

Nimbys as citizens: (re)defining the 'general interest'

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Environmental mobilizations often provide forums for debating the problematic notion of the 'general interest'. Whether the planned installation is a motorway, an airport or an industrial site, opponents to the project are very often described as defending specific and corporatist interests, and refusing to subsume them to the general interest of society as a whole. In the eyes of developers, both private and public, opponents then become 'Nimbys' (Not in my backyard), who cannot step over their own narrow selfish interests.

Such a distinction between private interests and general interest lies at the core of the notions of democracy and of modern citizenship (Leca 1991). But it is certainly particularly prevalent in France, due to its strong centralist tradition and to the central role played by references to the public service. It is then the state administration that is supposed, through the neutrality of its civil servants, to be the only agent that can legitimately define this general interest. This 'model', however, has been widely questioned in recent years, in particular from two different angles. On the one hand, the very capacity of the state administration to be the best guarantor of the general interest has been thrown in doubt. According to Offner, such a capacity relied on three conditions: neutrality, expertise and 'public service ethics' (Offner 1989). Now in a growing number of cases, particularly in land use and environmental matters, public choices and decisions have been exposed as more influenced by specific interests (political or corporate) than by the search for the 'common

good'. On the other hand, at a more theoretical level, many authors have pointed to the very difficulty to define the 'general interest', linked as it is to notions such as 'public interest', 'common good' or even 'national interest' (Lascoumes and Le Bourhis 1998), a difficulty that is even growing when the issue is discussed within the wider framework of 'sustainable development', since this includes defining it also for future generations (Gautier and Valluy 1998).

Starting from a critical view of the Nimby category, the aim of this paper is to explore some dimensions of the contemporary difficulties to define 'the general interest' through the analysis of a mobilization against a soil depollution site in the North of France. As stated by Jobert (1998), the very notion of Nimby tends to produce a dichotomy between the rights of citizens (the general interest) and those of inhabitants (specific interests). Indeed opponents to this site have been described once again as obscurantist Nimbys, be it in the local press, by representatives or by executives of the company defending the project. My argument will be that in opposing this site, local residents perceived themselves as citizens, claiming if not a new definition of the general interest, at least a different political process of decision making, in which they would make their own legitimate points. I also claim that the representations they used to build their refusal of proposed public policies can only be grasped by placing this local mobilization within the wider framework of local political conditions, regional social history

and global images about environmental risks. Such a contextualization then allows for seeing an interesting pattern of relationships to the mining past of the area and its 'natural spaces', through which a mobilization that seemed at first sight just an ordinary Nimby defense, can be analyzed as expressing a strong will to act and be seen as citizens. Such an analysis re-opens a series of questions concerning citizens' participation in public action, and the creation of local public sphere(s).

A redeveloped slagheap

Bordering the coal-basin stretching from Béthune in France to Belgium, and the Regional Natural Park Scarpe-Escaut, Rieulay does not look like the average mining town, with its proverbial rows of small brick houses surrounded by derelict mining-pits. Some large coal-workers housing estates can be found close to it, but nothing in the general aspect of Rieulay seems to relate the village to the mining industry; nothing except a huge slagheap towering more than 25 meters above its church and school. Built since the early twentieth century with dust from two nearby coal pits, the n° 144 slagheap is indeed the largest construction in the whole area, totalizing 140 hectares all in one block, and lying on the territory of two localities: Rieulay on the north-eastern side, Pecquencourt on its southern side.

In 1998, the two villages, and their slagheap, became the scene and theme of a virulent, and finally successful, mobilization against the building of a new industrial site. Apinor, a subsidiary company to Terchanor created in 1991 (and thus an indirect subsidiary to the HBN-PC), and based in Rieulay, had developed an experimental site for the treatment of hydrocarbon polluted soils on the slagheap.¹ The technique used, called 'bioremediation', consisted of mixing the soils with straw and water, so as to accelerate the natural process of destruction by bacteria. This 'soft' treatment method was successful. And since local needs

were enormous, considering the amount of polluted industrial gray lands in the region, Apinor wanted to develop its experimental site into an actual industrial one, both for the treatment of polluted soils and for stocking asbestos awaiting for transport towards specialized sites.² For strong economic and geographical reasons, this new industrial site was to be built on the Pecquencourt side of the n° 144 slagheap.

Before going more into the details of the mobilization against Apinor's site, a short overview of the local political contexts in the two villages is necessary. Indeed Pecquencourt and Rieulay present two rather different aspects of the post-mining situation, and thus provided opponents with different resources and representations in order to build their refusal of the site. Pecquencourt's local landscape clearly bears testimony of its mining past, with several huge coal-miner housing estates and out-of-use pits dotting it. The unemployment rate was high amongst the some 7000 inhabitants, and despite the presence of environmentally interesting wetlands and marshes, the overall feeling when walking the village streets was one of a derelict post-industrial zone. As long as it was in power (until 1983), the Communist majority in the town hall Council, in line with the French Communist Party's national policy, insisted that the vocation of the village was coal mining and that fighting for its defense was the only way forward. The now right-wing mayor has not drastically changed this view, still trying to attract industrial investments for the local derelict pits. Environment was thus never conceived as a potential dimension of a post-mining redevelopment policy.

