

Engaging the new democracy the power of participation in the post-communist Czech Republic

Birgit Müller and Petr Kohutek

In 1992 two multinational companies with company seats in Belgium and Germany bought a quarry and a limestone factory next to the nature protected area Český Kras, 50 kilometers south of Prague. They increased the output and decided to go ahead with the building of a big cement factory, a project that had been cherished by the socialist government for decades. It took the foreign investors and the Czech authorities by total surprise when the project sparked unprecedented protest in the villages around the quarry. Hidden discourses (Scott 1990) came to the open about the beauty of the landscape, the value of the pure limestone and the corruption of the old communist mayors still in power who now co-operated with the foreign investors. As the law on Environmental Impact Assessment was passed in 1992, the villagers disposed for the first time of an effective tool to make their voice heard in the public arena. The new legal frame obliged public and private investors to lay open their projects to public scrutiny and to have their environmental impact assessed by an independent commission. The expert procedure provided the villagers with a space in which opinions, values and interests could be acted out and it became for them a testing ground for the actual functioning of the new democratic institutions.

The nature protected area Český Kras is an El Dorado for geologists, a zone with geological limestone formations that are unique in the world due to an ancient coral reef close to the surface of the earth, which is composed of almost 100% pure limestone. This limestone

has been exploited for centuries but only at an accelerated pace since the 1960s when a quarry was opened and a limestone factory built next to it. With the inauguration of the quarry, *Cerťový Schody* (Devils Steps), the rural village of Tman took on the characteristics of a small socialist town, with a lavish townhall and multi-story housing blocks. The agricultural laborers and smallholders of the area who had a tradition of digging up limestone and burning it in domestic furnaces went to work in the quarry and factory. The local farmers whose land had been collectivized by force in that period kept separate and integrated only reluctantly the local agricultural co-operative. The quarry came to dominate the area economically and politically: most members of the village councils of Tman, Suchmasty and Koneprusy, the three villages surrounding the quarry, worked for the quarry or limestone factory. The villages counted the fines the factory had to pay for excessive air pollution as part of their income.

For thirty years the plans for developing the area were centered on the project of building also a new huge cement factory on top of the hills overlooking the rolling landscapes of lush fields and old forests. It was planned to become one of the biggest in Europe, to produce four million tons a year and to provide cement for the whole Eastern Bloc. The factory would have been like an industrial dome in the landscape between Vinarice and Suchomasty that is slightly higher than the rest and it could have been seen from 20 km in the round. In spite of the fact that the sheer choice of the place was extraordinary, nobody protested

against the project. The factory was supposed to bring prosperity to the area: new larger roads, gas and water piping and some resources for the local school. In Tman apartments were built to house the workers that were to come to the areas to work on the site.

The Velvet Revolution brought the fall of communism and the privatization of the most profitable industrial sites in the Czech Republic. In Tman, Suchomasty and Koneprusy the first independent local elections of 1990 changed hardly anything in the village politics that continued to be dominated by communists. It was the EIA procedure and not the local elections that became the starting point for political change on the village level. The question we want to follow up in this paper is, why were the participatory structures offered in the EIA procedure more conducive to mobilizing the villagers into political action than the equally new structures of representative democracy? We want to start out from the idea that democracy is based on the expression of antagonisms and the confrontation of different projects for society in the public realm (Mouffe 1994). Did the EIA procedure engage the citizens because it opened up opportunities to engage, antagonize and oppose or was it ultimately channeling the dissatisfactions and emotional involvement of the inhabitants of the Český Kras to come to some rationally negotiated agreement with the investors and to return to the political status quo?

Projects of democracy

Revolutions are moments, as Hannah Arendt pointed out, when citizens who “have a taste for public freedom” and want to make their voice heard in public, can take part in the big decisions their country is confronted with. They get spontaneously organized in councils where they are free to express their opinion and exchange it with others (Arendt 1963: 283ff). These councils constitute the ideal basis for a radically democratic state where

“power is constituted horizontally and not vertically” (Arendt 1970: 133) born out of the “human ability not just to act but to act in concert” (Arendt 1986: 64). Instead of just casting their vote in the ballot box as isolated individuals or of joining a political party that requires them to adhere to the party discipline, participation in a council means the free exchange of opinion, the uninhibited communication that creates collective power (Arendt 1970: 132-33). For Arendt “participation” meant to take over responsibility for public business and of actively taking part in the matters of the state. Only those citizens who are ready to participate in political affairs “should have the right to be heard in the conduct of the business of the republic” (Arendt 1963: 283). Arendt’s concept comes close to the Athenian concept of “citizenship” which entailed participating directly in the affairs of the state. As Pericles said, “we do not say that a man who takes no interest in politics is a man who minds his own business; we say that he has no business here at all” (Held 1987: 17). A state practicing direct democracy and being based on councils would be a radical alternative to the administrative and representational structures of parliamentary democracy.

In the political debates in dissident circles questioning the socialist regimes, the idea of a direct participatory democracy through councils or soviets was discussed in terms of a return to the foundations of socialism that had been denatured after the Russian Revolution when power was taken away from the councils (*soviets*) to be concentrated in the state administrations and the party apparatus. After 1989 attempts at direct participatory democracy briefly came up. The Velvet Revolution saw in its first months round tables emerge, where citizens who had never previously participated in public affairs stood up to tell their opinion. Also in the villages around the quarry citizen councils (*obcanske forum*) appeared where the citizens met who had been secretly or openly opposed to the communist regime in the past. The councils dissolved

when the *obscanske* forum on the national level transformed itself into a political party. The most radical or embittered inhabitants got together to find out about possible links of fellow villagers to the secret police. To prove such a link would disqualify these citizens from taking political office. The attacks *ad hominem* and the atmosphere of suspicion and denunciation that these groups created marginalized them from the majority of the villagers.

