, uses the vertical cooperation tools and procedures to successfully shift the policymaking process from political to administrative arenas. We will show under which aspects the activities of vertical epistemic communities can be closely related with a shift of the policymaking center of gravity towards more technical spheres. By scrutinizing this particular aspect of the policymaking process, we want to contribute to the refinement of the literature on epistemic communities. We will do so by paying attention not only to the characteristics and the strategies of the epistemic communities, but also to the places where the policymaking actually takes place.

Three aspects of this phenomenon will particularly retain our attention in this case study on tobacco control policies. At first, we will see that the emerging alliance between national and cantonal experts is leading to a new public health logic in the field of smoking prevention: The usual cantonal “learning by doing” method is being replaced by a strongly evidence-based approach under the leadership of a federal network of experts. Thus, whereas previously the cantons limited themselves to a rather loose horizontal inter-cantonal coordination of a few selected aspects of smoking prevention policies, we are currently witnessing a truly secondary harmonization process. We will next examine the conditions enabling this secondary harmonization to take place and see that it is the result of the structuring of a vertical epistemic community, made up of high civil servants and tobacco experts, around cantonal programs as a new policy instruments. Third, we will analyze this

2 The term has been used by Oliver Richmond (2007).
epistemic community’s particular mode of action and see how it managed to shift the center of gravity in policymaking from politics to the administrative level.

Smoking prevention policies are particularly fitted for this study, because they lie at the heart of the tension between politics-like and expert-like policymaking processes. Yet, it happens that the equilibrium between both logics has dramatically changed in Switzerland over the past few years. This is due to a noticeable shift in this area from a cantonal policymaking process to a national one provoked by the increasing involvement of national smoking prevention experts. The greatest innovation was the federal authorities’ creation of a new national actor in 2004: the Fund for tobacco prevention (*Tabakpräventionsfonds/Fonds de prévention du tabagisme*). It was given a large budget and significant prerogatives, which gave the national level more weight in the policymaking process. The mission entrusted to it is the financing of a broad array of preventive measures. Since its establishment, the Fund quickly began surrounding itself with a powerful network of smoking prevention experts, mostly at the federal level. A few years later, in 2012, these national experts adopted a new strategy, after a pilot phase, by establishing cantonal programs as a new policy instrument and coordinating tool. The strategy of relying on the cantons, and of doing so by the mean of policy programs came in the course of actions, after a phase of less concerted action.

From there, the Fund, as a national actor, became responsible for the coordination of cantonal smoking prevention programs. In particular, the programs partially entail a predefined catalogue of measures which are strongly recommended to the cantons. By doing so, the national experts aim at homogenizing cantonal policies. They also aim at creating the basis for a centralized evidence-based repertoire of comparable local experiences. Previously, cantonal smoking prevention activities were not coordinated with one another, forbidding comparison and cumulativity. Via the programs as a policy instrument, national experts can give the cantonal public health actors the -financial, symbolic and technical- opportunities to become more autonomous from their respective cantonal authorities; in turn, the cantonal actors become more dependent on the national expertise and money in designing their prevention policies. Thus, we will see how secondary harmonization effectively occurred through the national and cantonal activity of this vertical epistemic community of experts. Moreover, we will show that the epistemic community has taken advantage of the need for federal and inter-cantonal cooperation, and took the opportunity to impose evidence-based logic, and to shift the policymaking location.

Accordingly, this paper is structured as follows: The first part introduces the concepts of secondary harmonization as our main phenomena to be explained; we then propose a brief literature review on epistemic communities, in order to see to what extent it can support our central research questions. Then we expose our two working hypotheses regarding the growing leadership of federal experts in
smoking prevention policymaking before turning to the case study. Finally, the results of our analysis are discussed and some issues for further research in this particular field are addressed.

2. Theory and hypotheses

2.1 Secondary harmonization: Policy standardization through vertical and horizontal cooperation

As a highly federalist and decentralized state, Switzerland experiences a policymaking process mainly held at the subnational level. The subnational politico-administrative units, or cantons, are endowed with extensive policy formulation and implementation competences; this leads to a noticeable cantonal heterogeneity, since each canton can define its own policies within the national guidelines (Sager/Rielle 2013: 2-3). However, in spite of this important cantonal leeway, a phenomenon of secondary harmonization has been observed in many policy fields. It has been ascertained that through diverse mechanisms, the cantonal policies still tend to converge (Kissling-Näf/Knoepfel 1992: 65). Compensation logic is at work, and the cantons counterbalance their implementation differences and deficits via coordinating strategies, which strategies may ultimately become real steering instruments for cantonal public action (Sager 2003: 311). Secondary harmonization is the result of these coordination activities. Through this secondary harmonization, better coherence can be reached nationally. In fact, the cantonal implementation practices can come together via different vertical or horizontal mechanisms, such as national incentives, inter-cantonal cooperation, and political or citizen initiatives (Balthasar 2003). Harmonization can also be described as “an increasingly prevalent feature of public administration designed to address regulatory overlap, duplication and inconsistency”, especially in federalist systems. The harmonization processes may relate to the outputs, outcomes, principles, or procedures and aim at simple compatibility, consistency, or even uniformity (Windholz 2012: 323 ss.). In the case of tobacco policies in Switzerland, vertical and horizontal policy coordination do exist. For example, horizontal inter-cantonal coordination is carried out in voluntary negotiations arenas, such as meetings of cantonal health ministers (Trein 2013). As stated in the introduction, we focus here on the national vertical coordination that is made through the emerging cantonal smoking prevention programs as new coordinating tools.

