“You, you are in the emotion. Me, I am in the management”. The delegitimization frames of citizen protests. The case of a French bill about immigration

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Summary : “The working of words upon action is the basic political action” (B. De Jouvenel, 1963). The argumentative turn in policy analysis led to take into account the place of language in public action. Many works have thus focused on how the formulation of a problem might weigh on its resolution and on the struggles about this formulation. Others have focused more attention on the modes of justification of a policy among citizens, on how these public actions are ‘sold’ to the public citizens. Few studies, however, have dealt with reactions and counter-reactions that these modes of justification might provoke, about how policy makers react to criticism and protests that raised against their policies. In this paper, we would like to dwell specifically on the delegitimization frames which are used by policy makers against citizens’ protests. This work is based on the study of the mobilizations generated by a bill on immigration in France and on the answers of policy makers to these mobilizations. The analysis is based upon press data (written as well as tv datas) and a series of interviews with the various protagonists of the protest. It is also an opportunity to ask how might be articulated the argumentative turn in the study of public policy and the argumentative turn into the sociology of collective mobilizations.
“You, you are in the emotion. Me, I am in the management. You, you were probably right to say: “We demand to have a little more information”. What I want now is clarification. The Prime Minister has said, “things must be appeased.” There are moments for emotion and there are moments for understanding. Would it be possible to have an “understanding” together?” (Eric Raoult, then Minister for the urban policy and the integration, speaking at a televised debate with Cedric Klapisch, a French filmmaker, Polémiques, France2, 16/02/1997).

In February 1997, a group of young French filmmakers are appealing to disobey certain articles of a bill, called "Debré Bill", which aims at limiting immigration in France, if this text were to be voted. This call was soon echoed by various other professions, by a leading French daily quality paper, Libération¹, and then, among others, by the French League for Human Rights which agrees to be the receptacle of any individual commitments. This controversy gives rise to many debates, especially on television. During one of these, Eric Raoult, then French Minister for the urban policy, returns Cedric Klapisch, one of the initiators of the filmmakers appeal, its status as a filmmaker playing on the emotion while he, politician, should support management.

Such scenes may seem very trivial. It is found as soon as a set of citizens, individually or collectively, are mobilizing against a proposal brought by governmental authorities and as soon as the said government authorities are forced to justify themselves. However, we can find three interests to this case from the point of view of an argumentative turn in public policy.

First, because despite its banality, despite the fact that it seems to very directly correspond to the concern advocated by this perspective to take into account the place of language in public action, it has not hitherto attracted much attention from this paradigm. Indeed, many works from the argumentative turn in policy analysis have focused on how the formulation of a problem might weigh on its resolution and on the struggles about this formulation. Others have focused more attention on the modes of justification of a policy among citizens, on how these public actions are ‘sold’ to the citizens. Few studies, however, have dealt with reactions and cons-reactions that these modes of justification might provoke, about how policy makers react to criticism and protests that raised against their policies, about the argumentative mode they might use in order to reduce the protests. In this contribution, one would precisely like to focus on the delegitimization frames used by public decision-makers against citizen protests using an empirical case which might be shown as not so specific (Contamin, 2001).

The second interest holds more specifically to the reasons why specialists of the argumentative study in public action tend to pay few attention to these types of controversies: the fact that those situations actually are at the frontier between two sub-disciplines, the sociology of public action and the sociology of social movements. On the contrary, according to us, this intermediate status makes these situations particularly fruitful. Indeed, just as the study of public action was living his argumentative turn, the sociology of collective mobilizations was partly living an identical turn: against the structuralist explanations of social movements, some other types of explanations have emerged, which were giving more

¹ To indicate the importance of this mobilization, rather unique in recent French history, it may be recalled that Liberation has then published a 24-page supplement consisting only of names of signatories of the appeal.
prominence to cognitive elements, to acts of language, to forms of framing (Oliver et
Johnston, 2000, 37sq.; Snow, 1986). The study of this example is then also an opportunity to
question the link between these two argumentative turns, the initiators of which and the
conceptual tools of which are partly common but largely independent\(^2\).

The third point is ultimately based on the surprising conclusions that emerge from the
study of such a controversy. Indeed, one might assume that most of these confrontations
would focus on the explicit content of contests, on the arguments of each other: this is what
most often implies the argumentative turn in public policy. But, when conducting a thorough
analysis of the arguments exchanges\(^3\), one realize, that, like in the highlighted quote, most of
decision makers’ critics are less about the protesters' claims than about the opponents
themselves, about their relationship with their text–based on emotion and not on reason–, or
about their “hidden agenda”, ie, to use the analytical distinctions proposed by F.Schon and
H.Gottweis\(^4\), more about rhetoric than about “rational” arguments.

It is actually possible to distinguish four main registers of delegitimization that are used
by the members of the polity against protest actors. A cognitive register, which rests on the
delegitimization of misinformation: "they do not know what they are talking about". An
intentional register, which rests on a delegitimization by suspicion: "they do not do what they
are saying". A representative register, which rests on a delegitimization by marginalization:
"they do not represent what they are supposed to represent, and they represent very few
people". And a procedural register, which is based on a delegitimization by principle: “they
simply are not legitimate representative since they have not been elected”. A quadriology
which is assumed to be far more generalized than this only case.

As many registers of delegitimization that, ultimately, provide public actors with
expedients not to answer substantively to opponents ... if these strategies work.

\(^2\) Martin Rein and Donald Schon (1993), as David Snow and his team (1986), share some common references
(Goffman, Gamson), but not all (Bateson, for example), and do not cite each other. Similarly, when proponents
of the argumentative approach in public policy (Roe, 1994) and specialists of collective mobilization (Kane,
2001; Davis, 2002, Passy and Giugni, 2005) are using the same concept of ‘narratives’, they are largely ignoring
each other. Finally, when F.Schon and H.Gottweis are making a long list of sub-disciplines involved in the
argumentative turn in public policy, they do not cite works about collective mobilization and social movements:
« it includes work on social constructivism, practical reason, deliberation, discourse analysis, interpretive frame
analysis, rhetorical analysis, semiotics, performativity, narrative storytelling, local and tacit knowledge, the role
of expertise, and participatory policy analysis » (2012, 8).

