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Habermas and the *Garants*: Narrowing the gap between policy and practice in French organisation–citizen engagement

Judy Burnside-Lawry, Carolyne Lee and Sandrine Rui

Abstract

This article draws on a case study of organisation–citizen engagement during railway infrastructure planning in southwest France, to examine the nature of participatory democracy, both conceptually—as elucidated by Habermas and others—and empirically, as recently practised within the framework of a model established in one democratically governed country. We analyse roles played by the state organisation responsible for building railway infrastructure; the National Commission for Public Debate; and the *Garants*, who oversee and facilitate the participatory process as laid down by the French law of Public Debate. We conclude by arguing that despite its normative aspects and its lack of provision for analysis of power relations, Habermas’s theory of communicative action can be used to evaluate the quality of organisation–citizen engagement, potentially providing a basis for informing actual models of democratic participation.

Keywords: stakeholder engagement, public participation, participatory communication, deliberative democracy, infrastructure development, dialogue

Introduction

As sustainable solutions to social, environmental and economic problems are sought, collaboration between corporations, governments and civil society has increased. Ideally, such engagement involves democratic discussion, collaborative decisions, and sustainable outcomes—‘sustainable’ here signifying that the outcomes benefit the community economically, environmentally and socially (Etchart 2012). We employ the term ‘organisation–citizen engagement’ to describe this collaboration; ‘organisation’ is used to describe government, business or not-for-profit entities, and the term ‘citizen’ is used to describe a stakeholder in the policy process: ‘a group or individual who can affect or is affected by the achievement of the organization’s objectives’ (Freeman 1984, p. 25). A review of literature within a variety of fields found a multiplicity of terms used to describe communication between an organisation and community members: ‘community consultation’, ‘citizen engagement’, ‘stakeholder engagement’ and ‘community engagement’. We argue that in the context of democratic participation, the term ‘citizen engagement’ describes communication that ‘contributes to reflexive

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deliberation, discursive democracy, effective representation, and consensus building between parties in the public sphere' (Ventriss & Kuentzel 2005, p. 520), 'whereby individuals can debate and substantively discuss issues free of ideological distortions and where the normative benefits of deliberations are high' (Ventriss & Kuentzel 2005, p. 521). Although, as Roper points out, for some organisations citizen engagement is carried out 'in order to satisfy ... [organisations'] own interests' (Roper 2005, p. 70), this type of engagement is becoming increasingly untenable, with a growing discourse suggesting that 'meaningful democratic participation creates better citizens and better social choices, and provides important economic benefits' (Deetz 1995, p. 3).

Democratic participation: a political and social framework

Citizen engagement in decision-making processes constitutes a form of deliberative democracy; that is, a type of 'decision-making based on public deliberation among free and equal citizens' (Bohman 1998, p. 400). Its central premise is a belief in the transformative potential of citizen participation in governance and that it is not only beneficial but essential in seeking solutions to major problems, including issues of sustainable development. It is not a new idea, rather a 'revival of earlier conceptions of democratic citizenship' (Passerin d'Entrèves 2002, p. 1). Citizen engagement has been increasingly embedded into policies at international, national and local (municipal) levels, as recognition increases of the democratic rights of citizens to contribute to decision-making that affects them. For example, the United Nations Conference on Environment and Development 1992, or 'Rio de Janeiro Earth Summit', formalised Principle 10 of the Rio Declaration on Environment and Development, which states the need for participation of all concerned citizens, and the imperative of providing access to information, and judicial and administrative proceedings (United Nations Department of Economic and Social Affairs [UNDESA] 1992). Other examples are the adoption of the Aarhus Convention and its Article 8 (United Nations Economic Commission for Europe 1998) as part of the United Nations Economic Commission for Europe, which established citizens' rights to information and to fair participation in the development of environmental regulations, and the environmental law of the Montevideo IV Program of the United Nations Environment Programme (UNEP), adopted in February 2009 in Nairobi.

The Organisation for Economic Co-operation and Development (OECD) 'Citizens as Partners' report asserts that 'engaging citizens in policymaking is a sound investment and a core element of good governance ... it contributes to building public trust in government, raising the quality of democracy and strengthening civic capacity' (Organisation for Economic Co-operation and Development 2001, p. 11). The European Union's 2007 Treaty of Lisbon, in its Article 8 B, adopts the principle of 'participatory democracy'. Despite the continued development of participatory rhetoric, we do not find these principles systematically and effectively implemented to the same degree everywhere. Nor is there an absence of criticism; literature from social and political science contends that the type of citizen participation espoused by international institutions elevates the importance of participation without addressing other necessary

principles of democratic design including political equality, deliberation, and accountability (Fishkin 2009; Held & Koenig-Archibugi 2004; Nanz & Steffek 2004; Winseck & Cuthbert 1997). Fishkin (2009) argues that participation without political equality—that is, inclusion of all views—cannot be described as democratic. Acknowledging the role of participation as a necessary principle of deliberative democracy and the means by which the public will is given voice, Fishkin argues that organisations must pay attention to ‘who’ is participating, warning that in situations where one or more sectors of society are excluded from the deliberative process, or some representatives given more voice than others, the result is a distorted citizen voice and indication of a democratic deficit (Fishkin 2009, p. 76).