Policy programs -as an instrument of public action- are an especially common form of cantonal intervention in Swiss public health. They constitute an intermediate level of public action within the federalist state. Policy program represent “the conversion of a hypothesis into governmental action. (…) Considered as a whole, a program can be conceived of as a system in which each element is dependent on the other”, in order to achieve a policy objective (Pressman/Wildavsky, cited in Sager/Rielle 2013: 2). In Switzerland, preventive politics in general have historically been conducted
at the cantonal level, through rather fragmented logic. Although cooperative strategies can be observed, some obstacles often prevent full harmonization, namely, the lack of cantonal resources to participate in horizontal inter-cantonal cooperation and insufficient national incentives to stimulate cantonal participation in vertical cooperation (Sager 2003). Interestingly, it has been observed that in the case of program adoption, the decision is usually more administrative than political (Sager/Rielle 2013: 2). Avoidance of the political spheres can occur through the following processes: “While the fragmented territorial order necessitates voluntary coordination processes, it also fosters the danger of power-driven processes due to the high veto power of every participating municipality trying to maximize its advantage. This effect can be offset by the combination of a centralized organizational structure preventing parallel information flows with the separation of the technical sphere from the political sphere supporting evidence-based rather than interest-oriented negotiations. This institutional constellation is described as “hierarchically embedded epistemic communities” ” (Sager 2005: 247). These mechanisms of harmonization and avoidance lie at the heart of our analysis of vertical epistemic community’s activities through the coordination procedures and instruments.

2.2 Epistemic communities: An authoritative claim to policy-relevant knowledge

The concept of epistemic communities (ECs) is particularly suitable for analyzing the activities of expert networks. The concept applies to any “network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area” (Haas 1992: 3); the members of an epistemic community have four common principles: “(1) a shared set of normative and principled beliefs, which provide a value-based rationale for the social action of community members; (2) shared causal beliefs, which are derived from their analysis of practices leading or contributing to a central set of problems in their domain and which then serve as the basis for elucidating the multiple linkages between possible policy actions and desired outcomes; (3) shared notions of validity- that is, intersubjective, internally defined criteria for weighing and validating knowledge in the domain of their expertise; and (4) a common policy enterprise-that is, a set of common practices associated with a set of problems to which their professional competence is directed” (Haas 1992: 3). They usually enjoy important social recognition for their competencies, which are based on their distinctive professional knowledge. They can be national as well as international (Haas 1992: 16-17), and are often -partly- located within governmental structures (Mai’a 2013: 153). The concept of epistemic community is intended to inform policy changes, particularly through the learning processes that occur during policymaking (Radaelli 1999: 768). It was set up for the analysis of public action in the context of growing complexity, specialization, and issue uncertainty (Haas 1992: 7). It enables us to examine the “process through which consensus is reached within a given domain of expertise and through which
the consensual knowledge is diffused to and carried forward by other actor”. It also allows us to see how, through infiltrating governing institutions, temporarily consensual and socially recognized knowledge may contribute to policy definition and coordination (Haas 1992: 23-29).

Now, an epistemic community has to be distinguished from other types of professional communities from the one side, and from broader policy or advocacy networks from the other. It must first be noted that all members of a profession do not form an epistemic community per se. Certain specific groups within a profession can, however, form an EC on the basis of their shared expertise and professional standards, on condition that they “seek collective policy goals as a result of these qualities”. While the members of a given profession do not necessarily agree on policy, smaller numbers of them with a high degree of cohesion and coherent policy positions can form an EC. However, the professionalism that ties EC members together, their common professional socialization and culture, differentiate them from any other militant group gathered for a common policy goal, or from more encompassing advocacy coalitions (Mai’a 2013: 155-159). Hence, ECs differ from the broader scientific community to the extent that they pursue political goals, and they also differ from policy coalitions since they share a common professional validity test (or truth test) that guides them in defining their policy goals. They differ from broader policy coalitions as well in that they do not commit themselves to policy issues other than their areas of expertise; the only political causes they support are based on their scientific beliefs (Haas 1992: 17-20). Furthermore, even though it can be partly composed of civil servants, an EC differs from a simple bureaucratic group since it promotes broader policy enterprises than the traditional administrative mission (Haas 1992: 19). Consequently, the focus on the proper characteristics of epistemic communities allows us to understand the specific dynamics of their collective action, which might substantially differ from those of other groups (Haas 1992: 34).

