1. Introduction

The theme of popular sovereignty have become a central issue in Western democracies after the abandonment of a socialdemocratic/Keynesian vision of welfare state and the apparent unchallenged victory of neoliberalism. This latter seems to constantly recur as efficient and fast recipe, far from the delays of democratic debate, for periodic situations of economic emergency. No coincidence that, in recent years crisis situation, the main blaming target in the rhetoric of anti-austerity groups, proposing themselves as direct people expressions against representative politics, is precisely the theft of people’s sovereignty by technocrats which, on the base of economic imperatives, deprive popular power through authoritarian actions (technical or “unelected” governments, Parliament emptying, loss of sovereignty in favour of international organizations not controlled by people…). That of economic necessity, indeed, has always been a classic “state of exception”.

If economic necessity is a typical legitimizing element for the emptying of popular power in order to have quick decisions on the base of economic expertise, in the same way all the sectors seen as strategic for quantitative growth seem to suffer the same fate. In this paper we consider, from the point of view of theoretical analysis but with constant references to specific cases detailed elsewhere (Ilva in Taranto, TAV Turin-Lyon), one of the most significant among these sectors: environmental policies (infrastructures, industries) more related to the outbreak of local environmental conflicts.

Such choice stems from the fact that, given the framework of European regulations and particularly the need to overcome conflictual situations of decision stalemate, this area is rhetorically presented as governed by a logic that requires going beyond traditional representative model, towards territories and people engagement. Out of rhetoric, however, the pre-eminence of economic necessity on ordinary procedures is at a maximum exactly in the environmental field (usually conceived in terms of trade-offs with respect to economic choices), and at the local level (depicted as selfishly withdrawn into the defense of privileges against prominent "national interest").

In this sense, hardly surprising as, despite constant participatory declarations, actually the same representative kind of popular control is bypassed for reasons of necessity and urgency (especially in conditions of financial crisis) through extraordinary simplified procedures (Legge Obiettivo 2001, Anti-crisis Decree 2008, Unlock Italy Decree 2014), defined by the local social movements born to oppose such decisions, but often even by local administrators, as centralizing, top-down, in a word: authoritarian. This is all the more serious when emptying popular power not only denying the much vaunted participatory rhetoric, but also the ability to control through elected local representatives.

The paper therefore try to answer the question of what it really means popular power in situations characterized by environmental conflicts, where tensions are constantly in play between popular sovereignty formally stated and "emergency" sovereignty, between representation and deliberation (and in particular between participatory aspirations of social movements born from the protest and prerogatives of mediation carried out both by parties which support the "authoritarian" choices of...
the Government, and by local administrators who claim to channel the requests for territorial engagement on representative tracks), between the rhetoric of decision-making decentralization and the centralization of choices deemed strategic for the national interest, between political participation and technocrat/ic expertise.

2. Power devolution, and its reality

Talking about people's democracy, it seems almost inevitable to refer to the local level of government, considered the most suitable, for its proximity to the citizens, to represent them and to ensure their ability to self-government. The direct territory government by the settled community is considered today, as Marson (2006) noted, an attribute of few residual primitive tribes, while, outside such closed communities, the spread of the Nation-States, accomplished during the XIX century, produced, as a consequence, a generalized withdrawal of the decisions locus away from the communities living in the different territories, albeit in exchange for Constitutions that were supposed to ensure the most fundamental rights as well as the optimization of decisions with respect to prospects for national economic development and social equity. The history of the European countries, in particular, is closely related to the construction process of the Nation-State, that together with the development of the Fordist industrial economy and the Keynesian welfare state downgraded local governments to the status of outskirts political-administrative (Magnier and Russo 2002). In a situation dominated by large industry and characterized by the class conflict between two social defined and organized blocks, macro-economic and fiscal policies were remitted, more or less according to the various contexts, to a triangular comparison among a centralized national government, centralized trade unions and business associations. Local governments were little more than "agents" of the Nation-State (Le Galés 2003).

With the arrival of the '90s and the coming into vogue of neo-liberalism and New Public Management, this tradition of strong governability, which is anchored on the state-centric figures of power, control and top-down operating center, begins to decline, and the system of local governments has gradually moved away from this model also in centralized countries like France and Italy (Donolo 2005). Here the turning point is in 1990, on the one hand with the l. 142/90 reforming local autonomies, and on the other with the l. 241/90 that guarantees the right of access and participation to stakeholders. The following steps were the l. 81/93 for the direct election of mayors, the Bassanini laws (l. 59/97 for the transfer of functions to regions and local authorities; l. 127/97 for the streamlining of administrative procedures), the reform of Title V of the Constitution (l.Cost. 03/01) and La Loggia Law (l. 131/03), which reaffirms the competence of municipalities on popular participation. Behind these changes there would be that prejudice in favor of federalism mentioned by Wildavsky, according to which, through decentralization, better relations between different public authorities and citizens would be created automatically (Sepe, Mazzone, Portelli and Vetritto 2003, 202-203), the territories being privileged places for the growth of public-private governance.

Thus the local level seems to be a response to the challenges of modern democracies, a place where the two key principles, popular control and equality among citizens, have the greatest chance to materialize. According to Le Galès (2006, 224), this would be a normative point of view often belied by the facts. Amin and Thrift (2005, 183), however, notice how participation is a phenomenon that has always been associated with local level, natural space for the most immediate expression of democratic ferment and widening participation to policies construction. Such a view à la Toqueville, and so a classical liberal view, can only find new fortune in the new age of neo-liberalism, also because somehow supported even by potential opponents, as many social movements, seeing in it the other side of the proposed cosmopolitan democracy in local government, as the core foundation of effective municipal democracy organized in a deliberative
way (De Nardis 2004, 87).
It would then spreading a point of view according to which all forms of centralization, both territorial and social, are in an inverse relation with the degree of democratization of a society (Beck 2000, 320). Decentralization has therefore not only a territorial dimension, but it would bet on the ability of coordination from below, emphasizing not only the spatial extension of the government, but first of all the activities of interest groups, the enlarged public debate and collective discussion, even when it is not qualified by special technical knowledge (Lindblom 1990). The two aspects of subsidiarity, the horizontal and the vertical ones, are therefore inextricably linked. Ultimately subsidiarity means that the care of public interests should be carried out, if possible, directly by the citizens and social groups in which they aggregate, and only in the event that these latter are not able to deal adequately they should be carried out by public authorities, starting with those closest to the people themselves, and then gradually to other (Troilo 2007, 325). It was noted that a smaller area is more easily controlled by the citizens, who are able to participate more actively and intensively.