\(^3\) The analysis is based on a thorough analysis of media (written sources, but also audiovisual ones), on an
analysis of the archives of the “Société des Réalisateurs de Films” -an institution which was in charge of the
diffusion of the filmmakers’ appeal- and on a series of interviews conducted with the main protagonists of the
protest.

\(^4\) About this distinction, see Fischer and Gottweis, 2012, 10 (“Rhetorical argumentation seeks to combine
logical, propositional argumentation with an appreciation of the speaker and the audience, as well as the role of
emotion in the persuasive process”) and, more precisely, H.Gottweis’ contribution to this book, when he
explains that the “politics of persuasion” involve not only arguments, but also arguers, images and the
presentation of self.
I-Substantive Critics or Formal critics: The argumentative turn in public action revisited

"Our country is supposed to be Cartesian. One might doubt about that, seeing some artists and intellectuals who catch fire about illegal immigration. Refusing any immigration control! And calling to disobey the laws! "(Pierre-Andre Wiltzer, then center-right MP from Essonne (Paris suburbs), Le Républicain-Journal de l’Essonne, 27/02-5/03/1997)

Works from the argumentative perspective in public policy distinguish two main argumentative strategies: those which aimed at the conviction of the interlocutors and those which aimed at their persuasion, with a particular emphasis on the fact that argumentation is not limited to logical arguments, or at least, that in an increasingly "complex" world, it could less and less be limited to them. Still, in these two ideal types of argumentation, the goal remains the same: to achieve a minimum consensus around a set of proposals by advancing a set of substantive arguments.

What might surprise therefore by analyzing the highlighted citation is that what is in stake is not the merits of the arguments put forward by opponents but the very legitimacy of them to protest. The concerned MP does not only express a simple political disagreement, resume "objectively" the views of the protest actors to oppose them. He offers an interpretation which tends to caricature and delegitimize the opponents. First, by restricting the group of opponents to "some artists and intellectuals", even though many of those who have signed are trying to deny this label. Then, by summarizing their demands to the refusal of any immigration controls, even though some of the signatories are defending a strictly inverse conception. Finally, by opposing the “cartesianism” of France to the emotion of the opponents who “catch fire”, even if, according to some opponents, it is the government which tries to play on emotion. Criticism tends to attack the opponents themselves rather than what they are saying implying that who they are would almost delegitimize what they are saying.

But what is striking when considering all the controversy surrounding the Debré bill is that this way of arguing, far from being the exception, is the norm. Protest actors are most often stigmatized about who they are or about the way they are protesting and not about what they are saying, as if their demands were ultimately peripheral. Proponents of the argumentative turn in public policy have emphasized the need for policymakers to better take into account the requests and information from citizens, to pay more attention to them. What we want to show is that this shift can also be read in reverse: as the development of “new” argumentative means that policy makers might use not to take into account the citizens' demands.

It can be noted that this intuition has already widely been documented by focusing on a special figure of this type of argumentative delegitimization: the NIMBY (“Not In My Back Yard”) effect. A resident too much concerned by the implementation of a program of public action would be illegitimate to oppose since his opposition might be considered as

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5 On this syndrome, its uses and limitations, see, e.g., Jobert, 1998.
the simple desire to defend his own interests, to defend his back yard. However, what we would like to demonstrate is that this NIMBY effect is just one among many argumentative tools used by policy makers for not taking into account requests from ordinary citizens, and that this NIMBY effect must be put in perspective with the general architecture of these delegitimization frames.

Indeed, in this case –like in other cases we have studied⁶–, a quadruple delegitimization register regularly appears which is less focusing about the claims themselves than about the claimers. A cognitive register, that of misinformation, when, for example, P.-A.Wiltzer is blaming the ignorance of the petitioners, their irrationality, the supposed unintentional perverse effects of their action. An intentional register, that of suspicion, when he is suspecting the “real” motivations behind those they seem to promote : the abandonment of all immigration control behind the fight against a specific article of a bill. A representative register, that of marginalization, when he is questionning the real extent of the supports to the claims, when he’s reducing this support to an homogeneous and, in his eyes, devalued group : “artists and intellectuals”. And, finally, a procedural register, that of the principles, when he is opposing the protest to the laws as product of a legitimate process. Rather than blaming the opponents for what they are saying, he is blaming them for not knowing what they are talking about, for not doing what they are saying, for not representing what they are supposed to represent, and/or for not being elected representative. Four registers that are more or less used according to the publicity standards to which each context of utterance is subject and according to the position of those who criticize and those who are criticized.

II-“They do not know what they are talking about” : the cognitive register or the delegitimization by ignorance

The first delegitimization register, the cognitive one, seems to be the closest to that of a substantive critic, but it mainly corresponds here to a questioning of the cognitive abilities of opponents. Indeed, what policy makers first reproach petitioners is that they might disregard at least some of the ins and outs of the issue on which they are protesting : they would sin through ignorance. This way of delegitimating might be declined under different arguments which are more or less respectful towards opponents.

I-Ignorance, as a communication problem

At one extreme are those who satisfy themselves with reminding opponents some piece of information that could have failed them. Thus in February 1997, P.Douste-Blazy, Minister of Culture and Communication, in the presence of several opponents to the Debré bill, begins by acknowledging that "artists, filmmakers, actors are in their role", then attempts to convince

⁶ For a particularly revealing example since it goes back to the revolutionary period and, perhaps, to the first modern use of petitioning in France, see Contamin, 2003 and Contamin, 2005.
them by reminding:

- some procedural elements: "First, it is not a law, it is a bill. Discussion in the Assembly, in the Senate..., it will come back to the Assembly and then come up in the Senate";

- some factual elements: "The problem is that there are two channels of migration against which we are powerless: immigration by boat and housing (...) Two days ago, we have found thirty Chinese who were working as slaves in an apartment in the Paris suburbs" *(Bouillon de Culture, France2, 14/02/1997).*

At the next stage, opponents are less blamed for their unfounded suspicion than for their irrationality, their errors in reasoning. "Amalgams" and "confusions" are denounced. Confusion, in this case, between legal and illegal immigration, or between the fight against the Debré bill and the fight against the National Front: R. Muselier, a rightist MP, is denouncing by instance the "approach that begins with Châteauvallon, the little freedom train for the defense of culture - and God knows how one can subscribe to this topic-. One slowly comes to the problem of Vitrolles. Then is arrived the National Front, and amalgams are finally made with the Pasqua and Debré laws etc. ... Even if there is absolutely no link with that *(Le Monde de Léa, TF1, 18/02/1997).*

The supposed unintentional consequences of these amalgams are then criticized: A. Juppé (25/02/1997), Prime Minister, is thus warning "those who, (...), often with generous intentions, are mixing legal immigration that has its own place in France, and illegal immigration that does not and who refuse to enforce laws against it. Don’t they play, against their will, the game of those they are fighting? I ask them to think and not to forget the goal".