A debate emerged out of the Velvet Revolution about the form that political engagement should take in the Czech Republic. A tension could be felt between the fear of a passionate personal engagement on the one side that could lead to anarchy and to the contesting of authority and the concern that the new democratic institutions could remain an empty shell if the citizens did not invest them. Priority had after the institutional breakdown of the socialist system the reframing of the post-socialist society by new institutions that channeled the intense emotions set free in the Velvet Revolution. At the same time, the creation of associations and committees was encouraged, not the least by generous grants from Western countries that wanted to encourage the emergence of a 'civil society' that would be an effective guard against the return of communism. 'Citizen participation' became one of the buzzwords in the preparations for the European enlargement process. Candidate countries had to account in the monitoring procedures of the European Commission for the extent they had been able to develop an active 'civil society' that enabled the citizens to support the new democratic institutions and fill them with meaning.

How participation takes place is the central issue in the relation between state institutions and the citizens. It is also one of the central problems of democracy itself dating back to ancient Greece and Plato's fervent criticism of direct democracy as full of impulse, sentiment and prejudice, that leads to the emergence of popular leaders without competence and reason (Held 1987: 29-30). The contemporary solution to this age-old problem seems to be the

idea of public space as Habermas defends it, as a space of unrestrained communication framed by the rule of law (Habermas 1986: 84-85). He developed the concept of an autonomous civil society that neither depends on the State nor on the economy (Habermas 1997: 394) and that functions on a benevolent basis. In order for that civil society to exercise its influence in the public domain (space) of a democratic society three conditions are necessary. First, civil society should be able to act in the frame of a rationalized world, second, its actors should exercise political influence but not acquire political power, third, civil society has to be able to transform the political system indirectly by drawing on and mobilizing alternative knowledge (Habermas 1997: 398-399).

By analyzing the ecological fights on the village level I want to show how the different domains of policy, economy and civil society are intensely intertwined. Contrary to the Habermasian model the power of influencing public opinion through the production of an alternative knowledge is closely linked to the acquisition of political power itself. Multiple informal, personalized links of direct dependence continue to subsist between the political, administrative and economic domains. This is not unusual for local politics in long established democratic systems either. What is specific of the Czech case is the active acquisition of legal know-how, the conscious 'putting to the test' of the new democratic legal framework by the protagonists of the citizen initiatives. By experimenting with forms of participation and consultation the adversaries in this conflict push their legal possibilities to the limit and appropriate for them the new institutional framework, while the world they are acting in is heavily charged with emotions, subjective interests and preferences.

Giving expression to antagonisms

In the first municipal elections in 1990 in the

three villages surrounding the quarry the citizen committees (Obcanske Forum) constituted electoral lists in opposition to the ones of the outgoing communist mayors which contained however no alternative project for society. No collective discourse, in the sense of Jim Scott 'no hidden transcript' (Scott 1990), had yet developed about how the village society should look like once the communist rule was broken. The citizen committees (Obcanske Forum) provided the larger idealistic discourse on democratic society, however in daily practice it went along with the communists in soliciting the support of the main economic actors in the area to solve the most urgent infrastructural problems. What the villages had gained in political autonomy through the early institutional reforms they lost in resources from the State. As the structures of socialist paternalism ceased to function the village mayors lost their direct personal access to the party hierarchy on the regional and national level that had previously provided them with favors, resources and advice in exchange for unconditional political support.

In 1992 the limestone factory and quarry were taken over by two multinational companies, Lhoist and Heidelberg Zement. The village councils composed for the most part of communists and representatives of the *Obcanske Forum* were unanimous in their support to the companies. They quickly established a list of projects they wanted to undertake to improve the infrastructure of the villages: gas piping, wastewater treatment, streetlights, and so forth. They had applied for these projects through the state programs, and wanted now supplementary funding and material support with machines as in the old communist days.¹ The companies offered to help and the village councils were acquiescent to the renewed project of building a cement factory next to the quarry. The mayor of Tman, Duchon, though not enthusiast of the prospect of a huge cement factory at the doorsteps of his village that had already been plagued by noise and air pollution from the limestone factory for de-

acades, chose to adopt a pragmatic attitude towards the investors. He established a relationship of negotiation with them, very similar to the one the mayor had had in communist times with the state owned factory when he traded off air pollution against some material support. The companies invited him and his councilors to a trip to Germany to show them cement factories next to pretty Bavarian villages, that were equipped with efficient air filters and they promised to go along with his infrastructural improvements for the village.

The directors of the company knew that they had to keep a good atmosphere in the village to be able to pursue their projects.

"We want to have a good atmosphere in the villages because we know what it means to have a quarry next to the village. (...) although the villages are not completely without funds, they need our support for all the supplementary investment projects: gas pipes, water systems, equipment for the school, computers for the village administration. We borrow our lorries and we even send in some of our technical personnel if some documentation or application has to be prepared by the village administration" (Fuchs, chief engineer of the limestone factory, interview 20.1. 2000).