Beyond rhetoric, such a change appears to respond, rather than to a democratic inspiration towards popular power, more to the neo-liberal perspective in which the State withdrew from direct administration, unloading on territories and citizens the task of the trickiest questions, simultaneously ensuring the entry of privates and market vision in public services, while preserving for itself, and even expanding, its powers of control and intervention in strategic sectors. It is often forgotten that, together with the end of explicit centralization, the end of the Fordist-Keynesian model and the rise of neo-liberalism brings with itself also the end of the compromise between democracy and capitalism, at the expense of the first and with the unbalanced victory of the latter (Lo Schiavo 2014).

For example, decentralization should be more so guaranteed for territorial policies, which quite obviously should assume a local dimension. The problem is that, in the event of major environmental issues, such policies are especially considered strategic at the national level when not even at the international one, for their economic fallouts. In these case, in which, as known, costs are concentrated and benefits are diffuse, the national interest wins over all other possible considerations, and the idea of strategic importance is accompanied by that of necessary exceptions and new centralization. It is, after all, the same concept of vertical subsidiarity to consecrate the local level, but reserving to the institution of higher levels the full authority to take action in order to successfully achieve specific important objectives, especially if related to economic growth.

3. Participatory rhetoric, and its reality

The presence of a relational dynamics between representative institutions and political parties on the one side, and civil society and especially social movements on the other, is often deemed essential for representative democracy to really be full democratic. Political parties are central to the functioning of modern democracies, as they constitute the key institutional channels of political representation. However, as Sartori argued, the justification for their institutional centrality lies in the function of expression that parties perform, and in the mediation processes they establish between citizens, their demands and the State (Sartori, 2005). For Diamond and Morlino (2005), for example, the democratic quality of a given regime is assessed by the presence and mutual integration of two core elements: on the one hand, by an active and informed citizenry, and on the other hand by political parties that are open to channelling the demands emerging in a society. Similarly, Rosanvallon (2008) pointed to movements actions as forms of “Counter-Democracy”, which complement and reinforce the traditional forms of electoral democracy through surveillance.

1 The relation between political parties and social movements within local conflicts is part of a current common reflection with Daniela R. Piccio.
and critical oversight over the representative institutions.

If the interaction between social movements and political parties is central to a healthy functioning of representative democracies at any time, the presence of such an interaction becomes crucial in the current “age of distrust” (ibidem), characterized by party disenchantment and decline of the conventional forms of political participation (Norris 2002). If the representative institutions no longer function as vehicles of aggregation and integration of the citizens and trust in parties is low, active citizens acquire a particularly relevant role for providing oversight to elected representatives and integrating participatory and representative democracy.

Observing the positions that the Italian left wing parties made in response to four ‘locally unwanted land use’ (LULU) movements in Italy, Piazza (2011) argued that traditional Political Opportunities Structure variables do not fully explain parties’ strategic choices towards movements. Indeed, whether in government or in opposition, and independently from the fragmentation of the institutional left, parties maintained a fairly constant attitude: the radical left supporting, and the moderate left maintaining a stable hostility towards the movements. The author suggested that attention should rather shift to other factors, ultimately having greater explanatory power: the conflicts among the left wing parties on the model of democracy. The conflict on democracy opposes a top-down vision, in which the national level imposes its decisions on the periphery, to a vision which seeks “through participation in protests, to influence the centre’s policy-making on relevant issues (bottom-up)” (ivi, 341). These divisions bring to the fore two different conceptions of democracy, the national-representative one versus the local-participatory one. Indeed, the horizon of many movements concerned in local environmental conflicts, even if often discussed within the framework of local contention and territorial politics (Bobbio and Zeppetella 1999), becomes increasingly less particularistic over time, acquiring a broader political dimension (Lastrico 2014): such movements do not only challenge the specific proposal, but also claim for more participatory forms of decision-making.

An often discussed question in environmental field is that of so-called NIMBY (Not-in-mybackyard) movements, local groups linked together in opposition to choices thought to be a threat for local life quality. This phenomenon is often seen as a conflict having its roots in the selfish localism of the interested populations, but in the opinion of many scholars (Bobbio 2004; Trom 1999; Latour 1999) this would be only the half part of the question, considering that, even if “Nimbysm” is a syndrome, it could be a consequence of another pathology: DAD (decision-announcement-defence) model of policy-making (Susskind 1985). In such a model, central power makes its choices in complete insulation from civil society, and only then it announces them to the public. At this point, it can only defend them, without any possibilities of change even if protests arise.

Participatory democracy supporters underline it could be better not to trust too much in legal compulsion and technical reliability, following the “let sleeping dogs lie” principle referred to local communities, but on the contrary to involve all the potential stakeholders and to take protests into account before it is too late, avoiding to make them break out with already started works (Bobbio, Zeppetella 1999). Some scholars think about 80% of environmental conflicts would be due not to an actual opposition, but to influence lack perception of local communities over question they are concerned (Ecosfera 2001, 155). Exclusive approach can produce technically founded decisions in short times, but being based on a take or leave form, it could be too little flexible in case of oppositions. Inclusive approach, on the other hand, is thought to be the only way to solve protests before they break out, spending a little more time but avoiding work block. By a correct communication avoiding imposition it could originate, this is the idea, a more collaborative citizens’ behaviour.

The underlying idea is based on the evidence it is no more possible to create negative outcomes for a group without acknowledging group’s right to express its point of view, according to the guiding principle of “no impact without representation” (Bobbio 2002b). But what kind of representation?
The simple fact we talk about need for representation seems to suggest that normal representative relations are by no means representative enough (Le Galès 2006), in the case of policies concerning irreversible localization of large infrastructure for which could be not only limitative, but most of all belated, to follow Schumpeterian logic and wait for the next election to reward or punish elected representatives. Indeed this is a policy sector in which representative institution are often crushed between the tendency to use a technocratic style of decision-making by the side of promoters, and the request for a deeper inclusion in more participatory processes by the side of impacted local populations.