Only two kilometers away, on the other side of the slagheap, Rieulay stands in strong contrast. As early as the beginning of the 1970s, Rieulay's local authorities got involved in an ambitious development policy in which environment-oriented activities were to replace a quickly declining coal-mining industry. Very restrictive planning provisions were taken, so

as to avoid the transformation of this rural village into a dormitory suburban zone, while some fifty houses for rent were built in the village itself. Such a land and real-estate policy made it possible for the local school and shops to remain open; the population even increased from 1200 to 1450 inhabitants between 1990 and 1999.

This controlled development surely makes Rieulay a pleasant place to live, and all the more so because even Rieulay's main 'problem' (its slagheap) has progressively turned out to be an asset. After decades of neglect, during which trees and bushes progressively regained space, the Houillères du Bassin Nord-Pas de Calais (HBNPC) reopened it for exploitation in 1975. Built during a period when coal-washing techniques did not exist, Rieulay's slagheap is indeed still very rich in coal - which the company wanted to re-use for a local thermal power station - and in schist which can be processed into filling material. Despite the fact that the decision to reopen the place for exploitation had been a unilateral one, and although it implied several nuisances for the local population, an 'exemplary' collaboration between the company and local authorities progressively developed around the slagheap's redevelopment. Ten hectares were given away to Rieulay's local authorities and transformed into a leisure ground: sports grounds, cycling and walking paths surround a 30 hectares white-sand beach bordered lake, where fishing, canoeing and sailing can be practiced. Close to this leisure center the Maison du Terril opened in 1998, offering exhibitions and activities related to the history of the slagheap and the local mining activities. The rest of the slagheap will also undergo large redevelopment, and 40 other hectares have already been turned into an ornithological and plants reservation. Such cooperation was indeed not easy to launch, considering the complex relationships historically linking the HBNPC and mayors in the mining area:

"Here as everywhere else, mayors were em-

ployees for the Houillères, they could not say a word apart from 'Amen'. I for my part got in touch with the Houillères, and told them I was the mayor even on the slagheap, and they had better get used to it" (D. Mio, mayor of Rieulay).³

It indeed took some time for these relationships to pacify; but Tercharnor quickly realized it could gain much economically from the many constraints the redevelopment plan imposed on it.⁴

Living in a preserved village, headed by a mayor convinced of the importance of a strong environmental policy, inhabitants of Rieulay had apparently nothing to worry. Moreover, for almost twenty years their mayor had regularly consulted them through 'village assemblies'. The rapidity with which the mobilization against Apinor's project spread, and its virulence, came as a surprise for many in Rieulay and Pecquencourt.⁵ At first sight, the arguments developed by opponents to the Apinor project were rather classical ones: worries about the actual volume of soils to be treated, the nuisances linked to the expected truck traffic, the risks due to the proximity of inhabited zones, and the potential threats to human health as well as to surface and underground waters. The mobilization process followed the scheme proposed by Tapie-Grime, that of a 'triggering event' taking two joint forms. Firstly it brings the project to life by its brutal discovery through public enquiry. Secondly it confirms the idea that such projects are kept secret as long as possible. This triggering event causes a double trauma, both territorial and civic, "a trauma suffered by local people who consider that their rights as citizens and as residents have been jeered at" (1997). The 'morality' of the claims voiced in Rieulay and Pecquencourt goes beyond stressing particular interests. It has to do with the civic right to exercise democratic influence, with the legitimate claim to be part of the decision-making process and to join in a debate about the values that should inform the choices to be made.

The public enquiry and mobilization

The procedure Apinor had to go through in order to launch its projected de-pollution site required two distinct steps: the company first had to obtain from Pecquencourt's local authorities an authorization and building license for this new installation. The chosen location had also to be classified as 'land suitable for industrial use' in the local POS (land use planning).⁶ Thus in April 1997 Apinor submitted its project to the Pecquencourt local Council, which agreed with a large majority. The second, and compulsory, step was that of 'public enquiry'. Indeed, the type of activities projected on the planned de-pollution site made it a 'classified installation', needing specific authorizations and controls for exploitation, and thus the agreement of state authorities (Préfecture). The company applying for classification must provide the Préfecture with a complete technical file, including a detailed risk and impact study, in order to obtain approval to exploit its planned site. But the classification procedure also implies a public enquiry, even though it is only a consultative procedure, with no binding power. Public enquiry consists in placing the whole technical file at the disposal of the public, which can come and consult it during opening hours in the town hall of the concerned municipalities.⁷ A 'public enquiry register' is opened, in which citizens can express their comments, questions, and opinions concerning the project. The whole procedure is led by a commissaire enquêteur (commissioner in the following text), whose responsibility it is to inform the public, answer its questions, and formulate an advice at the end of the consultation, based on all the contributions made in the public enquiry register.⁸

The public enquiry concerning Apinor's projected site was held from half February to late March, 1998, in Pecquencourt Town Hall. Though no contributions were written in the register for a whole month, reactions suddenly

multiplied in the last two weeks of the enquiry. Pressure on the Pecquencourt local authorities rose quickly, with opponents distributing leaflets in all the surrounding villages, circulating a petition, and demonstrating in front of the town-hall during the commissioner's consulting hours:

"The consulting hours saw no information being asked for, no comments being written on the register. [On the 23rd of March] some 80 persons invaded the enquiry room like a commando led by ringleaders (...) on the 30th of March, the room was invaded again (some 50 persons), with the offering of petitions from the villages of Pecquencourt, Rieulay and Vred. Always the same ring-leaders" (Conclusions of the Commissioner, Public Enquiry Register).

