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SYMPOSIUM/4

SHOULD SLEEPING DOGS BE WOKEN? Conflict, Participation and Deliberative Arenas

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This paper is a tribute to Luigi Bobbio and contributes to discussion about his work, highlighting the role of his research in the analysis of the relationships between conflict, participation and public decision-making. It was this topic that brought us together and led to our collaboration, but I believe that it was also a unique feature of his position as a researcher involved both in the analysis of participation and its effects, and in promoting the capacity of various mechanisms to address conflicts not by calming them but by fostering debate and improving public decision-making.

My interest lay in how conflict situations affect relationships with space, the law and politics, and I first met Luigi Bobbio in 2008 at the EHESS seminar organised at La Veille Charité in Marseille where he was presenting a paper on "Conflict and deliberation about the Lyon-Turin project"¹. Following this meeting, with his characteristic trust and openness, he agreed to participate in the research project entitled "DeSCRI : Decision-making in crisis situations: conflict and consultation in waste management (France, Italy, Mex-

¹ 14/3/2008, Séminaire *Débats publics et formes de mobilisation territorialisée*, Luigi Bobbio, *Conflit et délibération sur le projet Lyon-Turin*, EHESS.

ico)” that we were then setting up for the “*Concertation, décision, environnement*” (Consultation, decision-making, environment) programme². Whereas my previous work dealt with the social productivity of conflicts, the situations that we planned to analyse here constituted borderline cases. Can research still focus on the productivity of situations that block new waste-management policies? The extreme complexity of the conditions for siting these infrastructures is a major challenge when setting up waste management policies in almost all countries. Well before our project had been formulated, Luigi Bobbio had developed an interest in the siting of waste-management facilities for exactly the same reasons. Moreover, he had tested an innovative experiment to develop local debate about a project for an incinerator, to which I will return later.

His role in the DeSCRI project was decisive, not only because he led the Italian team, but also through his participation in collective and cross-disciplinary discussions. Co-authoring a number of texts with Luigi Bobbio based on this research procedure was marked by the clarity of his position, by discussions to find common ground, and by his high standards combined with his generosity in taking into account his co-author’s opinions. This experience was followed by coordination of an issue of the journal *Participations* (3/2015).

1. Taking conflict and participation together

Coming as I did from the study of conflict situations related to planning and the environment, my approach tended to focus on the conflict, even if my work already involved identifying a continuum between conflict and participation (Melé 2013). However, Luigi Bobbio shifted our discussions towards the development of participation, without in any way ignoring the effects of the conflicts. However, this approach entails a number of prerequisites:

The need to distinguish between conflict and participation; in order to analyse the relationship between participation and conflict, the two words must refer to clearly distinct phenomena. Situations in which citizens participate unbidden mostly correspond to protest movements and thus to participation in or through conflict. In our work, we use the word “participation” only to refer to mechanisms set up by

² ADEME, Ministère de la transition écologique et solidaire, <http://www.concertation-environnement.fr>

public institutions in order to involve citizens, more or less forcibly, in public decision-making.

The decision not to examine participation from situations in which the stakeholders did not even attempt to open a debate. While there are many shams and the mechanisms are imperfect, normative analysis by comparing them with an ideal of participatory democracy will not provide a better understanding of the effects of different forms of deliberation.

The importance of analysing situations in which conflicts can be transformed into positive-sum games. It is indeed possible for the parties involved to find a compromise by giving up certain aspects of their original positions or by recognising the good reasons of the other parties and develop innovative solutions, thereby reframing the problem and allowing the basic demands of all sides to be met.

Our work on the controversies over the siting of waste-management infrastructures revealed that it usually involves a zero-sum game won by the opponents. However, there are exceptions. In these cases, the process does not involve getting trapped in a win-lose game; the effect of the conflict is to open up spaces for discussion about how to manage waste, and to reorganise the stakeholders' roles, change the balance of power, and foster the emergence of active groups that have acquired technical, legal and relational skills during the conflict. In these situations, the conflict is transformed into a less simplified game, more open and with a positive-sum tendency.

This approach brought us closer to the pragmatist view that conflicts are not immutable but change during the process of negotiation or deliberation. It is thus not a question of knowing whether the conflict has been avoided or reduced, but rather how this occurred, whether the nature of the conflict enabled this outcome, whether different interests or views were heard equally, whether the outcome takes into account all the viewpoints, etc. A detailed analysis of the processes and mechanisms involved is thus needed to understand whether the conflict has been settled or quashed, whether the solution was creative or repressive, whether the opponents' positions were heard and considered, or whether there was an attempt to manipulate them. This requires recognising the ambivalent nature of the participation processes, and the fact that things can go one way or the other.