One of the main characteristic of local environmental conflicts is the role assumed by simple citizens within grassroots committees. These are defined by della Porta (2004b, 7) as weakly structured groups, consisting of individuals who gather on a territorial basis mainly to oppose interventions which they consider would damage their local life quality. Similar groups are in a continuing and quick rise since the ’90s, and their main difference with respect to movements of the ’70s is being carriers of requests unfiltered in any way by mainstream politics, institutional or not, at least partly because of the weakening of political parties occurred in the same years. In fact, these latter would have lost their abilities to build collective identities and to collect and mediate demands from civil society, activity now carried out by movements which then address their claims directly to institutions, skipping parties mediation. According to Beck (1994, 69) it would not be an exaggeration to say that social groups have already «thematically taken the initiative. They were the ones to put on the agenda the issues of a threatened world, against the resistance of parties» seen as more sensitive to the pressure from strong economic powers than to the request from their own base, whereas even institutions are thought to have lost their ability to listen, so that the only way to be heard would reside in direct participation (della Porta 2004c, 118-119). Andretta (2004) shows how committees evolve over time, trying to overcome the Nimby label, building public identity entitled to speak of collective goods and to participate in policy-making, while it is generally confirmed their initiative in the first person bypassing parties mediation. Participation processes at a local scale, which Sabel (2001) calls “democratic experimentalism”, seem to fit in the framework of uneasiness that both the post-democratic paradigm and the technocratic one would induce in a part, albeit a minority, of the population. The variety of experiences grouped under this definition would be due to the common belief that democracy is nurtured through active participation in collective problem-solving, and that it may prosper, as stated by Crouch (2003),

when there is an increasing of opportunities for the masses to actively participate, not only by voting but by discussion and independent organizations, to the definition of public life, when the masses actively benefit from these opportunities, and when elites are not able to control and belittle the way by which these things are discussed.

A similar emphasis on responses from below may sound as a paradox considering the continuous statements about the crisis of politics, which found how the problem of apathy and privatism is highlighted by a general trend of declining voter turnout and the collapse of political parties, namely the main agents brokering political questions. But, as Beck says (2000, 258), one can speak about crisis of politics only by considering it in a traditional way, that is as an instrument of classical representative democracy. «The impression of political stasis is deceiving. It occurs only because the political is limited to what is labeled as political, to the activities of the political system. If it is more extensively conceived, then we see that society is in a whirlwind of changes which, quite apart from how one evaluates it, certainly deserves the title of “revolutionary”» . Where there is a growing gap between citizens and consolidated democratic institutions, there is also a strong growth of alternative and spontaneous forms of participation (associations, civic groups, social movements). More than just a generic problem of participation, this therefore suggests a specific problem of reconstruction of the relationship between citizens and institutions, attributable to the lack of trust in actors and institutional forms which have traditionally conveyed and directed participation by mediating bottom-up political questions (Torcal, Montero 2006; Dalton 2004 , Pharr, Putnam 2000;
Nye, Zelikow, King (1997), which would in turn mainly due to the difficulties encountered by representative structures to adapt to society changes (Inglehart 1999). However, an important role may be also that of the growing demand from below for citizens’ heritage of experience and expertise to be acknowledged, combined with the desire to play a more active role even between an electoral turn and the other, due to the availability of civic engagement resources which are spread and without effective channels within traditional representative structures (Dalton 2000; Dalton, Scarrow, Cain 2006; Freschi 2004). Le Galès (2006, 224) believes representative democracy is now called into question by the idea that representative government is not synonymous of democracy, as Urbinati (2010) argues, nor is the best among the various possible forms of it, since it «involves (...) democratic elements. But its oligarchic dimension is by no means contestable», as Manin (1997) effectively stated already in the mid '90s. It, according to Crosta (2000, 40-41), reduces society to social demand, excluding that it could take steps to deal with its own problems. Distrust in representation should therefore be read, in many cases, as a claim for self-guiding society (Donolo 1992, 121).

Hence, distrust may not be addressed towards democracy as a whole, but rather towards classic representative institutions in order to overcome them. New forms of participation, even conflictual (Pellizzoni 2008, 93), would therefore be in many cases forms of active citizenship, or, better, critical citizenship (Norris 1999). It would be not so much the mobilization in itself, as rather the critical and reflective thrust, the cognitive mobilization, to better characterize those forms of conflict taking it upon themselves to deconstruct the framework within which both official institutions and science operate, bringing challenges to both, and in an attempt to invalidate the “linear model of technocracy” (Beck 1996, 35). Thus such new conflicts would put in crisis the technocratic model destabilizing it on both its focal nodes: scientific and political, cognitive and democratic (Jasanoff 2005, 1-2). In the technocratic model scientific and political authorities would go hand in hand, so that the questioning of one of them would also drag along with it the problematization of the other (Pinson 2009, 137). And this is precisely what new socio-technical controversies may do, being related to problems that are simply too complex, contested and uncertain to allow schematic and centralized control (Hajer, Wagenaar 2003, 7), making the relationship among three of the most important actors in our society (public, science and politics) more complex and less outlined. Such a relationship among citizens, scientific institutions and traditional democratic institutions is increasingly a subject of discussion (...) In the absence of adequate responses, uncertainty echoes a widespread feeling that, in our society, strong factors of inequality are present. Decision making seems more and more a privilege of a small group which includes politicians (elected by the mechanisms of representative democracy) and experts (carriers of knowledge that the others, the “non-experts” do not have), whereas the effects of these decisions fall, often violently, on the whole community (Lenzi, 2004, 1).

Therefore such conflicts would work as “hybrid forums” (Callon, Lascoumes, Barthe 2009), discussion arenas within which participants play a dual role. On the one hand, as “profanes”, they are bearers of knowledge, albeit not of an expert kind, able to upset the naturalized character of the information bases, which in turn, far from being objective and merely technical, would be only the expression of a particular frame: the economistic one that, behind cost-benefit analysis, would hide powerholders’ interests. On the other hand, as citizens, they claim for taking an ever more active role, enlarging policy-makers’ cohort traditionally formed by elected representatives imposing the economistic frame from above, thus for combining representative democracy mechanisms with instances of participatory or deliberative democracy.