The Mayor, while reminding opponents he had no power to refuse or accept Apinor's project, nevertheless decided to organize a public information meeting with the local population, executives from Apinor, scientific experts, local representatives and central state agencies in June 1998.⁹ His idea, shared by Apinor's executives, was that opposition to this project was based on irrational fears, which a clear set of scientific explanations could dissipate. But this was apparently not enough, and the atmosphere of this meeting would become very tense:

"Their [scientific experts] explanations, often made with common sense, were bluntly drowned in a resolutely hostile, artificially created, atmosphere. (...) Banners were unfurled in the room, and many questions demonstrated the residents' determination that this installation would not open" (Nord Éclair, 17-06-1998).

The virulence of the opposition to the project was especially strong in Pecquencourt. This obviously had to do with both the Pecquencourt Association leader's personal political interest in attacking the mayor and with the

latter's lack of communication skills.¹⁰ While most members of the Association stressed they had no political interest in opposing local authorities and only wanted "[...] to live in good conditions in a village where there is nothing left, there is only the air you breathe and you die poisoned, that was it" (J.T. retired miner and mason), many also agreed the mayor should have consulted the local population before accepting Apinor's project. An ex-council member commented:

"[the mobilization] is the result of a lack of communication from the mayor. (...) It was the second time in the same year the mayor found himself bungling because he did not communicate the relevant elements properly. He gave the feeling he was trying to have the project passed surreptitiously" (M.P., previous communist council member, chairman of the local Hunting society, Pecquencourt).

This view is echoed by the local press:

"What part of the population (...) reproaches the Mayor with is his lack of communication. (...) Thus many locals had the feeling one wanted to hide something from them, that all this was done without real transparency. And why? Obviously because there was something dirty behind it! There was no confidence left from there, consensus became impossible and no rational explanation could quell the phantasms saturating local minds" (*La Voix du Nord*, 17-06-1998).

The fact remains that the opponents' refusal was expressed strongly enough for Pecquencourt's council to officially refuse, on the day following this public meeting, the proposed installation of Apinor's de-pollution site:¹¹

"I have always trusted Apinor. What made me change my mind were not the ringleaders, but ordinary people in the room who were worried (...) All surrounding villages, apart from Rieulay, have refused the project. This has

made me think. I know when to walk back. I listen to people. The majority is against it, so we are voting against it" (the Mayor of Pecquencourt, cited in *La Voix du Nord*, 24-06-1998).

While most of the mobilization took place in Pecquencourt - the de-pollution site was to be built on that side of the slagheap - residents of Rieulay also launched their own Defense association. Although in a totally different manner, a lack of communication and information also seems to have triggered mobilization there. What seemed suspicious in Rieulay was the fact that the Mayor did not organize one of the regular 'village assemblies' to discuss Apinor's project. Indeed it seems that the mayor fully trusted Apinor as far as risk management was concerned and was convinced of the necessity of such an installation in the area. But on top of that the mayor also deemed it not necessary to call an assembly since the planned site was not to be built on his village's territory. When he finally realized it was prudent to hold an assembly, suspicion was already there. In Rieulay, it was thus not an established tradition of one-sided decisions that sustained mobilization, but the suspicion that if no assembly was called something unclear should be taking place.

After just a few weeks of mobilization and public meetings, opponents to the Apinor depollution site thus won a large victory, and the whole project was abandoned:

"After months of battle, palavers, verbal outbidding and inflamed prose, how could such a project end up in dead-end? (...) The technical procedures were even supported by certain local environmentalists (...) according to whom the project was 'ecologically interesting'. As far as opponents were concerned, there was nothing more to add, it was a categorical and repeated no to this plant. A 'no' more often argued in a passionate than in a rational manner, which shows the extent to which all that has to do with pollution can trig-

ger epidermal reactions. Without mentioning the selfish attitude according to which everything is OK as long as it is done somewhere else..." (*La Voix du Nord*, 17-06-1998).

This view reflects the general understanding of the mobilization in Pecquencourt and Rieulay. Why - if not because of irrational fears which should have faded in the face of scientific arguments but did not because they were 'Nimbys' - should local residents oppose with such virulence a project so obviously needed and so ecologically useful in a region where polluted lands were so abundant? Such an analysis can obviously be made. Of course, there were people among the opponents who feared their house value would drop should the plant open. Indeed during interviews quite a number said they fully trusted the technical process proposed by Apinor, but they nevertheless preferred it to be implemented elsewhere. But such an analysis is far from satisfying. Let us listen more carefully to the opponents to this project.