Collective action remains then considered as the result of a "communication problem" which simply would require a better explanation. J.-F. Mancel, then General Secretary of the majority party, echoes this hypothesis when he explains the diffusion of two million tracts as a way to "explain the merits of the text, which provides an answer to the fight against illegal immigration" and "in the full respect of human rights and human dignity" *(Figaro, 22-23/02/1997).*

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7 There might be useful to develop a sociology of the use of "amalgams" in public debate. Not, of course, in order to find all amalgams supposedly used by the discussants and to judge them, but by questioning the recurrence of this stylistique figure in the speeches of all participants. Discussions around the Debré bill are in this regard symptomatic since each protagonist – majority members, opposition leaders, protest actors- comes to criticize, in various forms, the different “amalgams” present in the speech of others.

8 It might be recalled that the filmmakers’ appeal is released on 12/02/1997, three days after the National Front has won for the first time a mayoral election, that of Vitrolles, with an absolute majority, and in a period where artists are mobilized to prevent the National Front mayor of Toulon from ousting the manager of the Châteauvallon theater, G. Paquet.
2-Ignorance, as an information problem

Conversely, in the next step, the burden of proof seems to be turned over: public actors do not any longer regret their inability to better explain the project, but they stigmatize the insufficient efforts of the opponents to learn or think, their guilty ignorance.

On the one hand, some elected officials accuse the opponents, more or less ironically, not having read the text against which they are protesting. E.Raoult is therefore questioning the knowledge of his interlocutor, C.Klapisch, on an impersonal tone which strengthens the teacher-student relationship it tends to create: “Does he read the Debré bill and does he know what is a certificate of housing?”  He finally concludes: “you should have read it [the bill]”.

So, the reaction of petitioners who are supposed not to have read the text against which they are protesting cannot be interpreted in terms of argumentation. Opponents are then stigmatized as reacting under the influence of emotion, as if their mobilization was a single eruptive movement. Ph.Douste-Blazy is for instance explaining: "on the one side, I understand the emotion, but on the other, I say that politicians must be totally responsible towards illegal immigration. (...) Let's talk about the articles, outside of any passion, according to reason "(Bouillon de culture, France2, 14/02/1997).

Opponents are then returned to their own cognitive failure. They are opposing because they do not know, they do not think, they have not made the effort to learn or think. The "communication problem" is just an euphemistic way to denounce a problem of ignorance.

Still, this difference in degree hides a common register of delegitimization: it is a way to oppose the ignorance of petitioners who are just full of good intentions to the knowledge and experience of professional politicians, who would be the only persons authorized -in both senses of the term (unabled and capacitated)- to take over in its entirety and complexity a political problem.

Thus, even if the criticism is about opponents’ arguments, it is not first about opponents’ ideas, but about failures which might explain such a wrong reasoning: in the “best” cases, a failure of the authorities who would not have provided petitioners all the necessary

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9 We thus find what are, according to W.R.Freudenburg and S.K.Pastor, the three main a priori upon which the NIMBY theory is based: the distrust of the local population (because it lacks of information), its ignorance (because it ignores the facts) and its irrationality (see Freudenburg and Pastor, 1992). However, these delegitimization frames are not unique to the NIMBY effect.

10 And the Minister to continue on the same impersonal way: “A case in point: Cedric Klapisch wants to bring a friend from another country. This buddy will receive his visa if we, we give the proof of housing. The mayor will give an indication, his approval. Specifically, why do we make this reform? Cedric Klapisch is an honest guy. If we have some difficulties to answer to these housing certificates, it is because sometimes there are less honest people, people who give a lot of housing certificates, which might often create a capital problem of housing overcrowding” (Polémiques, France 2, 16.02.1997).
information for a clear judgment; in the "worst" cases, a failure of the opponents themselves, rejected either in ignorance, either in irrationality and emotion. But, if opponents are not ignorant, according to policy makers, they might have some hidden agendas that make them deny the evidence.

III—"They do not do what they say" : the intentional register or the delegitimization by suspicion

In this case, what is criticized is not some "misunderstanding" but some "bad faith", from the opponents themselves or from those who have mobilized them. According to this rhetorical argument, protest actors, far from wanting what they seem to ask for, have an hidden agenda that make them denying the obvious. At least this is what policy makers want to make believe in adopting this delegitimization register that can be described as "intentional".

This register might be unfolded into two moments.

Initially, opponents’ errors are reclassified as "intentional errors", ie as "lies" or "hypocrisy". For instance, when Jean-Pierre Thomas, then right-of-centre MP, explains to the signatories of the appeal against the Debré bill that it is “a bad case against a serious text” or that they know “very well at the bottom of [themselves] that we must fight against illegal immigration”, he stigmatizes less the pseudo lack of knowledge of the opponents than what he considers to be bad faith (Polémiques, France 2, 16/02/1997).

It remains to understand why these opponents resort to such methods. It is this causal attribution that is part of the second moment of the intentional delegitimization framing. When critics of protest actions are highlighting the shameful intentions that underlie and justify some untruth. It is then possible to distinguish four versions of this intentional delegitimization register.

1-The ‘refusal of nihilism’ delegitimization frame

This frame is the closest to the cognitive register in so far that opponents are criticized about their lack of constructive solutions. Some of their statements are sometimes admitted, but they are accused of having nothing better to offer in exchange. This is one of the strategies adopted by P.Douste-Blazy to try to impose himself on the signatories with whom he discusses. In the very civilized context of Bouillon de culture (France2, 14/02/1997), he explains : "I do not know. What I want is that during this discussion we can make an offer (...) You have just said that politicians are not interested in that. Personally, I know we have to solve the problem of illegal immigration. As you have said, M. Klapisch. But, I would like to find a concrete and efficient solution. That's what
interests me. Because we can be indignant. I also tell myself ... somehow “But, why is it necessary to bother an immigrant?”. But at the same time, we know very well that if we allow a flow of illegal immigration, I would not have well done my job as Minister (...) How do we do to stop this illegal immigration? We cannot be the country of Human Rights and accept illegal immigration, at least for illegal immigrants themselves? ”.

