

## **Towards a Transalpine democratic public space ? Concertation with citizens between mobilisation and frustration**

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This paper contributes to a reflection about the possibility of the constitution of a democratic public space concerning Transalpine transport policy. The european legal frame and political intentions - as well as national ones - introduce the recognition of citizens participation in decision-process which have impacts on their frame of life. As an example, since 1998, the Aarhus Convention makes essential the respect of different rights like information, participation and legal recourse. Generally, the development of concertation is seen as a solution to address the deficits of the legislative frame which lead to contest the legitimacy of projects and decisions. It is supposed to avoid conflicts.

But, despite formal procedures and political discourses transport policy is still the theater of citizens mobilization with local or transnational dimensions. The implementation of infrastructure projects and the regulation of heavy goods vehicles traffic are two of the main subjects of claim. So, how can we explain that democratic procedures can not avoid conflicts ? How can we understand that concertation is used as a resource in mobilization ?

After analyzing first how we can understand the development of the call for citizens' participation and pointing out the main evolutions of the participatory frame, the paper gives elements of the very experience of participation to show how concertation is at first a source of dissatisfaction and frustration, examining the different dimensions of frustration. It defends the idea that concertation can't be anything else than a frame to organize conflict.

## I. The development of citizens' participation

“ I am astonished by the people need to talk about their city, about their frame of life. I have the impression that the Wall as fallen ”<sup>1</sup> A few years ago, a French political representative could compare the development of participation to the fall of the Berlin Wall to express the revolution shaking the French public opinion as well as the legal frame. This image translates the feeling of someone who realizes that an old public world made of distant and cold relations, made of impassable frontiers between citizens and institutionnal representatives is dying. At first, such comparison could make one smile: Citizens' participation is an old idea, as old as the democracy one. But, since ten years, public action management knows a deep and wide transformation: from local to european level, from urban government to land use planning, from domestic waste management to infrastructure transport implementation, legal frames, political discourses and practices make more systematic the call for citizens' participation. Far from the solutions of the seventies which managed to protect the state from democracy and social demands in order to avoid the ungovernability of occidental systems<sup>2</sup>, calling for participation as participating are today norms of political behavior. It is today the right thing to do in a real democracy. And despite the particular institutionnal histories and the degree of participation they offered, most of european countries introduce principles of participatory democracy in their own system of public action management.

Many factors can explain the introduction of participatory instruments. Concerning transport policy, we can remark that the (re)development of this old democatic idea has started with the renewal of environmental and planning conflicts and of the explosion of legal recourses<sup>3</sup> at the end of the eighties. In France, as in other european countries, citizens mobilization has became stronger with new logics of action : social movements are more professionalized, acting with more and more transnational dimensions (as show the conflicts surrounding the Somport Tunnel, the nuclear waste question, the Lyon-Torino TGV, etc.) and with new reasons of fight : it is now the very principle of policy which is contested. Public authorities can not ignore that it is more difficult to legitimate decisions and projects. The mecanisms of the production of legitimation are out of run : producing an agreement on a consensual definition of the public good is far from being easy.

First of all, public good is not easy to define because of **the heterogeneity of issues**. In all policies, the problem is to combine antagonist issues which are equally wanted by public opinion. Concerning transport policy, - as the question of alpine tunnels shows -, how satisfying the need of mobility with demands of security and speed, the call of forgotten isolated regions who suffer from lack of infrastructures of communication, the anger of roadside residents who claim for more quietness ? As Ulrick Beck says, following Kandinsky, public action has became complexe because time of “ Either-or ” has been replaced by time of “ And ”. “ While the nineteenth century was dominated by Either-Or, the twentieth was to be devoted to work on And. Formerly : separation, specialization, efforts at clarity and the calculability of the world ; now : simultaneity, multiplicity, uncertainty, the issue of

<sup>1</sup> X. Darcos, in *Le Monde*, “ La démocratie directe, nouvel outil de gouvernance des élus locaux ”, 2 juin 1999.

<sup>2</sup> M. Crozier, S. Huntington, J. Watanuki, *The Crisis of Democracy, Report on the Governability of Democracies to the rilateral Commission*, New-York, New-York University Press, 1975.

<sup>3</sup> As an example, between 1985 and 1990, in Paris, legal recourses concerning urban projects have been multiplied by 3. F. Bigot, *L'urbanisme au défi de l'environnement*, Rennes, Editions Apogée, 1994.

connections, cohesion, experiments with exchange, the excluded middle, synthesis, ambivalence.”<sup>4</sup> The notion of sustainable development illustrates perfectly this transformation since the question is how to combine harmoniously and the economical development and the protection of environment and the social solidarity ?

This difficulty to define the public good is worsen by the crisis of trust regarding the political class. It is not only a moral question. The legitimacy of political representative has to deal with the decomposition of the system of competences : europeanization and decentralization processes contribute to complexify - and sometimes to make confused - questions of imputability and political will. Saying it more directly : **nations are not anymore alone to decide what it is good for each of them**. This crisis of trust also concerns the experts : their capacity to prevent risks is contested ; they can even be at the origin of risks. Public opinion became more suspicious and does not let political authorities be alone in the experts' hands.

