Task 1.2b– Guidelines presenting the grid of analysis to be used by stakeholders in a joint conflict analysis with examples and guidance

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Summary

This report presents an analytical grid based on the conceptual and methodological tools of the *sociology of translation and the theory of “actor-network”*. The model is proposed as a tool to describe and analyse the dynamics of environmental conflicts with a cultural heritage dimension. The focus is on the heuristical interest of the model - generation of new hypotheses - and on its practical use by stakeholders and institutional actors in the decision-making process.

The analytical grid is effectively usable from three perspectives: a **research perspective**, the **stakeholders perspective** and the **institutional actors perspective**.

The grid offers a tool for the practical benchmarking of the decision-making process from the project design to its implementation. Offering a common methodology to stakeholders and institutional actors is also a step towards a joint analysis. This analysis represents the first step towards co-operative resolution. It is followed by the confrontation stage and the resolution stage. These moments are sequential in the sense that confrontation cannot occur effectively – in terms of constructiveness – without a joint analysis and resolution is not possible without successful confrontation and analysis. But as with all problem-solving processes, they not only overlap but also typically recycle in spiral fashion. As such, they represent a developmental flow.
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1. Introduction

1.1. OBJECTIVES AND CONTENT OF THE TASK REPORT

This report presents an analytical grid based on the conceptual and methodological tools of the sociology of translation and the theory of “actor-network”. The model is proposed as a tool to describe and analyse the dynamics of environmental conflicts with a cultural heritage dimension.

The focus is on the heuristic interest of the model - generation of new hypotheses - and on its practical use by stakeholders and institutional actors in the decision-making process.

The analytical grid is effectively usable from three perspectives.

**A research perspective.** To implement future tasks, a set of significant questions is needed to describe and analyse the dynamics of CH – cultural heritage - management cases.

Critical moments are to be identified in the different case studies (task 1.2). This information will be one of the inputs to the construction of co-operative resolution - scenarios partly built upon a comparative case studies analysis (tasks 1.3) - and in the work program package dealing with the EIA process (tasks 3.1, 3.2, and 3.3).

**The stakeholders perspective.** A joint conflict analysis is a critical input to a co-operative CR. This model provides a usable guideline for this sequence.

**The institutional actors perspective.** The grid offers a tool for the practical benchmarking of the decision-making process from the project design to its implementation. Offering a common methodology to stakeholders and institutional actors is also a step towards a joint analysis. This analysis represents the first step towards co-operative resolution. It is followed by the confrontation stage and the resolution stage. These moments are sequential in the sense that confrontation cannot occur effectively – in terms of constructiveness – without a joint analysis and resolution is not possible without successful confrontation and analysis. But as with all problem-solving processes, they not only overlap but also typically recycle in spiral fashion. As such, they represent a developmental flow.
The proposed analytical grid is applied in a sort of dry run to secondary data from environmental conflicts case studies. The results are discussed to enlighten the empirical meaning of conceptual tools and offer guidance to policy-makers and to stakeholders by illustrating its analytical and heuristical use in environmental conflicts analysis and management.

1.2. THE PREMISES OF THIS RESEARCH TASK

• A conflict is observed when there are different and competing definitions of the problem/situation to solve. The question is not how eliminate any conflict insofar as a conflict where the parties enter into a co-operative (win-win) negotiation leads to an effective – socially accepted - social change. Cultural heritage conflicts – an hypothetical sub category of environmental conflicts - may have positive effects depending on how they are solved. Hence one of the goals of this research program is to get a better understanding of the sources, types, dynamics of CH conflicts to prevent/mitigate destructive conflicts for their solution is typically a win-lose solution and hence unacceptable by all the parties. A destructive conflict can also deadlock any change, and eventually lead to dereliction.

• Cultural heritage are mixed-motive, ill defined situations, which may be represented differently by the various groups involved in the situation. The multilevel nature of the CH conflict – over facts, management processes, values etc. - is to be apprehended and acknowledged by all the parties to get to a co-operative solution.

• The representations of the conflict by the various stakeholders are equally valid.

• The model proposed as a grid of analysis is in phase with a constructionist approach which is assumed to be theoretically/empirically valid and useful to policy-makers tackling real-life complex problems. This approach stresses that different ways to interpret the object of an environmental conflict coexist and that the dynamics of the conflict, the shape it takes, is related to the transformations in the way actors define and interpret the object of the conflict and what is required to solve it. A environmental/cultural heritage conflict is therefore a struggle about the definition which will be finally accepted - the identity of the actors, the arguments and the needed resources. This struggle creates an arena in which the conflict is enacted. The arena evolves overtime if displacements affecting the actors, the arguments and the resources occur in the process of definition-
interpretation of the object of the conflict (politisation/ scientisation-technisation of the dispute).

• These displacements are the essence of the process of translation described by M. Callon in his seminal work on the methods for creating passive authorities and applied to "the domestication of the scallops and the fishermen of St Brieu Bay" to illustrate the closing of controversies about technological innovations (1).

From the notion of translation, one can go further in the knowledge of mechanisms which are at the core of the dynamics of networks. Actors form a network by a succession of translations and about translations. The assumption is that approaching a conflict by following the translations (displacements) of the actors enlightens the dimensions of the dynamics of the network that account for the course taken by the conflict.

1.3. THE RELATIONSHIP OF THIS TASK WITH FUTURE TASKS

The first step and the direct objective of this task/report is to present a theoretical and analytical grid which will be applied to case studies. This grid has three functions (related to the above mentioned perspectives).

Firstly, it is meant to help to collect and analyse the information gathered from case studies. Scenarios will be – partly – built upon this information (task 1.3). One needs a grid for two operations. To identify for each case empirically the critical moments, those moments when dissidence/convergence occur and shapes in an more or less irreversible way a destructive or a constructive course of the conflict. To structure a comparison across cases.

Secondly and pretty much in the same way, the grid is also a tool of decision-making usable by policy-makers. Cultural heritage cases can vary substantially in terms of underlying interests of their actors. This explains that decision-makers have to assess the setting of the case – the identities of the actors, their interests, the existing resources etc. – in order to design the appropriate, fitted adjustments of the «basic», generic decision-making process to contextual variations. To be appropriate, adjustments - the opening of the decision-making process to the civil society for instance - have to be designed to meet both the generic and specific social/technical demands/constraints. They also have to be faithfully implemented – and monitored - to achieve the goals of the project decision-makers support.
In other words, assessing the contextual, « unique » features of the case is a prerequisite to maximise the effectiveness of opening of the decision-making process – for instance the EIA process, one of its potential tool (cf. task WP3.). This analysis includes an investigation of the modalities of the decision-making process which represent the best guess about the most effective and efficient ways to take into account the specificities of the case when applying the EIA process.

At the same time, regularities across CH cases are to be sought for fine-tuning the EA generic process to foster the achievement of the goals of specific CH management cases as well as their contribution to more distant and global concerns underlying the sustainable development criteria.

Thirdly, the grid is a policy-making tool designed to help the stakeholders to perform a joint conflict analysis at some point of entrance in the decision-making process to foster a co-operative CR (conflict resolution).

1.4. THE STRUCTURE OF THE REPORT

- An outline of the ST and actor-network conceptual tools (the model).

The model provides a guideline of questions to be raised when collecting information about the case studies and analysing them (tasks 1.2 and 1.3.). Much in the same way, it provides a guideline for the public authorities in charge with the project management as well as for the stakeholders.

The guideline is meant to help the potential users to select significant questions, i.e. questions which actors want to be answered because of the expected value of information they will generate.

- A presentation of the methodological tools: a methodological guideline for the use of the analytical grid.

- Some hypotheses drawn from the application of the model to environmental – siting conflicts – are reported. They focus on the existence of regularities with regard to critical moments occurring across cases and raise questions about the social processes at work.
There are two main reasons to the reference to environmental/siting conflicts.

The question of their generalisability to CH conflicts has a « theoretical « interest by itself.

To gain insight on the empirical evidence about the regularities shared by CH and environmental cases has also policy implications.

Assessing the existence of regularities provides an argument in favour of a more systematic use of the EIA/SEA process when needed in the CH management as a tool fostering concern for SD goals. Besides, a lot of research has been done on environmental conflict resolution methods. An efficient use of this research suggests to explore the generalisability/idiosyncrasies of the results about environmental CR methods studies. Hence the issue of regularities across CH and environmental/siting conflicts is critical.

• An illustration of the questions raised by the model to assess of the pros and cons of a CR procedure: environmental mediation. The assumption is that these questions are transferable to other participative methods to be integrated into the decision-making process on CH issues. The modalities of the transferability are one of the objets of task 3.2 which will be partly built upon the completion of task 1.3 (scenarios)
2. The theoretical framework.

The conceptual and methodological tools of sociology of translation are used to describe environmental/CH conflicts to get a better insight on how the dynamics of the conflict shapes the evolution of the power relationships and the social construction of the struggle.

There are two mainstreams to this approach: the use of the repertoire of sociology of translation and the reference to the theory of actor-network. The process of translation is at the core of the dynamics of networks.

2.1. THE PROCESS OF TRANSLATION

In general, the opening and the closing of a controversy is the result of a series of displacements or translations. This means a dynamic process similar to problem redefinition, which moves through stages or moments.

2.1.1. THE NOTION OF TRANSLATION

In its most elementary form, the process of translation "involves a translator, something to be translated and, a medium in which that translation is inscribed" (2), the medium being the material in which inscription takes place (texts, public declarations, technical objects, skills...)... 'A translates B ' is to say that A defines B whatever the status of B, human or non-human, individual or collective. The ways A defines B is A's decision. The methodological point is that the observer doesn't reject any definition a priori since all the definitions given by the translator A make him up. The notion of translation therefore respects the complexity of the reality since the observer follows the actors in all of their displacements, in all their translations.
2.1.2. THE PROCESS OF TRANSLATION

The process of translation is apprehended through a sequence of four moments - problematisation, interessement, enrolment and mobilisation- describing how the problem is defined and interpreted until its conclusion.

The grid (subtitles) and the exposition of the four stages are borrowed to the model described by Callon (3).

2.1.2.1. The problematisation: how to become indispensable?

Problematisation describes the process by which actors striving to become indispensable to Society or Nature build a system of alliances, of associations. To do so, they construct the problem by defining a general problem which can only be resolved by the solution of a more specific problem posed in two parts: who are the actors and what problems stand between them and goals that are imputed to them?

Problematisation is more than to define a series of actors and obstacles which prevent those actors from attaining goals or objectives that have been imputed to them. It also consists of a double movement by which a set of actors define their identity (interdefinition) in such a way that they agree on a common question and they establish themselves as an obligatory passage point (definition of obligatory passage points) in the network of relationships they are building and which render them indispensable.

2.1.2.1.1. The interdefinition of the actors

At the initial stage, some entities define themselves as concerned and as actors. They decide to become indispensable to solve the problem they define. They present an initial plan stating hypothetically who are the actors they enlist and the reasons why they invoke them. Those actors who are enlisted accept, reject or redefine the transaction, not in a clear-cut way but through passing different states of adjustment to each other so that alliances may be formed.
2.1.2.1.2. The definition of « obligatory passage points ».

The successful definition of an 'obligatory passage point' for the whole series of the actors to whom an actor strives to become indispensable is the corner stone of the future alliance between them. This implies a common ground and consensus between the actors on the nature of the problem and on the mutual gain they might obtain from solving it.

Problematisation is a dynamic process by which actors initiate an alliance by defining their identity and what they want. This alliance is the result of the interaction between the identity of the actors, their interests and available discourses.