‘Democratic deficit’ is the term used by Nanz and Steffek (2004) to describe a lack of accountability and democratic participation (two principles of democratic design) in international governance. The process is described as being dominated by diplomats, bureaucrats and experts and using procedures that lack transparency as technocrats ‘come together behind closed doors, free from the usual intrusion of mandated public representatives and interest groups in their decision-making processes’ (Nanz & Steffek 2004, p. 317). Held and Koenig-Archibugi describe the lack of accountability in global policy-making as a threat to the legitimacy and effectiveness of international institutions involved in global decision-making, ‘in our democratic age, the exercise of authority requires the expressed consent of the governed and, more specifically, mechanisms through which policy-makers can be held accountable’ (Held & Koenig-Archibugi 2004, p. 125).

Concerned that commercialisation of the media results in a public sphere dominated by commercial interests rather than citizen interests, Winseck and Cuthbert refer to Habermas’s assertion that democracy means ‘that the rules and goals of society are shaped through spheres of public communication’, open to all and non-exclusive, where decisions made for the public good are based on argumentation, or the force of the better argument (Winseck & Cuthbert 1997, p. 6). The emerging theme is that when the people participate in and approve certain decisions, organisations or policymakers are given a mandate by the citizens; but for this process to be termed democratic participation, it must ensure all necessary principles of democratic design, including participation, political equality, deliberation, and accountability, are met (Fishkin 2009; Held & Koenig-Archibugi 2004; Nanz & Steffek 2004; Winseck & Cuthbert 1997).

Organisation–citizen engagement and democracy

For organisation–citizen engagement to function as democratic participation, we argue, it should include equal representation and voice from all affected citizen parties, provision of adequate information to interested citizens, and sufficient deliberation about policy choices. In addition, it should provide optimum opportunities for citizen stakeholders to make meaningful contributions in the public sphere to decision-making dialogue, allowing public opinion to be formed rationally. This would rely on the public sphere being a discursive, level playing field, allowing free and uncoerced communication, sufficiently open and transparent to allow players affected by decisions

to participate in a rational exchange of arguments intended to generate a reasoned decision, distinguishing universal from private interests (Habermas 1996; Elster 1998). Even though the reality often falls short of the ideal, the very design of modern Western democracies, as Habermas makes clear, is to guarantee ‘the political participation of as many interested citizens as possible through equal communication and participation rights’ (Habermas 2006, p. 412).

Winseck and Cuthbert (1997) developed criteria for communicative democracy to address perceived limitations in Habermas’s concept of the Public Sphere. Being concerned with the parameters of citizen decision-making power during organisation–citizen engagement, these concepts are certainly relevant to evaluations of the quality of dialogue; but as critics of Habermasian theories of deliberative democracy have pointed out, in market societies there is rarely a discursive, level playing field, since ‘business and property interests exercise a disproportionate influence on government ...’ (Lindblom cited in Geczi 2007, pp. 383–4). Governments, in their turn, have been ‘increasingly obliged to create and protect an infrastructure that favors corporations and the financial institutions that support them’ (Roper 2005, p. 75).

A less stringent view of orientations of power is evident in Nicholas Garnham’s (2007) article ‘Habermas and the Public Sphere’. Reminding us of the historical context which motivated Habermas’s thinking—how to construct a viable and legitimate democratic state after the defeat of National Socialism in Germany—Garnham demonstrates that Habermas’s main focus in recent writings is the impact of globalisation, including the rise of ethnic and religious challenges to existing constitutional democracies and moves towards cosmopolitan public spheres and post-national politics. Garnham refers to Habermas’s concern that institutions such as the European Community suffer from a democratic deficit due to their lack of transparency, public equality, accountability and engagement with cosmopolitan public opinions; rather than being idealistic in his solutions to current concerns ‘it is clear that Habermas has, for the present, modest aspirations’ (Garnham 2007, p. 210).

More modest aspirations towards power are also expressed by Fishkin (2009), who argues that participatory democracy does not require all decisions to be made directly by the people, since in large-scale nation-states this would be unrealistic and impractical. Rather, direct, two-way consultation must be frequent and consequential (Fishkin 2009 p. 76). Research combining organisational and community development dimensions of democratic participation acknowledges more work is required to develop methods of evaluating effective two-way, participatory communication (Cheney 1995; Deetz 2001; Jacobson 2007a; Jacobson & Storey 2004). Habermas’s theory of communicative action has been adapted by some participatory development researchers as a framework to examine whether communication between an organisation and its stakeholders is aimed at increasing participatory communication (Jacobson 2007a, 2007b; Jacobson & Storey 2004). In summary, despite the reality of political and socio-economic contradictions and power inequalities, much research demonstrates that Habermasian theory may usefully guide organisations in their practice of citizen engagement (Deetz 1992, 2001; Fishkin 2009; Garnham 2007; Jacobson 2007a, 2007b; Jacobson & Storey 2004; Meisenbach & Feldner 2009; Winseck & Cuthbert 1997).