The foreign company and its local Czech representatives followed the paternalist pattern that had established itself in the Socialist period. They offered direct help to the village communities in exchange of their unbiased support of their enterprise. The promise the company directors advanced was : "To make it here like in Germany!". Germany and in particular Bavaria, represented in the Czech imaginary the image of wealth, neat and tidy landscapes and rigorous and efficient environmental standards. The company Lhoist, that bought the limestone factory, improved indeed in the first years after taking over the quality of the air considerably, by introducing air filters, modernized limestone burners and by closing down old inefficient furnaces. The new

cement factory, so the German investor Heidelberg Zement promised, would have the most recent advanced technology and correspond to the highest environmental quality standards.

Objections formulated against the building of the cement factory by the ecologist group *Deti Zeme* (Children of the Earth) and by two prominent geologists of Charles University met with no resonance on the local level until Jiri Soucek, a member of a group of intellectuals that has owned an old parish house in the area for thirty years, got wind of the project and decided to take action. He wrote a letter to all the households in the villages surrounding the quarry to call for a demonstration on August 23, 1993 against the building of a new cement factory in Tman. The letter stated that the project was “damaging my and your equally rightful interests”. Soucek pointed out that he was ready to take action, but that he would be unable to do so if others would not join him in protest, signing petitions and writing letters to the newspapers. He provided the potential opponents with arguments that were taken up, as the struggle proceeded, by different groups of protesters:

“First, he stated, the building of a cement factory in the area would have as a consequence a fall in real estate prices. Second, irreversible damage would be done to the landscape that would affect his and future generations. Third, the cement factory presented a health risk that the German firm could impose on the Czechs while it had become increasingly difficult to do so in Germany. He claimed that he personally would prefer to have a lower living standard rather than run health risk. Fourth, the project was over-dimensioned and did not correspond to the need for cement in the Czech Republic. Fifth, the project meant to import dirty technology and export products from heavy industry to more developed countries thus to remain in the status of a developing country with a low medium income. In short, the project presented advantages for a few hundred

people and large disadvantages for thousands. “A destroyed landscape cannot be replaced, not even by a golden cement factory” (letter by Soucek, quoted in the chronicle of Tman 1993: 243).

The protest against the cement factory, sparked a world of reflections about the new position the Czechs found themselves in after the Velvet Revolution: private property to protect, an individual responsibility for one's natural surroundings, a new relationship to the neighboring country Germany, the need to reflect on the scale and nature of economic activities that were reasonable for the future. In order to formulate a fundamental opposition to the investment projects the opponents were offering a historical and political construction of the *Česky Kras* as a natural area worth protecting. They appropriated the arguments of the geologists of the institute of geology of Charles University and pointed to the “irreplaceable coral reef” that was the basis for the limestone quarried in *Certovy Schody*. They proudly referred to the international geological monument, the *Klonk*, one kilometer from the quarry, that serves as a prototype of the border between the Silurian and Devonian geological layers. Questions about the quality of life for present and future generations came up and about the *Česky Kras* as recreational space for a society that had no longer work and production as its sole guiding principles. The organization of an effective public protest put into question established patterns of authority and control and questioned the new overriding powers of the investors.

Soucek's call for action met with a considerable response in the villages Tman, *Suchomasty* and *Koneprusy* surrounding the quarry. Local and national media became interested in the case and in the following months many of the controversies between supporters and opponents to the cement factory were effectively carried out in the form of letters to the editors of the *Berounsky Denik*, *Lidové Noviny*, *Mlada Fronta*, and some others. People from other parts of the Czech Republic became

interested in the case and started to write letters to the mayor of Tman and to the directors of Lhoist and Heidelberg Zement. As one of the directors of the quarry pointed out to us: from the 500 protest letters they received, seventy per cent were from Prague, thirteen per cent from the rest of the Czech Republic, and only three per cent from the villages around the quarry. The ministers of environment, Benda, industry, Dlouhy, and economic affairs, Dyba, came up with controversial statements about the cement factory. In the face of public protest they became careful not to support the project wholeheartedly while trying not to alienate the foreign investors.

While this informal positioning went on, a handful of inhabitants from Suchomasty and Tman decided to formally create a citizen initiative, the Obcanska Iniciativa Suchomasty, that could constitute itself a party in the consultation process, EIA (Environmental Impact Assessment) that was obligatory if the investors wanted to go ahead with the construction. The registration met with resistance from the regional authority (*okresni urad*) that refused to inscribe them as a civil association several times in spite of the fact that they had met all the necessary conditions. Only after a formal complaint to the ministry of internal affairs and an order from above could they get formally registered. The head of the citizen initiative, Vratislav Bina, became in the following the most active protagonist of what he perceived as “the fight against the foreign investors in collusion with the old communists”. His appeals even reached the president’s office and incited Vaclav Havel to make a statement presenting the Obcanska Iniciativa Suchomasty as an outstanding example for the emergence of a civil society in the Czech Republic.