The epistemic community framework has not been widely used for studying the implementation of smoking prevention policies. This is surprising, since these politics are often led by expertise-based coalitions that fully correspond to the definition of epistemic communities. The use of the advocacy coalition framework (ACF) has also remained an exception (Sato 1999). However, the following insights can be gained from the studies employing one or both of these theoretical frameworks in the study of tobacco policies. First of all, the fragmented character of policymaking in this area, especially in the federalist political system, has been highlighted: “[the] analysis indicates that multiple venues through federalism are important for tobacco control policy” (Studlar 2009: 407). The multiple entry points provided by a federalist system for developing innovative – or even disputed- public health measures has been pointed out. In such multi-level governance processes, “The division of authority over secondhand smoke regulations, even in centralized polities, may make this policy instrument
[i.e. lesson-drawing processes] particularly susceptible to such bottom-up policy diffusion” (Bossman/Studlar 2009: 376). Here, the parceling out of jurisdictions is seen as a singular opportunity to experiment with pioneering policy measures along the lines of an emulative dynamic. Such dynamics have already been observed in other prevention areas, in the domain of drug policies for example. Within this context, the necessity to closely analyze the long-term birth and structuring of the coalitions that carry those policies has been assessed (Kübler 2001: 623).

In the field of smoking prevention policies, scholars usually make an analytical distinction between epistemic communities and advocacy coalitions. While the former are confidential networks of knowledge-based experts attempting to promote policy solutions on the basis of their recognized professional competencies, the latter designate much broader coalitions, whose members do not necessarily have such an expertise. For example, advocacy coalitions can include elected or public officials, interest groups, and concerned individuals (Cairney 2009: 474; Bossman/Studlar 2009: 376).

It is analytically pertinent to study epistemic communities and advocacy coalitions as two distinct entities. In fact, their constitutive dynamics, resources, operating mode, and types of legitimacy are inherently different. Although both can be mutually supportive (Radaelli 1999), acknowledging the differences between them allows for a finer analysis of policy change. As to the way epistemic communities manage to claim policy-relevant knowledge in their areas of expertise, the notion of procedural authority has been put forward: “Through their work on a commonly acknowledged subset of knowledge issues, epistemic communities create both an evidence base and a framework for policy action (i.e., a road-map). Thus an understood procedural authority is laid out by the community, which conveys the idea of progress towards the cognitive goal set by the community, usually their commitment to enhance a particular set of knowledge or actions in a particular area (e.g., effectiveness of strategies to promote health)” (Eyles et al. 2009: 2). Finally, the use of “escape route” strategies by the networks of actors involved in the smoking policies area has been discussed. Avoidance strategies can be typical of such controversial policy matters, for they allow for elaborating decisions despite the blockages (Adamini et al. 2011).

We turn now to some considerations on the conditions of success for an epistemic community. The question raised here is when and how ECs have the chance to achieve their goals, i.e. under which circumstances are policy makers likely to rely upon experts for designing policies. The factors potentially affecting the probability of running an evidence-based policymaking process are manifold, and can relate to the epistemic coalition’s characteristics, the national and the political context, the configuration of actors, and the specific history of the considered policy sector. The following table provides an overview of the factors favorable to the success of expert networks in policymaking and is based on a large literature review. Its author chose to include advocacy coalitions in his review,
because they also “use knowledge to influence policy” (Mai’a K. 2013: 144). For our part, as mentioned above, we consider them as two distinct phenomena, although they can be close allies and take joint action within a policy subsystem. To put it differently, “Both ACF and epistemic communities focus on the role of knowledge in influencing policy change, but the ACF is a broader concept of groups driven by core beliefs. While advocacy coalitions normally consist of politicians, interest group lobbyists and journalists and may be oriented towards a broader set of political beliefs, epistemic communities are more specifically dominated by expert professionals (...)” (Zito 2001: 589).

Table 1: When epistemic communities are persuasive: summary of the literature

<table>
<thead>
<tr>
<th>Epistemic communities are more likely to be persuasive when:</th>
<th>Scholars</th>
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<tr>
<td><strong>Scope conditions</strong></td>
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<tr>
<td>There is uncertainty surrounding the issue because it is complex or new (uncertainty from perceived crisis)</td>
<td>Haas (1990), Radaelli (1999)</td>
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<td>The issue is surrounded by uncertainty and it is politically salient (continuous uncertainty)</td>
<td>Radaelli (1999)</td>
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<tr>
<td>The decision-makers they are trying to persuade are unhappy with past policies and present problems (uncertainty from perceived crisis)</td>
<td>Hall (1993)</td>
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<tr>
<td><strong>Political opportunity structure</strong></td>
<td></td>
</tr>
<tr>
<td>They have access to all necessary top decision-makers</td>
<td>Haas (1990), Drake and Nicolaidis (1992)</td>
</tr>
<tr>
<td>They anticipate other actors’ preferences and actions despite fluidity in the system (as in the EU)</td>
<td>Richardson (1996)</td>
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<tr>
<td><strong>Phase in the policy process</strong></td>
<td></td>
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<tr>
<td>They seek to influence the terms of the initial debate, instead of the decision itself</td>
<td>Raustiala (1997)</td>
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<tr>
<td>They deal with subsystem, technocratic phase of decisionmaking, rather than shaping broader political beliefs</td>
<td>Peterson and Bomberg (1997)</td>
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**Coalition building**

<table>
<thead>
<tr>
<th>The networks they are competing against are not as cohesive or certain of their aims</th>
<th>Perterson (1995)</th>
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<tbody>
<tr>
<td>They share a high level of professional norms and status</td>
<td>Sabatier and Jenkins-Smith (1999)</td>
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**Policy field coherence**

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<tr>
<th>There is respected quantitative data, instead of very subjective qualitative data</th>
<th>Sabatier and Jenkins-Smith (1999)</th>
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<tbody>
<tr>
<td>The issue involves natural systems (that is, the environment), instead of social systems</td>
<td>Sabatier and Jenkins-Smith (1999)</td>
</tr>
<tr>
<td>Their norms and policy goals are compatible with existing institutional norms</td>
<td>Jordan and Greenway (1998), Sabatier (1998)</td>
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Source: Mai’a K., 2013.