Habermas's theory holds that every speech act can function in communication by virtue of implicit presumptions (validity claims) made by participants. The validity claims are: *comprehensibility*, asserting a *knowledge* position truthfully, *appropriateness*, and *sincerity* (Habermas 1984; Deetz 2001). Validity claims may not be met in every instance of discourse, in which case the truth, appropriateness, comprehensibility and sincerity of a statement may be challenged. In such situations, ideal speech conditions are necessary to allow 'the holding of one's own position while being open to the expression and hearing of other positions' (Pearce & Pearce in Weaver 2007, p. 99). It has been found that participants themselves, unlikely ever to have read Habermas, are perfectly able to assess the communicative competence of organisation–citizen engagement, judging by their use of descriptions that sound remarkably like validity claims and ideal speech conditions (Burnside-Lawry 2011, 2012; Rui 2004; Webler & Tuler 2000). For example, in one case study of organisation–citizen engagement during a forest policymaking process, participants described the process as 'safe, polite, enjoyable, open, and honest' (Webler & Tuler 2000, p. 590). The case study identified a 'need [for people] to speak sincerely and honestly to avoid "positioning" or "grand-standing", [and] in short, people seemed to describe a mode of discourse very close to the model [found] in Habermas's writings' (Webler & Tuler 2000, p. 590). In other case studies (Australian and French) where participants assessed communicative competence as low, criticisms focused on 'double-speak', (insincerity), lies (untruthfulness), opacity, confusion and complexity (incomprehensibility), and unjustified and unjustifiable decisions made by bosses and decision-makers (absence of ideal speech conditions) (Burnside-Lawry 2011; Rui 2004). This shows that increased participation by stakeholders does not automatically lead to genuine dialogue, and in fact can lead to conflict and misunderstandings, resulting in distrust and a breakdown of communication between parties (Deetz 2001).

In this context, what is being done to ensure that organisation–citizen engagement really does take the form of democratic participation? In an effort to answer the question 'how can organisations differentiate consultation events that are participatory from those that are not?' Jacobson (2007a) developed a participatory communication model comprising an extension of Habermas's theory. The model examines whether communication between an organisation and its stakeholders is aimed at increasing participatory communication rather than increasing organisational influence and control, with a series of questions designed to explore the presence or absence of Habermas's concepts of validity claims and ideal speech conditions (see Table 1). The model provides a method of data analysis to examine how organisation–citizen consultation processes of the French rail company, Réseau Ferré de France (RFF), were evaluated by *Garants*, who were responsible for ensuring the democratic nature of the participation that the RFF said it would offer.

Table 1: Illustrative question types (adapted from Jacobson 2007b)

Themes	Illustrative Questions
	Did the <i>Garants</i> consider that:
Knowledge/truth	RFF was knowledgeable about the opportunities or threats to citizens and/or local conditions?
Appropriateness	RFF behaved in a manner that was appropriate given its legal mandate and responsibilities?
Sincerity	RFF was sincere in attempts to address citizen concerns and/or solve local problems?
Comprehension	a) Citizens understood RFF's position and the issues involved? b) RFF understood citizens' positions and the issues involved? c) Citizens understood what RFF was trying to tell them? d) RFF understood what citizens were trying to tell them?
Speech conditions	Did the <i>Garants</i> perceive that:
1. Symmetrical opportunities	1. Citizens were given equal opportunities to challenge RFF policy?
2. Free to raise any proposition	2. Citizens were free to raise any proposal or idea they wished for discussion?
3. Equal treatment of propositions	3. RFF treated citizens' positions and/or viewpoints fully and to their satisfaction?

The French context

Citizen engagement in Europe was enshrined in the Aarhus Convention, adopted by the United Nations Economic Commission for Europe in 1998. Described as a pillar of democratic participation (Vague 2012), the Aarhus Convention promotes the governance of environment 'by all and for all', declaring that all people should have the right to be kept informed of all environmental issues, be given the opportunity to participate in environmental decision-making and have access to judicial proceedings. While not law, the Aarhus Convention has been ratified by over 40 countries, but in France, as in most European societies, political action was inconceivable outside state institutions, which were the only means of articulating and implementing matters concerning general interest. Such a state-centric model, although it has not completely disappeared, gradually broke down under the influence of multiple factors (European integration, globalisation, decentralisation, the emergence of powerful urban centres, social movements, and the enormous increase in stakeholders). Indeed, citizen participation has emerged in France as elsewhere as an element of government public policy, especially in the area of development and the environment. France offers a particularly innovative participatory framework in land use planning and infrastructure policies, and for this reason we have chosen to examine French governance of citizen engagement in projects that impact the environment.

The Aarhus Convention was signed by France in 2002, but citizen participation has been embedded in the national legal framework since the mid-1980s. Following major conflicts concerning transport infrastructure projects, new legal procedures were enacted during the 1990s to enhance public and stakeholder acceptance, including the Law of Public Debate ('Barnier Law' 1995), to protect the environment, and creation of the National Commission for Public Debate (CNDP) to guarantee this protection. The CNDP, as an independent administrative authority, was created to administer organisation–citizen debates, to guarantee impartiality, to ensure the quality of debates, and to watch over the respective organisation's methods of engagement.

France incorporated the principles of the Aarhus Convention in the Grenelle 2 Law of the Environment (see Ministry of Ecology, Sustainable Development, Transport and Housing 2010), providing governance of wider citizen participation—extending to environmental non-government organisations (NGOs) and local governments—in line with sustainable development policy. In Grenelle 2 Law, public consultation was divided into four categories: public debate, public inquiry, public disclosure, and consultation. The CNDP determines whether debate or consultation is required, but public inquiry, including citizen rights to access impact statements, is always mandatory. The construction of highways, railways, nuclear plants or hydroelectric dams is especially subject to public debate.

In Grenelle 2 the CNDP, or corporations undertaking projects, may request that the debate be overseen by one or more independent observers. The French term for such an observer is *Garant*. Although the literal English translation of this term is 'guarantor', this is not the way it is understood in France. The *Garants*' role is defined as impartial and is concerned with the process, not the content, of the debate. Their mission is to observe, analyse, and facilitate exchanges between participants. Among the intrinsic requirements of *Garants* are a sense of public spirit, neutrality, communication and listening abilities. They are involved in all phases of the consultation, ensure that intermediate reports are produced, and draft their own evaluation of the manner in which the consultation was conducted (Réseau Ferré de France 2009a).