Behind territorial conflicts would therefore be a thrust to reform the basis of politics, not just at

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2This theory finds supporters in Dalton (1999, 2000, 2004); Dalton, Scarrow, Cain (2006); Inglehart (1999) and in general Norris (1999); Nye, Zelikow, King (1997); Pharr, Putnam (2000); Sabel (2001). For the opposite interpretation of the phenomenon see instead Hibbing, Theiss-Morse (2002); Segatti (2008); Torcal, Montero (2006); Mutz (2006); Sunstein (2003); Gaus (1997).
local level, eroded by the crisis of the traditional representative democracy. The request for the acknowledgment of the contribution by new social forces, asking to interact directly with policy-makers, would often arise from the need to overcome the legitimization crisis of old representation systems, based on a self-referential model of governance allowing only for the elected an active role in policy-making, on decision-makers’ tendency to interact only with vested interests, and on the lack of knowledge tools designed to manage complex and conflicting situations. Distrust in representative institutions appears even to widen since such a thrust encounter strong resistance by them. The justification is the need not to have the political program dictated by protest, trying to keep decision-making process as much as possible out of the public sphere and assuming, for that reason, that every recipients’ capability of voice is to be feared as a possible source of irrationality, populism, demagogy. On the contrary, behind a conflict outbreak there would often be a claim for legitimacy to raise issues, propose alternative solutions and take action on the agenda. It is for this reason that it would be possible to link the evidence of “democracy without people” (Mastropaolo 2011), growing electoral abstention and lack of public confidence in politics, to phenomena seeming to go in the opposite direction, by claiming, even in a conflictual way, a greater power of choice. Conflict in this sense is seen as a vindication of the principle that choices can, and should, be taken outside the places traditionally responsible for political decision. In this case, the essential reference, both in social practices and (indeed especially) in academic analysis, is that of deliberation tools, particular decision strategy based on the idea that normal citizens are more or less able to argue, reason and change their minds.

As said, the field of environmental policies having economic fallouts (infrastructures, dangerous industries...) lends itself to two orders of challenges to representative democracy: on the one hand technocratic pressures from the promoters, on the other participatory claims from impacted populations. Against these latter claims and against the same engagement rhetoric almost always used, we can find more and more thrusts towards simplified decision-making procedures, which, appealing sometimes to the objectivity of technique, sometimes to the urgency of decisions deemed essential for economic development, attempt to bypass not only popular control, but even the same representative institutions' control, considered too long and complicated for the “exceptional” issue at stake, or even irrational in its lack of technical preparation. In the Italian case this has resulted, in the field of infrastructure policies, in the launch of the Legge Obiettivo, imposing a rigidly centralized and top-down procedure which effectively bypasses local representatives’ role. This led to strong reactions from both local administrators and populations, which claim for the role of democratic politics against attacks from technocracy on the one hand, and from authoritarian impositions from the center and from the top on the other.

As far as representation is more concerned, against such situation we can find peculiar forms of “power of the people” claimed by social movements. In the known case of Turin-Lyon high speed railway, has long been a close cooperation between No-Tav social movement and mayors against supra-local institutions and national parties, the so called “Val Susa participatory laboratory”, in order to block the project. However, such a relationship was based neither on a full delegation, nor on a binding mandate of a representative kind, but on an almost equal partnership, conditional on compliance with certain behaviours from the mayors (Saward 2005), or at least on the exertion of a “democracy of control” over local political institutions. So when they started accepting some compromises in the course of negotiation with policy-makers, the movement withdrew its support, passing from participation with to participation against local representative institutions (Hendriks 2006). So local representatives receive even their primary legitimacy through participation in protests instead through elections, reversing normal relations between public opinion and political representation and rejecting the idea that mayors could assume the role of representing instances that are widespread and affect local community as a whole. Mayors are seen only as welcome companions in the common struggle against supra-local institutions, with a role of primus inter pares, or at least as the vanguard of their claims or an institutional help (Saward 2000).
No-Tav movement is increasingly developing a framing which is independent from that of elected, leftist parties or environmental associations trying to put themselves as its representative. This refusal to delegate seems to come from the very beginning, from the cognitive diagnosis of the problem transcending that of potential representatives and at times including representative democracy itself. By rejecting their diagnosis, movement also rejects the intermediation of such traditional actors (Lastrico 2014).

Such a role for a social grassroots movement indubitably can be considered a sign of a sort of self-acquired power by local citizens, probably more and more than the actual political system can tolerate, but is definitely far from a role for people in decision-making affecting their life. This, very close in any field, seems to be impenetrable in the case of policies involving two strong adversaries for popular power: the role of technical arguments and the necessity and exceptionalism characterizing the policy at stake.

4. Technical objectivity as governmentality

Although the technique is often referred to as a guarantee instrument for achieving objective and neutral choices against partiality and discretion of institutional politics, the downside would be that the same technique would actually have conventional and discretionary nature, although hidden by its scientific legitimacy, and democratic institutions should balance this power, and act as warranty. Contrary to the accusations of irrationality and ignorance generally aimed at those who, outside the narrow circle of technicians, dare to challenge or ask about their work, Davis (1969) believes that the best way to try to control discretion power is to develop instruments giving space to public scrutiny.

The problem arises, however, when it becomes clear that the definition of technical standards takes place on conflicting issues for which the evidence is ambiguous. In this case Jowell (1977), considers that there is, next to the "legal" and "judicial" way, also the "negotiation" one, in which, as Bobbio (2000) refers, the authorities act more like parts of a contract of private law rather than as institutions of public law. This trend affects conventionality and discretion in a double sense. First of all it configure a question of deregulation and the dominance of soft-law that accompanies the privatization of process government. But beyond that, there is also the depoliticization (Pettit 2004) and the naturalization of standards and indicators instead obtained through bargaining between public and private actors, covering it with the hat of technical neutrality, as effectively exposed by Borraz (2009).

The adoption of technical indicators and quantification are the bases for environmental policy, and the instrument for legitimizing choices as evidence-based policies, giving an aura of objectivity and neutrality for choices that are actually political, for particular worldviews and power relations. Behind the apparent naturalness of the technical data are hidden conventions of various kinds between public and private actors, that, in addition to be of questionable legitimacy and democratic representativeness, and to set up a privatization of the government of the territory, also enshrine a general way of behavior. As if they were a norm, but without having the same degree of public agreement characterizing legal norms. In fact the application of technical rules, more than constituting a neutral and objective tool that undermines all forms of discretion, results often in a new and major source of discretion for the decision-maker in the face of his lesser responsibility. In this regard, the reference to technical standards, rather than a protection on socially sensitive subjects such as the environment and health, seems to be a way to put discretion away from public scrutiny (Lastrico and Gasparini 2014).