As we discussed in the introduction to the issue of *Participations* (Bobbio, Melé 2015), the opposition between conflict and participation clearly needs to be seen in perspective. Participation is not always the enemy of conflict, and conflict is not always the enemy of participation. In some cases, there is synergy rather than opposition between the two phenomena. On the one hand, conflict can foster participation and give it meaning;

on the other hand, participation can provide an outlet for conflicts, strengthen them or suggest solutions. It is possible to advocate a position whereby conflict and participation are seen as different and intertwined modalities in debates about public projects and issues. Taking conflict as a way of understanding participatory mechanisms would thus lead to (re)contextualising participation, and to considering not only the internal functioning of the mechanisms, in order to show how some aspects of participation can be included within broader processes of setting up local discussion of a project. At the same time, analysis of the protest movements must also be (re)contextualised, seeing them not as self-sufficient monads, but also looking at their relationships – often ambivalent and changing over time – with the institutions and spaces for consultation and debate.

Luigi Bobbio argued very convincingly about the possibility of conducting research that could analyse simultaneously and with the same attention the dynamics of the protest movements and that of the participatory mechanisms, but above all the relationships between the two.

2. Promoting inclusive deliberative arenas

More than an overall analysis of the shortcomings of representative democracy that could be overcome by so-called “participatory” democracy, the heart of Luigi Bobbio’s work concerned issues of decision-making, public choices, and the ability to take joint decisions. It involved the quality of democracy, the ability to take conflicting views into account and to find solutions for situations of conflict and deadlock.

His work shows his lucidity regarding the imperfect nature of the mechanisms, the effects of the selection of participants, the possibility that agendas can be confiscated or controlled, the limited place given to certain parties and the fact that they need to be firmly established in concrete political and institutional contexts. Nevertheless, he remained confident in the possibility of introducing a structured dialogue between the stakeholders and the groups concerned, enabling solutions acceptable to all. This is not a question of having confidence in the good intentions of the political authorities, even if setting up participatory mechanisms requires the public authorities’ willingness to entrust them with a mandate. It is rather a belief in deliberation and in the effect of exchanging points of view in a public space. In line with John Elster (1998), he recognised the specific properties of discussion within the public arena, which, over and above the intentions of the promoters of the mechanisms and the aims of the participants, can help pacify the discussions, disseminate the imperatives for justification, and ensure that certain precautions are taken when formulating arguments.

Taking this line, his publications and the studies he carried out were marked by his interest not only in effects and outcomes but also in the way the discussions were organised; he was convinced that:

deliberation can allow better solutions to be identified and implemented, taking into account all the standpoints and helping develop a sense of belonging to a community (Bobbio and Pomatto 2007);

it is possible to characterise the effects of the mechanisms, independently of their consequences on public choices. In this way, a participatory mechanism could be said to have achieved its objective if all the groups and individuals had access to the relevant information and been able to voice their opinions and participate in the debate (Bobbio 2006); even if all the problems are not resolved, public debate allows clarification of positions and disagreements.

Theoretically, his work focused on analysing and testing “single issue” mechanisms and on “ad hoc” arenas, essentially regarding regional issues involving relationships of proximity between the stakeholders, although his analyses also concerned broader issues such as the electoral system (Bobbio and Lewanski 2007). By studying and examining how mechanisms are implemented, he tested their capacity to process conflicts and replace them with discussion.

Luigi Bobbio designed and put into practice participatory experiences based on deliberation, while also providing feedback on these experiences and their effects in scholarly texts; in this way, he developed an original form of action-oriented research. There are many specialists in participatory democracy who are involved in setting up mechanisms as guarantors, observers or advisers, but these activities are often carried out in parallel with their academic work. Few careers can be read like a systematic experimentation programme in which the researcher is also managing complex cases that are particularly contentious. Luigi Bobbio called for research that was “*in vivo*” and not just “*in vitro*” (Bobbio 2010 :3). For him, it was a case of carrying out research in real situations in order to observe in detail the effects of the processes that had been set up, with the aim of improving the procedures and understanding of debate phenomena. He stressed the importance of feedback and critical analysis of processes and procedures that he himself had designed and set up.