It is this innovative legal framework and in particular the inclusion of *Garants* in public debate in France that led us to select our case study: the organisation–citizen consultation process during planning of the Great South West Project (GPSO), an extension of high-speed rail lines from Bordeaux to the Spanish border, by the Réseau Ferré de France (RFF), the French government organisation that builds railway infrastructure.

Case study

In 2007, the French Minister for Transport and the French rail company, RFF, decided to combine planning for development of two separate high-speed rail lines involving an extension of existing lines and construction of new high-speed lines in France's south-west, creating the largest rail project to date undertaken by RFF, and titled the Great South West Project (GPSO). RFF prepared a Charter for public consultation on the project, to be conducted according to the guidelines of the CNDP, and to demonstrate

how consultation methods would ensure transparency and dialogue with all concerned individuals and groups. RFF's regional consultation charter, 'Charte de la concertation territoriale' (territorial consultation), outlined proceedings of governance and consultation in early 2009 and was amended in 2010 (Réseau Ferré de France 2010).

RFF's model involves four levels of consultation as seen in Figure 1.

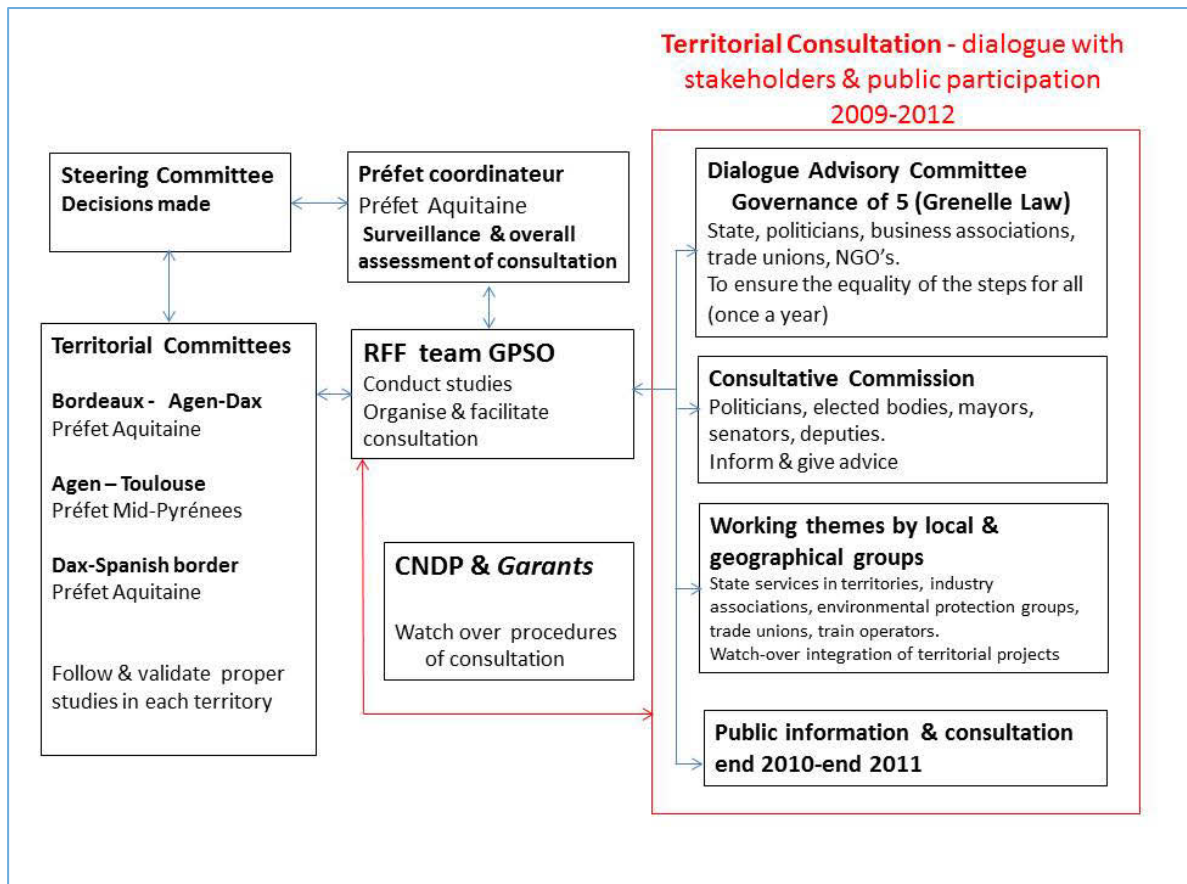


Figure 1: RFF's model of territorial consultation

Source: Réseau Ferré de France 2010, p. 4.

The first committee shown in the diagram represents the Dialogue Advisory Committee, held once a year by the Préfet Coordinateur (regional representative of the National Government), to share outcomes of consultation from the other three committees, stakeholders and partners, and to propose and share the dialogue process for the next step with approximately 40 representatives of the 'governance of 5'—politicians, NGOs, state, firms and trade unions). The second committee 'Consultative Commission, is a group of elected bodies (politicians); the third committee is described as 'Working themes by local and geographical groups', and the final committee represents public participation 'Public information & consultation'. Territorial consultations are conducted within the broader framework of consultation run by the 'Préfet coordinateur' with project partners and all stakeholders. The model includes a

process for two-way information flows between committees and GPSO planners to integrate issues raised in consultations with studies undertaken and approved by the project's steering committee. The territorial consultation is organised and facilitated by RFF, which reports to the steering committee, to the participants in the public consultation, and to the public, by delivering a report on each phase of consultation.