Building the unacceptable

At first sight, opposition to the Apinor plan was grounded in rather classical worries about the effects industry could have on the locals' health, the depolluting site being perceived as carrying the same risks as any ordinary (polluting) industrial site. Local residents also expressed strong reservations as to the will of the company to actually comply with the obligations stated in the technical file, in matter of nuisance limitation as well as of volumes to be treated. As in many other cases, opponents in Rieulay and Pecquencourt did not want 'to be pulled a fast one on again'. As has been said earlier, Apinor is a subsidiary to Tercharnor, itself a subsidiary to the HBNPC. And it seems that it paid for Tercharnor's poor reliability concerning a safe and short-term exploitation of the slagheap's coal and schist:

"It most certainly played a role. Tercharnor exploits red schist there, and when it burns, it produces methane, and that is quite nauseating. There are 2 to 3000 tons [of soils] transferred every day, which means a whole lot of trucks. In February, when it was raining, road signs were so dirty you could not even read them anymore" (V.F., Apinor employee).

The exploitation processes used by Tercharnor, even though they are less brutal than those of the Houillères in the mid-seventies, do nevertheless create many nuisances for residents: "Guaranties were given to us when Tercharnor arrived that there will be no nuisance. But we are submitted to noise and dust, so we are very reluctant about the Apinor project" (Public Enquiry Register). Whereas it was planned for a couple of years, coal and schist exploitation on the slagheap seems to be due to last much longer, and such an example of unfulfilled promises together with the extension of the initial project largely contributed to the distrust shown against Apinor's own guarantees:

"We already had an example, for the slagheap, it was the same. [They said] we will have no nuisance, but this bitter air you breathe, with this fine red dust... it is unbreathable... So we said 'you are liars, and you carry on lying to us when you say we will have nothing with the new project'. But we don't trust you anymore" (M.T., retired miner and mason).

Developers and industrialists do not seem to be worthy of trust. And this regime of generalized suspicion includes scientific expertise, which clearly fails to command respect and trust. In this respect this mobilization resembles many others in which experts and developers are suspected of being unreliable (Berglund 1998, Szasz 1994). Local opponents call upon global references to make their point. The nuclear industry, the BSE epidemic, Genetically Modified Organisms, the global ecological risks the planet is currently facing (such as global warming), they are referred to by

the general public as instances of the profound uncertainty about progress and risk: “scientists do not master the consequences of their research”.

Scientific expertise: a central reference in refusing the site?

It is thus interesting to observe the use made of scientific expertise, or rather not made of it. Indeed, the growing role played in environmental and planning controversies by this kind of expertise, be it on the side of industrialists and governmental institutions or on the side of environmentalist movements, has been underlined by recent literature (see for instance Rémy 1995, Theys 1991 and 1996). No doubt it was also largely present in Rieulay, especially so since the proposed process had only been developed at an experimental level. Opponents of the project relied on various reports and counter-reports (potential leaks in underground water reserves; risks of fire on the site...). But in most interviews, scientific knowledge and arguments sounded more like a required figure of justification, than like an interiorized discourse, and was definitely not central. Indeed this register was mainly used as a kind of ritual enumeration of the many uncertainties linked to the debated industrial process. Other registers were also activated: personal experience, in the form of references to direct knowledge of local health problems due to pollution; practical knowledge acquired through professional activities; and a more global view on environmental issues acquired through the reading of numerous reports in the local press.¹² “The link between media discourse and experimental knowledge” (Gamson 1992) proved important here. Indeed according to Gamson, ‘popular wisdom’ and personal experience by themselves are not sufficient grounds for mobilization and they often need to be linked to media discourse for it to develop. That was partly the case in Rieulay and Pecquencourt, since the public enquiry

took place precisely at a period when regional newspapers devoted large news reports to the closing down of a series of waste incinerators in the area, due to their dangerously high level of dioxin production.¹³ By calling upon their personal experience, the slagheap borderers “found witnesses” (Gamson 1992): they selected relevant examples, which could be related to other instances and linked to global issues, to their uneasy feelings regarding the future of the planet and the heritage they would leave for coming generations.

This anguish is then related to much more general issues, such as the indeterminacy of the safety of industrial processes, and the contemporary incapacity of scientific knowledge to give any kind of clear and precise answers. Considering the criticism that opposition to new industrial technologies is unable to distinguish “the dangerous old ones from the safe new ones”, Szasz (1994) remarks that there is no possible validation of the fact that people’s fears would be unfounded or exaggerated since risks are unknown; it is thus not irrational to refuse even the new supposedly clean sites. The very aim of the Apinor project (treating polluted soils) could only contribute to such rational doubts and questionings. As noticed by Berglund in a study of a mobilization against a toxic waste deposit in Germany:

“Practically nothing concerning [such a] deposit can have the status of ‘accepted fact’, and anything about it can easily be contested. (...) So as a group they [opponents] prefer to opt for the worst-case scenario to having the wool pulled over their eyes” (1998: 51).

Local opponents were all the more ready to opt for the ‘worst-case scenario’ that they already had experienced at the Tercharnor site. Indeed when the HBNPC decided to re-use the slagheap to collect coal dust and extract schist, they guaranteed that no nuisance would follow. Since then, strong smell of methane regularly invades surrounding zones and permanent truck traffic produces noise and dust.

In this context of ‘rational doubt’, even elected representatives cannot be trusted since they also “are only human and fallible and thus in a position to make mistakes” (Berglund 1998).

Scientific arguments were not taken at face value. Worse, they were positively devalued. Some openly displayed their ignorance, others even turned the authority argument upside down. “I do not want to study technical issues, I’m not clever enough for that”.