In our analysis of evidence-based policymaking on smoking prevention in Switzerland, we will focus on an argument that approximates that of Peterson and Bomberg, namely, that epistemic communities are more likely to succeed when “they deal with subsystem, technocratic phase of decision-making, rather than shaping broader political beliefs”. For these authors, the emphasis lies on the phase of the policy-cycle. Indeed in our case study, the success of the epistemic community in question is due to the location of the decision making-process in more technocratic spheres (i.e., administrative, as opposed to political, arenas). What is more, we will see that it is the epistemic community itself which provoked this shift in the decision-making process from the political to the administrative spheres. By doing so, the EC substantially strengthened its ability to intervene in policy definition and implementation. In this way, such expert communities show their ability not only to
intervene in a given decision-making system but also to shape it. Our focus will thus especially lie on the capability of epistemic communities to redefine their environments in order to better act on them. The decision-making system will not be considered as a fixed framework inevitably monopolized by a predetermined set of actors. In fact, the constant evolution of the whole policy subsystem’s frontiers must be closely examined (Bergeron et al. 1998: 218-219). In this context, the question is no longer how communities manage to influence decision-makers (especially elected officials), but rather how they manage to partially replace them by altering the very nature of the decision process. Hence, our assumption is that next to the condition of success listed by Mai’a, we can add the ability of epistemic coalitions to remove the decisional process away from the political arenas and towards the administrative ones.

2.3 Hypotheses

Following these theoretical insights, we make the two following working hypotheses concerning the secondary harmonization and the evidence-based policymaking prompted by the actors of the vertical epistemic community observed in our case-study:

- **H.1**: The ongoing secondary harmonization at work in the field of smoking prevention policies in Switzerland is being achieved under the pressure of a powerful vertical epistemic community composed of cantonal and national actors. This epistemic community takes advantage of the need for federal and inter-cantonal cooperation to impose its evidence-based logic.
- **H.2**: This vertical epistemic community pursues its goals by managing to shift the heart of the cantonal policymaking process from the political spheres to the administrative ones.

3. Case study: The Swiss smoking prevention epistemic community

We turn now to the analysis of the vertical epistemic community that has brought together national and cantonal experts in the field of tobacco prevention over the past few years in Switzerland. Two general features of the smoking prevention policies in Switzerland have to be underlined: They are mainly defined and implemented at the cantonal level, and some of their related issues are controversial. Hence, it is particularly interesting to examine how a network of public health experts is currently working on the centralized coordination as well as the technicization of such policies. We will first provide a quick overview of the (in)formal division of competence that has so far prevailed in

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4 The case-study is based on document analysis as well as field observations currently made within the frame of our investigation.
this policy area. We will then bring the birth of the new federal actor to light (i.e. the Fund for tobacco prevention), as well as examine the evidence-based logic it attempts to promote. Next, we will describe the policy instruments it uses to diffuse its evidence-based logic at the cantonal level, and which collaboration is constructed with the cantonal experts. We will here observe the setting up of the vertical epistemic community. Finally, we will see how its activity succeeds in partially moving the decisional process away from politics and locating it toward administration. In the following sections, we will consider the network of national and cantonal smoking prevention experts as a vertical epistemic community, and the result of their coordination efforts around the new cantonal smoking prevention programs as a secondary harmonization process.

3.1 Smoking prevention politics in Switzerland: The high degree of cantonal autonomy

As already highlighted, the definition and implementation of smoking prevention policies in Switzerland fall under the jurisdiction of the cantons. The federal level is entrusted with the general regulatory requirements regarding tobacco products, taxation, and passive smoke exposure, as well as the organization of national campaigns and global coordination of prevention. The cantons are responsible for designing and implementing the preventive, counseling, as well as therapeutic measures (OFSP 2008: 17); they also have the authority, within the national legislative framework, to regulate the sale and advertisement of tobacco products, as well as to protect the population from second-hand smoke. In fact, while the Confederation enacts the general legislative framework, the cantons are in charge of effective law enforcement. As to the major issues of tobacco control, the national legislative situation is the following: A federal law on protection from second-hand smoke has been in force since 2010; a federal law from 1964 bans advertising tobacco products on the radio or television, and a lawful order from 1995 further prohibits direct advertising to minors under 18 years old in any setting. No legal provisions for sales to minors exist at the federal level; in this respect, the interdiction fully rests upon cantonal legislative choices and efforts. Within this framework, the cantons have historically benefited from a great deal of autonomy in the accomplishment of their duties.