Three years of territorial consultations were planned to take place from 2009 to 2011. In September 2009 three *Garants* were selected by RFF and the CNDP to ensure that RFF adhered to the regional consultation charter. Funds to support the services of the *Garants* were transferred from RFF to the CNDP, which manages their role and responsibilities. The three *Garants* were former university professors in economics, geography and land use planning, their professorial status appearing to guarantee competence and impartiality. Entering the development of a project at an early stage, *Garants* ensure that consultations are conducted within the principles of the charter, that citizens have access to information and are able to participate in the consultation, and that communication tools and processes are used as promised in the territorial consultation charter (Réseau Ferré de France 2010, p. 8). They facilitate the exchanges between participants and ensure the public is kept informed at all stages of the study's development. The *Garants* watch over the process with respect to the CNDP's three principles of effective consultation:

- Transparency: the information must be available, shared and comprehensible, and the taking of positions is made public.
- Equality: each person has the right to express their self and to contribute to the debates, with regard to the rules of engagement applicable to everyone.
- Argumentation: debate includes the points of view of one and all, in their diversity and richness. (Réseau Ferré de France 2009a, p. 3).

Involved in all phases of the consultation, the *Garants* attend consultation meetings and ensure that intermediate reports are produced by each consultation committee. At each stage of the process, they write an evaluation of consultation methods used and the manner in which the consultation was conducted, including their comments and recommendations. These reports are sent to RFF, the CNDP and to the Préfet coordonnateur (French government representative).

The *Garants*' detailed reports seem useful texts for analysing to what extent their work reflects Habermasian validity claims, permitting an assessment of the communicative competence of participants and thus to a certain extent the quality of the communication process.

Method

We have outlined organisation–citizen engagement within the context of democratic participation, referred to previous studies that operationalise Habermas's theory of communicative action to evaluate the quality of citizen participation, and described RFF's regional consultation model. It is within this framework that we now examine

RFF's organisation–citizen consultation policies and practice undertaken during planning of the Great South West Project (GPSO), commencing with a description of our data collection and analysis methodology.

Data collected

The empirical basis of this article includes primary material such as minutes and sundry reports, and the *Garants*' report on the second stage of consultation, July–December 2011, supplemented by analysis of RFF documents related to the GPSO and webpages on the project's dedicated website (www.GPSO.fr). Our goal was to give 'voice' to the *Garants*' assessment of the quality of democratic participation during the territorial consultations. RFF's consultation policies and procedures were examined and compared with the perceptions of the *Garants*.

Data analysis

Our data analysis strategy was to allow theoretical orientations to guide development of an *a priori* coding scheme, derived from Jacobson's (2007b) model of participatory communication (see Table 1). Miles and Huberman (1994) describe this process as developing a set of provisional codes based on the conceptual framework. It was anticipated the coding structure would be refined as data was interpreted, allowing categories to emerge from the data as key themes are identified based on their 'recurrence, repetition and forcefulness' (Dempsey 2010, p. 369). Our study took an emic perspective—to comprehend the data from the perspective of the *Garants*—not on the basis of our own perspectives (Maxwell 2002, p. 49). The *Garants*' report and supplementary documents were read line by line, and sections of the document, or individual words, were highlighted and coded. The focus was on recurrent themes and critical statements based on the researchers' interpretation of salience to the Habermasian framework and how these revealed processes and norms of the actors concerned. During data analysis, theoretical orientations were revised; for example, 'corporate culture' and 'power' evolved as data interpretation progressed.

Analysis and discussion of findings: the *Garants*' assessment of RFF's process of organisation–citizen engagement

Appropriate organisation behaviour

Appropriate policies and procedures enhance democratic participation during organisation–citizen engagement (Burnside-Lawry 2012; Hendriks 2009). The validity claim of 'appropriateness' is also termed 'normative rightness' by Habermas, to describe 'making the utterance in the appropriate social context' (Habermas 2001, p. xiv); the concept of appropriate behaviour in a normative sense is 'that members of a social group are mutually *entitled* to expect certain types of behaviour from one another' (Habermas 2001, p. 124, italics in original). RFF's written procedures show their adherence to the CNDP's guidelines for citizen engagement during the project's early planning stages. Documents reveal that RFF does not merely comply with the recommendations of the CNDP, but has developed a comprehensive consultation

policy. RFF's charter views public debate as a necessity rather than a virtue: 'It seemed essential that in designing such projects, thorough and continuous consultation from the start of the study was necessary' (Réseau Ferré de France 2010, p. 1). RFF adopts the pragmatic view that time spent in dialogue would undoubtedly be preferable to the project's being blockaded and/or ending up in court, as many projects did in the 1990s, evident in the statement that debating in order to establish that projects are legitimised by the community is 'a fair and appropriate thing to be doing' (Réseau Ferré de France 2010). From a pragmatic perspective, the decision-makers would have an invaluable resource for improvements to project design, better decisions would be made and the project would more adequately respond to the needs of the community.

A fundamental task in organisation–citizen engagement is 'stakeholder identification', and ensuring no individual or group is excluded (Reed 2008). RFF's charter states that selection of participants for each regional consultation group was done in accordance with the Grenelle 2 Law of the Environment (Réseau Ferré de France 2010, p. 5). Five categories of actors are considered integral to environmental issues: the State, local authorities, NGOs, employers and employees. The *Garants* note in their report that the selection of participants was not always appropriate, limiting the amount of expertise within some working groups:

... we have to underline again (with the exceptions of meetings about the stations), the absence of key operators such as transport operators, notably SNCF, dockers, local railway operators, combined road and rail transport, rail transport.