Firstly, the identity of the actors interacts with their interests. The concerned actors have at first their own interests that provide them for reasons to act. But they have something more. They ascribe interests to others to whom they want to become indispensable. Those actors to whom interests are ascribed might recognise or not these interests as their own. Anyway, recognised or not, these interests are effective in the sense that they also provide reasons to act to those who assess and ascribe them.

Secondly, the identity of actors interacts with interests because of the social significance of available discourses. The interactive relationship (versus the deterministic relationship) between the identity of the actors and their interests stems from the assumption that interests are not given by the social location of the actors. Sociology of translation postulates that interests are not structurally defined even if there are most probably some connections between interests and the social location of the actors. Interests are the product of an assessment which might take many forms but is anyway dependent on the availability of appropriate discourses to the actors. Hence *interests are disputable and revisable* (4). This explains that at the stage of problematisation, the identity of actors and their goals still are hypothetical. They need to be confirmed and stabilised through actions which are implemented at the stage of interressement.

**Example**: The EMAHL controversy is nurtured by the opening by each actor – the local political authorities, the CH institutional actors, the Council of State, the association of opponents « SOS Mémoire de Liège », the museums experts/directors etc. - of its own black box. They provide their own definition of C.H. They define a not so evident object – the CH – into a well established fact, a non problematic object. They cannot converge on a shared definition of the problem. The identity of the many actors who try to establish themselves as obligatory passage points, the diversity of the interests they express or ascribe to others - and
the many argumentative discourses – the economic development of the city, the rehabilitation of the City’ image, the conservation of historical and art collections, the legal and aesthetic soundness of the planned museum complex etc., prevent any adjustment about a common definition of what they mean by CH. They mobilise different sets of rules – general/legal rules versus local/intuitive rules. The opponents to the project defend an extended meaning of CH which includes unlisted buildings and are opposed to their pulling down in the name of coherence whereas public authorities stick to the restrictive meaning of the CH which allows them to demolish unlisted buildings to implement the project of the museum complex. Both categories of actors present themselves as indispensable to the « common good ».

2.1.2.2. The interessement process: how are the actors locked into place?

Interessement such as defined by Callon is taken in its etymological sense : to stand between (inter-esse).

The fundamental assumption underlying the concept of interessement is that each actor will compete with the other actors enlisted in the problematisation to strengthen his identity that is his system of alliances, associations. To do so, each actor activates the interessement process which consists of mechanisms, strategies to cut or weaken the links between those actors he defines as "his" allies but who might be tempted to construct their identity otherwise and those actors who define their identity, goals, motivations in another manner, refuse to enter into a transaction (adjustment between identity and goals) about the proposed problematisation and compete with him to establish associations with 'his' allies.

Interessement process refers to the definition of group boundaries – consolidated by processes of inclusion/exclusion - to the exploring of group alliances which are strategic for the achievement of the goals initially stated at the problematisation stage.

Interessement involves strategies ranging from seduction or even simple solicitation to the use of the physical force. A successful interessement confirms the validity of the problematisation in so far as the system of alliances resulting from the different adjustments confirms the hypothetical system conjectured at the stage of problematisation.

Example. One of the interessement strategies activated by competing actors to explore, stabilise alliances in the EMAHL controversy - after they opened the black boxes of CH at
the problematisation stage - is the way they validate their definition. By referring to normative texts – general rules applicable to specific buildings belonging to predefined categories - , or by intuitive and ad hoc rules - the global harmony/coherence between listed and unlisted buildings in the urban area they defined as relevant.

2.1.2.3. The process of enrolment: how to define and co-ordinate the roles?

Still interessement does not mean actual enrolment and interessement does not lead necessarily to actual alliances. Here comes the process of enrolment.

This process refers to the definition of roles, that is how roles in the process of conflict development may be defined or redefined in a strategic sense. In the course of enrolment, the identities of the actors are translated or transformed. Amongst the competing identities which they might have, a particular identity which is compatible with the strategy of the 'enrolling actor' is adopted. For example, a person (or some evidence like a paper on a chemical concentration) can be labelled neutral or biased. Enrolment designates the processes by which a set of interrelated roles are defined - pre established roles are not postulated nor excluded - and attributed to the actors who accept them and enact them. The identity of actors is actually fixed and tested during the process of enrolment. Enrolment as interessement involves the use of a large range of strategies.

One of the features contributing to the destructiveness of the EMAHL controversy is the enrolment of some active opponents either in the political sphere – local representative – or/and in the association « SOS Mémoire de Liège » which was had gained much experience on the CH battlefield during the Place Saint Lambert case processing. Citizens enrolled as activists in an association created for the conservation of the archaeological collections discovered underground. Some of these actors had a strong commitment to CH from a previous experience. They actively and successfully involved themselves in fuelling a public controversy in the eighties about a Picasso painting who belonged to a local museum. Public authorities had two options: to sell or to keep the painting – at the expense of some financial restriction – in a context of a local financial crisis. They traded-off the closure of a local public health service - in charge with the (free) vaccinations of children at school - against the option to keep the painting.
2.1.2.4. The process of mobilisation: how representative are the spokesmen?

Mobilisation refers to the process of representation by which the actors form a relationship with their delegates so that only a few individuals are actually involved in the social process under investigation (mixed conflict, diffusion of a technological innovation ...).

Representation implies that spokesmen are different from those who mandate them but they are still related to their mandates.

A critical question in controversies is related to the conditions under which mandates stay silent. And correlative when and why do masses stop to follow their delegates ?

These questions revolve around three dimensions of representativeness :

- the faithfulness of the translation by the spokesmen of the goals, interests, motivations of their mandates ;
- the legitimacy of the spokesmen to act as representatives ;
- the legitimacy of the links that spokesmen maintain with their mandates.

Example : Local authorities and opponents in the Emahl case claimed both their entitlement to speak in the name of the « common interest » of the City and future generations but contested to each other their representativeness.

In conclusion, the crux of this model is to restore, without any preconception from the observer, the integrality of the fluctuations in the ways the actors define their identities, their possibilities of interaction, their margins of manoeuvre, the range of their respective choices. At the same time, it contributes to partition in a systematic way the complex reality in subsets - the moments of the translation which shape what definition actors give to the object of the conflict. This partitioning is the first step of the interpretation of the data which will be continued by replacing the elementary relationship between actors into the process of networks formation and functioning .
2.2. THE DYNAMICS OF NETWORKS

Every environmental conflict in the course of translation involves a constellation of actors, who put into circulation intermediaries – for instance objects such as drawings, reduced models, plans etc. or legal texts, technical reports - and translations/displacements – a redefinition of the limits/nature of the problem for instance. Hence it is proposed to apprehend conflict processes by investigating how networks form and function as new actors. The basic assumption is that some of the dimensions of the networks which have been identified in the actor-network theory might be given close examination in the field studies to get to a better understanding of the course taken by environmental conflicts. The theoretical outline of the dynamics of networks is based on Callon's presentation of the dynamics of techno-economic networks (5).

The dynamics of networks refers to the complex processes in which the actors and their intermediaries weave themselves together and that lead to agreement or disagreement about translations.

Several dimensions have been proposed to describe this dynamics. They provide an analytical framework designed to answer some questions of direct relevance to siting conflict analysis and resolution. "How do different actor-networks, which have no a priori reason to be compatible with one another, manage to reach agreement? How do they join together to form longer chains of translations from two basic configurations (complementarity and substitutability) of the most elementary network joining three actors through intermediaries? What happens if one doesn't accept another's definition" (6)? Applied to the context of siting conflicts, how does it come that the population and the public authorities do not share the same view of the usefulness of a building? How is it that sometimes agreements are reached? Do these agreements may turn out to be durable?

The analytical framework proposed by the theory of actor-network to describe the dynamics (conflictual or consensual) of the networks focuses on two dimensions: the convergence of the network and the irreversibility of the translations on which networks - constellations of actors and intermediaries- are progressively built.

The heuristic specificity of the theory stems from its focus on the interactions between actors to apprehend their emergence and transformation. To understand how heterogeneous spaces such as political decision-makers, architects, experts, citizens etc. relate, how does it come that they speak in one voice, one has to track the successive translations that lead to make
disjointed universes, coherent spaces. At the difference of deterministic-causal approaches focusing either on the actors and their attributes or on an underlying structure defining and determining the actors to make understandable how they relate to each other, sociology of translation postulates that relationships between actors are the outcome of their identity, their interests and available discourses. None of them are structurally defined even if there are most probably somehow connected with the social location of the actors.

Example: the lack of reference of the opponents - to the aesthetics register might be explained by their fear of being disqualified for their lack of competence in the field of modern art (« Van Gogh syndrome »).

2.2.1. THE CONVERGENCE OF A NETWORK

Convergence in the process of translation and its circulation of intermediaries contributes to agreement among the actors joined into the network. By the process of mobilisation of allies, and the selection of mandates, Convergence is measured by the level of alignment of the actors and by the level of coordination of the network.

2.2.1.1. Alignment

Alignment is observed when there is perfect agreement between the actors about the definition performed during the translation. The actors forming the network speak in exactly the same way about themselves, about one another and the intermediaries that link them together. Through the translation operations (problematisation, interressement, enrolment and mobilisation), the network is built in such a way that a common space, equivalence and commensurability are generated. The translation is accepted, the actors are able to communicate and the information circulates. Compromise and mutual adjustment are negotiated through a series of iterations.

When there is disalignment, the translation is rejected. The outcome is a disagreement varying in scope and causing a more or less destructive conflict or deadlock. Separate spaces with no common measure are generated: the actors and intermediaries are no more able to communicate.
In conclusion, when there is a perfect translation, there is total equivalence, no ambiguity. The further one moves from such an agreement, the greater differences, incoherences. "From isotropy, one moves to polyphony and finally to cacophony". (7).

2.2.1.2. Coordination

Coordination is the second subdimension contributing to convergence. The coordination of a network depends on the existence of rules which tend to rarefy the universe of possible actors by organising imputation (imputation of interests to actors for instance) and limiting the number of translations that can be easily stabilised. The operations of translation are regulated by more or less explicit and stable conventions (translation regimes) produced in past interactions.

An example of coordination is the process of normalisation which makes a series of links predictable, limits fluctuations, aligns actors and intermediaries and cuts down the amount of information in circulation. Interfaces are standardised. The rules of coordination become the constraining norms creating and controlling "deviance": the past engage the future.

Coordination is precisely what CH protection or urban planning rules are meant to achieve.

Strong coordination results from both general rules (applicable to the whole network) and local rules (applicable to a subset of the network, for instance to citizens with a vested interest). Weak coordination describes a network where no specific rules are locally valid. Strong coordination limits the number of possible translations and makes the network behaviour more predictable. To describe the processes by which socially legitimate (valid) rules dealing with the translation (for instance, what interests are imputable?, what strategy of interessement is socially acceptable? or who may speak on behalf of whom?) are fixed and/or modified is obviously of central interest to understand the issue of procedural fairness which seems to be relevant to the course taken by environmental conflicts.
2.2.1.3. Convergence

The convergence of a network results from a combination (interaction) of alignment and coordination. The higher the degree of alignment and coordination of a network, the more its actors work together, and the less their very status of actors is in doubt. It points to the way in which the activities of actors in spite of their heterogeneity (scientists, bureaucrats, spokesmen of public associations, ecologists ...) fit together, to the way in which each actor in a convergent network is able to identify and mobilise the skills within that network without having to get involved in costly adaptation, translation or decoding.

Strongly convergent networks only develop after long periods of time and intense effort (cf. iterations). This line of analysis points to the importance to devote time to a cooperative conflict resolution (8) which entails that one strong convergent network is progressively built. Convergence is a difficult task for policy makers in charge with a environmental conflict resolution in so far as these conflicts involve at their initial stage networks which are regulated by incompatible translation regimes (the opened black boxes of CH for instance).