This distribution of competencies is fully in line with Swiss executive federalism, one of the main features of the national political system. This logic colors the whole public policy formulation and implementation process. While the Confederation is in charge of formulating of the global legislative

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8 It is however to note that a draft legislation regarding advertising as well as sales to minors is currently under review at the national level: https://www.news.admin.ch/message/index.html?lang-fr&msg-id-53026. Last access: 3 July 2014.
framework, the cantonal level has historically been seen as adequate for policy execution. This system aims to unburden the national state and allow flexibility for local particularities (Linder 1987: 225). Although the cantons are formally subject to the Confederation’s supervision as far as legal implementation is concerned, de facto this national monitoring is quite loosely carried out (Kissling-Näf/Knoepfel 1992; Sager 2003: 309-310). Consequently, the cantons are key actors in (re)defining public policies within the Swiss politico-institutional system. We can observe a great disparity in cantonal smoking prevention policies as a result. This is as true for the implementation of smoking bans and advertising laws as it is for sales to minors as well as for the cantonal supply of preventive and therapeutic measures. Until recently, due to the Confederation’s weakness regarding policy implementation, coordination mainly derived from voluntary inter-cantonal efforts. Nevertheless, considerable change has taken place since the creation of the Fund for tobacco prevention in 2004 as a leading national actor. Loose and partial inter-cantonal coordination is gradually being replaced by a more vertical coordinating approach including all aspects of smoking prevention. This vertical cooperation is done under the leadership of federal experts and with the collaboration of the cantons; this makes it a particularly interesting case to study political change.

3.2 The setting up of a powerful national actor: The Fund for tobacco prevention

Indeed, a considerable change in the smoking prevention policymaking logic occurred in 2004 with the federal government’s creation of a new national actor: the Fund for tobacco prevention, which rapidly integrated allies into its work and built a genuine epistemic community, vertical in nature. The Fund was created after the national parliament decided to revise the tobacco taxation legislation in 2003. Taxes increased, and an important source of income dedicated to smoking prevention was obtained from this decision. The Fund was created to manage this new income by funding any relevant smoking prevention project both those from non-governmental organizations (NGOs) and those from cantonal administrations. This aspect of its mission gives the Fund a significant weight in influencing the policymaking. Its decision-making power in financial allocation allows the Fund to act in a rather voluntaristic way. The strategic orientation of the Fund is provided by the Tobacco National Program, which is designed by a broad panel of actors under the leadership of the Federal Office for Public Health (FOPH) and approved by the Federal Government every couple of years. It includes the following lines of action: preventing the beginning and promoting the cessation of consumption, protecting against second-hand smoke exposure, raising public awareness, encouraging the research, developing framework conditions to foster preventive actions, and last but not least, building a national network of tobacco prevention actors (RS 641.316, art.2). The Fund managed to gain great influence in the relevant policymaking processes despite its proportionally weak resources in terms of personnel. Since its creation, its collaborator numbers have always been
very low for an organization deciding the allocation of millions of francs. Hence, the two major strengths of the Fund are: a) its important budget and its privilege to choose which prevention projects will be funded, and b) the large network of experts it has rapidly built, which largely compensate for its internal weaknesses. The Fund’s high financial capacity and authority to make allocation decisions provides it with considerable power of persuasion and of steering. In fact, the actors implementing smoking prevention politics (at the cantonal level) were previously almost entirely dependent on local authorities, who decided the budgets attributed to these activities. With the money derived from the new taxation rules, these cantonal actors can apply to the Fund for important credits via a cantonal smoking prevention program. Through this new policy tool, the Fund can draw the cantonal actors (i.e. the heads of the cantonal smoking prevention programs) into joining the network, although the participation is not mandatory. Through the policy definition process, both type of actors determine the path to take, according to their differential expertise and position, thus gradually creating a common expert culture. However, these two types of experts have neither the same constraints nor always the same priorities, which prompts complex transactions between them.

The second particularity of the Fund lies in its intensive network-building activities. Indeed, its staff rapidly set up a channel of administrative, associative and academic actors, mainly at the federal level. These actors are included within the Fund’s activities in various ways: counseling, partnerships, monitoring, coordination as well as joint research. Its sophisticated channeling activities provide the Fund with numerous advantages: Including the most competent actors in its activities allows for flexible and efficient action despite low internal resources in terms of personnel; furthermore, the integration of these actors also compensates for the lack of legitimacy the Fund could potentially suffer as being a new, top-down creation of actors lacking any field experience. Finally, the Fund’s network guarantees it relevant entry points to local and national smoking prevention activities. The Fund and its national and cantonal network form an epistemic community, since they share the same vision of the right approach to prevention, based on their common professional and training background; they view their claims as legitimate because they are scientifically based and their expertise is socially recognized. Furthermore, they consider that their knowledge grants them the right to formulate policy goals and procedures. From their collaboration, a common epistemic culture and shared professional objectives are progressively built. These national and the cantonal experts are gradually constructing common norms, language and mode of actions through their converging around the new smoking prevention programs.

This epistemic community grouped around the Fund for tobacco prevention is principally comprised of actors who are usually trained in public health management and rely on the corresponding
scientific literature, have a high-level education - or even rather academic - profile, have leading positions and generally have less field experience than the grassroots prevention workers. A first group within this epistemic community is composed of the experts of the Funds as well as the tobacco-expert civil servants from the Federal Office for Public Health, which hosts the Fund. Stemming from the same Office, the members of these two entities share a common administrative culture. A second group is the committee of external experts the Fund gave itself. This is a permanent consultative commission with the mission of advising the Fund (RS 641.316, art.7). As university professors, top civil servants, or cantonal public health actors, the members of this commission are a source of inspiration and legitimacy for the Fund as well as of transmission for jointly developed ideas. Finally, the cantonal heads of the smoking prevention programs (in most cases civil servants or para-administrative actors) form the third group that is part of the vertical epistemic community. Thus, such a vertical epistemic community has access to both the top national as well as cantonal spheres of policymaking. Its members use this network to disseminate an evaluative and evidence-based logic for smoking prevention policymaking, to which we now turn.