“You cannot arrive and just say ‘I have the knowledge, you don’t have it, so you are out’, because from here, nobody should have a right to vote anymore. I am certainly ignorant on many topics, but I will nevertheless be asked my opinion when I vote” (V.F., Apinor employee).

Opponents to the Apinor site did not consider their scientific ignorance as disqualifying them for the decision-making process (see Lidskog and Elander 1992 for a similar argument about nuclear waste management in Sweden). They wanted to take part in it from where and who they were, and what they thus claimed was that their own arguments should be considered on the same footing as those of Apinor, regional institutions or local representatives. That several legitimization registers existed was thus perfectly recognized, but it was the necessity to include all of them, including their own, in the decision-making process, that was asserted.

Local refusal to the installation of the Apinor site was thus based on a certain kind of rationality. The use of scientific expertise was far from central in the opponents’ argumentation. It apparently occupied the front stage, with Apinor, environmentalist movements and regional institutions stressing the project was ‘ecologically correct’ and necessary, and opponents insisting nobody knew what would change between the experimental and the industrial stages. But scientifically and technically based arguments quickly withdrew to the background during interviews, other lines of justification were stressed, and presented as

more fundamental ones. Indeed “the paradox of science as necessary yet insufficient (...) to make legitimate claims, is thus not merely a problem for strategy, but turns into an existential question” (Berglund 1998: 114), “It is a plea to recognize that the unforeseen consequences of environmental changes are incalculable in themselves, and that risk-assessment has to be a value-laden enterprise” (idem: 171).

In order to fully grasp how local residents came to consider Apinor’s project as unacceptable, one has to go one step further than the circulating representations and fully take into account local ‘cognitive resources’. Such cognitive resources “stress the meaning individuals endow their action with, their analysis of a situation, the representations they develop concerning an event, their modes of reasoning and thus the understanding and interpretation of their social environment” (Catherin 2000: 39). In other words, in-depth analysis of local mobilizations and contexts, “an approach which integrates social and other non-economic values” (Lidskog and Elander 1992: 259), is crucial for a clear understanding of their forms and results. It is also necessary for allowing fruitful comparison.¹⁴ Concerning Rieulay and Pecquencourt, I will argue that the virulence of the mobilization cannot be fully understood without taking into account the hegemonic role played by HBNPC in the mining area for decades.

The slagheap as a ‘natural area’

Indeed if Tercharnor’s practices created suspicion as to Apinor’s project reliability, its refusal was also a way to reactualize old grievances against the Houillères themselves:

“in an area that has been heavily handicapped for decades because of its underground resources, by the Houillères. The Houillères has closed down, but it’s now all coming up again in the open, because in the end Apinor is a

subsidiary of the Houillères” (M.T., retired miner and mason).¹⁵

Far from being a sentimental longing for the ‘good old times’ of coal-mining, the evaluation of that industrial past and of its central agent, the HBNPC, is a rather critical one: numerous cases of pollutions induced by coal-mining and whose effects are still noticeable on people’s health and on the environment; attitudes of open scorn towards residents whose health conditions always came second to the profit requirements of the company, requirements that were long enforced through ‘job blackmailing’.¹⁶ Tellingly, this type of blackmail was precisely what was refused by many opponents, for whom, despite quite a high level of unemployment, job creation does not seem a strong enough argument anymore. Apinor’s plant, because of its technicity, would not have created many jobs locally, and this could also explain why it was so readily refused. But when asked whether their reaction would have been different should the number of jobs have been higher, the answer was quite clear. None of them considered that creating new job opportunities could be made at any price:

“It’s always interesting to have a factory creating jobs, but not for anything. Even if it means a thousand jobs. [...] The end does not always justify the means” (M.B., chicken-breeder Rieulay).

The second line of argument against the HBNPC is even more interesting, and it relates to the n° 144 slagheap itself. While the relationship local residents have with it is a very strong one, it is not anchored in a will to dramatize a certain nostalgia for the mining heritage. In fact this strong attachment is directed to what is, paradoxically at first sight, described as a natural space:

“Normally the slag-heap is first of all a place for walking, everybody knows that, when I was

a kid I sowed my wild oats there” (M.C., leader of the Pecquencourt Association, opposition Council member).

“A prime quality site, a magnificent environment, with trees, water... The slagheap was covered with woods, I talked about it with my wife yesterday, we used to go there and collect mushrooms, it was magnificent” (M.T., retired miner and mason).

Such a vision is shared both by residents, who long used it as a green leisure spot (before its re-exploitation in 1975), and experts in biology: “the slagheap itself, before the recent modifications brought to it, was rich with wild flora and represented a precious wild space” (Nord Nature, observations on the Apinor project, may 1998).¹⁷

Thus, the potential creation of an industrial plant, and a classified one, on the slagheap has been perceived by many local residents as an unacceptable threat for nature. If some in the area consider that this representation of the slagheap as a natural space mainly developed after its recent redevelopment into a leisure area, interviews show that it has taken root in a much longer time period. As early as the 1960s “in the oldest part [of the slagheap], nature resumed its rights, with bushes, stunted trees and scrubs appearing” (Histoire du Terril de Rieulay, P. Thomas, Railway engineer, 1996). So for several decades, Rieulay’s slagheap has been perceived by local residents as a natural space, and thus as exterior to industrialization. The coming back of the mining company on the site was resented as a renewed ‘attack’ on a reconquered nature, thus reproducing the previous scheme of the mining industry destroying natural space. Apinor’s plans thus created an opportunity to actualize old resentment against the company that ‘ruled’ men and landscapes in that area for decades.