One way to classify the policy problems, on which it seems to be consensus in the literature, is

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derived from the intersection between the degree of scientific knowledge decision makers have about the policy object, and the degree of consensus found in the public on the same subject. At one extreme there are problems of a purely technical nature, in which the goal is clear and shared and the decision-making solution is seen as equally technical and objective, and entrusted to the experts and to a top-down approach. To identify a problem as a technical one leads to a decision style that Innes and Booher (2003) would call technocratic-bureaucratic, characterized by poor attention given both to diversity and interdependence of interests on the matter, fixing only on the criterion of achieving objectives set once and for all by well identified decision-makers. It operates as if it were in a situation of certainty away from the conflict of values, ignoring the existence of different objectives but by placing only the issue of what are the best means to achieve a specific goal predetermined by the decision maker. In fact, the condition of certainty derives from the assumption that there is a single interest, that of the decider, and that it coincides uncritically with the general one. The main function of arenas characterized by a similar decision-making style is to convince policy-takers, through the legitimacy of technical analysis, about the goodness of the undertaken course of action.

At the opposite corner there are instead symbolic problems, for which there is both an ambiguous knowledge and a high degree of conflict on objectives. Intermediate situations are those of information problems (ambiguous knowledge accompanied, however, by consensus) and political problems (in-depth knowledge but conflict on definitions). The hypothesis that we follow here is that, in the field of environmental conflicts, policy-makers would imagine, or wish, to be confronted with a technical problem, when in fact we would find in one of the other three cases. In particular, after the challenging to the unquestionable nature of technique, the development of the idea that knowledge can never be said to be certain, and the spread of the precautionary principle, we imagine that most of the environmental problems represents a symbolic kind, characterized by uncertainty and conflict. Who has the legitimate power to impose the framing of the problem, barricading themselves behind the alleged neutrality of the scientific data (Majone 1989), would deny both the uncertainty and the conflict, denying with them also the essentially depoliticized, and with strong expression of interest, nature characterizing technical standards (Lascoumes, Le Galès 2009, 26). These latter would depend indeed by the balance of power within society among actors of an economic nature, but can at the same time relying on a universal legitimacy based on technoscientific rationality (Borraz 2009, 38).

Public authorities would delegate to private or semi-public actors the task of issuing constraining rules, keeping for themselves only the final decision. This model of "technological democracy" or "diplomacy of the technicians" «is all the more legitimate, apparently, because accompanied by references to the democratic nature of the process of norms elaboration, and to scientific and technical data on which those norms are based» (ibid, 39 – 40). The negotiation bases its claim of legitimacy on the fact that the exchange rests on the use of expertise, and that therefore the agreement states objectively what is right. However, it is mainly the large industrial interests to have the resources to mobilize scientific data, as well as having a direct interest in normalization, and therefore they are the very provider of data from which discussions start, while other players in the contract, including the same public authorities, often find themselves in a situation of dependence from the leading data providers. Although being the product of a compromise based on political criteria and power asymmetries, the binding agreement is shown in a form that makes visible only the presumed consent based on objective technical elements, depoliticizing the choice whose legitimacy is no longer sought in the accordance of the action with core values, but in the proper functioning of the procedures governing the interaction towards consensus. This would happen in particular through the emphasis on quantification and measurability of problems, which on one hand would provide policy makers with the supporting and legitimizing
arguments of scientific objectivity, hiding, on the other side, the selection of problems, of data considered relevant and of regulatory criteria guiding those choices. So spreading a vision taken for granted and thus subtracting it from the democratic public discourse, resulting in a power delegated to an elite group of experts that monitors the legitimized production of knowledge.

According to Beck (2000), the industrial society was characterized on the one hand by the specialization of scientific knowledge and political action, both kept separate from civil society, and on the other by their clear division of labour. The result is a differentiation between the political-administrative system and the technical-scientific-economic one, in which the latter, albeit determining the first, is considered to be non-political and therefore beyond the control. This distinction would find its justification in the assimilation between technological and social progress, resulting from the assumption that scientific innovation and economic investments increase the collective well-being, while the negative consequences that they determine are justified as negative externalities of improving the standard of living (Davies 2010).

Under the guise of progress, science and economy would therefore been excluded from the democratic legitimacy and made immune to criticism. Allasino (2004) points out that the most powerful weapon to hold off claims from the bottom are just the technical skills: "whether it is road works or petty crime, traffic or electromagnetic pollution, it is easy for the government or for large business to oppose a specialist language, scientific expertise, masses of data, or simply ensuring of acting for the best". It is assumed that the reasons of the data providers are the valid one, that the certification given by the official numbers is that of the public utility (Porter 1991), according to the "auctoritas non veritas facit legem" (Nicoletti 2012), not considering the resistance to respect the right of access to data.

Environment is one of the issues where it is more evident the conventional nature of the "government through numbers", highlighted by the studies on the quantification which refer, among others, to the work of Hacking, Porter, Desrosières, Miller and Espeland. According to Perry-Kessaris (2011), commodification, mathematization and quantification would be in fact, respectively, the regulatory, analytical and empirical side of the choice criteria of economic imperialism, and in particularly of neoliberalism, on every corner of society. Indicators and standards would be in fact central to the spread of neoliberalism as common sense, that is to say for its progressive transformation into taken for granted, because of its indisputable objectification (Thévenot 2011).

Thus in the case of environmental conflicts a dual inequality can be found: in addition to be exposed to environmental and technological risk far greater extent than other groups, who suffers the collateral damage of the policies governing this area of public action is also excluded from the decision-making process that is closely related to their own rights, lacking a real opportunity to influence the selection of the indicators given by who have the power to establish the "legitimate
numbers” to whom is usually seen as a passive recipient of the technical information provided from above, that is to say who is more locally involved in technological risk (inhabitants, workers).