3.3 The vertical epistemic community: The dissemination of the evidence-based logic in the field of smoking prevention

The core of the new public health logic this vertical epistemic community wants to promote in the field of smoking prevention policies is to be understood as an evidence-based, cumulative, and evaluative logic. This logic is primarily fostered by the national experts. The idea is no longer to run fragmentary and isolated cantonal activities. Local preventive measures have to be integrated into a national repertoire of best practices and scientifically evaluated accumulate evidence. The aim is to draw lessons from the different cantonal experiences as to which approaches work best and why. In this way, the cantons could enjoy evidence-based programs that prevent them from wasting time and resources. Naturally, these changes sometimes cause problems, in particular for the implementing actors. They have an intimate knowledge of the local circumstances, they have invested time creating projects, and have accumulated long experience with running local smoking prevention activities. Some of them believe the coordination and evaluation effort represents a substantial loss of time and that the resources committed to these tasks should be invested in the preventive activity itself.

In contrast to this, the members of the vertical epistemic community have strong incentives to alter the prevailing preventive logic. Namely, they occupy more overarching positions, which subject them to different types of constraints than the field workers. Importantly, they have more of an allocating and coordinating task than an implementing one. As to the Fund, its members play an important role in selection and orchestration of projects at the national level. That is, they have to decide the
optimal allocation of national resources and target the right projects to fund. Moreover, they are accountable to the national political authority as to the use of public funds. This is especially true since the amount of money it administers is considerable, and the applicant projects are numerous. Hence, there was a need from the Fund for the creation of a system to frame their decision-making procedures and secure their choices as well as legitimate them. As to the other national experts (high civil servants of the FOPH, scientific experts), they share with the Fund a deep belief in the added value of evidence based approaches. In their opinions, scientific testing, relative standardization and systematic evaluation would permit better results from a public health point of view. With regard to their training and professional backgrounds, it should be noted that their profiles are closer to those of public health managers or academics than prevention practitioners, as opposed to the field practitioners. Finally, as to the heads of the cantonal programs, they can substantially increase their preventive budget and diversify their action by participating in the process. Given that before the creation of the Fund, their local activities were limited to the means granted them by the cantonal authorities, this financial leeway also grant them autonomy vis-à-vis cantonal politics.

3.4 A depoliticized action repertoire: Best practices as a support for diffusion

We turn here to the procedure through which the new policy logic is diffused. The main instrument, forged by the epistemic community, but mainly initiated by the Fund for tobacco prevention, is of the creation of cantonal smoking prevention programs. The cantons can apply to the Fund with a project of cantonal program, which is co-funded when it meets the requirements. The program as a policy instrument is a therefore a powerful tool, since the policy can be strongly influenced through it. For example, the cantons have to plan rigorous internal and external evaluations of the program. The whole system is impregnated with an impact logic that aims to measure the interactive effects of various projects on the cantonal program’s efficacy, and draw lessons for the future. In this respect, the aim is to initiate the accumulation of evidence about the conditions of success or failure for different cantonal projects. In order to achieve this, every project which is part of the program has to be categorized, specifying the types of action (coordination, law enforcement, behavioral prevention, public information), the target groups, and the settings. Each project also has to be assigned precise output and outcome objectives. The cantons have to specify on what evidence every planned intervention is based. This typification aims at making the projects comparable from one canton to another, in order to allow for a cumulative approach as well as for the construction of a centralized body of knowledge on cantonal preventive measures.

The Fund for tobacco prevention also provides a predefined set of projects to be implemented in the cantons. These projects can be picked up by the heads of the cantonal program, who then receive
technical support and the resources to implement and evaluate them. Finally, the Fund specifically urges the cantons to strengthen the law. It is interesting to note that through the provision of such a catalogue of predetermined projects, the Fund is able to intervene not only in the underlying logic of a cantonal prevention program but also in its very content. Every canton that will benefit from the Fund’s financial and technical support has to design its smoking prevention program on the basis of a certain framework (FPT 2011). The new design of the cantonal programs according to this evidence-based, evaluative, and impact logic has initiated an unprecedented dynamic within this policymaking process. The phenomenon is very recent, but it is already visible that this new method is simulating profound learning processes between the cantonal and the federal experts, brought together in this vertical epistemic community. The logic promoted by the epistemic community thus infiltrates the cantonal level, which is the sole level responsible for policy implementation and has broad policymaking competencies. The epistemic community succeeds in spreading its public health approach through a soft but powerful formative and steering instrument. The cantons appropriate the Fund’s guideline and funding and partially manage to adapt them to their own objectives and professional habits. Interestingly, by doing so, the vertical epistemic community has managed to provoke important changes in the process of policy formulation and implementation, away from the political sphere. We turn to this aspect in the following section.