(Réseau Ferré de France 2011, p. 2)

According to the *Garants* it was not only the working groups that lacked appropriate representatives; in the Basque country, where opposition to the rail project is strong, a number of local mayors did not attend consultative committees:

... a vast majority of mayors of communities affected by the 1000 meter zone are missing meetings, even though many acknowledge a marked improvement of relations with both the State and RFF [regarding the GPSO].

(Réseau Ferré de France 2011, p. 4)

Mayors were invited by RFF, but often declined. This could indicate their dissatisfaction with the project or desire not to be placed in a position of conflict between their constituents and the project leader. Sometimes mayors may challenge projects publicly but behind the scenes negotiate terms of their location, which they consider inevitable. The boycott of the consultation is a common tactic of opponents of a project, which neither brings sanctions nor prevents entrance to the process later, but the absence of elected officials alerted the *Garants* to an evident lack of quality in the discussion.

Appropriate interpersonal behaviour exhibited by managers or citizens can impact the quality of organisation–citizen engagement (Burnside-Lawry 2012; Webler & Tuler

2000). RFF's charter recognises the importance of setting normative standards to encourage appropriate behaviour by participants. Membership criteria, roles and responsibilities for committees and working groups and behaviours expected of members are included in the charter to '... establish a quality working relationship of trust in which participants intend to contribute through their commitment to transparency and listening' (Réseau Ferré de France 2010, p. 10).

The *Garants* provide RFF with further suggestions for improvement:

Although grievances were still sometimes aired, and more progress could still be made (circulation of information, more knowledge and understanding of the contributions), improvements are noted in the conduct and content of the meetings of collaborative bodies (working groups, citizen advisory committees, association meetings).

(Réseau Ferré de France 2011, p. 1)

Sincerity

Evidence that an organisation has taken action on issues raised by citizens demonstrates sincerity in attempts to address citizen concerns (Burnside-Lawry 2011, 2012). The *Garants* alert RFF to concerns raised by a group of residents:

Opponents of the part of the GPSO project south of Bayonne are advancing arguments that need to be answered, especially by defining very concrete objectives to be achieved by the construction of a new high speed line south of Bayonne.

(Réseau Ferré de France 2011, p. 4)

In another region, Agen, where citizens challenge the legitimacy of the GPSO project as an unsustainable development, and demand instead an improvement in the existing rail line, the *Garants* advise RFF to address concerns:

This tension could be avoided if the GPSO mission and all local authorities revisited stakeholder concerns to find the least unfavourable solution possible for all the actors concerned.

(Réseau Ferré de France 2011, p. 5)

The *Garants* note that the regional political leaders from Aquitaine and Midi-Pyrénées are perceived by their local populations to be sincere, and describe specific traits that citizens associate with this sincerity:

... committed and respectful of divergent views and of opposing views expressed both by local elected officials, and associations formed by citizens affected by the project.

(Réseau Ferré de France 2011, p. 7)

Knowledge

Participation necessitates access to information and knowledge. The *Garants* report positively on the provision of this via a dedicated project website:

The *Garants* note the importance of the system that RFF has put in place to involve the public in the sharing of information ...; local councils have welcomed the public being informed of consultation matters through the local press. The public have been able to express themselves, respond to questions and appeals for propositions, by post or via the internet.

(Réseau Ferré de France 2011, p. 7)

In their report, the *Garants* remind RFF of their previous requests that more information be circulated by RFF to citizens and freight operators regarding proposed combined (passenger and freight) trains:

The *Garants* have alerted the project's decision-makers in Stage 1 report, then in the Stage 2 report, of the necessity to clarify, for freight transport, the policy of combined transport, and, for the passengers, the program of regional services and rates, known as SR-GV.

(Réseau Ferré de France 2011, p. 7)

Comprehension

The following excerpt illustrates the *Garants'* concern over RFF's lack of transparency in information distributed to citizens:

Despite the uncertainty of funding for new regional services, it is desirable that the new program of regional services by the SR-GV, initiated by the Aquitaine region, be much more readable for the citizens.

(Réseau Ferré de France 2011, p. 7)

And in relation to changes in rail services:

... the *Garants* bring to attention again ... the urgent need to translate into concrete objectives that are readable by the public, the expected shift of freight from road to rail.

(Réseau Ferré de France 2011, p. 4)

The *Garants* present all parties' views in their report. Increasing each party's ability to view issues from the perspective of others is important for the *Garants*. They advise that some politicians are anxiously awaiting further consultation processes to answer

their constituents' questions, such as position of rail stations, and compensation policies for acquisition of land, reminding RFF that the politicians must answer to their constituents:

RFF's consultation can help them through this difficult period, in countering the criticism and demands, and sometimes the more direct attacks on their actions.

(Réseau Ferré de France 2011, p. 3)

Further, the *Garants* advise RFF of regions where tension over the project is minimal, and where elected officials have always supported the project:

... eagerly awaiting the continuation of the GPSO and basking in anticipation of the project's impact on economic development in their regions.

(Réseau Ferré de France 2011, p. 3)

Corporate culture

The *Garants*' evaluation functions as a resource for the organisation, contributing to organisational learning and consolidation of RFF's corporate culture. Findings concur with Burnside-Lawry's (2011, 2012), assertion that a strong relationship exists between the culture of an organisation and the quality of citizen engagement undertaken. Providing an interesting case study of self-regulation, RFF goes beyond regulatory requirements in their methods of public consultation and their model integrates consultation, analysis and self-reflection in a cyclical learning process.