Furthermore, where the process involves technicians and experts, not democratically legitimized but by virtue of their expertise, the risk is of an even greater discretion, as generally it is believed that this is dictated by reasons of scientific rationality that may indicate the institutions what to do for the best, without falling into the conflicts and incompences proper of democracy. The main risk is not so much to incur in the technical discretion, but not to recognize the existence of such a discretion, naturalizing choices that are political, but not recognized as such and therefore exempt from controls, checks and balances to which are subjected other political choices, on the base of an appeal to external and undeniable technical constraints, referring to "necessity".

5. Strategic issues, necessity and state of exception

Yet environmental legislation that comes out of the framework of European directives in the second half of the ’70s prescribes, for public choices involving a dimension of risk variously interpreted (building, infrastructure, industrial policies), the use of decision-making procedures minimizing ambiguity and discretion, ensuring the most possible protection to human health and habitats. This requires, among other things, to go beyond the traditional representative model, in which who gets the popular investiture also has the right and duty to decide quickly in order to demonstrate his operating skills, and to reconcile rather decision models usually seen as opposed, such as those of "technocratic" evaluation and monitoring, expert and independent from political pressure, and of participatory engagement of all possible stakeholders, even those awkward or with less political weight as local not organized populations.

Italy, albeit with serious delays, has implemented a similar approach. Nevertheless, over the years, there has been cases in which, for reasons of necessity and urgency, emergencies, considerations relating to the national interest or the strategic nature of certain sectors, companies and public choices, delegations, exemptions and simplifications compared to the usual procedures have been used, in order to allow a better and quick response to conditions presented as extraordinary, similar to the concept of “state of exception”.

At the occurrence of exceptional situations, Schmitt (1972) noted, rules, protections and guarantees applicable to “normal” situations are suspended in a way provided within the legislation itself. In this way, as noted by Agamben (2003) who has recently resumed the concept, the state of exception is outside the legal system, and yet belongs to it, suspension of the right paradoxically legalized: power as a pure political decision in the sense of Schmitt, but proceduralized to legitimize itself in the sense of Luhmann, suspension of the current order made by the same authority that should be the guarantor of its respect. Exceptional cases, or presented as such, there is no shortage: major events, international terrorism, pandemics, public order, immigration, hydro-geological instability, more or less natural disasters, waste emergencies, and above all, more topical and explosive than ever, economic and financial crisis (Montedoro 2012). As there is no shortage of derogations/exceptions which, from within the “normal” order, are provided in an equally exceptional way: deregulation, special commissioners for emergencies, extraordinary simplified procedures, abuse of the trust issue, decisions required by suppositories impositions from markets and the European Union.

It is indeed remarkable that, often, the derogations from European environmental system are rhetorically justified as necessity to respond European impositions concerning criteria of economic development. That of economic growth has always been one of the primary reasons for the identification of moments requiring exceptions. At the height of the crisis, for example, the Finance Act 2011, emphatically called "Save Italy Decree" in order to point out its exceptional nature, permitted even to company negotiation to derogate in pejus to the protection provided by the Civil
The preeminence of economic necessity on standard procedures is at a maximum in environmental issues, usually conceived in terms of trade-offs with respect to economic choices, as evidenced by the financial crisis of recent years and the genesis of the equally emphatically called "Unlock Italy decree". If a source of exceptionalism is based typically in the industrial field on the contrast between economy (essential) and ecology (expendable, with the case of Ilva in Taranto, and the consequent "Save Ilva decree", as a paradigmatic example among the most recent), another area in which the logic of the development seems to prevail over ordinary environmental legislation is that of major strategic infrastructure.

Reference is, in particular, to the l. 443/2001, "delegating to the Government in matters of infrastructure and strategic installations of production", wanted by the government Berlusconi II and known as Legge Obiettivo (Objective Law, implementing decree D.Lgs 190/2002), which provides a strong return to decision centralism within the design of large projects considered of strategic interest (TAV Turin-Lyon, Strait Bridge, Third Crossing, MOSE, doubling of Frejus), reporting all decisions to the Government and by-passing the confrontation with local authorities. Art. 3 provides that the preliminary designs of these infrastructures are not subject to the Service Conference, but only the final draft has to pass through merely investigative conferences "that do not change, as expressly stated the norm, the location and the essential characteristics of the works" (Ferruti 2002). Paragraph 3a allows, at the discretion of the Government and in order to further streamline the process, to derogate also from this rule by providing that "an alternative approval of final plans can be arranged by the President of the Council of Ministers, after consideration by the CIPE (...) With that decree are declared the environmental compatibility and the urbanistic localization of the intervention as well as the public utility of work; the decree replaces any other permit, authorization or approval under any name, and allows the realization of all the works and activities under the approved project".

The aim is to streamline the decision-making process at the central level, bypassing both tiresome negotiations with the local authorities, and the environmental evaluation. On these nodes the "exceptional" legislation was soon declared illegal: on the first point, the Constitutional Court declared the unconstitutionality of some articles of the Law and its implementing decree, for breach of the regional and administrative rights provided by the Title V and the principle of subsidiarity; on the second the European Commission declared it contrary to the directives on environmental impact assessment, opening an infringement procedure against Italy. In addition to these formal sanctions, the norm has been criticized from many other aspects, primarily for "the legal concept of the general contractor conceived as dominus of the entire work", private entity, assuming the role of controller and controlled, with vast para-statal powers (Fubini, Ravazzi and Sutto 2007) to which comparable responsibilities, covered by the State, do not correspond.

Nevertheless, the extraordinary procedure has never been questioned by the following governments, but it seems rather to have been the model for other exceptional interventions multiplied with the advent of the financial crisis, first of all the 2008 "anti-crisis decree". This latter identifies strategic infrastructure as spearhead for the recovery from the financial crisis, and in the light of what was already provided by the Legge Obiettivo provides, in art. 20, "Special provisions for the speeding up of the executive procedures of projects included in the national strategic framework and symmetrical changing of the system of administrative litigation in the name of the particular urgent reasons connected with the contingent and financial situation". It is again a simplified process for works deemed as "primary for the economic development of the territory and the implications for employment" (paragraph 1), with the assignment for these works of a commissioner who can replace the concerned administrations, and the impossibility for the TAR to stop the works in the event of an appeal against the acts of the commissioner himself. Local administrators and movements are strongly worried by the democratic emptying coming out the provisions in paragraph 10bis, according to which "the approval of the projects replaces in every respect any acts
of agreement, opinions, concessions, even building, permissions, approvals, authorization, provided by state and regional laws. If one or more administrations have expressed their dissent in the Services Conference, the state administration (...) nonetheless takes determination to end the proceedings of works' localization. In the event that the determination of the conclusion of the proceedings of the work localization is not achieved because of the dissent expressed by a state-level administration responsible for the protection of the environment, landscape and territory, the historical and artistic heritage or the protection of health and public safety, or by the region concerned, it shall apply the provisions according to which the interests of the State assumes primary and ruling character transcending the possibility of appreciation of the local planning authority". To the extraordinary commissioner, in addition to supervision, are also attributed powers of substitution, being able to adopt measures that would be proper of the administrations concerned. Thus immense powers for the Commissioner, that in the opinion of many scholars would avoid the normal democratic protections in the design of works identified as strategic to the discretion of the Government (Sandulli 2008).