The rejection of the projected de-pollution site, thus, was not quite based on irrational fears. Opponents linked global representations about pollution and threats to the environment

plus a critical assessment of classical modes of economic development to a grim view of the HBNPC, anchored in the regional history of economic and political power relationships. Opposition to Apinor can then be read as a way to rise up against the many destructions of the environment by a mining industry uninterested in environmental care. It also reacted against the quasi-feudal modes of power of the Houillères all through the period of coal extraction.¹⁸ This ‘delayed’ revolt against HBNPC power over local society strongly added to the claim that citizens should be heard.

Nimbys and residents...

This brings us back to the central issue raised in the introduction of this paper: what can the analysis of such local mobilization teach us about citizen’s participation and democratic decision-making process? As stated earlier, local residents opposing a motorway, a railway or an industrial plant are widely described, and thus disqualified, as Nimbys, only driven by selfish interests and unable to conceive of a wider general interest, which has then to be imposed by ‘enlightened’ administration and experts. It thus becomes necessary to critically appraise such notions as Nimbyism or ‘particular’ interests, and to relate their implicit evaluations on the citizens’ capacity to contribute to the decision-making process to more general debates on citizenship at the local level.

The French political system provides for a citizens’ right to be informed and to express themselves about large transport infrastructure planning and classified installations. A public enquiry procedure is always required for such projects. It is then necessary to understand why such a procedure is still deficient from the point of view of democracy.

The public enquiry on Apinor’s project featured the same characteristics as predicted by the literature on the topic, such as the constraints imposed on contributors to the enquiry

by both its written dimension and its rather strict protocol. “A certain ‘protocol’ exists [in the proceedings of the public enquiry] according to which noise, misplaced behaviors but also collective participation, are disqualified” (Blatrix 1999: 164). It was indeed the case in Pecquencourt, where the commissioner repeatedly condemned collective demonstrations by residents. Even more important: the processes used to disqualify opinions and arguments expressed in the public register. Commissioners immediately tend to disqualify certain contributors because of their place of residence:

“I undersigned all the petitions received and noted all the anomalies: similar or almost similar signatures, addresses in other villages than the one concerned, and even people signing without knowing why” (Commissioner’s conclusions, Public Enquiry Register).

A remarkable declaration indeed since the Commissioner assumes a right to decide who signed knowingly and who did not! Distinguishing the ‘concerned and competent individual’ from the crowd is a general practice during public enquiry in France:

“Everything goes as if participation could only be justified by the fact that one is a ‘victim’ of that project. The presence of ‘non-interested’ individuals is rapidly suspected and often disqualified” (Blatrix 1999: 165).

But while certain citizens’ views are not taken into account because they are not ‘direct victims’ of the debated project, i.e. not residing close to it, those who do reside close to it are also disqualified, precisely because they are ‘residents’. Indeed, their physical closeness to the projected development immediately provokes a suspicion of Nimbyism. Paradoxically enough, the public enquiry procedure on the one hand restricts legitimate contributions to local residents, while on the other hand immediately disqualifies local residents as merely driven by selfish considerations.

It thus becomes necessary to analyze more precisely this omnipresent notion of 'Nimbyism', according to which residents would systematically be driven by one or another kind of 'particular interest', and would be incompetent to express views on the global stakes of a localized project (the general interest). Many authors express strong reservations about the very relevance of the Nimby category. Explaining things away by describing them as Nimbyism collapses all sorts of arguments. Can a worry about the negative effects of an industrial site on human health or on future generations be considered as pure selfishness? Is it an expression of narrow individual interest, in the same manner as worries about real estate prices can be (Hunter and Leyden 1995)? According to Tapie-Grime it is "a derogative categorization which in the end implies a sentence of incompetence to participate in public decision" (1997). Not only does such a categorization result in "researchers themselves falling back into the political categorizations of disqualification" (Jobert 1998); its main limitations lie in the incapacity it creates to listen to what opponents have to say, and in the reduction of complex motivations to narrow self-interest. Interpretations of locational conflicts in terms of Nimbyism also tend to obliterate the differential power positions of protagonists: "[...] in this clash of interests [between the local population and authorities] one must not a priori take the latter to represent the public interest. On the contrary, decisions made by central authorities may be as much particular as local decisions" (Lidskog and Elander 1992: 261), but certain agents do have more power to present their own particular interests as the general one. Lastly, the notion of Nimby also raises questions about the 'correct way' to determine what is a 'right cause': "[to stigmatize a mobilization as Nimbyism] is a way to deny 'lower class people' (*les gens de peu*) any capacity to be moved by something other than 'grossly' material interests, as if a right cause must necessarily be a 'dis-

interested' one and justified in the name of general and abstract principles" (Sawicki et al. 2001: 21).

...or (local) citizens?

It is precisely at the complex junction between on the one hand abstract principles and on the other actual representations in local situations that the core lays of what the analysis of such a mobilization can do for more general discussions of citizenship.