A superficial examination of environmental conflicts shows that this incompatibility may present different configurations ruining more or less the chances of establishing a convergent network by precluding alignment.

A first configuration is observed when the validity of general conventions such as the utilitarian principle ruling traditionally the authorisation of an activity, of a project raising questions about its fitness to common good (applicable to the whole network) is increasingly contested (in terms of frequency and of involvement) in the name of local rules (applicable to a subset of a network for instance to the citizens with a vested interest due to the negative impact of the project on their « quality of life »). This a typical NIMBY scenario.

A second configuration is observed when incompatibility between general rules becomes an obstacle to a convergent network as illustrated by the competing definition of the CH.
2.2.2. The Irreversibilisation of a Network

Translations are in principle reversible"(9). Nonetheless, the issue of the empirical relativeness of the reversibility of translations (unavoidability and persistence) is central to understand the variations in the course (destructive or constructive) taken by siting conflicts.

Actor-network theory proposes that the degree of irreversibilisation depends on the extent to which it is subsequently impossible to go back to a point where that translation was only one amongst others as well as on the extent to which it shapes and determines subsequent translations.

The durability and the robustness of a translation tell us nothing about the extent to which it is likely to shape future translations. A translation becomes irreversible when it leads to a search for substitutes or for translations that are intended to prolong its life or extend its scope.

The construction of a convergent network by enrolling actors, for instance a few individuals who at the initial stage of the siting process feel threatened by the proposed facility, depends on how successfully they will be able to align successively all the actors (that is all the entities who define themselves as actors) on the definition they give to the siting problem. An example of a persistent translation accepted by public groups who otherwise defend different value systems is the widely observed lack of trustworthiness of public authorities contributing to risk perception.
3. The methodological guidelines (the methodological tools of sociology of translation).

The first methodological principle -**agnosticism** - means that all actors are equally important. There are no assumption about any a priori balance of power between actors and no assumption about who knows best to raise the questions (15). The position of the actors is never to be judged as an error or as an illusion.

The second methodological principle -**generalised symmetry**- implies that the same grid of analysis is applied to all of the actors who interdefine themselves as such and form a chain where everyone shape the definition of the problem according to their different project. The meaning of this methodological principle is to be interpreted at the light of one of the key arguments of sociology of translation, summarised by the following sentence: "the society is not what holds us together but it is what is held together" (11 and 12). Applied to the siting conflict setting, this methodological principle stresses that despite among the engaged actors some know more than others, everyone has a transformational voice. All actors raise and answer the fundamental questions to the siting issue -who is acting, why is it necessary to act together, how responsibilities should be allocated, how to allocate the negative and positive outcomes of the siting- that will shape the social link, will redefine society. The advocates of this approach argue that the nature of society is not something that pre-exists and which might be stored. It is but a provisional, practical and performative matter, equating to the outcome of struggles depending on the particular combination of heterogeneous forces in play. Hence, the associations created by the actors who bring in continuously new forces they enlist, enrol and mobilise to enforce their specific definition of society are the "glue" that explains why and how long all the forces keep in place. Becoming the key to social bonds, these alliances are to be described faithfully. The principle of generalised symmetry extended to an identical treatment of all the heterogeneous forces -the actors themselves, discourses, techniques... - contributes to the faithfulness of the description.

The third principle -**free association**- involves that there are no actors who are a priori included or excluded from the starting point and during the course of the conflict. This means that an entity which defines itself as engaged but is nevertheless excluded, on a legal basis for instance, has access at any a moment of the dispute to the forum created to analyse the conflict, even at those moments from which it is legally excluded. The consequence is that any exclusion becomes a legitimate question to be discussed and analysed, contributing thus to identify the procedural dimension of the problematisation. Moreover, it opens the way to
learning the viewpoints held by the actors on all substantive issues at work in the process even those outside the realm of their legal competence. This strategy contributes to question the validity of the clear-cut differentiation between political representatives, experts and the public in terms of cognitive and legal competence.
4. Some hypotheses generated by the theoretical model applied to a set of empirical data describing environmental/siting conflicts.

Two applications of the methodological and conceptual tools of sociology of translation tools of the ST are presented. They focus respectively on the dynamics of conflicts and on the mediation scenario.

The ideas presented are to be understood as hypotheses formulated to test tentatively the analytical, heuristical as well as pragmatical interest of sociology of translation for a better insight on the dynamics of the conflict in a cultural heritage context.

Beside the general question of the heuristic value of the sociology of translation for explaining the growth and the closure of a conflict, more insight is needed on the feasibility and effectiveness of participative scenarios. For instance, an insight on the moments when adversarial translations make their appearance, on the circumstances of their irreversibilisation might be useful to policy makers. To assess if some/what regularities are observed across any type of environmental conflicts including CH conflicts or if conflicts are discriminated into some theoretically meaningful categories resulting from the variability between environmental – Nature - conflicts and CH conflicts or the variability between CH conflicts. To assess if the variability is due to a small number of manipulable variables is also a useful information to fine-tune effectively the EA process.

Two lines of investigation are proposed. They respectively focus on the dynamics of the conflicts and on participative scenarios designed to solve them. Their relevance to the present program stems from the assumption of the transferability of the findings about the course taken over time by siting conflicts and about the CR resolution procedures to describe the dynamics and the prevention/mitigation of destructive CH conflicts. This assumption will be « tested » at a further stage (task 1.3)

Firstly, the grid is applied to secondary data from siting conflicts case studies to probe the critical question : are there critical moments occurring across cases and if so, what are the social processes at work at these moments ?

The ST grid is also applied to the internal and external validity (see hereafter) of the environmental mediation program in Belgium (Wallonia). The aim is twofold. Firstly, to
illustrate how the grid may be used to identify critical issues raised by this specific scenario (the pro and cons of the method). Secondly, to dress a checklist of critical issues to be taken into account by policy makers in order to maximise the likelihood that effective and efficient participative methods will be selected and applied for a constructive conflict resolution. Some of the issues made apparent in the context of mediation, are generalisable to other participative scenarios. Moreover, the extension of this analytical approach to other scenarios will generate additional hypotheses.

4.1. THE DYNAMICS OF THE CONFLICT

The theoretical map linking the hypotheses presented hereafter consists of the analytical grid describing the process of translation. It also makes reference to the classificatory tool proposed by N. Heinich (13) to assess the different value registers entering into the process (see hereafter). Since translation is formally composed of a sequence of four moments - problematisation, intersessement, enrolment and mobilisation- of the construction-deconstruction of a conflict and in spite of the fact that these moments or stages can overlap in reality, the hypotheses drawn into the argument are presented in that order.

4.1.1. PROBLEMATISATION

Problematisation has been defined as the outcome of the interaction between the identity of the actors, their interests and the available discourses for embedding the issue in a broader and normative structure. One of these discourses is actually the justice discourse as evidenced by the fast developing research on environmental justice (14).

Strictly speaking, a conflict that is brought by the parties before a third party transforms into a dispute, an other and particular stage of social relationships. This is precisely what happens when a conflict moves from the private to the public arena. A relationship which includes a third party who may have an explicit role in handling the dispute - a mediator or a judge for instance -, or act as an implicit third-party - the supporters or the audience in the context of public meetings, for instance. The processes by which a conflict is transformed into dispute are therefore of central importance to understand the processes at work, to be addressed efficiently to prevent or to solve such a conflict (15).
The party displacing himself from the private to the public sphere, formulates for the benefit of the audience his indignation - a feeling generated in the private sphere after his values have been transgressed. By forwarding explicitly values which he knows to be shared by his public, he tries to mobilise the audience, supporters, an implicit third party. At the same time, he attempts to impose himself as a legitimate defendant of these values (16). The essence of the process of displacement to the public sphere is based on the activation of values, enhances the dynamic of a fundamentally destructive rhetoric. By increasing the saliency of the making the value component of the dispute, in a context of social pluralism - there are many other value frames which are brought in competition and many meanings given to the same value -, this displacement rigidifies the definition of the issue since values hardly are negotiable.

In the «Emahl» case study, as in many siting conflicts, the displacement from the private to the public sphere is initiated through the activation of the justice discourse and more specifically of the procedural fairness.

Sociology of translation provides some explanatory clues on the processes by which the framing of a siting protest as a fairness issue is most likely to shape the initial protest into an untractable and destructive conflict. The explanation draws on the relevance of the justice frame, on its complexity and on its scope.

4.1.1.1. The relevance of the justice discourse: a key frame

Firstly, the justice discourse, given its legitimacy and availability to any social actor, is a value register which is most often present in the framing of siting conflicts.

Justice values are core values (17). Values can, with respect to worldviews and ideology, be situated on a continuum from centrality to peripherality. In an individual-psychological way, values are central if a subject has to accept them under penalty of the denial of the essential aspects of his worldview for the preservation of his personality structure or his identity in the way it is inextricably bound up with that worldview. The most central values are core values. In a social way, the heuristic interest of the constructionist has been to stress that facts alone don’t shape social reality. What matters is the subjective interpretation of facts which is framed by core values. Once competing core values frame the meaning given to facts, the issue become controversial because of the differences in the framing of the same «objective» facts. These differences are untractable (irreversible) since they involve core
values which stand as barriers to social mechanisms inducing cooperative resolution of the controversy.

Siting case studies show that from the start a few individual actors declare themselves concerned by the information given about the project. *They interpret the project as a potential threat to the moral community to whom they belong in so far as the project will expose the community to new (or more) harms.*

The dispute consistently (across the cases) starts after some actors from the public with a vested interest blame public authorities for informing them on the project. The prevalent political practice is questionable. Public authorities formally comply with the legal requirements but the public is left as ignorant as it is legally acceptable. By adopting a strategy of bureaucratic" (ritualistic) enforcement of the legal procedure of information (its content and the way it is publicised), local authorities create a context of great uncertainty leaving room to rumouring (non institutionalised communication) initiated by concerned and worried subjects. The conflict is fuelled and becomes destructive as soon as the public interprets the bureaucratic response as an act of procedural unfairness and not before long suspects them to be manipulative. Procedural unfairness seems to play a prominent role by activating doubts about the "true nature" of local representatives portrayed as self-interested, uncaring persons, outsiders or, worse, corrupted by the economical actor at the origin of the project. The scene is set for activating next distributive injustice. The problem is framed around the central idea that the project goes against the interests of the moral community. These interests range from daily life material concerns (nuisances) to immaterial concerns (aesthetics, quality of the environment, the chain of obligations towards future generations etc.). The moral community extends to anyone/anything to whom interests are ascribed (18).

The legitimacy and the availability of this discourse is all the more important to protest actors that it is this far the only frame offering them an effective (legitimate) and fast way to establish obligatory passage points. By defining the issue as a question of justice, initial actors successfully impose themselves as obligatory passage points to all actors, and more fundamentally to local political actors. This is so because the concept of State is undissociable from the concept of justice, universal and at the same time central to the individual. Being addressed to by all the parties, the fairness issue represents a common question. At the same time, imposing these obligatory passage points render spokesmen of the public indispensable. For who else than citizens should be basically empowered to say what is justice in a democratic system?
4.1.1.2. The complexity of the justice discourse.

Secondly, beyond the fact that justice issue is universal, there are many definitions of justice in the world.

Even in the same culture, conflicting definitions of justice coexist (19). Assuming that the conceptual formula proposed by R. Lane (20): "who distributes what to whom with what distributive outcomes and by what procedures" is used by actors to assess the fairness of the siting, they might experience a sense of injustice elicited by any term of the conceptual formula. They may react to the causal explanation of the siting, the inputs they consider as valuable to be treated fairly, the resources and harms that are apportioned, the distributive outcomes of the siting and/or the procedure used in the distributive process.