Using once again the TAV as an example, after the clashes of 2005, the Government decided to remove the Turin-Lyon from the Legge Obiettivo, but this has not configured a greater popular power over matter, though the decision-making was continuously rhetorically presented as at last open to local engagement. Thus, depending on the balance of power, during periods when the opposition to the TAV has been stronger there would need to show the process as completely new within the ordinary procedure, whereas at other times the promoters have had greater discretion in trying to impose again the extraordinary procedure with all its decisions already taken, starting with the layouts (Lastrico 2015).

Such discretion is made possible by the fact that, even after the abandonment of Objective Law, the policy-making remained completely closed in what Sutto (2010) calls "command room". They are in fact in a few to hold the power to move from one procedure to another: some have a margin of discretion which allows to use the procedures in a flexible manner and some others has only to respect them, some decide that we are in a state of exception, when it is appropriate to use the exception, who are able to move within the exception and who have only to suffer it.

6. Local conflicts and the double exceptionalism of neo-liberalism

Following the institutionalist vision of right, common to Schmitt and Santi Romano (Pietropaoli 2012) in opposition to the normativist one embodied by Kelsen, sovereignty would reside into something more than mere rules, in the actual functioning of social organization. On this basis, Romano (1918) states that it is the necessity, not the norm, to be the original source of power (Tarantino, 1980), and that sovereignty has to be identified with its origin (Tenuta 2013). Similarly, for Schmitt (1972, 33), "sovereign is who decides on the state of exception", who has the monopoly of ultimate decision: the real sovereignty, therefore, usually constrained in its ordinary exercise, resurfaces in exceptional cases. So that the normal case "does not prove anything, exception proves everything; it not only proves the rule: the rule itself lives because of the exception" (Schmitt 1972, 41), revealing the true essence of state sovereignty usually latent and denied, regardless of the degree of engagement formally present. The possibility of suspension of the right creates the right, thus is not so much the moment of the exception, but the same possibility that the exception might occur, to give extraordinary powers to the institution embodying the "sovereignty of emergency", and therefore, following Schmitt, sovereignty tout court. It is the necessity to determine where sovereignty actually can be found, even when the legal systems place it elsewhere (typically, in democracy, in people). The prevalence of a power (holder of emergency sovereignty) on the others (holders of established sovereignty) would remain latent regardless of legal system provisions. Ready to recur not only in exceptional cases, but also to impose new ones (power to decide not only
within an ascertained state of exception, but also to decide that we are in a state of exception) in order to offer itself as necessary power.

In this respect the sovereignty of exception, that is the true latent sovereignty, can be found much more often than only in emergency situations, such as wars or economic crises, that would work only as a multiplier of possibilities for new exceptions, for the creation of a permanent state of exception; because, in fact, important decisions have always been taken outside of popular power (Scotto 2008). The interventions giving life more and more frequently to local environmental conflicts are typically among such important decisions, for their strategic nature with respect to the objectives of economic growth, which have to be kept rigidly separate from public scrutiny and transferred in an extraordinary way to institutions only indirectly democratic, when not only and openly technical. To be set aside in these cases is the same representative principle formally behind every decision, although not only the rhetoric, but also the legal norms, more and more often formally prescribe to ever exceeded such representative principle towards a more direct engagement of the territories and of the same recipients. The economic crisis would function, also in this case, only as a powerful legitimizing multiplier for trends already in place, within that permanent state of exception that is the neoliberal vision currently at work.

Neoliberalism, even though usually described as a form of State withdrawal from many issues left to individuals’ freedom, so representing an opportunity for citizens’ participation and power devolution towards the local level, would actually represent an increase in forms of State intervention and control (Gibbon and Henriksen 2012). Using the issue of local environmental conflict as a vantage point, the paper aimed to analyze what forms this control may take, finding they are attributable to two scenarios. The first is an explicit form through which democratic guarantees are bypassed through simplified procedures and power centralization, justified by economic necessity and urgency, centralizing power in the hands of Government, at the State, EU or supra-state level. Not only in economic and social policies, but pervasively on every aspect of society, and especially in sectors seen as strategic for quantitative growth (education, infrastructures…). Such form is analyzed by applying to concrete cases the analytic tools of “state of exception” literature (Schmitt, Agamben...), of which economic necessity is a classic case.

The second form of power is the implicit one, related to Foucault’s concept of “government at a distance”, through which neoliberalism would impose its values using the soft weapon of economic expertise, in particular through measurement of everything, starting from individual, organizational or State performance. Reference, in this case, always applied to concrete cases, is the literature on “government through numbers” (Porter, Power, Miller, Espeland, Desrosières…), according to which neoliberalism needs to quantify every life aspect, decontextualizing and thus depoliticizing numbers (Sukys 2010; Lohmann 2013). The two manifestations of neoliberal power would support each other, creating a sort of post-democratic power in the sense of Crouch. On the one hand standards, measures, ranking, rating, benchmarking, GDP, spread, etc. would be instrumental to power centralization (Bruno 2009), technical devices allowing a power revolution without major institutional changes (Rouvroy and Berns 2010; Hansen and Porter 2012), whereas on the other the power centralization would allow perpetuation and legitimization to quantifying normalization (Berland and Chiapello 2009).