The notion of 'the general interest' occupies a privileged position as the most legitimate register according to which references to such general and abstract principles can be made. As it stands, it is supposed to concentrate the essence of citizenship, since it is precisely by their capacity to abstract themselves from their particular situation and interests that citizens exist as such. But as has been seen above, the participation of those very citizens to the decision-making process is disqualified in the name of their physical closeness or distance from the discussed project. The double dichotomy between particular and general interests, and between residents and citizens is thus clearly linked to territorial representations, creating a double series of interconnected notions: on the one hand particular interests/residents/local level; on the other general interest/citizens/national level. Therefore, a critical reappraisal of such ideological connections is necessary if one is to be able to provide a revitalized analysis of this type of mobilizations, and more generally of citizens' democratic participation.

No doubt the French situation is particularly prone to present such a configuration, according to which the 'local' hardly seems to be a place where citizenship can be exercised (see CRAPS-CURAPP 1999). However many authors analyzing localized environmental mobilizations have indeed stressed the extent to which they constitute opportunities to exercise citizenship locally: "it is thus in the name

of their belonging to the territory that residents claim the direct exercise of their citizenship” (Tapie-Grime 1997). An argument also sustained by Jobert, according to whom the link between local and global is inverted in environmental controversies, local causes producing global effects, and planning conflicts raising political issues:

“When one intends, according to the administrative logic of cutting out individuals, to cut out the citizen from the resident, then the former will on the contrary plea in the name of the latter. He/she will thus question the classical representation of citizenship, where the Nation constitutes the only territorial space of belonging” (Jobert 1998).

If according to Poche (1992), one considers “place-sharing” as an essential dimension of citizenship, it does not necessarily follow that the nation-state is the only scale at which such place-sharing can develop. In the same manner as transnational networks and practices have deeply modified the role played by the national scale (Appadurai 1996, Gupta and Ferguson 1997), localized practices in the same manner question the hegemonic position of national citizenship as compared with other levels (see also Balibar 2001).

In Rieulay and Pecquencourt, citizens relied on references to global issues as well as on representations rooted in the regional history of domination by the Houillères. They argued on different values to be relied on in defining the general interest, i.e. by counterbalancing job creation with another view of development leaving more room for ‘sustainability’. Their refusal of a soil de-pollution site that was certainly necessary from a general interest point of view, pleads for a renewal of democratic participation practices. A renewal that should include a changed attitude towards local communities and encourage a real dialogue, a will to make concessions, including the introduction of “continuous democratic control” on the functioning of such sites (Szasz 1994).

One could object that it is precisely at such changes that currently re-actualized debates on ‘participation’ in France are aiming at. Indeed the last decades have seen significant changes in policy-making. Public policies, with their transversal and territorially-based definitions, have been analyzed as as many steps toward a renewed role to be played by local and regional authorities. By stressing the need for contractual approaches and citizens’ participation, they are seen as opening up new avenues for a more democratic management of public affairs. But most current literature on public policies tends to underestimate certain central dimensions of democratic practices. In a review of recent theories concerning changes in public policies and decision-making processes, Biarez, while acknowledging the many stimulating avenues they opened up, nevertheless observes that most of these approaches tend to underestimate the “sphere of opinions, differences and conflicts, that constitutes the interactive face of political power” (see also Paoletti 1999). She is thus rather critical of practices and analyses that see local power mainly in term of organizational processes:

“Local power is but little formulated in terms of the interests or social representations of social groups, or in terms of deliberation, arbitration or mediation. The tendency to obliterate symbolic values, political choices or orientations contributes to the dissolution of local power in organizational processes” (Biarez 1999).

Conclusion

Local mobilizations as those in Rieulay and Pecquencourt can thus be read differently, leaving aside the constraining framework of conventional approaches in terms of ‘the general interest’ and of ‘participation’ as a legitimating tool for representatives and administrations in order to maintain their power. If

following Biarez, one considers that the issue is not so much one of 'participation' as one of opening up a 'local public sphere', the apparent ambiguity of the mobilization against Apinor's site disappears. Indeed, notwithstanding the many unanswered questions local citizens had, Apinor's project was apparently an acceptable one. Indeed in most interviews as well as in the Public enquiry register, a significant number of local residents approved of the project, both in terms of trust towards the company proposing it and in terms of its general usefulness in the area. What they did not accept was that they were not given the possibility to fully intervene in a democratic debate concerning it, and that they were once again considered as moved only by specific selfish motivations:

"I am personally completely convinced of the seriousness and competency of those who prepared this project. I would have been less so should the project have been trusted to the Lyonnaise des Eaux.¹⁹ This being said, I share the worry of people from Pecquencourt who have been kept in the background at all steps of the procedure. This is all the more unfortunate that there is a general misappreciation of the issue of industrial waste, which generates hostility against any new project of waste disposal, even if it contributes to a better management of it. In urban matters as in all matters of local life, I think the population has a right to know, and it is to claim this right that I am going to sign the petition and that I consider joining the defense association..." (Contribution, Public Enquiry Register).

While the technical and scientific acceptability of Apinor's project was largely untested, conditions for its democratic acceptability were thus far from fulfilled. The issues at stake in creating new democratic opportunities for (local) citizens are then not just issues of 'management', 'information' or 'participation', as most public policy approaches have it, but of local public spheres. "One can

consider the public sphere as a space for deliberation and not as a place for consensus; a place where in a given situation, action is given a meaning through diverse demands and arguments. Deliberation then becomes political" (Biarez 1999).