The sense of injustice will depend on the nature of the criterion(a) or term(s) of the conceptual formula activated by the actor to evaluate the fairness of the siting as well as on the normative standards that he expects to guide the decision in relation with the relevant criterion(a). Variations in these expectations, their origins, their consequences, have been extensively studied by social researchers in the field of the theory of justice (22). Despite some regularities observed in the construction of the sense of injustice and in the reactions to departures from justice, the diversity of the normative expectations held by individuals to evaluate the fairness of a specific distributive issue joined to the dynamic dimension of the construction of a justice judgement explain that displacements of the meaning of injustice - the salience of the criterion(a), the principle(s) applied to evaluate the fairness of the project in terms of the salient criterion(a) - can easily occur at any stage of the translation and become dissidence when displacements involve the generalisation of the disagreement (displacement from implementation of rules of justice, to rules of justice, and ultimately to principles of justice) reducing the feasibility of a transaction, of a negotiation between the actors and ineluctably leading in the worst case scenario to a destructive resolution of the conflict or to a deadlock.

4.1.1.3. The scope of the justice discourse

Thirdly, the justice discourse and the displacements within this discourse are to be analysed because of their impact on the next moments of the translation: the interessement, the enrolment and the mobilisation. The hypothesis is that despite the justice discourse is one
amongst many argumentative resources handled by protest actors - they have developed the cognitive skills they needed to reject on an argumentative basis competing alternative discourses (the technical discourse of the experts, the social wealth maximisation discourse held by public authorities) -, it still offers the framing (23) and the reasoning devices which will be activated during the whole process of translation.

The effectiveness of the fairness framing to successfully identify oneself as a concerned actor, to interest, to enrol those in the name of whom one wants to speak is due to the functions of the justice motive. In addition to its substantive value -the argument is salient in its own right - it also has a strategic function affecting the course of the interactions between the parties. Whoever frames an issue in terms of fairness makes a judgement which is not only personal but which will be sanctioned by others since he must provide a basis for challenging views about what is good or bad. Justice judgements are meant to produce individual and collective effects, to establish, perpetuate or modify a given social order.

While the justice discourse as referential structure is effectively used by protest actors to establish themselves as obligatory passage points, it becomes a major hindrance to the convergence of the actors sharing a translation where the siting conflict is defined in terms of justice in the next stages of the process. For two main reasons: the complexity of the justice issue and the fact that there are many meanings to justice make possible many displacements and dissidences within the justice discourse as soon as problematisation starts. With the aggravating circumstance that the justice discourse is of central relevance for the individual and granted with a strategic dimension.

In conclusion, to the question raised by the interactions at the stage of problematisation between the identity of actors, their interests and the available discourses and by the effect of these interactions on the course taken by the conflict, case studies suggest that many displacements in the framing of the problem leading to destructiveness or deadlock are occurring within the frame of fairness and between different frames (technical rationality, economical rationality, fairness...) (24 and 25). Case studies also show that as soon as a siting problem is framed in terms of fairness - one frame among other registers - protest actors often fail to establish a common question and subsequently to establish themselves as obligatory passage points recognised as such by the other parties because of the interaction between the interdefinition of the actors’ identity, the mutually ascribed interests and the availability of competing micro and macro-justice considerations.
4.1.2. INTERESSEMENT

Results from the siting case studies as well as the tools of sociology of translation suggest that the nature of the strategies used in the interessement process are key factors shaping how the difficulties raised at the stage of problematisation will affect the course of the conflict. The constructionist approach (26) enhances that the interessement process itself is commended by how some actors interpret what actors are yet to be enrolled, what they want as well as what entities these actors are associated with (what links are to be interrupted?).

Devices (intentional actions) and social mechanisms contributing to the interessement process are to be inventoried from case studies to gain a better insight on the construction of systems of alliances. Interessement implies processes of inclusion (the allies whose identity, goals, motivations have to be "glued") and exclusion (actors whose links have to be severed with those actors who are considered as (potential) allies.). Processes of inclusion and exclusion are assumed to be critical with regard to the destructiveness of siting conflicts for they enhance the similarity-dissimilarity of the beliefs, attitudes, values of the actors.

Two interessement devices which are of common use will be briefly discussed: the rephrasing of the siting debate and the extension of the moral community. Both of these devices shape the perceived size or consequences of the conflict (the stakes) and the issue rigidity. Two contextual variables which have to be taken into account to select an adequate participative methodology.

4.1.2.1. The rephrasing process

This process - some kind of reformulation of the public discourse - has been investigated in the field of law anthropology (27) focusing on the relationship between dispute processing and legal change. Social anthropologists propose a model describing and explaining how the activation of the rephrasing of the public discourse leads to more or less innovative outcomes depending on the combination between the rephrasing strategy – expansion or narrowing the discourse – and the language used to perform the strategy. Rephrasing is done by the parties but also by the third party who may be brought in to perform this task.

Sociology of translation enhances the relevance of the displacements occurring during the rephrasing process. Its tools are helpful to analyse in a systematic way which conflict
resolution procedures are feasible and likely to be effective and which are not. Procedures vary along their feasibility and effectiveness depending if the configurations of the rephrasing process activated in a given context are consistent with the configurations they channel. To pre-evaluate this consistency is most valuable to policy makers at the stage of the scenario building (see hereafter the analysis of the mediation scenario).

4.1.2.1.1. The configurations of the rephrasing process

Whenever any party transforms a conflict into a dispute, one observes a process of rephrasing of a private discourse into a public discourse - a discourse held in a public arena. In the course of the conflict, the problem is rephrased insofar as the problem is redefined through two strategies of interressement: narrowing or expanding the discourse. Each strategy may rely on the use of a specialised or everyday language.

The strategies

Both strategies are put into action thanks to a renewal of actors (parties and third party), the language and/or the audience and thanks to messages. Part of messages come from silent signs - time, space, dress, implicit meaning of the language (28). They are all the more powerful as they convey symbolic meaning to the public discourse.

By narrowing or expanding the discourse, using a specialised or everyday language, the problem is redefined and consecutively reproblematised. The application of the tools of the sociology of translation and of the actor-network theory to the process of rephrasing disputes underlines how the narrowing and the expansion strategies and how the language which used modify the definition of the problem and correlative the relationship between the actors, contributing or preventing the convergence of the actors on the mutually acceptable definition of the problem and solution.

Narrowing is performed by rephrasing the initially complex and highly subjective problem into a problem structured around an accepted "common denominator" which also is preferably tangible. A successful narrowing (a common ground is defined) results from an agreement of the participants -parties and third party(ies) and ultimately the stakeholders - on the use of pre established categories and interests for classifying events or a series of events to fix or circumscribe the framework of the dispute.
For instance the use of the « orthodox » siting criteria (profitability, functionality, safety and legality).

**Expansion** refers to a rephrasing by the third party (or another party), by supporters or by the audience who transforms the formulation of the case by displacing it in a class of objects from which it would be distinguished. While by narrowing a particular imagery, meaning is attached to events or relationships, expansion demonstrates a similarity or a causal effect between facts, situations which initially appeared as different or unrelated.

A typical interessement strategy based on expansion is the extension of the moral community (see hereafter) after opponents have been ascribed egoistical interests. This expansion redefine the nature of the problem, challenging previous orderings and the power structure. The author of the expansion asserts a new order or a new definition of the problem.

In our case study (the Emahl project), this strategy is observed when the opponents expand the problem by putting forward their concern for the integrity of the cultural heritage. They frame their opposition as a defence of the chain of obligation toward future generations. The obligation to preserve symbolic resources.

**The nature of the language**

The second element of the combination defining the rephrasing process is the nature of the language which is used to operate the translation. One can see that the activation of values is congenial to the use of everyday language. It explains, « all other things being equal », that the conflict is so often framed as a struggle about values.

Strongly held values also have an affective dimension which explains that people who share them cannot stay long neutral. They align themselves on the position of one or another party activating the value dimension of the dispute. They consider the value register newly brought into the dispute by a party to interest them as relevant and justifying the position of the party. They share the meaning given by the party to the value to interest them.

**4.1.2.1.2. The informative value of the rephrasing process**

In the course of a complex and durable dispute as the Emahl controversy, the public discourses held by the parties are rephrased many times, using both narrowing and expanding
strategies. Hence, a diachronic analysis of the rephrasing sequences is needed to follow the actors, to understand the interplay between their actions – the rephrasing strategies they put into action – the displacements they successfully operate overtime on their identity and the renewal of their resources.

The proposal is to investigate the key moments of the rephrasing process shaping the public discourses – reported in the media, leaflets etc… using the ST tools. Applied to this process, these tools reinforce the validity and the relevance of the law anthropology model of disputing. New hypotheses derived from ST are consistent with the initial model of the rephrasing process. They underline the informative value of the rephrasing process by pointing at the circumstances, at the critical moments when a rephrasing process leads to irreversible translations of the definition of the problem. Gaining insight on those critical moments increases the likelihood that policy makers will target their resources on these moments (efficiency of conflict resolution procedures).

The many dimensions of the public discourse itself are apprehended by using the analytical grid proposed by N. Heinich (34), a classification of value frames (registers). What value registers are mobilised and when?

Each register or frame is composed of a set of values successfully and successively put into action by the actors to make the register be recognised as of public interest. The registers which are activated shape the displacements of the definition of the problem by orienting the mobilisation, interessement, enrolment and mobilisation strategies. Hence, this classification – an (open) list of registers - is useful to systematically identify the many registers of the public discourses which are mobilised by the actors for embedding the issue in a broader and normative structure. To track regularities in the registers which are activated and in the sequential order of their activation.

The interest of the grid proposed by Heinich is twofold.

Firstly, the value registers identified by Heinich in controversies about art are more or less present in cultural heritage conflicts and in siting conflicts. The information on the overtime activation of specific value registers is an entry to a better knowledge of the dynamical interactions between the identity of the actors, their resources, their actions (29). Assuming that once they are successfully activated, some – core - values registers shape the displacements of the definition of the problem by channelling the mobilisation, interessement, enrolment and mobilisation strategies, one can see the heuristical use of this classification. It helps to systematically identify the many registers of the public discourses mobilised by the
actors for embedding the issue in a broader and normative structure and to track down regularities and idiosyncrasies in the « nature » of the activated registers as well as in the sequential order of their activation.

Secondly, policy-makers need this information on the system on which they are to intervene to design effective scenarios. This is so because:

- Some registers are more consistent with a narrowing process – the reputational register for instance – while other registers offer the opportunity to expand the problem – for instance the rights of the future generations;

- The combination between the rephrasing strategy and the language used to perform this strategy is more or less politically and socially challenging;

- Hence, the modalities of the scenario have to be congruent with the displacements of the limits of the disputed problem. The closing of a dispute is the outcome of interactions between actors. These interactions are framed by the procedural rules of the conflict resolution method. At evidence, to be effective – to close cooperatively the dispute, these interactions have to be congruent with the limits of the problem – its spatial/ time span extension and its complexity (see hereafter the comparison of mediation and court litigation);

- A fine-tuned analysis if the values registers present in the public discourses is needed to disentangle the « intrinsic » or substantive degree of political relevance of value registers from its strategical performance.

Values matter when they are core values (to be contrasted with peripheral values). They vary along the dimension of individual/social centrality (substantive degree of relevance).

Values may serve different strategic functions. The activation of a politically meaningful value register is consistent with both narrowing or expanding strategy. This is so because values may be spoken of for different motives.

We shall take for illustrative purpose the fairness register activated at beginning of the rephrasing process to enhance its potential strategical uses.