Behind the two neoliberal power there would be the same strength to impose to consciences. There are several studies on neoliberal quantification as bio-political power structure devoted to the creation of “governable individuals” (Miller and O’Leary 1987), example of power a là Foucault, able to forge a Homo Liberalis mentality (Lambert and Pezet 2012). Neoliberalism therefore becomes an internalized self-discipline, more than an external pressure against to which one can resists (Poppy 2013). Actually, something similar would happen also in the visible form of power. Indeed even in this case we can find a tacit acceptance of neoliberal recipes as almost natural, that we cannot do otherwise given the necessity and urgency situation dictated by crisis. Hence the category of state of exception comes into play, especially because, thanks to numbers suitable to
demonstrate such necessity, exception is actually transformed into a usual decision-making tool, technique of government, “secret weapon of power” (Cabiddu 2010), so much so to get largely internalized determining even the shape reactivity against this state of things can assume (Espeland and Sauder 2007). Thus neoliberalism would be naturalized in common sense (Thévenot 2011; Krever 2013), becoming the hegemonic framework taken for granted within which even opposing movements are forced to move (Davis, Kingsbury and Merry 2012).

In front of the delegitimization and the rigid opposition between experience (irrational and subjective) and expertise (scientific, objective and neutral), organized civil society in environmental conflicts is often tempted by searching legitimacy using the same truth field of who has the power to impose his own standards as objective, opposed to partisanship and distrust toward politics (Lastrico 2013a; Porter 2007). The indicators in fact, from their social legitimacy and their claim to objectivity, are often able to influence not only standard-setting and decision-making, but also the opposition. This implies, however, in turn, a further step towards the unquestionable nature of technical data that should *vice versa* be democratically verified and discussed. Accepting, even for the critical sectors present in environmental conflicts (for example those related to pollutants sites), the criterion of equivalence proposed by public authorities or industrial property, can mean legitimizing an "ideology of numbers", as called by Chelli and Gendron (2013), which tends to enhance the data in favour of the environmental sustainability of the economic activity instead hiding the negative ones.

In particular, what most unites the two neoliberal powers is precisely depoliticization, which would lead to expropriation of political (especially collective) participation, without explicitly denying it but rather continuously promoting it. After the crisis of traditional representative politics, the way chosen by movements seems to be, on the one hand, participatory/network rhetoric as valid procedure beyond specific goals and collective identities, and, on the other, flattening on technical expertise considered as neutral and objective solution to political bias. Yet, both proposed solutions are not at all contrary to the meaning system and normative framework of neoliberalism, which seems to have shaped the resistance against it, probably largely invalidating any concrete possibility of deconstruction. On the hand of the transformation from critique to expertise, to accept, as many movements do, the truth field proposed by the hegemonic frame may mean helping to merely reproducing domination mechanisms instead of building an alternative (Marx 2013). On the hand of participatory rhetoric, the consideration that neoliberalism imposed economic imperialism over any aspects of society (Perry-Kessaris 2011) seems like to Habermas’s vision, to which some movements make explicit reference, considering deliberation as a solution to market imposition over the “world of life”. Thus not questioning the procedure and letting goals and collective identity in the background, together with conflict. One of the acknowledged limits of many anti-neoliberal movements seems to be the creation of new subjects through participatory tools as the aim in itself, to the detriment of achieving goals, also because of vagueness in goals required by political transversality necessary for the aggregation of new subjects. The “deliberative imperative” (Blondiaux and Sintomer 2012) often seems an attempt to overcome difficulties in constructing collective identity, due to capitalism passage from industrialism to informationalism, just using tools arising from this passage: horizontality, networking, communication arenas. The doubt is if participatory tools, rather than creating a new kind of collective, would reproduce precisely the model created by the changes in work and welfare, identified as causes of the end of collectives, i.e. that of “collection of individuals” (Castel 2003) confined in privatism, spaced out by multiple, temporary and superficial campaign mobilizations. Therefore even participatory rhetoric seems to fully fit neoliberal model (Formenti 2008; Lastrico 2013b), and network to be an hegemonic interpretation useful to the connectionist and individualist “new spirit of capitalism” (Boltanski and Chiapello 2005; Borghi 2011).

Thus, contrary to theories closer to these forms of democratic experimentalism, according to which “remedy to participation problems is more participation” (Dalton, Norris, Inglehart...), the flattening
on expertise and participatory rhetoric, used by certain movements, would do nothing but increasing neoliberalism hegemony, according to which “the only remedy to neoliberalism failures would be even more neoliberalism” (Davies 2010).

In this gloomy picture, however, should be underlined that the movement arose within local environmental conflicts have distinguished themselves over time as quite different from many other temporary and superficial campaign mobilizations. Not only for the fact that, in these cases, the direct goal is clear and strong (opposition to the contested choice), but also for the indirect political goals and collective identity constructed over years of struggle. What are so often called as NIMBY movement, actually have become explicitly and markedly anti-liberalist, claiming for a different economic development model (de-growth), linking this with a claim for a more participatory decision-making which is not only a contingent rhetoric vogue (Lastrico 2012). Even managing to influence, by their action, the institutional politics. Taking once again the TAV conflict as an example, we can find recently a quite narrow relation between No-Tav Movement and the new “non-party” Five Star Movement (M5S). The attractiveness of M5S for the movement would be dictated by the fact that it is quite the only remaining political subject, after the near disappearance of the radical left, fully adherent to movement’s direct goal (no railway construction), and the only ever likely to support movement’s political goal of overcoming representative democracy. On the other side, the attractiveness of No-TAV movement for M5S would be dictated by full adherence on the ground of movement’s direct goal, and by political opportunity on the ground of movement’s political goals. M5S's position about what direct participation and de-growth really mean is very often unclear, probably adapting to the target audiences (not previously politicized individuals, former left-wing activists, small entrepreneurs, No-TAV movement, and so on), in a very populist way. It look like as, in this particular case, the subject which needs vagueness in goals and in collective identity, in order to enlarge the potential affiliation, is not the social movement in search of a favourable political opportunities structure on the ground of party politics, but the political party (even if an absolutely anomalous party like M5S) in search of a sort of “social opportunities structure” on the ground of successful social movements.

This does not mean that such a kind of movements are able to reverse the trend with respect to evidence on the oligarchic way by which decisions are made on strategic issues around which is painted an aura of necessity and exceptionality, promoting at least in their narrow field a true popular power that does not even exist in areas much less complicated from the point of view of democracy, and in which at least the representative principle is respected. But it is something, after all, a starting point, in a context where, vice versa, many other areas of the "people" seem to have largely introjected the neoliberal recipe of democracy without people.
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