But it is also on behalf of this form of delegitimization of protest action that the Socialist Party leaders allow themselves to maintain a certain distance towards this movement. For instance, L.Jospin, then first secretary of the Socialist Party, is distancing himself from the opponents; emphasizing the need to take into account both “requirements : the human rights and racism, but also the fight against unemployment and insecurity” (Journal of 20h00, France 2, 23/02/1997).

Most often, however, what is stigmatized in the intentional register is not a lack of intentions, but an overflow of intentions.

2. The 'ideological polarization' delegitimization frame

This is reflected in what might be termed, in the words of T.Gitlin (1980), as an "ideological polarization" delegitimization frame. Opponents are denounced by presenting the most extreme positions in the movement as representative of the whole movement, as if any other more moderate stance was a way to hide this only absolutist position.

For instance, the proponents of the Debré bill are justifying their condemnation of opponents’ "irresponsibility" by making them the "advocates of a France open to all, fully accepting all immigrants" (J.-L.Debré, then French Home Secretary, Debates in the National Assembly, 25/02/1997), by pointing to the "unrealism of petitioners who go to request the removal of any immigration legislation" (R.Barre, former center-right Prime Minister, Ouest-France, 24/02/1997) or by focusing on those who advocate civil disobedience, while many opponents are rejecting this mode of action (Le Figaro, the main rightist daily quality newspaper, 19/02/1997).

3. The 'politicization' delegitimization frame

Sometimes, the critics are rather focusing on the hidden political intentions of opponents: the protest action should be considered as a stroke in a more global politician strategy. This strategy of "delegitimization by politicizing" is particularly pregnant as soon as the collective action protest may be appropriated by opposition leaders.

The first temptation of the opponents to a protest action is to translate the controversy into the terms of the traditional political field, and then to seek whom of their classical
opponents are behind the action: as Paul Guilbert, journalist at Le Figaro, summarizes it, "when something like this comes, politicians are wondering where it comes from" (Polémiques, France 2, 16.02.1997).

Thus, defenders of the Debré bill are recalling that the housing certificates were introduced by the Socialists and that, during the first reading of the bill, two Socialist MPs have submitted an amendment that was very similar to the solution proposed by the Interior Minister. They wonder why there was at that time no protest against the certificates. And they conclude that there might be behind all this only a political manoeuvre of the left.

O.Darrasson, then center-right MP and administrator of the Châteauvallon theater, is proposing for instance to read the "amalgam" between Châteauvallon and the bill on immigration as the "translation of a remarkable operation of political manipulation, as only the left knows how to make it", as the work of some “real professionals in appropriation”(Le Figaro, 25/02/1997).

They are supporting this argument with explaining that all protest actors are coming from the left: from the “caviar left” (J.-P.Philibert, then center-right MP from Loire and national secretary of his party for immigration and integration, Le Monde, 18/2/1997); among the "professional petitioners from the left and the extreme-left" (J.-C. Bireau, then RPR MP from Gironde, Sud-Ouest, 19/02/1997).

4. The ‘particularization’ delegitimization frame

Opponents’ intentions are finally questioned on behalf of a last argument. Defenders of the bill are reproaching them for defending, beyond their explicit demands of a more or less general interest, some personal interests. As in this case most opponents will not directly benefit from the withdrawal of the bill, this argumentative figure is less present in this controversy than in other ones where protesters might be returned to personal, local, corporative or organizational interests (Contamin, 2001, 285sq). However, some rightist politicians present the protest as a way for some artists to get attention at low cost. For

11 These arguments are of course performative-oriented. No one knows if these politicians really think that all signatories are from the left and that they have hidden political motives that go far beyond the article of law they are challenging. No one knows if, indeed, the signatories are all, or nearly all, "leftist" and if they have really these hidden motives. One just wants to highlight the political delegitimization frames that these politicians are using to try to discredit a protest that threatens their position in the power field.

In this perspective, we are trying not to succumb to the temptation to which T.Gitlin seems to have sometimes succumbed, in believing about a "truth" of a movement and in studying and judging the political and media-related delegitimization frames by comparing them to this "truth". Rather than saying, for example, that politicians "underestimate" the number of protesters—which would require to compare their estimate to a "real" estimate- it is just possible to conclude that these politicians are trying to relativize every estimate.

12 On this way of delegitimizing a claim, see Boltanski, Darre and Schiltz, 1984, p.28, even if their argument tend to be limited to the substantial content of the claims.
instance, Raoul Béteille, then RPR MP, suggests in February 1997 that "you only need to take a look at the complacently published lists of signatories to see that the big battalions are made of illustrious unknowns who have eagerly jumped at the unique chance in their lives to see their name in the newspaper among those of few stars" (*Ouest-France*, 20/02/1997), while a press release issued by several MPs close to A.Juppé (then Prime Minister) is denouncing some "professionals of the virtual world, who prefer the comfort of their rooms and their personal publicity" (*Le Monde*, 18.2.1997).

Finally, what is so stigmatized is a form of manipulation of the opponents who think to defend some general interest whereas the protest is in fact serving some particular interests. It is partly the same risk which is denounced in the third political delegitimization register: when policy makers are challenging the representativity of the opponents, according to what T.Gitlin in another context has called a "marginalization" frame.

IV-“They do not represent what they are pretending to represent” : the representative register or the delegitimization by marginalization

In the critics towards protests against the Debré bill, the questioning of the "representativeness" of opponents manifests itself into four modes. For some, those who protest do not really represent all those who are supposed to support them. For others, they represent only themselves, a politically or sociologically too uniform group to have a weight. For others, what they represent is irrelevant towards the problem under consideration. For the latter, finally, it is simply the relative number of opponents that seems too limited.

The critics of the inauthenticity of the supports : they do not represent all those who they are supposed to represent

The delegitimization of protest actions by questioning the authenticity of the support is probably one of the oldest of all types of delegitimization (Contamin, 2003 et 2005).

