Windmills and Participation

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Introduction

New times need new rules. As time has made society more complex the managing of society has encountered new obstacles and new problems. The “old” ways to manage behaviour by casuistic laws are long gone since complexity creates complexity. Laws that are vague and pass on the “ought” from the political system to the administrative represent the new path. As a result of this new form of legislation, participation has become the word of today.

In this short paper I will discuss the possibilities of participation since it is not obvious that participation in law-books is the same as participation in action. Since law is politics participation is an opportunity to move politics out of the secret chamber into the street. It is not impossible that the authorities are not up to their new obligation of discussing decisions in public. My main focus is participation but it is not possible to view participation as an isolated event, diverted from other phenomena in society, for example organizational culture. Therefore the discussion has to be widened to involve more than mere participation. Participation is not a thing it is a communicative act building on mutual respect by the involved parties.

In this paper I will use the concept “system” in the same sense as Habermas in Legitimation Crisis. This means that the discussion involves three systems (Habermas 1976), see figure 1.

![Figure 1](image)

I will also lean heavily on his concept of discourse, which I regard as fundamental for participation. That does not mean that a discourse is possible but it makes critique possible from the standpoint of what constitutes a discourse. The reader
must be aware that Habermas’ concept of discourse differs from other writers such as Foucault and ordinary use of language were it is misinterpreted as a “discussion”. The concept is used by Habermas as a theoretical ideal speech-act lacking asymmetrical power relations (Habermas 1976, 1979,1981). What we will find in the political/administrative system are asymmetrical power relations. Furthermore, we also will find out the framework of these relations.

The paper deals with a real case that the author has followed from the beginning. This means that generalizations should be concluded very carefully. There is also another limitation connected to the case and that is that it is not finished, meaning that it has not yet reached the ultimate and final stage – a decision that stands.

The search for solutions
Since the beginning of the human race energy has been used. The Neolithic revolution made an increase in the use of energy necessary – it took more energy to feed animals than what was used in the production of food and other life-supporting things. When we entered the industrial revolution energy became a key-factor. During the last decade it became obvious that there was no endless support of energy. It also became apparent that the use of energy, in whatever form, was harmful to nature in some way or another. In spite of that the use of energy keeps on expanding.

If the societal structure is to be sustained, which in short means an ever-growing consumption, the need for energy will be a growing problem. This has become a political problem since the use of energy is hazardous to nature; today it is an alarming problem since the climate change has been scientifically established as a problem connected to lifestyle in the industrial world. Every solution to environmental problems has created new problems in other areas, and they have by that been transformed into political problems. On the other hand society seems to have an ability to redeem the traumatic effect of environmental crisis; there are not many of us taking it too seriously – on the Internet you can vote which is the most alarming problem. Women seem to be more caring than men according to the Swedish EPA but it is a man’s world – men make the decisions (www.naturvardsverket.se).

The neglect of the energy- and environmental crises is not total. The search for alternative energy sources is progressing. During the last century two alternatives to the burning of fossil fuels have been put forward: nuclear power and windmills. The problems created by the use of nuclear power have been dis-
cussed frequently but, in the light of climate change, it gains in popularity. The other option, windmills, has been regarded as a clean technology with no obvious environmental problems involved. On the other hand it is still expensive and the output is low. On behalf of the growing number of windmills they have been connected to environmental problems – they change the landscape and the population is divided: some people think they are beautiful while others find them ugly. They have also been regarded as a threat to birds, among them the sea eagle. There are different views on the last remark (www.svt1.se 2008-12-04).

Production of energy by windmills has been regarded as a clean technology, but the manufacturing of them is not. The propellers are manufactured from plastic that has given rise to allergic reactions among the producers. This leads to problems in the beginning and in the end of their life span. In Denmark, were the windmills are very frequently established, there have also been problems with total breakdowns that result in near explosions – the wind power is very forceful.

There were about 887 larger windmills in Sweden 2007 (Driftsuppföljningen av vindkraftverk, 2007). The number is expected to grow rapidly. Although being regarded as a clean technology it is not without problems. To the abovementioned list one could add one that is eye-, or maybe ear-, catching: they produce noise at disturbing frequencies (Eje Pedersen 2007). They also cast shadows that are disturbing in several ways. How disturbing they are depends on where they are located. When located in areas with a dense population they seem to be less disturbing than in areas where the surroundings by tradition are quiet. This can be connected to the frequencies of background noise, the louder the background noise is the less is heard from the windmills.

The problem of noise connected to windmills has given an incitement to regulate how close they can be located to buildings. The noise regulations are established in decibel and are an excellent weapon in the hands of those building windmills and the authorities since decibel is measurable (www.naturvardsverket.se). This means that it connects to science and thereby to truth and a truth is a fact that can be discussed. It is no longer a societal or political choice that is far more complicated since they are based on interests and power. Facts are fuelled by epistemological theses and doctrines; political choices are based on values.

One, established, way to make decisions on values is through law. Law is nothing more than politics and politics is all about values – how we should live our lives and under what rules. There is of course the old problem of what is and what ought to be and law seemed to be “what is” but when politicians make the rules it is about what “ought” to be.
As we have seen, there does seem to exist some reluctance by the political system to take a standpoint, which breaks down the existing system of casuistic law in favour of vagueness.