“I must say I have been very pleased and in a way fascinated that young people from some small unknown village have behaved in such a civil manner. They properly studied the problems involved with this cement factory with all its implications and they have come to the

conclusion, that it is no good to build this cement factory. They understand it as a sell-out of our countryside, of our mineral riches (...) which damages a very important landscape reserve. I am of course not competent to make a decision on such issues. I can’t say unequivocally whether this cement factory should be built or not. I have talked about this issue with minister Dlouhy whom I asked to investigate the case. Regardless of whether or not this cement factory will be built, whether these citizens are right who are opposed to the construction, or those who want to build the cement factory. Notwithstanding all this I must say that citizens should behave this way. It should not be indifferent to them what happens to their country, to their countryside, they should find out about all the laws concerning the environment and also possibly disagree with the one or the other who bends them somewhere. I think this is a good example how civil society is born” (Vaclav Havel, *Lidove Noviny*, 6 December 1993).

The environmentalists centered around the Citizen Initiative Suchomasty and the national environmental organization Deti Zeme were proud of the attention they received from ministers and the president himself. They established contacts across the border with delegates in the German parliament (*Bundestag*), visited Weimar and Bonn, and were received by representatives of the European Union.

On the local level, the summer of 1993 became a time of hectic activities for opponents of the cement factory. Slowly it became clear who supported the project and who was against it. The newly created initiative made some formal mistakes resulting from their inexperience with the legal requirements governing civil society. The first petition sheets with signatures contained names and addresses of the signatories, but the personal identification numbers figuring on Czech identity cards were missing. The collection thus had to be started all over again. In spite of this obstacle large numbers of signatures were

collected from opponents all over the Czech Republic and even from some employees of the mining company. However, for some of the latter this act of civil courage proved fatal. Employees of the mining company who had signed the petition were submitted to screening interviews and some of them were fired. Their legal right to oppose the project was conflicting with the decision of the investor to finish the project at any cost. The husband of one of the key opponents of the project not only lost his job, but the personal connections of the mining company prevented him from finding a new one for almost two years.

The pressure imposed on the opponents was felt as contrary to an “open democratic debate” and the Citizen Initiative understood itself increasingly as not only opposing the mining companies but also their own village councils that they suspected of helping the mining companies. The mining companies could count on good relations with the state administration and local authorities. Numerous members of the village councils were employed by some company related to the quarry. Moreover, during the communist era the common trend was for companies to encourage their active communists to engage in the village councils (called *narodni vybor* at that time) since it made it easier for them to quiet discontent over air pollution, noise and other nuisances brought along by quarrying. The support for the project from part of the regional administration (*okresni urad*) went as far as to ignore legal norms of informing the citizens. One of the members of the administra-

tion who handed on the information the citizen committee were entitled to was fired. The head of the citizen initiative commented:

“According to the law we had to have the possibility to be members of the proceedings, but of course the *okresni urad* and also the former ministry of commerce under comrade Dyba (comrade is here *soudruh* meaning that for Bina Dyba is an old communist) refused to accept that. That’s why we have not been invited to all these proceedings” (Interview with Bina, 27 November 1999).

This lack of respect for the legal proceedings by the administration, however, was ultimately fatal to the project proposal, as we shall see.

The group of supporters of the project of the cement factory headed by the mayor of Tman, Duchon, used the arguments advanced by the investors to promote their project: The cement factory would have the most advanced technology, its environmental impact would be carefully monitored and indeed the project would help the village economically and make it possible to improve the air and water because of a new gas-piping and water treatment system that the investors would give to the village. To strengthen his position and show the support of the inhabitants to the project he decided to carry out an opinion poll among the inhabitants of Tman to reduce his opponents to silence. In the poll the inhabitants were asked in the first part for support for the investment project and in the second part they could express their satisfaction or dis-

Opinion poll:

I agree with the construction of a cement factory which will respond to the relevant ecological norms, in the cadastral zone of the village Tman, under the condition that at the same time an access road will be built, a water tank and a water conduit, that the monitoring of the atmosphere of the village Tman and surroundings will be intensified, and that it will not constitute a potential risk for other villages or a source of pollution.

Yes

No

I agree with how the deputies have fulfilled the electoral program up to now.

Yes

No

satisfaction with the achievements of the village council. Duchon set up a commission composed of supporters and opponents for counting the results of the poll and he established a ballot box in the town hall.

The outcome of the poll was a disaster for the mayor. Among the 337 out of 631 inhabitants (53.4%) who cast their vote, 67.3% were against the cement factory and only 31.2% in favor (1.5% without opinion), 47.3% were dissatisfied with the achievements of the council, 40.8% satisfied and 11.9% indifferent. Duchon was quick to point out that this poll was not representative as only 53.4% of the inhabitants had cast their vote and that those who did not give their opinion were necessarily in favor of the cement factory and therefore thought it unnecessary to vote. A discussion emerged that was taken up by the regional and national media about the outcome of the poll. The *Berounsky Denik* wrote:

“In Tman it was a mere opinion poll. Nobody stated in advance what consequences it would have, or whether it would have any consequence at all (...) Nevertheless I believe that citizen should be participating in such actions. If there is an opportunity to express oneself, it should be used. At least when he participates in it, nobody could then say: ‘Where have you been, when it has been voted? What have you done in favor of it.’ That does not concern only this opinion poll, but all matters that have to be publicly solved” (Neved, *Berounsky Denik* 11 December 1993).