In this case, this register takes two main forms. Either are questioned the conditions for obtaining the support : were the rank-and-file signatories fully aware of what they were supposed to support? Or is questioned the real heterogeneity of the views of those who are supposed to take part in the same mobilization. What T.Gitlin describes as a process of delegitimization by "exaggeration of internal dissensions".

2. The critics of the uniformity of the signatories : they are only representing themselves

On the contrary, in this case, in order to denigrate the narrow support of this action, policymakers more often choose to stigmatize the too high homogeneity of the opponents, their inability to obtain the support of those who are too different from themselves.

This is a consequence of the will to delegitimize the politicization of the protest. But this type of reductionism might take other forms, whenever the group of opponents is defined in a

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13 T.Gitlin has called “marginalization” frame the media's tendency to present the protest actors as unrepresentative deviants (see Gitlin (T.), 1980, p.27sq).
single category, often decked out with a demeaning adjective. Thus, some defenders of the Debré bill present opponents as some “real or alleged artists” (B.Gollnisch (extreme-right), Bouillon de Culture, France2, 14/02/1997); as “drudges of some underculture” (R.Béteille, Ouest-France, 20/02/1997); or as “entertainers” (J.Marsaudon, then RPR MP, Le Républicain-Journal de l’Essonne, 20-26/02/1997).

3. The critics of the lack of concernment of opponents: the NIYBY effect

When reducing the opponents to entertainers or to representatives of the only cultural or intellectual field, policymakers are not only criticizing their homogeneity. They are also questioning their ‘concernment’. Are they really concerned by immigration ‘problems’?

Their support is then contested in behalf of this argument: their opinion is not relevant because their ‘back yard’ will not be affected by the planned measures. For instance, E.Raoult invites each of the 66 first filmmaker signatories "to come and live for one month in one of the 66 ‘difficult’ districts of the Seine-Saint-Denis to better appreciate the magnitude of economic and social difficulties faced by our compatriots and their elected representatives" (Libération, 13/02/1997). Jean Marsaudon, then RPR MP and mayor of Salvigny, also explains that "it is unfortunate that those who are thus speaking will never be confronted with problems of illegal immigration" (Le Républicain-Journal de l’Essonne, 20-26/02/1997). Finally, L.Jospin, himself, explains he does not want that "there is on one side those who are afraid of unemployment, afraid of insecurity, and who feel abandoned, and then on the other side, those who would fight for human rights, those who would fight against racism, and who would seem to abandon the others or to lecture them" (Journal of 20h00, France 2, 23/02/1997).

In this perspective, opponents’ arguments cannot be legitimate because they are coming from people who do not have to suffer the consequences of the measures they are proposing or they are challenging. Even if they were representative of the field they come from, this field is not representative of the public really concerned by the problem at stake.

This form of “delegitimization by non-concernment” seems to be very widespread. For instance, according to the survey by F.Barilla (1956) about pressures upon U.S. Congressmen in favor or against free trade in the 1950s, it is this frame which governs the reception: Calls from businessmen are so accepted that they are not considered as "pressure", while claims from supposedly "non-relevant" groups as the "League of Voting Women" are in advance discredited and denounced as pressures mixing incompetence, misjudgment and vociferation.

According to C.Blatrix (1996), it is also this frame which governs a large part of the work of investigation commissioners in public inquiries since, she observes, "it is as if the only fact of being concerned by the project in question, in the sense of really being a “victim”- could really justify participation” while all other public would be considered as less relevant.

Thus, by a paradox which is not really a paradox looking at all the features of representative democracy that might seem dysfunctional but which contribute to the strengthening of the representative relationship\(^\text{14}\), decision-makers have at their disposal two double-edged swords against opponents.

If opponents are too heterogeneous, one can question the right of their spokesmen to speak on their behalf. If they are too homogeneous, he (or she) may be accused of only representating themselves, a too homogeneous group.

\(^{14}\) For a wonderful example of the functional dysfunctions of representative democracy, see B.Lacroix’s analysis on the way the “crisis of representative democracy” thematic facilitates the perpetuation of the “representative fiction” (see Lacroix, 1994).
If opponents are too directly involved in the matter, one can return them to their special interests on behalf of the NIMBY effect. If they are too lightly concerned with this issue, one can reverse them back to their own affairs, on behalf of what one might call a "NIYBY effect": it's "Not In Your Back Yard".

4. The critics of the number of opponents

This same ambivalence governs the fourth possible mode of delegitimization of a mobilization by marginalization: the denunciation of the relatively low number of protesters. Indeed, a simple change of scale may be enough to make a protest which, at some level, may appear to be relatively large, an unrepresentative one.

This form of delegitimization by "relativization of the number" of opponents may take four main figures.

Sometimes, the low absolute number of opponents is highlighted. P.Lellouche presents the appeal against the Debre bill as the result of "2000 artists and intellectuals signing" (Le Figaro, 21/02/1997), while S.Lepeltier (then RPR MP and mayor of Bourges) fears that "one hundred signatures might change the functioning of the legislative system in France" (L'Hebdo, Canal +, 22/02/1997).

Others choose a more relativistic approach by comparing the people mobilized in the protest to those who are engaged or might be engaged in the opposite direction. For instance, against the Debré bill appeal, government supporters successively oppose: the "dozen thousands of signatures in support of the Debré bill" that would have been collected by the RPR activists in one weekend (J.-F.Mancel, Ouest-France, 21/021997), what the French people say "to their elected officials when they meet them in the street" (F.Choisel, County Councillor of the Hauts de Seine, general secretary of Clubs 89, a rightist think tank, Le Figaro, 25/02/1997); or the "2000 letters received every day saying [him, ie J.-L.Debré himself]" not to be weak!" (Le Figaro, 25/02/1997).

The basis of comparison might, itself, be inspired by other delegitimizing frames so that the question of how representative is a protest cannot be reduced to a simple war of numbers. It might be inspired by the delegitimization frame by the lack of concernment: E.Raoult tries to distribute thousands of copies of a petition in favor of the Debré Bill at the markets of the Seine-Saint-Denis, where, he believes, are people who are really concerned" (Le Monde, 18/02/1997). It might be inspired by the delegitimization frame by the lack of knowledge: R.Béteille is opposing to the appeal of artists denounced as ignorant a petition in support of the Debré bill which would be signed by “MPs and mayors” (Journal de Saint-Denis, 26/02 - 4/03/1997).