3.5 Toward the avoidance of the political debate: The shift of the decisional process from the political to the administrative arena

It should be emphasized that the creation of the Fund occurred at a particularly crucial moment. A few years before its creation, the smoking prevention experts at the Federal Office for Public Health were strongly dissatisfied with national politics. The advancement of their cause had reached an impasse. The FOPH’s administrative experts were openly discontented with the policy of the Confederation toward addictions in general and tobacco dependency in particular. One national political event has been particularly revealing in terms of the obstacles to strengthening smoking prevention policies at the national level. In 2003, the national parliament refused a general ban on tobacco advertising that would have been based on the European example. Along with the restriction of access to tobacco products by minors and improvement to the protections against second-hand smoke exposure, the general advertisement ban had been one of the national experts’ main struggles. It was nevertheless the same year that the federal assembly approved the increase in the tobacco tax as well as the creation of the Fund. The national experts who had pushed for the creation of the Fund drew the following conclusion from the political obstacles to legislation improvements: The political interests in this domain are highly contradictory, and the democratic decisions recently made by the representatives of the people have to be taken into account. Taking note of these
tensions, yet willing to strengthen the cause, these national experts decided to pursue a more “integrated approach” (Spinatsch/Hofer 2004: 1). Facing political blockage when it comes to put to the vote so divisive subjects, and having been given a flexible instrument in the form of the Fund, the experts assumed a different strategy.

After this important parliamentary defeat, and since the creation of the Fund in 2004, the national expert network has focused on a more depoliticized and discrete modus operandi for driving reforms. Instead of submitting new proposals for votes, it pursues its new “integrated approach”, by enacting guidelines for the cantonal programs. This focus on the cantonal smoking prevention networks replaced that which had previously been on the national political sphere, and is at the origin of the creation of the vertical epistemic community. The Fund began to address the canton directly and to encourage them to enforce their legislation through targeted funding on these particular points. It gives the cantons the means to actually exert their jurisdiction. Indeed, without being centralized -the policymaking fully remains a cantonal task-, the coordination encouraged by the Fund by empowering each canton fosters secondary harmonization. Despite the tensions that sometimes exist between them, the activities of the cantonal and the national experts who form the vertical epistemic community are mutually supportive.

It turned out that later on, the difficulty of achieving any improvement via the national political scene was confirmed: In 2012 the Swiss population further rejected a popular initiative on protection from second-hand smoke exposure -one that was not actually launched by the vertical epistemic community. After those substantial defeats at the national political level, the Fund interestingly stated in a position paper that:

“The smoking prevention programs elaborated by the cantons allow them to make full use of the competences entrusted to them by law, in a concrete and targeted manner. (…) [According to the Tobacco National Program] the cantons play a central role in the smoking prevention in Switzerland. They must continue to exploit their broad legislative competencies to reduce tobacco consumption and protect health, in particular against passive smoking, by taking measures concerning advertising and sponsorship, or access to tobacco products (for example by prohibiting their sale to youth)” (FPT 2012: 3)⁹.

This sudden insistence on cantonal competences appears as a means of overcoming the national political blockages. According to this logic, special attention of the Fund is paid to law enforcement in regard to the financing of cantonal programs. Thus, part of the Fund’s support especially aims at

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⁹ Our translation.
properly applying already existing cantonal law in matters of advertising, smoking bans, and sales to minors. Indeed, the cantons often do not have the resources to fully enforce existing law, through trade police controls in public establishments, labor inspectorate controls at workplaces for regulating second-hand smoke exposure, or test purchase for preventing sales to minors. Furthermore, the Fund also particularly encourages cantons to strengthen their regulations. Unable to change the national legislation, the experts focused on the cantonal one. .. Whereas the lack of action in the area of law enforcement was previously due to cantonal political choices of resource allocation, the Fund has turned it into a technical issue by providing the necessary means to enhance implementation. Moreover, the Fund also finances cantonal projects that aim to prepare cantonal revisions of these regulations, such as raising the legal age for cigarette purchases or strengthening the smoking ban. For their part, the cantonal experts seize these opportunities to advance the cause in the local level.

Until the Fund’s intervention, the cantonal experts did not have the sufficient resources to focus on such law enforcement as well as to prepare law reforms. They mainly concentrated their efforts on behavioral prevention. Now, with the significant increases to their budgets from the Fund, they are able to - and requested to - give more attention to these aspects. Thus, unless it is challenged in parliament, law enforcement in the cantons will remain limited to the executive and administrative levels. It could consequently stay fairly more confidential as if a whole debate on allocating choices came out in parliamentary arena. Similarly, through these programs, law revisions will now be carefully planned, and prepared by cantonal experts, preferably before the theme emerges in the cantonal parliaments. These could eventually be proposed by the government as technical revisions requested by professionals, thus limiting the risk of political appropriations. This can be more difficult when the reforms are proposed by elected officials or a parliamentary group. The actual strategy of the vertical epistemic community is thus striving to avoid the political sphere, and to confine the relevant policymaking process to the administrative and expert ones. The processes that occur within the epistemic community are also less visible and thus less likely to be attacked by external opponents. In addition, it is unlikely that cantonal politicians would refuse the resources offered by the Fund, even if they may also be synonymous with a relative transfer of authority towards the smoking prevention experts. Consequently, the process launched in the wake of the epistemic community is remodeling the decision-making process, shifting it from the political to the administrative arenas.
4. Discussion and perspectives