The biggest regional newspaper *Berounsky Denik* declared that the participation of citizens in public matters, even if it took a somewhat uncertain legal form, was to be preferred to the silencing of opinion. Mayor Duchon and vice-mayor Platenka, however, had another point of view. Dissatisfied with the reporting in the press that publicized the outcome of the poll, they wrote - as they might have done in the old days of real existing socialism - to the central Czech press office in Prague to com-

plain. They asked the central press office to tell the media that they should not pay so much attention to the 226 inhabitants who voted against the cement factory and to report that the village had 631 inhabitants who all had an opinion, even if they did not voice it. They played down the importance of the poll, insisting on the fact that, legally, it had not been a referendum and that some of the votes had not been cast in secrecy.

Duchon and Platenka were trying to channel the mechanisms of direct participatory democracy into some improvised opinion poll. They were hoping to silence the rumbling of the citizen initiatives by “proving” with the poll that their ideas were shared only by a small minority. When the poll showed exactly the opposite, they tried to silence the outcome by appealing to some superior authority and to the legal regulations to stop the media from reporting. Instead of calming down public opinion, however, their attempt only heated up the atmosphere even more as the controversies around the building of the cement factory now appeared to the opponents of the project like their rightful fight against some ruthless manipulation. The outcome of the opinion poll became a point of conflict for the next years to come and even two years later in 1995, the village journal *OBZOR* still reported about a controversy on the outcome.

The case of the cement factory became a symbol for the democratization process in the Czech Republic, the fight of the citizens for voice and recognition. The media outcry and the heated debates on democracy and local participation made almost forget that the legal basis for the struggle was an expert procedure. The Environmental Impact Assessment was neither legally binding in its outcome nor did it provide for direct participation of the citizens in the decision making procedure.

Citizens and experts

The Environmental Impact Assessment pro-

cedure introduced in the Czech Republic with the law of 1992 inscribes itself in the effort at institutionalizing and rationalizing citizen participation.² The legal frame of the EIA obliges public and private investors to lay open their projects to public scrutiny and to have their environmental impact assessed by an independent commission. The assessment procedure consists on the one side of consulting experts and on the other of requiring the opinion of citizens represented by their mayors, associations and NGOs. The different points of view are then condensed into an evaluation by an arbitrator (*posudkar*) that should be impartial and objective, and the result should become the basis for political decision-making. To become a *posudkar* a person has to pass an exam and get familiar with the laws and procedures of mediation linked to EIAs. In 2000 about 400 persons in the Czech Republic had passed these exams but only about 200 were active as *posudkari*. The Foundation for the Development of Civil Society (Nadace Pro Rozvoj Obcanske Spolecnosti), which was financed mainly by the European Community Fund PHARE, organized training sessions for administrators all over the Czech Republic to familiarize them with the EIA procedures as a help for taking equilibrated decisions. Underlying the approach was the assumption that the procedure can produce judgments that are independent of political and economic influences, and that can come close to some objective truth and allow a rationally negotiated compromise.

However, the question that emerges inevitably is what is more relevant for the assessment of environmental impacts: the appreciation of the scientist or the concerns of the citizens? Can the scientist lay claim to some objective truth that is inaccessible to the citizen?

With the introduction of increasingly sophisticated and powerful technologies, nuclear energy, biotechnology, huge powerful earth moving equipment, and the like man has become able to transform the world at an unpre-

cedented speed and scope. At the same time, however, side effects occur that are potentially damaging to human health and the environment and difficult to control and supervise, because common sense alone cannot even handle the perception of the risks incurred. Citizens who feel endangered by these technologies are thus dependent on the help of science and experts, without which they would be unable to recognize most of the risks produced, let alone remedy to them.

According to the established idea about rational decision-making, the assessment of eventual risks of specific investment decisions should be left in the hands of experts, who possess appropriate knowledge that gives them the possibility to choose 'rationally' the best from the available alternatives. This model includes, however, serious traps, because "as long as risks are not recognized scientifically, they do not 'exist' - anyway not in legal, medical, technological and social terms and they are thus not prevented, treated, indemnified... the monopoly of truth attributed to scientific judgment obliges those concerned to use all means and methods of scientific analysis to enforce a claim" (Beck 1986: 95). The relationship between citizen-laypersons and experts is thus ambivalent and the boundary between them increasingly difficult to draw. The knowledge of a layperson can be at least as relevant for assessing eventual risks as the knowledge of the expert, which may be restricted to specific fields of specialization, and which might not necessarily match the scope of the problem in situ. What distinguishes scientific expertise from lay experience and when is the argument of the citizen considered valid?

The Citizen Initiative Suchomasty (Obcanska Iniciativa Suchomasty) questioned in the EIA procedure the credibility of the hydrogeological study that concluded that the quarrying did not affect the level of the groundwater in the area. Among the monitored wells was also the one belonging to the chairman of the citizen initiative, Bina, who was well known for his uncompromising attitude to the quarry.

A groundwater level attributed to his well was mentioned in the study in spite of the fact that the water level had never been officially measured. Bina maintained that it had sunk way below the level that it had had when he moved to the village in 1980. This discovery drew inevitably into question the measurements taken for the other wells in the village and made the inhabitants doubt in the objectivity of the study as a whole. The members of the citizen initiative thus posed their own semi-scientific observations (Callon 2001) based on experience against the scientific appropriation of the problem of groundwater. Scientific reasoning and scientific doubt thus ceased to be the exclusive ground for reasoning and the world of everyday-life experience entered the argument. “The difference between ‘the unenlightened mob’ and the ‘enlightened citizen’, or to express it in modern terms: between laypersons and experts disappears and transforms itself into a competition between different experts” (Beck 1986: 276). This rapid disappearance of boundaries between the scientist and the citizen is all the more remarkable in the Czech context as the environmental movement was carried in its early days in the 1970s by critical natural scientists who posed an “objective” scientific discourse against the ideological discourse of the socialist state. The geological institute of Charles University had been one of the centers of environmental reflection in socialist times. Two of his scientists now supported the struggle of the citizen initiative while another colleague wrote at the demand of the multinational companies an expertise favorable to their projects.