RFF's consultation charter espouses a commitment to transparency in processes, taking account of conflicting views and claims; it proposes that minutes from all consultation meetings be forwarded to the CNDP and recommends the appointment of *Garants* in all consultations, although at the time this activity was outside the scope of the CNDP (since remedied in Grenelle 2). RFF's regional consultation has involved 148 municipalities in the zone affected by the project. There is regular feedback and evaluation, and with each stage of consultation there has been assessment and evaluation of the consultation process.

RFF displays a corporate culture committed to continuous improvement in its consultation methods; it has organised regular training, guide-book documentation and framework documents to spread a culture of consultation within the company. The *Garants* acknowledge that RFF has responded positively to recommendations for improvements made in their previous report of consultations in 2009 (see Réseau Ferré de France 2009b):

Learning from previous rounds [of consultation], RFF has integrated various recommendations (meeting space, quality of reports, response times, better quality and clearer, more precise map presentations, and diversity of information provided).

(Réseau Ferré de France 2011, p. 2)

Despite the criticism repeatedly made by many elected local representatives, or representatives of associations, of a lack of consultation, it must be noted that efforts have been made, albeit mixed, to improve the approaches to dialogue and public consultation undertaken by RFF.

(Réseau Ferré de France 2011, p. 1)

Speech conditions

In Habermas's theory of communicative action 'a symmetrical distribution of opportunities to contribute to discussion must exist' (Habermas cited in Jacobson & Storey 2004, p. 103). We examined the *Garants*' report to explore whether consultations provide a public sphere in which the truth, appropriateness, comprehensibility or sincerity of a statement may be challenged, divergent views debated, and in which grievance procedures are evident (Jacobson & Storey 2004, p. 103). RFF's charter suggests adherence to the principles of communicative action, stating the purpose of engaging citizens is to 'organize information sharing, listen to the expectations expressed and exchanges of opinions' and to 'encourage the active participation of stakeholders and the public' (Réseau Ferré de France 2010, p. 2).

The *Garants*' report describes a mode of consultation close to Habermas's writings, noting many instances in which participants voiced opposition, debated divergent viewpoints, and in some cases challenged the legitimacy of the GPSO project:

The Environment–Sustainable working groups ... were punctuated with sometimes heated exchanges and demanding postures, and challenges to methods used (calculations regarding sound protection ... plans, drawings) ... the same dissatisfaction has emerged ... with respect to RFF's compliance with formal procedures on timeframes for providing information about removal of property and compensation.

(Réseau Ferré de France 2011, p. 1)

Reference is made to Basque citizens' constant questioning of the need for a new railway line and to citizens in Agen voicing opposition to the GPSO's decision to build the TGV station away from the city centre. The *Garants* describe another incident involving the Collective Regional Union for the Protection of Villages (USV) who requested an alternative site be examined for a section of the rail route:

After obtaining from the Minister for Ecology, Energy, Sustainable Development and the Sea, the study of an alternative zone, [the USV] accepted the decision, even if it did not match their expectations, that the Minister made in the choice of zone presented to the last Steering Committee.

(Réseau Ferré de France 2011, p. 3)

In Agen, during a demonstration against the GPSO, local citizens used social networks to mobilise, protesting against construction of new lines. The *Garants* were critical of this demonstration:

Consultation, as envisioned and conceived by RFF, has been diverted from its spirit and purpose, and we suggest this ‘reversal of the consultation is an exercise that has limited effect, and does not result in developing a robust alternative’.

(Réseau Ferré de France 2011, p. 2)

The demonstration suggests the citizens challenged the GPSO’s assertions that new lines were necessary (asserting a *knowledge* position truthfully) and, perceiving that the consultation process had not provided full treatment of their issues (lack of Habermas’s *ideal speech conditions*) voiced their opinions outside the official consultation process. Mills (2000, p. 303) contends that in a democratic system ‘opinion formed by ... [oppositional discussion] readily finds an outlet in effective action, even against—if necessary—the prevailing system of authority’. Mills’ sentence is consistent with the view that, after processes of deliberation, citizens are not obliged to agree with the position advocated by those in power, or even to agree with the majority. While accepting Mills’ view, we need to clarify what is described as ‘effective’ action. In Rostboll’s opinion, there are forms of political action that, while not deliberative in themselves, are effective, reasonable or legitimate in a deliberative democracy because they increase public awareness of issues currently absent from the deliberative agenda; lead to more inclusive deliberation in terms of participants and topics, and/or enhance the chances for deliberation in the future (Rostboll 2008, p. 125). The combination of Mills’ (2000) description of democratic action and Rostboll’s (2008) criterion for reasonable action, suggests that in contrast to the *Garants*’ description of the demonstration as ‘*an exercise that has limited effect*’, the street rally may have increased public awareness of issues currently absent from the deliberative agenda (Réseau Ferré de France 2011, p. 2). The *Garants* are correct in their assertion that the demonstration by itself ‘*does not result in developing a robust alternative*’ (Réseau Ferré de France 2011, p. 2), however, it may well have met Rostboll’s (2008) criteria for reasonable action that occurs outside the deliberative process.

In spite of criticism of the GPSO for conducting this phase of public consultation too early, the *Garants* describe the RFF’s consultation process in a way that can be associated with Habermas’s description of a public sphere in which statements may be challenged, participants are free to raise any proposition, and divergent views can be debated:

Greater attention is being paid and more listening is occurring among a larger number of citizens and elected officials ... if improvements to the process of public consultation have helped reduce the opposition, some initial tensions persist and new ones have arisen.