Firstly, parties may wish to renew the principles of justice initially taken into consideration by the public authority to define and solve the problem. By claiming for instance their entitlement to speak in the name of future generations to ensure the ethicality of the decision,
opponents mobilise a new conception of procedural fairness, a new set of procedural fairness criteria. They clearly expand the problem by contesting the principles founding the institutionalised relationships between decision-makers and citizens.

Secondly, they may support the procedural fairness criteria/principles which are grounding the institutionalised decision-making process – the representative democracy for instance - but contest the rules implementing these principles. This is the case when they ask for new points of entrance in the decision-making process without contesting the traditional decision-making process. Thirdly, they may resent how socially legitimate rules aiming at legitimate « oughts » are effectively implemented.

Protest in the name of principles, rules or political practices (implemented rules) relies on a more or less expanded or narrowed definition of the problem. The stakes are different. But at any level of protest, the activation of the value register is a powerful strategy to interest the public. People often figure out their preference by referring to shared values which legitimate social practices without knowing much else about the issue.

4.1.2.1.3. Illustration: two rephrasing processes – The “mechanisation” and the “politisation” of the debate

The « technisation » of the debate

Sociology of translation shows why siting conflicts systematically involve a technisation of the debate. A rephrasing of the debate in technical terms leads to the creation of an arena where more or less controversial technical questions arising from the project are discussed (30). At the stage of the interessement, opening an « experts » arena effectively consolidates alliances.

Let us consider the process by which scientific-technical information is given by "neutral" experts on behalf of the public actor to the population with vested interests. This information process, which opens the expertise arena, contributes to establish an alliance between the public actor and the concerned public, by bringing in technical experts who convince the parties that the project will benefit or disbenefit the relevant interests (which are partly given by the available discourses). The controversy may go back and forth, focusing on the validity of the technical judgement underlying a specific problematisation -the "blackbox" of the production of the technical judgement is opened-, on the legitimacy of the methods used to
construct the judgement, on its relevance to the contested project, and/ or on the legitimacy of those who express the judgement or apply it to the problem (architects, Council of State). At evidence, the technisation dimensions of the debate offers numerous opportunities to actors for displacing their arguments to interest those with whom they want to establish alliances.

This rephrasing of the debate in technical terms represents a typical narrowing strategy. Its authors may or may not accept to align themselves on a redefined version of the problem. Restating the limits of the problem to make it coincide with a subissue does not necessarily mean that they give up the value registers they support and which eventually challenge the existing political/social order. In other words, the narrowing strategy may be a point of entrance to a new rephrasing which will be based on expansion after the renewal of actors (interessement of the Council of the State).

The « politisation » of the debate

CH conflicts also involve a politisation of the debate. For two reasons. Firstly, the displacements that occurred at the problematisation stage raise questions to which any citizen feels entitled to answer. He has the legal competence to express his views on the definition of society. He also has the cognitive competence to act as a citizen since the essence of a democratic system is to recognise him as an expert in the field of citizenship. Secondly, at this point of the evolution of the public participation in environmental policy, one observes an increasing demand for control over the definition of the problem joined to an increasing variability in this definition amongst the public.

The politisation of the debate is typically an expansion strategy. The frequency of the displacement of CH issues in the political arena has much to do with the extension of the moral community which is both an empirical evidence in its own right and performs a strategical function. As such, it is an interessement device commonly observed in the dynamics of environmental conflicts.

4.1.3. ENROLMENT

During the enrolment, the identity of actors (in interaction with their goals) may also be displaced as it actually happens when spokesmen of public associations develop in the course of the conflict a strong suspicion about the 'neutrality' of experts in charge with the evaluation
of the impact of the project. They justify their distrust by the financial link existing between
these experts and the author of the industrial project, on one hand, and by the limitation
brought to the enforceable disclosure of the technical information, on the other hand. Legally,
information is delivered to the public in a summarised form limited to the results of the
evaluation study. They stay out of any control on the "production process" of these results in
the absence of any retrospective opening of the path leading to these results. The scientific
arena is hermetic. Public associations typically want a full disclosure of the technical
information claiming that they possess the technical-scientific competence making it possible
to understand the particular social and natural phenomena in the realm of objective reality.
Concretely, in an increasing number of cases, they produce an inside or outside counter
expertise and open a expertise arena. Hence, one observes a displacement of the attributions
of the role implemented by representatives of public and pro environmental associations who
feel increasingly entitled to be the spokesmen of Society and Nature. This explains, at least
partly, the increasing politisation and technisation of the siting conflicts, on the one hand, and
the pertinence of joining separate forums into an unique forum offering the opportunity to the
spokesmen of political entities, the public, the experts, the Nature to act cooperatively (31).

4.1.4. MOBILISATION

By a process of reduction step by step, a few actors (political representatives, scientists,
delegates of public associations researchers, experts) become the spokesmen of Society,
Nature or the scientific community etc...

To solve cooperatively a siting conflict, the representativeness of the spokesmen must be
agreed on. Who speaks in the name of whom? Who represents whom? During the whole
process of translation, successive spokesmen are designated and equivalencies are sought
between what the mandates want to be said and what the delegates will say.

The interest of approaching the classical issue of the legitimacy of the representatives with
the tools of the sociology of translation is clearly to be assessed empirically. It will be
nonetheless argued that the notion of displacement is functional to enhance the fluctuations of
the identity and characteristics of the involved actors along the whole process of translation.
Groups in whose name the representatives speak are elusive, as are the spokesmen whose
legitimacy may be contested at any moment. By refusing to impose any fixed definition of
actors and relationships, sociology of translation makes possible to follow all the variations of
alliances resulting from the interaction of the identity of the actors and of their interests in
displacement. Representation described as a "process of progressive mobilisation of a chain of intermediaries who ultimately form alliances and act as an unit force also emphasises that the referent exists only once a long chain of representatives has been put in place and as long as representatives are not contested" (32).

In addition to enhancing the dynamic dimension of the representation, the notion of displacement and its implications result in a shift from a diffusion model of power to a translation model to explain the making of representatives. Representation is in essence a power process in so far as representation displaces and concentrates the power to speak from the mass, after and as far as it has been silenced, to a few actors. Viewed as a displacement revolving around the power to speak in someone name, representation is apprehended as a result or consequence of the action of everyone in the chain and not as a starting point a cause of action. To describe the displacements of the token -the power to speak in someone' s name - involves a shift from the diffusion model where as described by B. Latour "collective action is explained by the initial force of those who have power, by inertia and eventually by the resistances of the mediums slowing down the initial force (for instance: opposition of interests groups, lack of communication...)" to a model of translation. In this last model, collective action is the result of "the energy given to the token by everyone in the chain who does something with it" (33). There are two important consequences to this shift. First, "no energy can be capitalised so that everyone who wants to move on the token is to find new sources of energy (this means time , new alliances...)"(34). Secondly, "the chain is no more made of patients resisting to the initial impetus but of actors who are "doing something essential to the existence and the maintenance of the token since the token is in everyone's hands in turn., everyone shapes it according to their different projects (35). By applying the model of translation, one acknowledges that power is not only made of the will of the actor who has the initial force but is also " made of the wills of all the others "(36).

The advantage of the model of translation over the model of diffusion applied to environmental conflicts is assumed to be twofold. Firstly, it might contribute to a better understanding of the displacements occurring during these conflicts which are most often mixed conflicts -they are typically displaced back and forth from scientific to political arenas-by integrating in the analysis of the conflict the projects of all actors. Secondly, the actions of parties of the conflict are no more framed in terms of resistance, indifference or inertia which are strongly value-laden notions. This represents a major benefit from a policy-making standpoint for labelling negatively actors who have to participate to a joint analysis of the conflict will hinder from establishing a rational discourse, a prerequisite to a constructive problem solving (37).
The concept of representation implies that spokesmen are different from those who mandate them but are still related to their mandates. The relation between the spokesmen and their mandates suggest several questions to better understand "in what conditions do the mandates stay silent and correlatively when and why do masses stop to follow their delegates" (38), questioning the legitimacy of their representatives? These questions revolve around three dimensions of representativeness: the faithfulness of the translation by the spokesmen of the goals, interests, motivations of their mandates, the legitimacy of the spokesmen to act as representatives and the legitimacy of the links that spokesmen maintain with their mandates.

4.1.4.1. The faithfulness of the delegates to their mandates

Firstly, how faithful are the spokesmen to their mandates? In other words, do they say what would not say those whom they represent? The increasing demand of the public to get more expressive voice and more transformational voice suggests that it is very difficult to silence human beings when the public has something different to say. The public may get a whole picture of the object at the difference of the public actor who will give greater importance to the dimension of the object which is within his legal competence, for instance, or at the difference of the expert who focuses on the dimensions relevant to his field of technical expertise (39). At the same time, cause and effect, the whole picture the public gets about the object is increasingly articulate and sophisticated since the concerned public develops the cognitive skills needed to deploy legal and technical discourses that make them able to evaluate the faithfulness of their spokesmen to the population, to Nature and Society and to refute effectively what they say.

The consequences of this political change -the voicing of disagreement about the object of the conflict and the demand for transformational voice- on the course of the conflict might be most effectively apprehended by using the model of translation. This is so because it acknowledges that the token of the conflict -the power to speak in someone's name- is displaced, shaped by all the actors who participate to the chain of intermediates. Hence, this model leads to a systematical assessment of all the equivalencies between the delegates of an increasing number of the entities they represent.
4.1.4.2. The legitimacy of the delegates to act as spokesmen: their receptiveness.

Secondly, what is the foundation of their legitimacy to act as spokesmen? In democratic societies, the legitimacy of the representatives to act as spokesmen is measured by the extent to which the decisions they take are accepted by their mandates. To be accepted by a concerned individual, the decision must demonstrate the receptiveness/responsiveness of the spokesmen to the interests of the entity in the name of which he acts.

There are two mains ways to apprehend political receptiveness. First, the receptiveness of the spokesmen ideally stems from the identity of their views with those shared by their mandates. The legitimacy of the representation is guaranteed by the representativity of the delegates. This criterion has been implemented in the past through an election system limiting the right to vote to those sharing the same social location as the political candidates. The goal was to guarantee the identity of views. At evidence, if effective, this system enhances the faithfulness of the spokesmen and makes the question of the silence of the mandates irrelevant. The variability of the public views joined to the extension of the right to vote is a major drawback to this operationalisation of the legitimacy of the representatives.

Actually, the legitimacy of the spokesmen is evaluated in terms of the receptiveness/responsiveness of their decisions. To respond to these criteria, a decision is to be comprehensible -its content as well as the decision-making process-, consistent both with the "common good" and the concerned individual's interests, and implementable by the individual to which it addresses. At evidence, there are many displacements that might occur at the stage of mobilisation if the legitimacy of the spokesmen is inferred from the receptiveness of their actions such as defined above. The definition of the "common good" is for instance frequently displaced when new entities are brought in the interessement process. This happens when the moral community is extended to future generations or to extended populations by actors who become aware of the fact that exclusion and minority have different consequences (40) on the definition of the « common good ». Hence, better be part of the minority than definitely silenced because excluded from the political, scientific or administrative arenas.
4.1.4.3. The legitimacy of the link between delegates and mandates: a relation of identity.

Thirdly, and lastly, at what condition are the links the delegates maintain with their mandates legitimate? In a democratic ideal, a relationship of identity between delegates and mandates guarantees the legitimacy of political representatives because the identity of their views with those shared by their mandates maximises the receptiveness of their decisions. Is this standard of empathy matched with political practice?

Data on environmental conflicts indicate that the feeling that local representatives are lacking of empathy is consistently triggered at the very beginning of the authorisation procedure. Local representatives who do not volunteer more information than what is legally compulsory are blamed for violating their moral obligation to be responsive to the need for information of those members of the constituency who will suffer from the negative outcomes of the planned facility. The conflict escalates as soon as they deny to the population the access to the complete safety and/or impact study including the technical information.