While the EIA procedure is instituted as an expert procedure in the Czech Republic, the experience in other European countries with an older tradition of EIAs reflects that value-laden decisions are appearing during all phases of the procedure (Weston 2000).³ The procedure is thus not as rational as its proponents wanted it to be. Expert statements are used against other expert statements that contradict each other. The belief in this or that

scientific method, approach, orientation replaces science as the production of unambiguous knowledge (Beck 1986: 277). For the citizen a long-term involvement with scientific expertise goes hand in hand with a process of disillusionment and doubt. The mayor of one of the mining villages in the Česky Kras expressed her surprise at the inadequacies of the ‘scientific methods’:

“Well, even these geologists did not know exactly where the limestone is here. We thought, that somewhere here, probably in these spots [pointing on the map] at the depth of 200 m will be something (...) We were drilling down there just under the hill and there is nothing. They told me as late as now that these things are only estimated - these geological facts. Nobody has investigated them before with some instruments. It is just empirical, made according to some experience. I thought that if it is in the geological map, then we will just dig and it will be there” (Interview with Francova, mayor of Morina, 13 January 2000).

Activists come to rely upon or question an expert statement depending on whether these experts sympathize with their stands (Berglund 1998: 50). Their motivations are considered tainted and their objectivity is put in doubt when they are financed by those whose intentions they should scientifically evaluate. The objectivity of the *posudkar* is thus considered ambivalent as the investor pays him. As *posudkar* Machacek admitted, it is quite hard for him to keep up an independent judgment. He has to keep close contact with the investor on the one side, and to mediate the interests of the citizens on the other. Machacek insisted on the necessity of making good contract with the investor beforehand and of ensuring to be paid in installments and not at the end of the procedure. Investors must pay the *posudkar* even if the decision is negative to their project, but they can create obstacles and delay payment, which is why the *posudkar* wants to get most of the money before issu-

ing the final statement.

In an environmental impact assessment, an expertise can be neutralized only by another expert statement that can invalidate the first one scientifically or show that it was biased. For this reason, opponents and defenders of an investment project try to legitimize their stands with expert statements. The scientific arguments thus become opinions, which lose their objective dimension. The arbitrator (*posudkar*) has to mediate between these positions and propose an acceptable compromise. Machacek, the *posudkar*, whose task it was to sum up the EIA procedures implicating the quarry Certovy Schody, explained his position with the help of a triangular model. In one corner of the triangle is the entrepreneur, in the second the administrator who supervises the entrepreneur and makes sure that he does not step beyond the boundaries of the law; in the third corner is the citizen with his needs and wants and reflections that may go beyond the considerations of the administrator and even of the law. The *posudkar* is above the triangle, not in the middle of it. He opens to some extent the restricted space of the triangle for the citizen so that he can make his points of view prevail that can be subjective and emotional but that should be founded on some expert opinion.

When the *posudkar* evaluates the arguments that are put in favor or against some investment project, - so Machacek explained - he does not consider whether an argument is shared by many people and is advanced in many protest letters as these are coming sometimes from the same source, for instance Deti Zeme. An argument counts, as one opinion among others, that has to be evaluated objectively by the expert. Ideally, so he states, the Environmental Impact Assessment would lead to a communication process that makes sure that all sides are listening to the arguments of one another even before the EIA-documentation is put together.

The most prominent environmental lawyer, Petr Kuzvart, involved in most of the big envi-

ronmental conflicts in the Czech Republic today, saw the relationship between administrators, business and citizens in a different light. He maintained that the citizen who wants to protect the environment has to stem against two tides that try to submerge him: the bureaucracy first and the profit seeking investors afterwards. As in most of the cases he was dealing with, also when the cement factory was planned, the investor tried to pursue his interests without taking the views of the citizens into account. When a confrontation with the critical citizens became inevitable, Kuzvart observed, the investors were almost always proceeding in the same way, "as if they were using a textbook of how to deal with citizen initiatives". Generally, there were four of them to attend the meeting with the citizens: a well-dressed foreigner accompanied by a translator, who would present the project, a member of the team who played the "bad" aggressive guy and another who would present solutions and compromises. It was essential, so Kuzvart stated, to present a uniform picture of the citizen initiative to the investors and hide the division lines inside the group. As the investors were skillfully dividing the groups by satisfying particularistic interests it was best not to let them get into direct contact with the citizen initiative.

Another strategy of the investing firms was to harass the employees in the local and regional administrations telling them that they would be made personally responsible for the delays in the investment projects and for the losses incurred. Their menaces were not entirely without foundation as the administrators did not have the status of civil servants and could lose their jobs. A company that encountered resistance by some low level employee used to go up the hierarchy until they found some superior ready to execute their wishes and to reprimand the employee in question. Bina, the head of the Citizen Initiative Suchomasty, told us that the engineer who had written a negative statement about the project of the cement factory was made to leave

her function:

“She was invited to the head of the regional authority, who told her that statements of the employees of the regional administration have to be unified and that the regional authority supported the cement factory” (Interview with Vratislav Bina, head of the OIS, 27 November 1999).