Most often, however, if it is possible -that is to say, if the protest movement does not have the support of a majority of the population-, policy makers are trying to stigmatize the relative weakness of a collective action by comparing it to the only legitimate definition of public opinion in their eyes of representatives: one that could result through a vote. Protests are not "legally" legitimate because they are politically minority in public opinion.

To prove this minority position, policy makers may use two main instruments. One is most often only used as a threat because it circumvents the representative logic and can be turned against those who use it, the referendum.
For instance, to counter the opponents to the Debré bill, F. Choiseul reminds that "as a last resort, and against all possible manoeuvre to prevent [the government] from acting, there is the universal suffrage. It remains the referendum" (Le Figaro, 25/02/1997). Even if this threat was not carried out.

The second tool used to question the representativeness of a protest, the opinion poll, is from this point of view both easier and more delicate to use. Easier to the extent that the practice of polling is now widely disseminated and accepted in liberal societies. More delicate since this relative ease prevents from taking advantage of the survey results without performing it. Therefore, the risk of boomerang effect is more pregnant.

The use of polls by the leaders of the majority against the Debré bill protest is, in this respect, particularly significant of the resources and the constraints that may be associated with the willingness to give precedence to the poll legitimacy against the protest legitimacy. Indeed, this is, rather paradoxically\(^\text{15}\), the quality newspaper which supports the most the mobilization, Libération, which sponsors the first national poll on this issue\(^\text{16}\). Le Figaro publishes a Sofres poll sponsored by the Information Service of the Government only a few days later (22-23/02/1997), after having learned these initial results which reveal that 59% of questioned French people favored the article of the bill condemned by the filmmakers.

As if, faced with the risk that the poll legitimacy do corroborate the protest legitimacy, government supporters had initially chosen not to use this potential weapon. In the following days, the so-called discrepancy between the protesters and the public opinion as measured by polls is becoming a recurring, and even predominant, theme developed by the defenders of the Debré bill. This reference is becoming so essential that even the first secretary of the Socialist Party must take it into account and participate in this way to delegitimate protest actors by marginalization, recalling that “there is a contradictory reality. A majority of French people still seems, according to polls, to approve the proposed Debré bill” so that it is impossible just to remain “in a minority movement, laying down very important requirements, but against the majority” (Journal of 20h00, France 2, 23/02/1997).

This is then probably partly to avoid the risk of boomerang effect that conceals the use of the poll weapon that some policy makers prefer to use a fourth strategy to relativize the number of opponents : just to compare the opponents to the mass of those who do not protest, as if any inaction was considered as an agreement. C.Blatrix (1996, p.313) besides reminds that in public inquiry procedures, as the number of citizens’ observations is compared to the total population of the concerned municipalities, "it is as if the marginal nature of those who participate was a proof of the approval by the remained silent rest of the population” as if, ultimately, the only opponents were here to testify “the marginal nature of the opposition”.

It should however not be concluded from this examination of the various registers of political delegitimization of collective action that, if an action was initiated by individuals and groups fully informed on the issue at stake, with perfectly clear intentions and indisputable representativeness, policy makers would be disarmed.

Not only because the position of any protest action on these various dimensions is never objectively determined. One stake of the argumentative confrontation between opponents and decision makers is precisely to determine whether that action is indeed unassailable on all these points. Not only also because the criteria used by the legitimate representatives are quite

\(^{15}\) It would be possible to show that it is not so paradoxical by studying the internal functioning of this newspaper in this period (see Contamin, 2001, p.311sq.).

vague and contradictory so that it is usually impossible to a priori know whether, for example, opponents will be considered as too far or too close to the cause that they are defending. But also and especially because the representatives are still allowed to oppose the protest legitimacy their own representative legitimacy. They may ultimately try to delegitimize protests by recalling the principle of representation, suggesting how it is the very negation of representative democracy\(^\text{17}\) that some opponents might interfere into the decision process.

V-“They are not legitimate representative” : the procedural register or the delegitimization by principle

Trying to oppose a collective action another collective action is to confer legitimacy to the protest logic. Conversely, what is sometimes stigmatized is the even fact that some citizens might oppose the will of representatives who would be made superior to ordinary citizens through the alchemy of the representative operation.

This political delegitimization frame of collective action on behalf of the representative legitimacy -often equated with democratic and republican legitimacy- spreads then in three phases. Firstly, they reaffirm the radical break between representatives and represented (a). In a second step, they recall the principle that founds and presides over the relationship between these two separate groups (b). And, in a last time, they set out the practical consequences of this principle -and, among them, the principled illegitimacy of protest action (c).

Every of these three stages is present in the argumentation used by majority politicians against Debré bill opponents.

1- The division between representatives and represented

In a first step, some politicians are highlighting the fundamental barrier that separates the “secular” world from the political professional world.

This division structures many speeches and many attitudes of Debré bill defenders. For instance, P.Douste-Blazy, then Minister of Culture and Communication, is explaining that “there is a difference between politicians, whoever they are, and filmmakers” by emphasizing the responsibility of politicians towards illegal immigration” (Bouillon de culture, France2, 14/02/1997).

This opposition between legitimate representatives and ordinary citizens might also be revealed by differences in the way each group behaves in televised debates, as if the operation of representation conferred to representatives a particular way of behaving. In each detail - clothes, postures on the seat, types of speech, way to speak and not to speak to each other during the debate, attitudes of journalists- there is something that reminds that the protest

\(^{17}\) At least, in its French version (see Rosanvallon, 2000)…
actor cannot be the equal of the representative. This affirmation of “transcendence” is even used by those who might easily appropriate this mobilization. The main opposition political leaders are refusing to endorse the call for civil disobedience: Pierre Moscovici, then national secretary of the Socialist Party in charge of studies and project, explains for instance that he “does not call for civil disobedience. But to appeal to the Constitutional Council, yes. And also a promise that we can do: this law that the government should not adopt if it was intelligent, would be repealed if we would return to power next year. That, that is the role of politicians, the role of legislators” (Polémiques, France 2, 16.02.1997).