4.2. THE MEDIATION PROGRAM. TOWARDS A CHECKLIST OF CRITICAL ISSUES TO BE RAISED WHEN DESIGNING A PARTICIPATIVE SCENARIO.

The analytical grid proposed by the ST, will be applied the mediation program in to probe its heuristical interest, at the light of the hypotheses it generates about critical issues raised by this participative approach.

Mediation has been chosen for two reasons.

Firstly, this participative methodology is the only A.D.R. actually applied to environmental disputing in the French speaking part of Belgium.

Mediation is promoted by Espace Environement, a non-profit association, member of a network of environmental associations (41). The process combines three functions which are more or less present in vernacular mediation: to empower the parties, to recognise the parties as stakeholders, and to promote a fair solution. By empowering the parties and helping them to recognise each other, mediation achieves an equilibrated outcome thanks to the intervention of a neutral and expert third party - the mediator - who facilitates communication between the parties and actively searches for a fair solution. The role of the mediator is more
than a go-between. He is present from the problematisation stage until the closure of the conflict. Since the parties engage voluntarily in the process - they remain free to exit at any moment - the mediator's first task is to initiate an alliance between the actors/stakeholders who agree on a common question - the definition of the problem - and on the mutual gain they might obtain by trying to answer to it by using him as an obligatory passage point. Next, he has to stabilise the alliance by involving the parties into a learning process - a problem solving approach - or at least into a bargaining (consensual settlement). The mediator implements at this stage a role of facilitator/animator by acting upon the relationships between the parties - enhancing coorientation, similarities, rational thinking versus emotional discourse etc. - as well as upon the substantive nature of the issue - he comes iteratively with proposals which might be accepted by the parties as a common ground. He appeals to the ideology of community (group-bounded justice), of reconciliation, of restoring on-going relationships. He defines and redefines the problem until the final stage: the protocol forged in the language of the mediator (a language of morality, of help) stating at best a consensual solution or at worst the points of agreements and disagreements. The parties are invited to commit themselves to the protocol by signing it (irreversibilisation of their position). Since mediation does not affect the legal procedure, the public authority may not sign the protocol. Hence, the solution is a reversible one which does not engage the future for the concerned local community and even less other groups.

Secondly, mediation has a paradoxical status. Mediation is part of the political and social practices in Belgium and definitely rings a bell for lay people. At the same time, while given the choice between mediation and court litigation citizens still prefer court litigation. In other words, a critical appraisal of the mediation program going beyond oversimplified conceptions of mediation – either a panacea or lowered to the level of an ideological fad - is needed to understand the variability of the mediation’s appeal in different contexts. More generally, this line of analysis enlightens problems raised by the use of participative tools. By drawing the attention of policy makers on critical but nevertheless overlooked questions which have to be raised and investigated before selecting participative tools, the exercise contributes to design a pre evaluation grid of the feasibility and effectiveness of more exotic methods (citizens panels, planning cells, scenario workshops …).

At the most general level - generalisable to other methods - , people reluctance to mediation raises two questions.

Firstly, are the rules of the game, the guidelines of the methodology promoted in Walloonia consistent with the goals/ which are explicitly stated by its promoter ? The issue refers to the **internal conditions of the validity of the public discourse**.
Secondly, since the feasibility of any procedure depends on the social legitimacy of its goals, its rules and their implementation as well as on the perception of its effectiveness, the external conditions of the validity of the mediation modelled by Espace Environnement should be questioned. Do stakeholders, the public share the values underlying the mediation model? Do they agree with the effectiveness of the rules, of the way they are implemented? How does mediation fare on the social legitimacy and perceived effectiveness dimensions compared to conventional approaches?

4.2.1. THE INTERNAL CONDITIONS OF THE VALIDITY OF THE PUBLIC DISCOURSE ON MEDIATION

How consistent are the substantive content of the rules/guidelines and the degree of institutionalisation of the mediation program - the extent to which the process is codified by explicitly stated and controllable rules - with its goals?

Very broadly stated, mediation, by contrast with the conventional approaches, operates by creating a network of actors/stakeholders who at the end of a process of problem-solving or bargaining – a process of translation – are supposed to converge on a mutually acceptable position. The openness of mediation to all the stakeholders is congenial to this alternative procedure. Hence, as long as the object of the conflict is complex, the network(s) of stakeholders become(s) long and heterogeneous. For the sake of communication effectiveness, only a few of these stakeholders – their spokesmen - are directly involved in the actual process of negotiation. Hence, a process of reduction is performed: a few delegates become the spokesmen of the stakeholders. They are the parties to the disputing forum (the participants). The success of mediation becomes two staged. The mediator has to make an heterogeneous disputing forum converge on a mutually acceptable solution. The convergence obtained from the disputing forum must ultimately be extended to the whole network(s) of the stakeholders/mandates. This process is present in all participatory methods, except in a referendum where the vote is compulsory.

Two explicit and one implicit rules are discussed in relation with the internal consistency. The discussion is structured around rules rather the moments of the translation since the same rule may affect more than one moment.
4.2.1.1. Mediation is a voluntary process opened to all the stakeholders.

This rule is directly relevant to the problematisation and mobilisation moments of the dispute.

The mediation program proposed by Espace Environnement is a voluntary process. At the difference of vernacular mediation, even the initial exposure to mediation is not mandatory, so that any concerned actor who disagrees with the mediation gets a veto right.

Espace Environnement also states that any actor is entitled and free to define himself as a stakeholder and eventually as the spokesman of the stakeholders he represents. Mediation opens the disputing forum to actors without excluding those who are denied access to judicial litigation for lack of legal competence or financial resources. The openness of the process - a "plus" compared to the conventional approaches - stands as a prerequisite to achieve the functions of the mediation (empowerment of any citizen whatever his resources, recognition of the legitimacy of the stakeholders interests and fairness of the procedure). The mediation model is supposed to provide a responsive justice by including in the disputing forum the spokesmen of the stakeholders who become part of the negotiation process.

A critical examination of the public discourse, at the light of the analytical grid of the ST and of empirical data from case studies describing the course of siting conflicts suggests that the voluntariness of the process combined to its openness to all the stakeholders, while logically consistent, concretely creates a paradoxical demand on the mediation, putting the successfulness of the method at risk.

The voluntariness of the process enlarges the diversity of the actors, increasing the probability that some of the actors will adamantly refuse to recognise other actors as obligatory passage points in the network they are building to solve the problem. Even opponents do not always speak in a same voice.

Concretely, the mediator is the actor who brings the actors into the story on the basis of his professional assessment of the social demand. To make acceptable this pressure, the public discourse infuses some certainty in the access to mediation by activating the rationale of expertise.

Each participant actor of the mediation - the spokesman of one category of stakeholders - speaks in his own sphere of competence/expertise. Thus, the mediator is an expert in mediation and hopefully in the technical knowledge mobilised by the specific environmental
conflict funnelled into mediation. Citizens as much as the promoter are given the right to voice individual interests. Their entitlement to participate results from their expertise based on a contextual knowledge of their own interests. Public officials, on their part, speak in the name of the public, the collective interest. They also have to be enlightened on the individual interests so that the binding decision will be fair. Following the logic of Espace Environnement, the openness of the forum is guaranteed by its expansion to three poles instead of two: the promoter, public authorities and the population.

4.2.1.2. The mediator is neutral and moderately proactive.

Along the continuum of activism, a go-between whose task is to keep the lines of communication open or, at the other pole, a coercive authority applying moral, economical or social pressures to achieve a "voluntary" agreement, the mediator modelled by Espace Environnement is moderately active. His mission is to identify the stakeholders, formulate suggestions and press the parties to agree on the proposal.

The essence of mediation is the neutrality of the third-party. Concretely, without some pushing, many settlements could not be concluded. At the same time the pressure - its extent and its forms - is not to exceed some upper limit of acceptability for fear of destroying the parties’ trust in the mediator and their confidence in the self-determination, the hallmark of mediation. Whatever his activism, the mediator is not supposed to include his own agenda. Is this standard consistent with the goal of mediation (convergence)? In other words, do the proactive practices of the mediator support his characterisation as a neutral third-party?

Studies in law anthropology describe the rephrasing process which is done by the parties but also by the third party who may be enrolled in the conflict. As mentioned before, the essence of a third party, including the mediator, is to transform a conflict into a dispute by a process where he rephrases the public discourses held by the stakeholders. This reformulation may be accomplished through two strategies of interessement: narrowing or expanding the discourse. Each strategy may rely on the use of a specialised or everyday language (42).

The application of the tools of the sociology of translation and of the actor-network theory to the process of rephrasing disputes underlines how the narrowing and the expansion strategies and how the language which is used modify the definition of the problem and correlatively the relationship between the actors, contributing or preventing the convergence of the actors on mutually acceptable definition of the problem and solution.
So long for the neutrality of the mediator…

The second element of the combination defining the rephrasing process is the nature of the language which is used to operate the translation. The openness of the mediation process advocated by its promoters clearly dictates the use of an everyday language, a language of need, of help.

One may wonder if mediation is more effective - than court litigation - in producing fair settlements when the parties are unequal because it uses an everyday language in sharp contrast with the specialised language of the formal justice.

Both specialised and everyday discourses have two faces. Advocates of mediation stress the point that conceptualising the dispute in terms of specialised language may restrict the access to the dispute to those who are skilled in using it. In the worst case scenario, those who know the language tend to control the disputing process so that the rephrased dispute is no more responsive to the needs of the less advantaged disputants. Where the discourse is general, the disputing process is more accessible to any party, including the least advantaged party. Under these circumstances, the reproblematisation using everyday language is theoretically more responsive to the interests of parties even when they are not equal.

One should however be alert to the fact that an agreement closing the conflict formulated in a specialised language - stipulating for instance the rights and obligations of the parties in a formal way - might offer a better protection to the party which is not skilled to its use. The evaluation of the respect of an agreement using everyday and vague terms may happen to be more difficult to perform for lack of non ambiguous indicators of implementation and outcomes. Hence, the choice is not as straightforward as it might appear at first glance. On one hand, the use of a specialised language may result in an unresponsive reproblematisation and preclude a co-operative resolution of the conflict. On the other hand, the use of an everyday language may result in an formally co-operative agreement which might not be as satisfactory as expected to the less advantaged party - the opponents to the sitting - if the other parties are not faithful in the way they implement the agreement. Under these circumstances, the result may be cheaper justice rather than better justice.

Another question raised by the rephrasing process is the legitimacy of the outcomes of a narrowing strategy. This issue will be discussed with reference to the external validity of mediation.
4.2.1.3. The physical separation of the audience from the disputing forum and the rule of the confidentiality of the discussions.

Both modalities are directly relevant to the interessement and the mobilisation stages of the disputing process. At the difference of the neighborhood, family or victim-offender disputes, the disputing arena of most sitting conflicts or environmental disputes is organisationally too complex to be reflected by the triadic form of disputing emphasised by the mediation model – two parties and the mediator. Given the great number and the heterogeneity of stakeholders involved in these disputes, participants to the disputing forum - the parties - are selected for the sake of the effectiveness as well as of the confidentiality of the discussions. After a process of reduction/selection, the forum is physically separated from the stakeholders who become the mandates and the supporters of their delegates (the parties). Negotiations are shaped by the transactions between the parties, the third-party but also by the supporters (stakeholders) and the public (the audience) excluded from direct participation but who remain an integral part of the situation as far as they are ascribed interests by their spokesmen. Recognised or not by the mandates as their own, ascribed interests are effective in the sense that they also provide reasons to act to the participants/spokesmen who assessed and ascribed them to those they represent.