For the citizen initiatives often the only way to defend themselves was to win time, as an investment project had to be realized in due course to ensure its economic profitability. The citizen groups tried to stretch out the EIA procedure, by pinpointing procedural mistakes and by requiring supplementary information. They were able to count sometimes on a silent pact with low-level employees of the regional administration who provided them informally with information, and allowed them to copy restricted papers and develop a defense strategy based on an alternative ‘expertise’ about the case.

It becomes highly ambiguous to point to some scientifically established risk, once scientific rationality is demystified. The expert procedure of EIA thus moves from the discussion of ‘cool’ scientific facts to the stirring of emotions and opinions. The opponents of the cement factory successfully played with national sentiment and with the attachment to nature as a sentimental value using the media to give the debate a larger forum. It became thus a matter of national pride to protect the beautiful landscape of the Český Kras from the greedy German investors. Bina’s citizen initiative OIS expanded the struggle against the cement factory to the fight against the corrupt communists (Müller 2002). From an expert procedure that involved a rationalized mode of communication, the EIA procedure turned into an element of political strategy, advancing political polarization in the villages surrounding the quarry.

In the second local elections in 1994 the opponents to the quarry set up electoral lists in

all three villages that effectively won the election in a single-issue campaign. In Tman the mayor made it a case in point to formally withdraw the support of the village administration to the investment project. Meetings and happenings were organized which were supported by prominent music bands and drew protestors from all over the Czech Republic. Finally, lawyer Kuzvart gained a decisive victory for the opponents in the supreme court of the Czech Republic in 1998. The court ruled that the regional administration (*okresni urad*) had made a procedural mistake by not informing the citizens when it issued the permit to use the land around Tman for the construction of a cement factory. The decision was not definitely forbidding the building of a cement factory there, but it obliged the investors to go through the application procedure all over again which they declined. The environmentalists had thus won their case by playing on the time factor.

However once the case was solved it lost its potential of rallying the villagers around the two opposing factions. The old elite returned to power in most of the village councils in the following years and portions of the people who had been engaged in the citizen initiative withdrew entirely from public life. The next EIA procedure (1999-2000) concerning the extension of the area of quarrying went along without arousing large public interest but under the close supervision of the citizen initiatives, Obcanske Iniciativa Suchomasty, Zlaty Kun and the environmental association Deti Zeme. For the village council, again, the EIA procedure became a tool of pragmatic policy making. The council fell back on its old pattern of putting direct pressure on the company to repair the church and complete the gas piping in exchange for its support of the new procedure. On the regional level where most of the decisions concerning building permits and permits of extracting raw materials are issued, no democratically elected body had yet been introduced. To a large extent the same persons occupied the key positions in the admin-

istration that had already worked there during the communist period. The communist mayors could count on the complicity of the members of the administration with whom they had long established links. The speaker of the Citizen Initiative Suchomasty on the contrary had to most members of the regional administration a purely formal relationship. He was suffering from what Herzfeld (1992) would call the social construction of indifference. Administrators would ignore him, inform him late and make him pass all the procedural obstacles they could possibly apply. They showed him that he was an outsider who was not playing by the informally set rules of establishing links that would be of mutual interest.

His reaction was to push the legal means of the citizen initiative to the absolute limit, and he actually enjoyed it. He required to be informed and to participate in all the procedural details ready to file a complaint with the courts if these rights were not respected. He had dozens of cases pending with the courts, which sometimes dated back as far as five or six years. His sitting room was full of files documenting his larger and smaller quarrels with the quarry, with the opponents in the village and with the regional administration. It would be possible to explain his legalism by the fact that he was an extraordinary idealist attempting to pursue his fight on a normative level in spite of all the setbacks. This interpretation does not hold however as he was extending his legal quarrels into the personal domain, getting into trivial lawsuits with neighbors and political opponents.

Generally speaking, although the interest of the villagers in restricting and controlling the foreign investors lost its urgency, they acquired know-how in procedures and legal provisions that could be reactivated at any time. They learned to involve the media and to activate larger networks for their concerns. Their leaders established private and political connections to politicians on the national level, and learned to lobby deputies in the national parliament.

Conclusion

The contestants in the villages surrounding the quarry had no practical experience with democratic institutions and their functioning but a strong normative idea of how they should function: generally valid rules should be applied equally and impartially to everybody without ceding to personal preferences. In practice, however, the meaning and the possibility for political action that was created by the EIA legislation went largely beyond the intentions of the legal text. It opened a window of political opportunity for exploring the possibilities the new political system had to offer and for debating economic priorities that had been in socialist times the exclusive domain of the state. Attributing uncontested priority to production even at the expense of environmental destruction had been part of the socialist project. In socialist times it had been risky to discuss issues of lifestyle and consumption in public and to contest the materialist project. After the Velvet Revolution these debates became largely acceptable and reinforced by media attention. They would not, however, have sufficed to inflame the popular mood in the villages to the point of staging public protest.