(Réseau Ferré de France 2011, p. 1)

Conclusion

For all the similarities between the *Garants*' report and theories of deliberative democracy (Habermas 1996), additional categories emerged from the data as key themes were identified based on their 'recurrence, repetition and forcefulness' (Dempsey 2010, p. 369): corporate culture and power/decision-making.

RFF's policies and practices reflect the corporate culture of the company; for example, staff training, internal written guides for staff involved in citizen engagement; and the fact that they employed *Garants* over and above the regulatory minimum. RFF's consultation model is a series of cyclic feedback loops of evaluation and modification, indicating an organisation committed to organisational learning and self-improvement. Although these organisational attitudes and behaviours match the validity claim of 'appropriateness', this categorisation does not adequately capture the impact of corporate culture on the quality of citizen engagement undertaken. Evidence supports Burnside-Lawry's (2011, 2012) findings that corporate culture is important enough to stand alone because of its influence on the quality of the citizen engagement and the level of participatory decision-making employed by a company.

A growing area of deliberative democracy research examines how different forms of power are enacted in the practice of deliberative governance, and how factors such as procedural design, trust between participants and perceptions of exclusion or marginalisation influence the use of covert and overt forms of power during decision-making (Hendriks 2009). There was no indication that the *Garants* acknowledged the Agen demonstration to be an expression of covert, coercive power. The demonstration suggests that the Agen citizens felt marginalised by the GPSO consultation process, perceiving an inequality of power and believing that fair deliberation was not possible. Under such circumstances 'the marginalised ... adapt more pluralist strategies such as "bargaining, negotiating purchasing, protesting and more militant tactics"' (Fung 2005 in Hendriks 2009, p. 178). Power need not always be viewed as a barrier to participation and public deliberation; Hendriks contends that deliberation needs power to enable 'actors to organise and participate in moments of public deliberation, and confront or constrain it where they experience injustice' (Hendriks 2009, p. 181).

Our case study provides an example of overt power included in the policy of participatory democracy, as all documents clearly state that final decision-making power rests with France's Minister of Transport. As Habermas (1989 [1962]) insists, discussions do not govern; the RFF charter nevertheless suggests that citizens can have input into decisions made. Input from citizen engagement informs and influences decisions of the steering committee, and ultimately the Minister. RFF's engagement with regional and local stakeholders made it possible to narrow the rail corridor and establish a specific route. Nearly half of the rail route was modified as a result of engagement between RFF and local citizens. This falls short of collective decision-making, but we agree with Yack that 'contrary to much of the recent literature on deliberative democracy, political deliberation is not a form of collective decision making' (Yack 2006, p. 420), rather, it is the provision of a public sphere in which

citizens can express opinions that guide and inform decisions made by the dominant power.

The desire to study organisation–citizen engagement reflects our affinity with the ideals of mature democracies, and a belief in the transformative potential of citizen participation in governance. How do these ideals resonate with what can be learned from this case study? And do French citizen engagement policies and practices at the local, regional and national levels provide the kind of public sphere required for this transformative potential through engagement between business, governments and citizens in order to provide solutions that are socially, environmentally, and economically sustainable?

The French legal framework stipulates commitment to a participatory process to give voice to citizen concerns, interests and values (stemming from Aarhus, Grenelle 2, CNDP). Our case study demonstrates that RFF has built upon this framework and gone beyond it, by designing an innovative model of public participation based on citizen involvement, corporate reflexivity, the deliberative ideal of presenting open ‘preferences’ for citizen input, and provision of reasons for a decision. This is not to say that this model is completely satisfactory or that all stakeholders are able to contribute to projects, but there is continual integration of a culture of participation with the corporate culture. Data suggests a commitment by RFF to participatory democracy as described by Fishkin (2009); that is, a belief that ‘public will formation is meaningful and worth consulting ... in participatory democracy, direct consultation is about the choice of policies, about the substance of what is to be done’ (Fishkin 2009 p. 76).

The role undertaken by the three *Garants* is a new element that reinforces an organisation’s reflexivity, and ensures its methods of citizen engagement adhere to the CNDP’s three principles of effective consultation—Transparency, Equality and Argumentation. Because of the recent emergence of *Garants*, there is a lack of research on this process, but our observations would seem to hold true for other French organisations that also employ *Garants* during the consultation process. The Urban Community of Bordeaux introduced such a system during consultation about a proposed bridge over the Garonne river; and also when a jury of citizens was established to address the management of public waterworks. In both cases, the use of *Garants* permitted the local authority to learn from the process in order to improve.

We view the French system of *Garants* as pivotal to enriching the transformative potential of organisation–citizen engagement by narrowing the gap between policy and practice. The *Garants*’ report permits us to identify actions taken by the *Garants* to render their role meaningful and to evaluate the consultation process. This initial analysis will later be tested against interview data to be collected from the *Garants* themselves, and from other participants. The logical next step is to further examine the role of the *Garants* through in-depth interviews, seeking information on their role, including their training and skills, their reflections on their work, and the variety of projects on which they have served. This research will be augmented by observations of the *Garants*’ work during organisation–citizen engagement. According to the OECD, there is a dearth of systematic evaluation by nation-states of the efficacy of their performances in ‘providing information, conducting consultation and engaging citizens

in policy-making' (Organisation for Economic Co-operation and Development 2001, p. 13). Researching the *Garants* may provide a useful beginning in developing a framework for the evaluation of organisation–citizen engagement.

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