The physical separation of the disputing forum combined to the confidentiality of the discussions (dis)places the forum somewhere along a continuum, from the public sphere to a private sphere. This displacement follows the initial displacement from a private to a public sphere operated as soon as a party formulates for the benefit of the audience his indignation - a feeling initially generated in the private sphere – after his values has been transgressed. By forwarding publicly (public meeting) his indignation and its justification, values which he knows to be shared by his public, the actor enlist the audience, supporters and imposes himself as a legitimate defendant of these values (43). The essence of the process of displacement to the public sphere is therefore based on the activation of values, a process enhancing a fundamentally destructive rhetoric since values are hardly negotiable issues. The outcome of this process is the difficulty to get the parties to speak to each other…and the promotion of the mediation.

There are two faces to the displacement of the grievances of the disputing parties to a private sphere. Combined to the confidentiality of the negotiations, it may forward a rational discourse as far as the parties are no more under the scrutiny of their supporters and of the audience. This circumstance may contribute to decrease the intensity of the dispute.
While this is a valuable step which mediation may achieve toward a constructive resolution, the displacement to a private sphere may have counterproductive effects. When a mediation case becomes a lengthy process - environmental mediations may stretch over months and even years -, the confidentiality of the discussions joined to the physical separation of the disputing forum from their mandates raise a key issue. Will the spokesmen still be representative at the end of the process? What would be the effectiveness of a final protocol negotiated by spokesmen having cut their links with their mandates, a protocol on which mandates would therefore refuse to align themselves?

Mandates often complain that their mandates become complacent, lend a (too) willing ear to the promoter or to public authorities siding with the promoter. By severing the communication links between the spokesmen and their mandates, the private forum opens the door to estranged, unfaithful mandates.

Hence, injecting some structure and certainty to an iterative and two-way communication process between the parties and the stakeholders seems to be a safeguard against the progressive loss of representativeness of the spokesmen.

4.2.2. The external conditions of the validity of the public discourse on mediation

The feasibility of any procedure depends on the social legitimacy of its goals, its rules and its implementation, the perception of its effectiveness. Do stakeholders share the values underlying the mediation model, the beliefs about its effectiveness? How does mediation fare on the social legitimacy and perceived effectiveness dimensions compared to conventional approaches and more specifically to court litigation?

These questions are about the external conditions of the validity of the mediation modelled by Espace Environnement. They are triggered by the paradoxical status of mediation compared to court litigation.

While a familiar practice in many spheres of litigation, mediation use in environmental conflict management is actually limited to neighbouring disputes. Still, some cases where a "social negotiator " acting as a third-party facilitated a co-operative resolution of a conflict involving multiple and heterogeneous stakeholders over issues which were by no means small claims are documented in the field of recent labour disputes in Belgium. Moreover, the
actual use of mediation in many spheres of litigation in Belgium is consistent with a political culture privilegiating consensualism and cooperativeness which have until now characterised the social and political conflicts management.

While reluctance to environmental mediation is hardly due to a negative cultural bias attached to a negotiated conflict resolution, case studies on environmental conflicts point at the centrality and the recurrence of the justice register as a referential structure used by the protest actors to (re)define the object of the conflict. The referential structure is also made of other values registers. Still the justice register accounts for the activation of other registers.

Protest actors consistently rephrase the definition of the problem in terms of fairness values. Conflict resolution procedures aim at a decision matching the "oughts" of the parties to prevent a feeling of injustice or to restore a feeling of justice by correcting an unfair decision . This task is exceedingly difficult task insofar as there are many meanings to the justice (see above) and different levels to evaluate how the « oughts » are performed. Hence the general explanatory hypothesis of the citizens reluctance to mediation we propose to explore is that they believe that formal justice fits better than mediation to their fairness criteria . But what criteria ?

The mellifluous public discourse promoting mediation underlines that compared to court litigation it effectively offers a better processual quality process and helps parties to get to a settlement of better (substantive) quality, thanks to its recognition and empowerment functions. For promoters of mediation, the added value of this process in terms of procedural and substantive fairness should limit court litigation by effectively closing disputes in a co-operative way.

The interest for procedural fairness is recent compared to distributive justice. Most of the studies comparing the satisfaction of subjects those affected by decisions of third parties in both formal and informal settings – in the victim-offender context - react to the procedural justice of the decision-making process at least as much, and often more, than they react to the decision itself (44).

These studies are consistent with the claim of advocates of mediation about its greater effectiveness, compared to court litigation, to achieve satisfaction of the parties. Still people resist to mediation. This raises the issue of the relative salience of procedural and distributive fairness : what trade-off protest actors are likely to do between procedural criteria and substantive fairness criteria if both categories of standards cannot be met by mediation and court litigation ? We shall assume for the sake of brevity that the procedural fairness criteria
guiding mediation are more enticing than those implemented by court litigation. Could it be that court litigation channels a definition of the object of the conflict more fitted to the kind of dispute than mediation? Does the dynamics of the standard selection account for people reluctance to mediation? If so, the scenario design should be pre evaluated at least on two dimensions.

The first dimension refers to the social construction of the scenario in terms of procedural fairness. The aim is to design a scenario where procedural fairness criteria supported by the actors are met. One needs first to get information on the procedural fairness criteria supported by the rules organising the interactions in the scenario. To assess if these criteria are supported by most actors – are they relevant? do they matter? - and if they match the perceived procedural fairness of the scenario.

The second dimension is the adequacy between the nature of the problem (such as defined) with the rules grounding the participative tool(s). Are the interactions calibrated by the rules of participative tool consistent with the rephrasing processes at work? The selection of effective methods involves two lines of investigation. The rephrasing processes which are facilitated by the « rules of the games » characterising the different participative methods should be identified. One should also foresight those which are likely to be activated from the regularities – to be empirically established - between the identity of the actors, their resources and their actions.

We have seen that as a third-party, the mediator performs a rephrasing role after selecting one specific combination between the strategy of interessement - expansion or narrowing - and the language -an everyday or a specialised language among the four theoretical combinations. The selection of the combination raises many questions which here again are far beyond the scope of this presentation. Two of these questions are nevertheless broached as far as they chart the way to a better understanding of the limits of its public acceptance and of the preference for court litigation.

Firstly, are some combinations more consistent with mediation than others? In other words, does the mediative art might be performed using any of the four theoretical combinations or does mediation put a constraint on the combination(s) which the mediator may put into action? If so, what are the implications of the combination mobilised by the mediator on the content, on the irreversibility and on the political relevance of the settlement and ultimately on the satisfaction of the opponents?
As long as mediation starts after the conflict - this scenario actually is the most common since mediation is not an obligatory passage point before litigation - , the mediator strives by a rephrasing process to reverse the problematisation initially operated by the parties and confirmed by their respective strategies of interressement. His aim is to get the network - the parties, the public authorities, the audience (media) - converge on a new problematisation and finally a locally valid solution.

The essence of the mediated agreement is a locally valid negotiated solution only binding the parties - public authorities retain their legal control over the decision. Hence, its implications on the political order are assumed to be limited on the basis of two main hypotheses about its scope/size and generalisability.

Firstly, mediation might be more consistent with a narrowing process which does not challenge the political order, the power structure. The rationale of mediation is more consistent with narrowing than with expanding process. The mediator reformulates a complex problem into one or several subissues shorten and homogenise the networks of stakeholders. Had the mediator chosen an expansion strategy entailing a complexification and a globalisation of the problem, he would have had to deal with longer and more heterogeneous networks. Such networks are much less likely to converge by alignment on a common problematisation and to let locally valid rules of translations coordinated them.

Secondly, the outcome of a mediated case is valid in the limits of the specific and local context of the conflict. The extent to which the mediated solution will be applied to similar cases, will shape the future - a dimension of its irreversibility - depends on many factors where the process of reasoning on the points of similarities and differences between one case and the others cases is not the most conclusive. What might be more relevant is the fact that the same mediator is likely to impose his style, to rely on his previous experience in the conflicts he has been involved in.

Does the narrowing strategy activated in a mediation procedure lead to a new solution ? To a new solution that satisfies the preferences of all the parties (a win-win solution) ?

Narrowing is performed in accordance with the categories and interests of one of the parties who succeeds in imposing its classification system on the other parties. In theory, one might expect that the solution will not be innovative and the less advantaged party will not get a transformative voice. At the difference of expansion, narrowing offers no opportunity to reproblematis the conflict by a change of scope making possible a new balance of forces and a new solution. Especially in the case when the parties are urged to settle using a bargaining
approach, narrowing is a process reiterating conventional approaches to acts and relationships, dominated by those who have a vested interest in the existing social order. Hence, in theory, the odds are against the least advantaged of the parties and in favour of the perennity of the existing translation regime.

In contrast, expansion is mostly used by least advantaged individuals or groups who explicitly or implicitly challenge previous orderings to change the established power structure. Expansion entails a political process by which the perspective on a problem is changed. Politically, the decision of the agent of transformation to connect diverse facts in new ways must appeal to an identifiable supportive public beyond the bounds of the forum (interessement process). He typically links the new definition to the interest of a particular constituency to which he feels or wishes to be responsible, the less advantaged he tries to enrol.

In our case study (the Emahl controversy), the opponents to the project displace the formulation of the case - the destruction of unprotected buildings they define as remarkable with the aggravating circumstance they are located in the vicinity of protected buildings - in a class of objects from which the authors of the project distinguish them. They try to demonstrate a similarity or a causal effect between facts, situations which are presented as different or unrelated.

In contrast, the process of reasoning on case-by-case differences and similarities is the essence of the decision-making process in the context of formal justice. This process contributes to the irreversibility of the decision in similar cases and hence perpetuates a social ordering (narrowing strategy) or changes the legal and political order (expansion strategy). Compared to the mediator, the trial judge who adopts a solution challenging the conservative ordering is also more likely to impose his decision - if its resists to appeals - by using a specialised language enforcing the faithfulness of the parties to the decision. Under these circumstances and knowing that pro environmental activists strive to change the legal and political order in a judicial context where one observes that judicial decisions interpreting legal requirements are increasingly variable in similar cases - a trend suggesting an increasing role of court litigation in policy making - there is no wonder that they actually prefer court litigation to mediation as a last resort alternative to the decision-making process in the context of a representative political system.

Siting conflict analyses suggest that one element of the distributive fairness discourse is systematically mobilised by the parties in the course of the conflict. The party against the siting project is stigmatised from the start by the party authoring the project - and even in
some cases by public authorities acting as spokesmen of the collective interest - for their individualistic and egoistic attitude (NIMBY discourse). In response to these distressing accusations - and to restore their feeling of justice -, opponents develop considerable efforts, competencies to redefine the object of the conflict by displacing it from their local and individual interests to a general and collective level. They claim their entitlement as citizens to speak in the name of an extended moral community, of Nature, mobilising macro-justice principles to contest the conventional criteria of siting.

Mediation meets their demand for recognition and empowerment. But its procedural specificities generate as outcome a locally valid settlement. Hence, pro-environmental activists have a trade-off decision to take. More recognition and direct empowerment against distributive outcomes violating some of their distributive norms or less recognition and less direct empowerment against a better prospect of a generalisable arbitration insofar as a court decision is taken with the help of law.
5. Conclusion

Do the conceptual and methodological tools of the sociology of translation contribute both to a better theoretical understanding of siting conflicts and to policy-making in the field of conflict resolution?

5.1. SOCIOLOGY OF TRANSLATION AND CONFLICT THEORY CONSTRUCTION

Theoretical and empirical research on siting conflicts has evidenced the complexities of those conflicts, putting in question the validity of the traditional divisions between science and politics, laymen and experts, "soft" science and "hard" science, values and facts. The researcher is fundamentally confronted to the same difficulty as the layman: how to translate complex processes into a complicated reality (45), to describe it faithfully? The researcher will theorise starting with the development of an analytical framework while the layman will frame the issue.