The action of the citizen initiatives and ecological associations inscribed itself in local power struggles, personal conflicts and questions of national identity that went far beyond the actual ecological case (investment project). The State of Law or the possibility to have recourse to legal means became an element in the carrying out of local conflict rather than an instance of detached objective and rationalized decision-making. Rather than being carried out in a rationalized mode the conflicts were carried out in an emotional atmosphere charged with references to the communist past and the globalized present. If some of the environmental activists were in for a fight with the local power holders - the old communists as well as the members of the citizen forum (obcanske forum) who had seized the oppor-

tunity to ally with the communists to grab power - what gave the conflict its edge and sparked the emotional involvement of large portions of the village populations was the presence of foreign investors who stood accused of exploiting and destroying the beautiful national landscape.

The expert procedure became a power play for influence in which the political and economic domains were closely intertwined and where the citizens exercised an influence especially through exploiting all their legal possibilities for contesting procedures. To influence the procedure of the evaluation itself became the focus of political action. It became a tool for the environmental associations to play on the procedures, to point at mistakes made by the administrations and to negotiate on the basis of these mistakes with the investors interested in rapid decision-making, as they wanted to see returns on their investments. Members of citizen committees effectively contested the objectivity of science on the ground that it was arbitrary and biased in favor of those who paid for the scientific expertise. As the final report was paid for by the investor, the village council relied on the investors for part of its resources and structures of decision making in the regional administrations were ultimately obscured from the citizens, the activists themselves started to claim expert knowledge based on their longstanding involvement with the problem at stake. The interests and values of the contestants determined which scientific expertise ultimately seemed credible. The expert procedure was thus far from presenting a guarantee for objective rational decision-making. At best the EIA procedures opened the arena for public debate through an intense effort for media attention and through the channels of direct face-to-face relations with influential politicians. The legal possibility for direct participation that Hannah Arendt had in mind and that some of the citizens had fought for during the Velvet Revolution was incompatible with this participatory model.

Notes

1. The gas piping in Suchomasty was financed from the state grant of the Ministry of Environment (Statni fond zivotniho prostredi) - 11.200.000,- CZK - (interview with Bina), the water treatment system in Tman was also supported from a state grant of 10.000.000,- CZK (Interviews with Holecek and Keprova).
2. The main stages and forms of public participation are the following: Public examination of EIA documentation: each proposed project that shall be negotiated and submitted to the EIA procedure according to the Act No. 244/1992 Col. on EIA must also be augmented with special EIA documentation. This documentation must be publicly announced or exhibited for thirty days in municipalities concerned with or affected by the proposed project. Any person may make excerpts, transcripts or copies of the documentation.
Comments on examined documentation: during the period of examination of documentation, members of the public can submit written opinions on the documentation.
Public discussions/public hearing. The next step in the EIA procedure is the preparation and presentation of an expert opinion. After an expert opinion has been made available it becomes the subject of public discussion together with the proposed project EIA documentation and public reactions to it.
Participation of NGOs and civic associations in the decision making process: the final decision on whether a proposed project will be granted a permit is reached through an administrative (usually planning or building procedure). A defined group of citizens can be a party to this procedure. The citizen groups are represented by
 - civic associations that have been established according to the Act on Civic Associations and have submitted their own comment (point 2 above)
 - *ad hoc* civic initiative which has more than 500 persons who support the comment or opinion expressed in accordance with the rule described in point 2 (*Doors to Democracy*, chapter 5, 1998, Szentendre: REC).
3. "The important point to note is that, while EIA is an aid to decision making, and that as an overall procedure it may be seen as `system-

atic', there are within the process itself many key decisions to be made which will almost certainly not be based upon the rational principles of value free objectivity".

References

- Arendt, Hannah 1963. *On revolution*. New York: Viking Press.
- Arendt, Hannah 1970. *Macht und Gewalt*. München: Piper.
- Arendt, Hannah 1986. Communicative power. In: Steven Lukes (ed.), *Power*. Oxford: Blackwell: pp. 59-74.
- Beck, Ulrich 1986. *Risikogesellschaft*. Frankfurt: Edition Suhrkamp.
- Berglund, Eeva 1998. *Knowing nature, knowing science*. Cambridge: White Horse Press.
- Callon, Michel 2001. Research in the wild and the rise of technical democracy. Prague: Center for Theoretic Studies (paper presented at the center on 15.11.2001).
- AUTHOR 1998. *Doors to democracy. Current trends and practices in public participation in environmental decision making in Central and Eastern Europe*. Szentendre: Regional Environmental Center for Central and Eastern Europe.
- Habermas, Jürgen 1986. Hannah Arendt's communications concept of power. In: Steven Lukes (ed.), *Power*. Oxford: Blackwell: pp. 75-93.
- Habermas, Jürgen 1997. *Droit et démocratie. Entre faits et norms*. Paris: Gallimard.
- Held, David 1987. *Models of democracy*. Cambridge: Polity Press.
- Herzfeld, Michael 1992. *The social production of indifference*. Chicago: University of Chicago Press.
- Mouffe, Chantal 1994. *Le politique et ses enjeux*. Paris: Edition de la Découverte.
- Müller, Birgit 2002. Say it in rimes - hits below the belt in Czech village politics, *Focaal - European Journal of Anthropology*, 39: pp. 29-39.
- Scott, James 1990. *Hidden transcripts. Domination and the arts of resistance*. New Haven and London: Yale University Press.
- Weston, Joe 2000. EIA, decision-making theory and screening and scoping in UK practice, *Journal of Environmental Planning & Management*, 43(2): pp. 185-204.