For the most part, the only elected representative who sign the appeal were “marginal” either by their political party -the Greens, the Communist Revolutionary League, the Convention for a Progressive Alternative- or by their own status within their party: Jack Lang, the former socialist Minister of Culture, is signing but his daughter, Valerie Lang, was deeply involved in the movement, which allows him more easily to break the representative taboo. Only the most “marginal” elected representative of the most "marginal" parties seem to be allowed to question the radical difference between representatives and represented, and therefore the subordination of protest action to the representative rule, by signing calls that go against the law.

2. The representative monopoly on the production of legal norms

In a second step, this is indeed the very principle of representative democracy which is opposed to protest actors. In various arenas of public debate is reaffirmed the parliamentary primacy both towards citizens and towards those who are only charged with enforcing the law.

Alain Juppé, during a radio interview, is insisting on the fact that France is “a true democracy” where the law "is passed by MPs and senators, democratically elected, and under the control of the Constitutional Council" (RTL, 17/02/1997). A fews days later, in the National Assembly (25/02/1997), he directly reminds MPs that" it is here in Parliament, that laws are made because you are invested with the legitimacy given to you by the people. In addition, the Constitutional Council ensures the compliance of voted laws with our Constitution and with the founding principles of the Republic, that is to say human rights. France is a Rule of Law. Who can deny it today?”.

Renaud Muselier, then RPR MP, also explains, during a televised debate, that “Democracy, elections, ... That is clearly the best way to express oneself in the world. From

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18 For a statistical study of the elected officials who have signed one of the calls against the Debré bill, see Contamin, 2001, 295sq.
19 Among the calls against the Debré bill, there is indeed an appeal signed by magistrates.
there, people elect representatives who pass laws that must be applied to a number of things. And these laws have to be applied, they have to be implemented. They must be applied to French people, and to others” (Le Monde de Léa, TF1, 18/02/1997).

3. The principled illegitimacy of collective action

The delegitimization of the very principle of protest action is then a direct consequence of the enunciation of these axioms.

It implies, first, that MPs are the only ones authorized to discuss and possibly modify the bill. J.-L. Debré explicitly reaffirms that “it is here [in the Parliament] and nowhere else that the immigration policy will be decided (...) It is not enough to organize oneself into protest group or to claim to follow any sponsorship to make the law passed by Parliament a dead letter” (Debates in the National Assembly, 25/02/1997).

It also implies that any challenge to the will of representatives by protest actors might be considered as a questioning of democracy and of popular sovereignty themselves. Thus J.-C. Bireau (RPR MP) describes the mobilization of filmmakers as a “further evidence of how professionals of the media-political showbiz contempt the democracy that French people have chosen” (Sud-Ouest, 19/02/1997). Similarly, the “Mouvement Initiative et Liberté” (MIL) chaired by a RPR MP recalls that “in a democracy, the people's will express through universal suffrage” (La Montagne, 21/02/1997), before dramatically stigmatizing the “subversive action conducted by a handful of dissidents and “companions” [of the Communist Party] who want to impose their dictate to the sovereign people” (La Dépêche du Midi, 21/02/1997).

It finally implies that, if protesters want to be heard, they are called to do it by the elected way. This is what is suggested, for example, when A. Perrin, president of the “Chirac, 14 ans” committee, defies the petitioners by offering them to test their representativeness through elective democracy: “I want to offer you only one thing. You, and all filmmakers, all petitioners. You are very numerous, that's fine. It appears that you have a very important political aura. Very well. Well, let’s go further. In one year, there are elections. Stand for election. And if all French people are really with you, if you are really capable of being elected... Democracy is the right to vote, but it is also the right to stand for election. So, stand for. Go ahead. And once you were elected, you’ll be allowed to change the law. But, for the moment, have respect for institutions, have respect for people who are elected “(L’Hebdo, Canal+, 22/02/1997).

Ultimately, what the representatives are opposing to protest actors is the right of policy makers to keep a margin of independence throughout the term they are elected. This principle which, according to B. Manin (1995, 209-213), is in the heart of representative democracy and which give representatives the right to make decisions against the majority, even if it means
sacrificing the prospect of their re-election.

But, according to this framework, every collective action is by definition suspected of illegitimacy. This delegitimization frame can be mobilized by every policy maker at any time, against any protest action, in order to prevent any claim that may jeopardize their personal, collective or institutional interests. Argumentation might be a powerful lever against any real democratization, even against the virtues of an argumentative turn of public policies.

**Conclusion:**

The study of the controversy surrounding the Debré Bill, of the argumentative registers used by majority leaders to respond to protests leads first to highlight the difficulties of an argumentative turn in public policy, in the sense of more opening public policies to citizens’ arguments. Since “the working of words upon action is the basic political action” (B. de Jouvenel, 1963), the professionnals of working on the words are particularly well placed to use argumentation in order to serve their own interests and ideas. Moreover, their elected position gives them a diverse set of argumentative registers that they can deploy against any protest action, almost independently of the substantive arguments themselves, on a purely rhetorical register (Gottweis, 2012).

One has indeed highlighted the extreme diversity of delegitimization argumentative frames that policy makers can use against protests opposed to them. Some opponents too uninformed or too malicious. Some opponents too much or too little concerned. Some opponents too diverse or too few diverse. Some opponents unrepresentative or irrelevant. Some opponents who, legally, are nothing. Hardly any protest action can cross free through the representative sieve, if policy makers want it.

The proliferation of delegitimization registers that emerges in the campaign against the Debré bill seems in this regard especially significant. Far from seeing it as a too particular case, we can consider –and demonstrate- that the media coverage of this case has forced majority politicians to clarify a number of arguments that are, otherwise, not so publicly displayed. We must rather conclude that a combination of plural delegitimization argumentative frames might be used against any protest action.

Yet, it is not possible to too quickly conclude from the potential diversity of delegitimization argumentative frames to their effectiveness.

Indeed, first, any delegitimization frame is not available for any type of protest configuration. For instance, some frames, like corporatist frames, could not be found during the mobilization against the Debré bill, because it seems irrelevant to thus stigmatize an action supported by what M.N.Zald and J.D.McCarthy (1977) called "conscious adherents", that is to say protest actors who will not directly benefit from the measures for which they are
fighting. Conversely, each of the potential weak points of the Debré bill movement seems to have been exploited by the majority politicians: opponents’ lack of expertise; the way they are challenging the representative legitimacy even though the text is still under discussion in Parliament; their putative “non-concernment”; their lack of representativeness.