It will be argued that the interest of the sociology of translation for theory construction about social processes affecting the course of siting conflicts is twofold: analytical and heuristical (hypotheses generation).

The analytical interest of this approach stems from the fact that it contributes to a systematic assessment of the nature of mechanisms of convergence/dissidence in relation with the closures of the conflict which vary along the dimensions of constructiveness/destructiveness.

Does sociology of translation generates hypotheses about the ways dissidences challenging the representation of the spokesmen during the different moments of the translation that could explain the course taken by siting conflicts? The heuristical interest of this approach depends on the research questions it stimulates and which would not have been otherwise raised or would have been formulated differently. The repertoire of sociology of translation has been initially developed by Callon in the empirical context of the sociology of science. To assess its heuristical interest for siting conflict theory is an exceedingly difficult task for it involves a test of its substantive truth and a comparison with other theoretical approaches with regard to their conceptual scope, conceptual abstraction, parsimony, language determinacy, universality, flexibility ... All other things being equal, the heuristical interest of the theory
depends on its informational superiority on other theories. At evidence, such judgement is out of the reach of this report. All that has not be done clearly limits the validity of the position. In spite of these limitations, the proposal is to adopt this line of analysis for two reasons pleading in favour of its heuristical utility. First, sociology of translation draws on methodological tools that assume epistemological modesty on the part of the observer and of the analyst. Second, approaching concretely a CH conflict by following systematically the displacements (translations) of all the actors enlightens the dynamics of the networks involved in the conflict. The notion of translation also emphasises the continuity of the displacements and transformations occurring during the mechanism by which the social and natural worlds progressively take form. From the notion of translation, one can go further in the knowledge of this mechanism by focusing on the formation and the functioning of networks. Translations are at the core of the dynamics of networks: actors form a network by a succession of translations and about translations. The actor-network theory points to some dimensions of the dynamics of networks which account for the course taken by siting conflicts. This theory highlights the key role of the irreversibility of translations on precluding a cooperative conflict resolution.

In conclusion, the proposal is to derive from the theoretical framework a grid of « questions » to be used as a point of entrance to analyse in a comparative way a selection of case studies.

These questions are:

• Are there some regularities which are observed across case studies? Are there some theoretically meaningful categories of cases explained by a small number of variables – discriminant variables - related to the dynamics of the case processing (recurrent scenarios)?

• If the empirical results show that there are processes of displacement, of dissidence cutting across cases, are there institutionalised processes which are empirically associated with dissidence and a destructive course of the dynamics and which might be amended at the level of the rules fixing the procedure itself or at the level of their implementation? The same line of investigation applies to constructive conflicts.

• What is the impact of the EIA performance - non performance on the actors of the cultural management cases? If there is a EIA, one has to evaluate its post development effects.. An exceedingly difficult task to perform without a systematic follow up/monitoring information on the way EIA decision is actually implemented.
• Do the comparison between case studies suggest that the distributive fairness and procedural fairness principles/rules underlying the EA procedure – f.i. information distribution or the way some rules are actually implemented might rank among relevant variables/factors explaining (positive or negative) systematic patterns?

• Do the data suggest that the introduction of some new procedures/methodologies opening the process to stakeholders or to the general public at some points of entrance of the EIA procedure might be both politically feasible – acceptable by political actors/end-users of the EIA methodology and effective to create a co-operative orientation to the case processing among the parties, to find out the most effective and efficient option in terms of urban sustainability?

5.2. SOCIOLOGY OF TRANSLATION AND POLICY-MAKING IN THE FIELD OF ENVIRONMENTAL CONFLICT RESOLUTION.

Beside the general question of the analytical and heuristic value of the sociology of translation for explaining the growth and the closure of a conflict, a better theoretical understanding of the moments when adversarial translations make their appearance, on the circumstances of their irreversibilisation also has policy implications.

Firstly, a better theoretical understanding of the growing and the closure of siting conflicts should contribute to a more effective policy-making by gaining insight on decision-making procedures that increase the likelihood of dissidences and are therefore to be amended. Any proposal of scenarios should also be documented by the observation of contextual variables that might lead to dissidence rather than to convergence.

Secondly, environmental conflicts with a cultural dimension are prone to a destructive dynamic initiated by the central role played by the different values priorities set by the parties. Social disruptiveness is a circular process. Different values registers or different weighting of those values registers are at the source of the uncertainty of translation between actors. This uncertainty is operationalised by the actors’ inability to understand each other in the absence of a common vocabulary and shared intellectual tools. It precludes a comprehensive analysis which is itself the prerequisite to a constructive dialogue leading to a shared definition of the problem to solve.
Conflict management research points at the criticality of a joint and comprehensive conflict analysis. It is the first step to a constructive conflict resolution in so far as it is a prerequisite to a co-operative confrontation between the parties without which a conflict can not be truly solved that is transformed within a renewed relationship between the parties to a state where the solution is "self-supporting, self-correcting and sustainable for the foreseeable future" (46). During confrontation, the parties focus on the contentious issues of the conflict. When co-operative, the parties do not limit themselves to talk to each other - the requirement to talk to each other when the relationships between the parties are already strained as it is precisely the case in destructive conflicts - is likely to be counterproductive (47). To be co-operative, the confrontation therefore relies strongly on the joint analysis of the conflict.

The phase of the joint or comprehensive analysis is a process in which the parties jointly identify, distinguish and prioritise the essential elements of the conflict in a way it leads to a shared empathic understanding.

Concretely, the effectiveness of this phase depends on the respect of several conditions related to the structures and managerial dimensions of the forum where the analysis will be performed.

The selection of participants. The forum must be representative of all interests and values. This condition is critical insofar as policy-makers – elected actors contest the legitimacy of a small group of persons speaking in the name of « common good » on the ground of their lack of representativeness. They rhapsodise on the fact that the participants form a group which is hardly a representative sample of the population whereas their own representativeness is grounded on democratic.

The specification of the critical areas for exploration. Conflict analysis must focus on its sources and on its type as on processes of interaction which have brought the conflict to its present state. A grid derived from sociology of translation and from conflict management research, completed by Heinich’s classification, might also be proposed to the disputing parties as a tool to analyse jointly the processes perpetuating or escalating the conflict in the case they agree to "jointly identify, distinguish and prioritise the essential elements of the conflict in a way that leads to shared empathic understanding." (48).

Conflicts are rooted in objective and subjective sources. Conflicts are economic and/or power and/or value driven. They are also most often the consequence of misperception and miscommunication. Conflicts are of different type: zero-sum, mixed motive or co-operative.
To assess the type of the conflict is a prerequisite to decide about the strategies which the parties will apply at the phases of confrontation and resolution.

Conflict analysis must make the distinction between needs, values, interests, positions to mitigate the risk that the parties will lock prematurely at a superficial level. It is also important to put on the agenda the sunken costs and past commitments which reinforce the destructive effect of a myriad of perceptual and cognitive biases preventing a shared definition of the problem to solve.

Hence conflict analysis requires competence enhancement of the parties. Competence enhancement has two faces.

Learning about « hard facts ». This has to be achieved as early as possible by the provision of a comprehensive information, an information on « extended facts » in addition to only « technology » data. The effectiveness of the information provision with respect to competence enhancement is submitted to several conditions: early accessibility of expertise to all stakeholders, balanced input, comprehensive and adjustable scope of information, quality and credibility of information. Concretely, it means a range of experts fitted to discuss different views, time for processing information and state of the art in generation of expertise.

Discursive tools. People have to learn about mutual interests, values, concerns, fears. This may be achieved only if the analytical phase incorporates a learning process through social interaction. Discursive conflict resolution implies an extended clear, accurate and honest communication to involve antagonistic parties into an analytical process rather than the usual adversarial, debating and legalistic style of interaction. To launch an analytical process including an interactive generation of knowledge and possibility for self-correction, the parties have to be guaranteed to get balanced chances to express concerns, bring forward arguments.

This last requirement is part of the internal rules defining the functioning of the forum. These rules have to fixed beforehand and be agreed upon by all the participants. A consensual decision about procedure and agenda is a prerequisite for a successful joint analysis.

In conclusion, the assumption is that a grid of analysis implementing the concepts and the methodological principles of the sociology of translation, if it might be operationalised in an usable way for disputants who are not skilled in sociological fieldwork, would increase the likelihood of implementing a co-operative conflict analysis. For at least two reasons. Firstly, its use is congenial with some of the prerequisites of a rational discourse (amongst many
others, the equality of the positions of all the engaged parties, the demoralisation of the debate, the questioning of the validity of the clear-cut distinction between scientific knowledge and other forms of knowledge, underlied by the belief in the superiority of science). The argumentation is based on the corollaries of the methodological tools of the sociology of translation. Secondly, the conditions of a rational discourse are central to any scenario designing a decision-making process which aims at increasing the citizens control without counter-productive effects.
6. Notes and references


4. On the notion of interest, see Hindess, B. in J. Law (1986), op. cit., 112-131. The field of the definition of interests, considered as reasons to act will illustrate the heuristic implication of this shift. Interests are not ascribed to the actors with regard to their social location but are those acknowledged by the actors for themselves. "They are negotiable through the whole process of translation since actors do not exist outside the relationships they enter. Their identity fluctuates in parallel with relationships they enter. Ascribed interests but not acknowledged by those to whom they are ascribed are entered into the analysis at the condition these interests are reasons to act for those who ascribed them. This approach enhances the relevance of all the fluctuations, displacements occurring in the course of the conflict, even the unpredictable ones.


6. Ibid.p.143.

7. Ibid., p.145.

8. Social research on conflict resolution has studied the following ways to solve or settle a conflict destructively or constructively: domination (one side attempts to impose its will on the other sides through physical or psychological violence), capitulation (one side unilaterally cedes apparent victory to other side), withdrawal (one side refuses to continue participating the conflict), negotiation (two or more parties to the conflict use the exchange of ideas and offers to create a mutually acceptable agreement, either by a mutual gain or by a convergence-concession approach), third-party intervention (one individual or group distinguishable from the disputing parties imposes itself to the parties in order to move them at least toward an agreement achieving the closure of the conflict and at best toward a closure based on a mutually acceptable solution (mediation, conciliation, or arbitration). Only negotiation and third-party intervention aspire to achieve consensus.


12. The definition of society is not "ostentative" -something that preexists- but "performative". It is enacted by actors on the basis of "the whole picture" they have the society. This approach stresses the fact that the prevailing definition of "society" is a provisional and negotiable outcome of the struggle between the many "whole pictures" proposed by the different actors who mobilise resources (human and non human such as techniques) to impose their definition for a time which will last as long as the actors are able to enforce and reinforce the social bonds they established. This is not to say that notions as role or culture are not efficient but that they are efficient only when everything else is tightly tied together.


16. ibid.

17. Perelman, Ch. (1990), "Ethique et droit", Editions de l'Université Libre de Bruxelles, Bruxelles, p.178.


31. Different registers activate different actions – the purification register is associated with qualification and segregation, two operations performed to list the buildings to be preserved, while the reputational register is performed through attributional analysis (unacceptable motivations are imputed to the author of the project). The identity of the actors interacts with their ressources and hence with their actions.


36. Ibid.p. 269.


39. The concept of technique is taken in its broadest meaning of material and immaterial ways/means to solve problems. It encompasses for instance architectural techniques and legal techniques.


41. Guide Pratique des stratégies de communication en environnement à l'attention des citoyens, des entreprises et des pouvoirs publics, brochure fondée sur le colloque *Entreprises-
42. Mather Linn & Yngevsson Barbara. (1980-81), op.cit..

43. Ibidem and Heinich N. op.cit.