These different factors made clearer the inefficiency of legal procedures of legitimation : the tiny hidden circle of experts, the institutional arenas are not sufficient, alone, to produce the social acceptance of projects and decisions.

## II. Characteristics of the participatory legal frames

Examining the evolution of the legal frames, several points can be underlined:

1 – The right to information is strengthened and enlarged to the right of participation : citizens do not need only to be better informed; they have things to say. Then legal frames organize the expression of their points of view and of their own interests. Citizens participation is recognized as a “ public good ” which has to be combined with the public interest of projects and decisions.

2 - This stronger implication is organized more and more as soon as possible in the decision-making process : citizens' voice is not only invited as the last formality of the procedure but more and more at the very moment of planning. Citizens are allowed to discuss on the question of “ why ” and not only on the question of “ how ”. And moreover, dialogue has to be continuous all along the decision-making process, even at the ex-post evaluation phase.

3 - The decision-making process is not only produced in hidden areas with a happy few of experts and political representatives but it is produced by more and more partners “ out of doors ”. Decision is not anymore thought in a linear way, the round table or the forum models prevail.

4 - Despite of this enlargement of the citizens' participation, one has to remark that the very moment of decision is still protected (except for the Switzerland referendum example): the power of decision is not shared ; what the juridical frames accept to share is the process of working out and the conditions of implementation of transport projects or decisions.

These evolutions lead to a real transformation of the legitimation process: the reference to the Nation and its superior interest which was sufficient yesterday to says what was good for the

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<sup>4</sup> U. Beck, *The Reinvention of Politics, Rethinking Modernity in the Global Social Order*, Cambridge, Polity Press, 1993, p. 1

collectivity which a top-down logic is replaced by a bottom-up and pragmatical logic which takes as a reference the public space and the citizens. Public and collective intelligence processes are seen today as solutions to produce legitimate decisions.

### III. Participation and frustration

Juridical and political intentions could be analyzed as the sign of a democratization of democracy. And actually, on the ground, policies have become very talkative. Concertation, public debate, urban workshop, focus group, conference of consensus, public hearings are current instruments of the decision-making processes. But, we have to remark that “ during the public debate, conflict goes on ”. Citizens’ mobilization neither legal recourses have not disappeared. More than this : concertation can feed conflicts when it is used by opponents as a resource in mobilization: it can be an institutionnal opportunity for citizens to legitimate their oppositions.<sup>5</sup> The local opponents to the reopening of the Mont-Blanc Tunnel have well understood this : they use, with the local public authorities support, local referendum possibility to tell their disagreement. And even if the procedure has been judged illegal by the French State, the high rate of the contestation increased the legitimacy of the citizens’ fight in public opinion. They even took this event to show how the call for citizens’ participation was just an illusion.

So how can we understand that the offer of participation does not avoid conflicts ? One of the explanations can be found analysing the very experience of participation. Empirical studies lead to a general observation : concertation is at first a source of dissatisfaction and frustration. This frustration is as important as the enthousiasm concerning participation. Everybody says that citizen’s participation is a progress of democracy, - it would be impossible now to make without it -, but at the same time, everybody makes a long list of dissatisfactions. To territorial representatives, technicians, associations, to each citizen, **concertation never unfolds at the right place, neither at the right moment, neither on the right subject/issue, neither with the right participants.**

The question of the right moment of citizens’ participation is linked to the question of the right issue of discussions. The problem is : when is it usefull and relevant to make citizens participate ? Shall we associate the public very soon in the decision process, when they can express themselves on the issues of a project (“ it is useful to go more quickly from Lyon to Torino ? “ what could be the price of reducing the heavy truck trafic in Transalpine area ? ”) or shall we ask them to participate later in the decision-making process when global orientations have been decided ? Answers are very ambivalent, as the citizens’ attempts are : in fact, whatever the moment, participation is always too soon or too late. If you invite participants when routes are decided they will complain it is not democratic because they would have liked to be consulted on the project issues. But when a public debate on issues is organized, the same will complain because it is too wide, to imprecise to allow them to express with full knowledge of the facts.

Dissatisfactions also concern the information which is given as basis of discussions. Participants can assess a concertation where they feel they are not talled about everything. Often the information is such popularized and reduced that they suspect the debate organizers to hide datas and above all to consider citizens “ too stupid ” to understand. But if at the

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<sup>5</sup> C. Blatrix, *La “ démocratie participative ”, de mai 68 aux mobilisations anti-TGV, processus de consolidation d’institutions sociales émergentes*, Thèse de science politique, Université de Paris I, 2000.

contrary, the organizers give a complete and very technical document, participants will criticize their will to drown the public. Some say : “ with their very heavy documents, they play the fish, they confuse the issue deliberately just to make impossible the people express themselves. It is not democratic.”