More generally, each type of citizens’ actions seems to be more or less vulnerable to the various political delegitimization frames insofar as the use of an inappropriate délégitimization frame might turn against the prosecutor.

From all studies we have made, it is then possible to draw a number of assumptions about the causal relationships that link the forms of protest action to the forms of rhetorical arguments that might be opposed them. It seems that two characteristic dimensions of the opponents seem particularly important to understand the responses that are provided: a “concernment” dimension which partly intersects an “expertise” dimension; and a “relative importance of the mobilization” dimension, which synthesizes various qualitative and quantitative indicators about the size of the action. It is then possible to graphically represent (see Chart 1 for an application to petitions) the relationship of these two dimensions with the different political delegitimization frames identified above.

Chart No1: Types of petitions and political delegitimization frameworks (Contamin, 2001, 307)

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20 A politician is, however, close to using this argument when he is suggesting that, if filmmakers have been the “first” to mobilize, it is because they are “co-opted” (B.Gollnisch, extreme-right politician, Bouillon de culture, France2, 14/02/1997). However, the reactions are very heated so that he is led to immediately abandon this mode of argument as if it were decidedly ill-suited to this protest configuration.

21 These two dimensions should not be read as variables. They could rather be compared to the names given to the axes 1 and 2 in a multivariate analysis, that is to say names that synthesize a set of variables without accurately representing any one of them.
Four types of protest action might be distinguished which would be confronted with four different argumentative strategies of delegitimization:

- The protest actions which combine a relatively large number of opponents but their immediate concernment to the question (up-right dial):
Example: a local petition which collects signatures from a quarter of the inhabitants of a municipality.

Faced with this double form of legitimacy, policy makers cannot simply return opponents to their particular interest, try to marginalize the initiative or to question the knowledge of the protest actors. They tend then to first use the strategy of the communication problem: the project is so repulsed by those who should be their direct beneficiaries because it was poorly explained. They might also be more aggressive in suspecting the politician interests that would underpin an initiative of this magnitude, or the heterogeneity of views of so large a group. Finally, it is also possible for them to invoke the prerogatives of representatives.

- The protest actions which bring together a relatively large number of opponents, but who may be presented as non-directly affected by the issue which is at stake (up-left dial):
Examples: the first days of the protest against the Debré bill.

Criticisms might be more aggressive. At least, policymakers are critical to the purely negative character of the action (“nihilist” frame). Further, they can denounce the incompetence of the opponents or their ‘non-concernment’. Ultimately, protest actors are rejected on behalf of the NIYBY syndrome.

- The protest actions which bring together a relatively small number of opponents, but who are directly affected by the issue which is at stake (up-right dial)
Examples: “corporate” actions.

These actions risk of course first marginalization. However, insofar as they are characterized both by their minority status and by the fact that opponents would be the main beneficiaries of the measures they advocate, they are especially denounced with two types of arguments: policy makers criticize, on the hand, the homogeneity of opponents who only represent themselves and, on the other hand, the NIMBY effect.

- The protest actions which combine neither the weight of numbers, nor the legitimacy conferred by the concernment
Example: the mobilization against the Debré bill once the first polls were published.

Policy makers just use an argument which seems unavoidable and irrevocable: public opinion as measured by polls.
This presentation may seem schematic. It ignores a lot of other features of collective action - claims content, types of initiators, ... - which are not without consequence on the delegitimization frames that can be used against them. It ignores the importance of standards of political legitimacy that prevail in each society.

However, this scheme has the advantage of emphasizing that the different collective actions can not be classified from so-called "intrinsic" characteristics, but only through the perceptions of public actors\textsuperscript{22}. As the two distinguished dimensions are not intrinsically designed, it is for instance possible to oppose two moments in the forms of delegitimization used towards the Debré bill action: before the polls, when the ignorance of the opponents and their non-concernment are stigmatized; after the polls, when their minority status is mainly emphasized.

Similarly, as the position of each collective action on each axis is one of the stakes of a struggle of representations rather than an intrinsic characteristic, delegitimization frames rather adapted to the up-right dial of our scheme might have been used against the Debré bill movement. To different perceptions of the same movement correspond different delegitimization argumentative strategies.

This scheme has, finally, the advantage to remind that the availability of delegitimization frames is partly determined by the position of policy makers in the field of power and by the context of utterance in which the argument takes place. For instance, it might help explain why E.Raoult, Minister for the urban policy and the integration who mainly interferes during political broadcasts, and P.Douste-Blazy, Minister of Culture and Communication who rather reacts into cultural broadcasts, do not use the same delegitimization frames.

Thus, the classification of collective action in one of the dials should be considered from the triptych "relational characteristics of collective action-policy maker's position in the field of power-context of utterance", and it is in that triptych that the relationship between collective action and delegitimization frameworks makes sense.

It must also be considered with regard to framing struggles that oppose majority politicians and opponents. It is the second element that leads to relativize the effectiveness of delegitimization argumentative frames of collective action. Protest actors are not themselves unarmed. They can argue to defend their legitimacy to speak (Contamin, 2001, 647sq.). If the power of words is still limited compared to more structural variables, it is not impossible that this struggle results in what would be named, in the perspective of the argumentative turn in public policy, a “discursive change” (Fisher, 2012, 12), and, in the perspective of the argumentative turn in mobilization studies, a “frame transformation” (Snow, 1986) : in this case, the article 1 of the Debré bill has been withdrawn and the mobilization has been considered as one of the factor of the rightist defeat at the next general election.

\textsuperscript{22} About the need for a "perceptional" approach of the resources and the constraints that weigh on mobilizations, see Fillieule, 1997, 53sq.
What this example also serves to highlight is the interest of a gathering between the tools issued from the argumentative turn in public policy and those issued from what may be called an argumentative turn in collective action. Working on the interaction between policy makers and protesters is necessary to understand how arguments and counter-arguments, how framing and counterframing are linked (Benford, 1987, 65; Benford, 1993). For instance, It might be really fruitful to wonder in what extent the vocabulary of framing and framing connection developed by Snow and his team (Contamin, 2010) could contribute to the study by M. Delori and P. Zittoun (2009) on coalition building and vice versa.

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