The mobilization analyzed here presented some potential backgrounds for such a local public sphere to emerge. Thus, it gave many residents the opportunity to realize how necessary it was to build a critical distance, and, while recognizing a "diversity of demands and arguments", to see that their own arguments, instead of being disqualified as incompetent or selfish, should be heard and taken into account in the same manner as the others were. To put it differently, many residents acknowledged the existence of different spheres of meaning, but refused to agree that only those they expressed should be considered as 'particular interests'. The final decision should then result not only from the taking into account of such a diversity, but also from the fact that the choices made are not just technical ones, but 'value-laden' ones: "The public sphere can appear as a field charged with intentions and meanings, constraints and opportunities, produced both by public policy and the life world" (Biarez 1999).

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Notes

1. HBNPC (Houillères du Bassin Nord-Pas de Calais) is the national company in charge of coal mining (when it still existed) and related industries in the area, resulting from the nationalization of the many private coal-companies after the Second World War. Tercharnor is a partnership between HBNPC and regional private companies, that specializes in slag-heap exploitation. Its subsidiary Apinor is specialized in three fields: requalifying industrial gray land; depolluting soils and waters; eliminating asbestos.
2. Some 10.000 hectares of industrial gray lands have been listed in the Nord-Pas de Calais Region, 20 per cent of which are polluted.
3. As will be shown latter, such a reassertion of democratic control over economic interest has also been instrumental in the opponents' refusal of Apinor site.
4. After the lake area was opened to the public, the Company had to develop new techniques of extraction so as to strongly limit dust-production. This new know-how then proved useful in negotiating other contracts.
5. The shock was strong enough for many to refuse to meet me while I was doing fieldwork. Few liked to be reminded of such a tense period.
6. POS: Plan d'Occupation des Sols, a document local authorities should normally elaborate in order to define their land-use policy and thus control their development.
7. I.E. those that are 'directly concerned' by a planned project because it will encroach on their territory. One can find here the usual restricted definition of the 'concerned public' carried by public enquiry procedure; see below.
8. Public enquiries as a consultative procedure are very much criticized, especially for their (paradoxically) 'non-public' dimension. Blatrix thus mentions a study according to which 85 per cent of public enquiries are characterized by a "total or partial default of public" (Blatrix 1999: 162). 'Commissioners' are not a specialized body of public servants, like the Planning Inspectorate in Britain, but "occasional collaborators for the administration", usually retired public servants from the Town and Country Planning administration, chartered surveyors, urbanists and architects. See Blatrix (1999) and Piechaczyk (1997).
9. Indeed, as far as classified installations are concerned, final decisions concerning their opening and working conditions are taken by the Préfectures, i.e. the local agencies of the Central State. So that even if the local population and Council are opposed to a new industrial site, its building can be approved by the Préfecture, for 'general interest's' sake.
10. He was an elected councilor for a small local group launched in opposition to the mayor. His group was named Oxygene, not so much out of environmental concerns than to stress the need for some 'fresh air' in the local council.
11. The council voted a motion firmly expressing this refusal, and a few days later even decided to modify the local land use planning (POS) documents, turning the piece of land on which Apinor wanted to settle into a 'non-constructible zone'. This was the only way to bypass a potential decision by the Préfecture to overpass this refusal.
12. "I worked for 42 years in the building industry. I would have liked it very much that from the research department to the building site everything would have gone the same way. But all I saw was always a 100 per cent change. A strait line on the map was always a winding one on the ground, which we had to redraw" (MT, retired miner and mason).
13. Regular news reports in the regional press also refer to other potentially dangerous or actually polluting industrial sites in the mining basin. There are 13 'Seveso sites' in the area, and some 3000 'classified' industrial sites (Sawicki et al. 2001: 10).
14. Thus the rather opposite situations in Rieulay, where democratic participation procedures have been implemented for years, and Pecqu-

- encourt where the mayor was blamed for his lack of communication and information, made for more virulent opposition in the first case and more empathic attitudes in the second, even if both forms of discourses led to the same result, i.e. renouncing the planned site.
15. Or as was written in the Public Enquiry Register: "This region has already suffered so much, it should be spared".
 16. Such blackmailing still exists, and can even be used by the CGT (a trade-union linked to the French Communist Party), who regularly accuses environmental activists or local residents complaining about pollution of not being concerned by job preservation or unemployment (Sawicki et al. 2001: 132).
 17. Nord Nature is the largest and most renowned regional federation of local associations, mainly involved in mobilizations against hunting and for the protection of natural spaces. Nord Nature essentially plays a counseling role, through contacts with medical or scientific experts.
 18. One can quote again here a remark made by the mayor of Rieulay, according to whom: "Here as everywhere else, mayors were employees for the Houillères, they could not say a word apart from 'Amen'. (...) We [local mayors] cannot carrying on as if we were not in control of our own municipalities, with others [the HBNPC] deciding for us" (D. Mio, Mayor of Rieulay).
 19. The Lyonnaise des Eaux is one of the two French multinationals specialized in the distribution and treatment of water.

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