But the main frustration concerns the quality of the participants. **Generally, everybody regrets not to be in front of the right participant and that participants are never up to the issue of the discussions.** On one side, organizers consider that citizens are never clever, neither unselfish, neither representative enough : inhabitants, as roadside residents, are narrow minded and too “ closed ”, too concerned by their yards to discuss about global issues ; at the same time, militants are considered too ideologist and too “ far ”, too unconcerned to discuss about local issues. But on the other side, mutually, citizens can criticize the organizers with the same arguments. Local authorities are shortsighted as well : they just act by electoral ambitions, by private interests ; they are not competent enough, they are under the domination of experts or under the domination of powerfull interests of transport companies. The legitimacy of experts is also criticized : they think first of their carrer, their competence hides a univocal way of thinking nearer of the one best way ideology than of scientific exigencies. Noone would be a “ good ” citizen enough to participate to a public debate.<sup>6</sup>

#### IV. Suspicion and power relations

Deception is certainly a characteristic of the democratic experience. But it can be risky to let deceptions increase and set up. Above all because deception feeds suspicion.

Suspicion is a current attitude on concertation which is shared by participants and by seachers. Most of sociologists analyse the call for citizens’ participation as a way to prevent real democracy to develop. Many analysis denounce the manipulation and the instrumentalization of inhabitants, insisting on the insidious logic that keeps citizens in the illusion their expression could be taken in account.<sup>7</sup>

Participants and searchers are not completely wrong. Concertation is not free from battle of wills, neither from power relations. First of all, because the participatory rules are usually defined unilateraly : the structuration of the discussions is first thought by public authorities. Listening to organizers, one can realize that they first look forward to creating a public space of discussion without public. As a provocation, we could say they ask themselves : “ how could we develop participation without participants ? ” They usually think that a real democratic debate has nothing to do with open public places. Generally, they want to restrict citizens participation, by fear of subversion. And they use opposite ways in that aim : some will prefer to restrict the public dimension, inviting hand-picked participants as a guarantee for foresseable speeches. Others will on the contrary open widely the discussions in order to publicize a wide consensus and to downplay the opponents’ expression. Indeed they may say : “ some associations, some inhabitants do not agree with the project but see how very much in the minority they are ! Progress and public good should not be stopped by a handful of opponents ! ”<sup>8</sup>

<sup>6</sup> For more details on this cross delegitimation process, see S. Rui, “ From Nimby to Public Debate Participation ”, in L. Giorgi, R. Pohoryls (eds.), *European Transport Policy and Research : What Future ?*, Aldershot, Ashgate 2001, pp. 193-211.

<sup>7</sup> See for example : M. Richardson, J. Sherman, M. Gismondi, *Winning Back The Word (Confronting Experts in an Environmental Public Hearing)*, Toronto, Garamond Press, 1993.

<sup>8</sup> Local representative interview, Public debate concerning the Lyon-Torino TGV.

It is a fact that concertation does not avoid old public management practices. There is often a gap between the play on the stage and institutional discussions in backstage. And there are numerous examples showing that concertation does not avoid high-handed government actions.<sup>9</sup> Participants could often conclude that there is no link between public debates and the actual decision. Saying this, one may not forget that the social demand is also very ambivalent: while public opinion asks for more participation, public meetings are also characterized by the absence of public, above all by the ones whom social and political participation is the weakest, as the members of popular classes. If many explanations can be followed, we can hold that frustrations, suspicion and power relations could explain that citizens are not disposed to participate. They have more than one reason to stay in their private yard, to prefer the “exit” logic towards their private happiness.<sup>10</sup> But frustration and suspicion explain also why some movements choose to go on “voicing”, even in and on the participatory frame. They turn public spaces of discussions into spaces of critics of social domination forms.

### Conclusion

Citizens mobilization and citizens participation are both useful to democratic life and for the democratization of decision-making process. It is wrong and risky to call for institutional participation in order to limitate the capacity of actions of the social and environmental movements. The actors of these movements know that their strength depends on their capacity to keep one foot in each side. Citizens have not to be seen as an abstract and atomized mass that could be manipulated by concertation organizers before associations manipulate them. It is time to recognize the maturity of the citizens of our democracies. Recognizing their maturity means to get rid of an ideal representation of neutral public spaces where virtuous, educated and unselfish citizens would discuss peacefully, with public interest as an aim. There are none citizens in concertation phases, but social actors who defend their interests, who have social representations and values, who claim for specific project of society. Then concertation has to be seen as a way, a frame to organize conflicts with rules of which have to be discussed with the participants all along the decision and debate process to avoid frustrations and dissatisfactions. This appears simple to say but not easy to do: it costs time and money, and above all a high principle of inter-recognition. But the democratization of decision process is at that price. Concertation as democracy implies collective efforts. We should accept that concertation - as democracy - is less an idea than a hard work.<sup>11</sup>

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<sup>9</sup> A change of government is often the moment when the result of a public debate can be rejected. The project of implementing a third parisian airport in Chaulnes as the DUCSAI procedure has come to is now questioned again by the new minister of Transports.

<sup>10</sup> A. Hirschman, *Exit, Voice and Loyalty*, Cambridge, Cambridge University Press, 1970.

<sup>11</sup> A. Touraine, *Qu'est-ce que la démocratie ?*, Paris, Fayard, 1994.