The network of national and cantonal actors described in our case-study constitutes what we called a vertical epistemic community, which has so far managed to gain legitimacy by including many of the tobacco experts that counts among its members. We saw that the national assembly has delegated great power to the Fund for tobacco prevention, making it responsible for the allocation of revenue generated by tobacco taxation. The Fund then enrolled a large network of experts both at the national and the cantonal level in order to overcome the political obstacles. These experts moved cantonal smoking prevention policies in a new direction, via the cantonal smoking prevention programs as a policy instrument. At the end, through the inter-cantonal coordination initiated around these new programs, a new form of secondary harmonization is occurring in this policy area. This harmonization is done through an innovative process, notably the diffusion of evidence-based best practices through a set of projects, and the encouragement to legislative progress through the cantonal program formulation guidelines. Hence, the three elements highlighted in the literature on epistemic communities -a set of professional actors forging instruments in order to translate their expert-based ideas into policy objectives- were indeed present in our case.

Thanks to its powerful means, the Fund could initiate vertical coordination and encourage cantons’ participation in the new smoking prevention programs. It thus appears that a strong vertical epistemic community could be a particularly important factor in secondary harmonization in the context of the Swiss federalist system. Through its financial, scientific, and technical abilities, the Fund was able to enroll actors from the sub-national fields of policymaking. Furthermore, we saw that this vertical epistemic community has partly shifted the decision-making process to the administrative spheres, thus technicizing it. Importantly, in our case, the epistemic community itself worked actively to alter the substance of the decisional process by provoking this shift from politics to administration. This point is important because the epistemic community literature usually focuses on the ability of the coalitions to convince the decision-makers. Epistemic communities are seen as “the transmission belts by which new knowledge is developed and transmitted to decision-makers” (Haas 2004: 587). Those latter seem to be rather considered as a fixed given factor. In our case, the epistemic community shows more than convincing power: By bypassing the political arena, this vertical epistemic community showed its ability to partially codetermine who is a decision-maker. The epistemic community literature has strongly highlighted how delicate it can be to mobilize knowledge in a policymaking process when a political debate is simultaneously already occurring (Haas 2004: 588); in our case, the epistemic community is precisely striving to build a solid centralized corpus of knowledge and practice upstream of any political debate. Consequently, some stimulating issues are to be addressed in the future. It will be particularly interesting to examine how
the new smoking prevention programs will be further developed and implemented in the Swiss cantons. Will opposition emerge, and if so, will it come from politicians, citizens, or lobbyists? Over time, will the vertical epistemic community have to include other actors in order to pursue its objectives, and eventually turn into a larger advocacy coalitions in some cantons? If the epistemic community has to integrate other actors, whose legitimacy will not be based on professional expertise any more, what changes to its specific mode of action will that imply? Similarly, if adversary coalitions rise up to challenge it, how will it affect the dynamics of collective action in this particular policy area? Will the decisional process undergo new shifts, or will it even be subject to a politicization process? Since policymaking processes are eminently configurational, it will be intriguing to observe what local constellations will do to the evidence-based ideas initially put forward by the epistemic community. Of particular interest is the fact that we are facing cantons that are exposed to the same federal context and to the same inputs from the epistemic community. The process is in its early stage, but different appropriation processes will occur in each canton, according to a set of local factors such as the politico-administrative cantonal configuration or the history of the cantonal smoking prevention militant and professional field. This will provide us the opportunity to further scrutinize the circumstances under which secondary harmonization can be achieved through vertical cooperation at the crossroads of national and cantonal public action in a federalist context. Furthermore, it will offer a chance to examine the facilitating or hindering factors for setting up evidence-based policymaking processes.

5. Conclusion

In this paper, we examined how secondary harmonization in the area of cantonal smoking prevention policies is being achieved through the mobilization of a vertical epistemic community of public health experts. This harmonization of cantonal policies is being carried out through the relative standardization of their smoking prevention programs. The uncoordinated and isolated nature of the cantonal policymaking processes has been called into question and the necessity of systematic cumulativity as a mean to advance the cause has been raised. The initial incentive had been the will to overcome the blockage encountered at the national political level. A new style of public action is being established through the coordinated efforts of the epistemic community of experts willing to ground the evidence-based logic as a norm of policymaking in this domain. Although still at its beginning, the conditions of success for this undertaking have to be addressed. Its members have found success in monopolizing a crucial redistributing position (the allocation of the tobacco taxes through the Fund), to enroll the key cantonal actors and to substantially reorient policies. During this process, the epistemic community managed to act on its own environment by moving the decision-making process into the administrative spheres.
Thus, the questions raised here were those of the modus operandi that has allowed experts to impose their knowledge regime within a federalist system. We saw that this could occur through an epistemic community made of cantonal and national experts. Hence, the epistemic community can take advantage of the multi-scale system, as well as of the need for cantonal and federal coordination to diffuse its policy objectives. The ability of epistemic communities to act on these decisional systems and turn them to their advantage has also been highlighted. We showed that the shift in the decisional system from politics to administration may be a crucial factor for epistemic communities, who no solely influence decision-makers but can also bypass them. Finally, we conclude to the existence of a particular kind of epistemic communities, the vertical epistemic communities, which is particularly able to account for expert mobilizations on sectoral policymaking in a federalist context.
References