3. Waking the sleeping dog

Whether he was dealing with issues as complex as the high-speed Lyon-Turin rail link (Bobbio 2007), the Genoa motorway by-pass³ (Bobbio 2010), or opposition to incineration, his work demonstrates a desire to explore in depth the different standpoints, to establish a clear and detailed view of the arguments, the role of the various stakeholders and their relationship with the conflict situation. In the Lyon-Turin case, this approach enabled him to go beyond the dominant view of opposition between the general interest and local particularities that played on the weaknesses of the Italian institutional system; his analysis revealed the lack of any public debate or even consultation with the municipalities, or any attempt at mediation with community organisations, and the retrenchment of the partisans of the project who refused the confrontation. Here, he demonstrated the contribution of an approach entailing the complexification of the study of the dispute (Bobbio 2007, Bobbio and Dansero 2008).

In line with the distinction proposed by A. Fung in 2003 between “hot” debates linked to open spaces, involving groups of active and competent citizens, and “cold” debates in which the participants are ordinary citizens selected from all layers of society, as in the case of mini-publics, he seemed to consider that “heated” debates were more interesting and productive and that it is important to bring active citizens to the table, even if it may sometimes be necessary to broaden the mechanisms in order to “cool down” the debate (Bobbio and Pomatto 2007).

In the domain of regional public decisions, the certainty of having to face opposition usually leads to strategies aimed at withholding information about the project as long as possible in order to create an irreversible situation; this was what we observed in the waste-management project. In the case of the consultation process involved in the siting of an incinerator in the province of Turin in 2000, Luigi Bobbio adopted the opposite view, proposing to “wake the sleeping dog”. This involved informing the population across the whole of the area concerned about the possible incinerator in order to stimulate the creation of local committees, called “Don’t refuse to choose” (*Non rifiutarti di scegliere* [NrdS]), who were then invited to participate in the consensus-building process.

The practical experiences that he implemented show that transparency, the quality of procedures, the independence of the debate organisers, as well as acceptance of opposing positions made it possible to overcome the distrust between potentially antagonistic parties. The inhabitants’ desire to protect themselves from the effects of a project, and

³ First public debate performed in Italy on the French model, held in Genoa between 6th February and 30th April, on a major infrastructure project, involving a new 20-km motorway link between Voltri and West Genoa, named the Gronda di Ponente. Luigi Bobbio chaired the committee that organised and managed the debate.

in particular the existence of structured antagonistic positions became assets for creating intense debate about public regional choices and their consequences.

4. Conclusions

Overall, Luigi Bobbio's work makes it possible to take an objective and relative view not only of agonistic theories that lead to accentuation of the conflict with no consideration of the fragmentation, diversity or effects of the issue, but also of the positions that explicitly or implicitly promise participatory disruption that would overcome the crisis of representative democracy, as well as positions that see participation as a simple ruse of neo-liberalism or as a "technology of power".

He offers a pragmatic route, attentive to the effects of the mechanisms and to the views expressed by the groups concerned, and also demanding, involving close observation of the situations, understanding the arguments, strategies and balance of power. His conception was not a reification of procedures and measures, but was based on highlighting their imperfect and ambivalent nature that nonetheless needs to be observed and tested. The deliberative experiences that he tried to conceptualise, promote and Implement are also democratic in that they involve participation with the aim of enabling the participation of all those concerned by the consequences of a decision (Bobbio 2002: 2).

For Luigi Bobbio, deliberative democracy should bring to the fore the question of the dialogic nature of confrontation between citizens who have different and opposing ideas and interests in order to find points of common interest, or at least to clarify the terms of the conflict (Bobbio and Pomatto 2007). The very aim of the procedures is to organise the confrontation without trying to circumvent the conflict – considering even that deliberation necessitates conflict – but by setting up procedures that make it possible to move away from strictly antagonistic positions.

His conception of deliberation is not one of a calm exchange of arguments, but of listening to and accepting the views of all those concerned, allowing the pros and cons to be heard, and in some cases to find innovative solutions, or at least clarify the positions. Thinking about the conditions enabling the maintenance and development of deliberative arenas of "circumscribed public spaces" (Bobbio 2002b, Bobbio and Pomatto 2007) is clearly a political position (Bobbio 2017) that he applied in various domains and in Italian, French, and international scientific fields, not only through his writing, his practice and his example, but also through his enjoyment of debate. His contribution was a

determining factor in the search for a “non-populist response to the crisis of representative democracy” (Bobbio 2010b: 7).

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