

## PARTICIPATION AND DYNAMICS OF SOCIAL POSITIONING

*Exploring the way that citizenship identities may emerge as a communicative achievement from citizen participation in the regulation of biotechnology.*

A three-years study lead by the University of Bielefeld analyzed interaction spaces between citizens and various social actors under the legal frame regarding GMOs trials.

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The PARADYS project (Participation and the Dynamics of Social Positioning) has focused on citizen participation in the regulation of plant biotechnology in Europe, namely in the licesing procedure for genetically modified plant (GMOs). The research consortium formed by seven european countries (Germany, Hungary, Ireland, Italy, Netherlands, Sweden, United Kingdom) has been funded by the European Commission between 2001 and 2004 (contract no. HPSE-CT2001-00050.) Focusing on citizen participation winthin legally framed administrative decision making procedures, the project contributes to the analysis of European governance practices. The social, political, and legal regulation of partecipation is a prominent issue to reflect upon concepts of governance and citizenship in the context of science and technology, which have intensely been discussed over the last decades in various political and social science studies.

It is this field of research concerned with law, legal regulations, and governance policies in the realm of administrative practise, the project brings in a socio-linguistic approach, the has been more or less neglected un to now or, at the utmost, played a minor role in recent studies on governance and citizenship. The term *communicating citizenship* characterises this approach. Focising on citizen partecipation as communication, we suggest a concept that requires an empirical reconstruction of citizenship as a communicative achievement. With this rather analytical and non-normative approach, we try to devolop a sociological completion to the more normative notions of governance and citizenship in the legal and political sciences. The rationale of such a theoretical perspective is, in the end, to aim at a sociologically enlightened evaluation of normative expectations with regard to "adequate" and "legitimate" forms of participatory governance.

We assume citizenship more and something different tha an inevitable outcome of civil rights and entitlements the actors are supplied with. It should rather be viewed as empirically constituted within the interactions between government and citizens. Such interaction can be found in everyday contacts between the two sides, and especially in those forms, which provide for a certain amount of citizen partecipation. Citizenship then bears upon participation as social communication. What then comes into focus, are not only and not primarily the legal conditions and the administrative directions, but first the empirical ways by means of which these conditions and directions are manifested and communicated within the participation process itself. It is the communicative framing of procedural givens that counts: the concrete forms in which given participation concepts are realised in communication processes, i.e. in which they are being communicated and thereby realised.

Citizenship is connected wiht the dynamics of social positioning between the participats. For the social position of a *citizen* is one of the participation concepts, administrative procedures

provide for in order to guarantee their claim and pretension of citizen participation. The claim of citizen participation, indeed, promises a slot for participants *acting as citizens* to take part in the decision making process. As a social place, where citizens make their every-day experience with state organisations, administrative procedures provide an explicit frame with pre-structured- and in a strict sense: “legalised”- participation concepts for each of the participants. In case of face- to face interaction, this pre-structuring even includes the regulation of presence that means: the definition of legitimated participants and legitimated participation concepts. Citizenship accordingly appears to be a procedural slot, which opens up the arena for the display of different participation concepts. The kind of citizenship we look for is therefore closely to its legal-administrative framing.

Pre-structured participation concepts trigger a social positioning process. The social positioning process is the medium, by means of which ‘citizen participation’ can be proved empirically. For citizenship appears to be one of those participation concepts. In this sense, citizenship comes into view as a sort of *membership category*, which is bound to the legal-administrative framing and its communicative realisation in terms of social positioning. This happens in terms of communicated images of self and others. Moreover, citizenship, i.e. what it means to be, to act, and to be *treated as a citizen*, must find an echo in these communicated images of self and others. Any approach towards communicated citizenship will accordingly be concerned with the dynamics of social positioning, the images of self and others and the social voices that come to be heard within these images.

Communicated images of self and others acting in the social position of participating citizens constitute citizenship as an *interactive achievement*, to use a term of conversation analysis, closely tied up to the various ways, participants account for themselves and others in terms of being and acting as citizens. In addition, what the few empirical studies suggest, that have already followed this direction, is that there are very different and often conflicting versions of citizenship within the social positioning process. Citizenship is accordingly a *contested concept* and as such, it has to be grasped in theoretical, methodological, and empirical respects.

The communication of citizenship cannot be separated from the social arena in which it actually takes place. In a sense, the communication of citizenship already implies the communicative re-achievement of the procedural frame. And taking into account communicated citizenship as an outcome of a social positioning process accordingly means taking into account the form of decision making in terms of procedures for citizen participation. This methodological implication obviously meets an assumption that has concurrently been spelled out in many recent political and social science studies from different angles, namely that the choice of procedures for decision-making processes make a difference, that, to cut in short, *procedures matter*.

The case of modern *plant biotechnology* has been chosen to substantiate the outlined analytical concerns. The legal regulation of biotechnological applications is a crucial test for both the chances and the boundaries of communicating citizenship. Methods and products of plant biotechnology have become a highly contested issue in the last decade and the recent history of European biotechnology regimes and policies gives much evidence that the regulation of citizen participation in administrative decision-making procedures constitutes an increasing European challenge concerning the improvement and standardisation of the different national practices. Accordingly, this empirical field appears to be a well-suited case to illustrate the communication of citizenship under the constraints of different procedural framings. This approach locates our research in the context of governance and citizenship.

The empirical studies in PARADYS resulted in mainly seven different types of social positions, which have been identified in most of the studies. For the purpose of quick identification they have been named as “The Organised Protestor”, The “Scientist”, “The Politician”, and “The Industrial Actor”. These positions have been re-constricted in their structural dimensions, which are their communicated images of self and others with respect to relevant actors, valid forms of communication, problem focus, and main system reference. In these respects, the ideal types can be described as being clearly distinct against each other on an analytical level. In a second step, the dynamics between these positions have been reconstructed. In our empirical field, four forms of dynamic could be found, along the two dimensions of 1. direct or indirect relation with procedure, and 2. multi- or single-speaker. Two types of social dynamics have occurred between social positions, one of them offering the option for mutual inclusion of the positions (*inclusive dynamics*), the other being exclusive in this respect (*exclusive dynamics*). The dominant type is closely linked with the procedural framing. This dynamic can be described as producing conflicts in the field, insofar as it fosters the exclusion of most of the citizen positions (*exclusive dynamics*).

A similar result could be found on the second dimension for the multi-speaker dynamics. In both cases, close relation with procedure and multi-speaker dynamics, the relation of the inclusion or exclusion of particular positions can be connected with communicative slots, which are opened by the structures of the procedural framework. It is the close link with legal-administrative rationality that promotes a certain kind of dynamics. According to this legal-procedural framework, a certain type of communication (the one of the “Scientist” and the “Administrator” position, to some extent also the “Industrial Actor” and in some cases the “Organised Protestor”) is selected against all other forms. What from the legal-procedural perspective (and therefore also in the communicative structure of the “Administrator” position) will necessarily be interpreted as rational and inevitable, namely the exclusion of all structurally “mismatching” communications, will be interpreted as the execution of illegitimate or poorly justified political power.

Under these conditions, *citizenship* as it was found as empirically communicated in our data has to be described as an *essentially contested concept*. With this term we describe the fact that there are no “connecting” or “translating” links between structurally divergent concepts in different social positions. The empirical data in particular show a structural tension between institutionally, i.e. legally framed and procedurally communicated forms of citizenship. No inclusive dynamics could be reconstructed within the procedure between those positions, which entail the mutually contested concepts of citizenship. Exclusive relations are caused by the competing rationalities of some positions on the one hand and of legal-procedural framework on the other. Inclusive dynamics might be possible under the condition of another participatory arrangement, especially one with loose or indirect coupling with the legal-procedural framework.

The fundamental problem of legal-procedural decision-making is that the interpretative conflict between contested concept cannot be treated sufficiently by the procedure, due to the legal-procedural framework. Dynamics are an effect of the procedural framework. This framework provides clear slots for administrator, scientist, and- depending on the case- for industrial actor positions. On this background, the administrator position usually defines further slots for the inclusion of other positions. These slots are in many cases very broad and vague. The effect is that a variety of positions from the citizen side arise within the procedure. These positions have been “invited” by the administrator, but with respect to their communicative structure

they do not fit into the legal-procedural framework. In other words, there is a constitutive tension on the level of legal communication between the framing of an administrator position on the one hand and a very limited concept of valid contribution from the citizen position on the other. This narrow concept is rather convincing with respect to the legal rationality of decision-making. It is not very convincing with respect to the political rationality of a political public on the other, given that this public does not want to leave critical decision to the elected institutions alone.

Another main problem of the current procedure is the lack of relevant information. Relevant means information, which would be given in the language of the respective positions. In order to raise resonance between the positions, it would from instance be necessary to provide information about the procedure in the language of the local "We". It would be necessary to show, in how far the relevant topics of this position could at all be treated in the procedure. The impossibility of a local decision in the context of the given procedure would have to be demonstrated clearly for instance.

Differences between countries in the PARADYS study indicate that it might be advisable to think about early information and a radical change in publicity concept in most countries. Further hints may be taken from the differences in the political-institutional context. In some countries, we observe a tendency to include concerned and organised citizen positions in dynamics that evolve in a more indirect relation to the procedure. Beside these differences, the situation in all countries is joined by a political-institutional context, which locates citizen participation regularly in the frame of a formal procedure. At the same time, the public debate is vivid and controversial. It is aiming at political decision-making and at more general issues of collective interest. Therefore, all over the data we find evidence for the suggestion that in situations, where the chains of the legal communication are looser, where the culture is more inclined to public debate, we will find more signs of inclusive dynamics than in the current "standard" situation. Public debates are closed to legislation and to the parliamentary process than administrative decision-making. It therefore be advisable to think about chances of transferring participatory elements from the executive (administration) to the legislation.

Our study has led to a certain hesitation about the precise function of citizen participation in administrative procedure. The national as well as the international policy documents remain very open in this respect. When it comes to their application, some of the political reasons from participation partially lose their validity with respect to the particular context of administration. The exclusive dynamics between administrator and most of the citizen positions clearly show that a certain kind of political/democratic discourse does not find any resonance in the legal-procedural context. On the other hand, the administrator position opens slots for very formal and legal communications from the citizens' side. It thereby manifests the fact that not every justification for citizen participation is applicable to the procedural context. Democratic legitimation remains external to the procedure. What is possible within this context is a form of justification with reference to rights and duties. Our empirical study gives reason to adjust normative legitimations to the empirical reality.

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