**The Breakdown of Law**

Laws in the environmental protection area have taken a course towards vagueness (see, for example, Nonen & Selznick 1978). This phenomenon they have in common with other laws, for example acts in the field of social welfare. This means that it is not regulated in the act what performance is expected by the decision maker. It is up to those who decide to do the intricate weighing of what is best for the nature or the social welfare taker. This points in the direction of the loss of control from the government's point of view to the decision maker. It also means that civil servants rather than politicians now should choose among values. The crucial point is the difference between values and facts, in another word positivism. If we, instead, were able to apprehend that we live in a world that we are giving meaning to, we would also understand that facts are based on values. A fact is only a phenomenon that we label as a fact based on our values.

By tradition politicians were supposed to take value-stands since they were seen as representing our will and values. Those choices should be put forward in laws which the civil servants should carry out, in other words; civil servant's actions were not supposed to be value-oriented. Now things have changed the other way round.

Since the political system now has let go of the control over value-oriented questions, they seem to have bought themselves time since they also are without responsibility — they do not make the somewhat delicate decisions anymore. This means that they can blame the administrative system for shortcomings in the decision making process. That was exactly what happened in a flagrant way during the eighties when the government passed on the control over environmental hazardous plants to the regional government. At the same time there were cuts in resources, which made it impossible for the regional authorities to fulfil their obligations. When the news media confronted the minister of environmental protection she, without hesitation, blamed the civil servants for not doing their job.

These kinds of legislations could be regarded as a way for the political system to escape responsibility. Questions that are difficult do not have to be attended to. The environmental problem falls into that category since whatever action taken to solve it is the wrong one and connected to political costs. To do some-

thing about it usually means dysfunctions in other areas of society; factories has to be shut down, limited access to private driving and unemployment are some consequences. On the other hand passivity is also connected to political costs since it is such a big question and people are aware of its importance, therefore they demand action and that something is done about it. A solution for the political system is to convey the responsibility to the administrative system; thereby it looks as if something is done without it actually being so.

The environmental dilemma is of course a very delicate problem since it is connected to epistemological obscurities, no one really knows what is at stake. The knowledge is as diverse as the scientists: is there a climate challenge as a result of human actions or is it just natural fluctuations in temperature and weather? To make it worse, the planning of society has taken its own course; people live in the suburban areas and work in the city because they want to get out of the cities in their spare time. To get to work they have to travel, which means a lot of CO₂ emissions because everybody is driving their own car. On the other hand travelling could be organized in a collective way but the own car in some way seems to be almost everybody's fetish.

**Why Does Not Somebody Else Do it?**

To really make an impact on environmental questions by necessity involves structural reorganizations that will not be popular. Politicians have to think of the next election period and making unpopular decisions does not really fit with their agenda, especially since the epistemological fundament is doubtful. All of the above is a powerful argument to transfer the responsibility to somebody else and to put this to work by legislation is an excellent idea. Especially since there are perfectly logical reasons to do so: the times are changing, and they change so rapidly that it is impossible to lock up technological solutions by law as they will be dysfunctional. Giving the mandate to the administrative system to evaluate the epistemological and technological state is very practical for the politicians.

The last argument is the official statement for vague laws — they are practical and respond to an increased development in knowledge and technology.

The environmental protection laws are vague but to this is coupled a principle of participation. The principle means that ordinary people could have their say in the decision making process. This does not only include individuals that own property that can be affected but in practice everyone. It has been a problem how close to the projected plant you have to live but it seems that anybody can intervene. This could mean that the law opens up for participation and a widen-
ing of democracy, while not excluding anybody.

To have the ability to have your say is a good thing. It would be even better if somebody listened. What I mean is that the law gives everybody the opportunity to speak up but it does not guarantee that they are listened to. Since the political system has transmitted the task of making value oriented decisions to the administrative system, it has also created an uncertainty in the administrative system. By tradition, civil servants are supposed to act in an objective way and not let their own values intervene in the decision process. Now they have to act as elected politicians and make value statements and this is creating uncertainties about how they are supposed to act. To make things even worse; the decision maker is a technician with very little legal knowledge.

Not knowing how to use the new power of value creation they look for guidance on how they should go about their new task. In this they turn to the environmental protection act where they will not find any clear-cut statements that could guide them. But since using the law also is a process of interpretation they interpret the act in a way that will make some circumstances more valuable than others. In other words, they will look for facts rather than values.

According to the above, civil servants will lean on traditional positivism and search for facts rather than values. The problem is that facts are social constructions created from epistemological conclusions. The construction of facts is nothing more than the labelling of human knowledge as facts – what is measurable is a fact and moreover; it is a fact without regard to how it is measured. This means that uncertainties are not recognized. In short: science and technology will be recognized as true while values will fall outside the centre of argumentation.

As a bi-product of vague laws there is a growing market for guidelines established by authorities higher up in the decision hierarchy. This is a result of authorities lower down in the hierarchy looking for something stable to base their decisions on. This way they can refer back to the guidelines and legitimate their conclusions as based on those. Sometimes the guidelines are a result of delegation from higher instances and sometimes they make them on their own initiative. The problem with this is that the guidelines are not always consistent with the actual act that they are based on. Figure 2 illustrates this:

There is a hierarchy in the Swedish system were Law has highest priority, guidelines established by authorities comes last. For the authorities that have to live with a law they cannot understand because it is vague, guidelines must be the solution. Therefore, in practice, guidelines are often used instead of law, since they are possible to understand. Authorities often use guidelines in their decision-making and suddenly this erases the law; they do not even look at the law but the guidelines. This makes it very convenient for the authorities, since they can make decisions according to the guidelines and thereby they do not have to do any weighting or reflecting. On the other hand this was not what was intended with the vague law. On the contrary, the intention was to get a flexible law that was substantial regarding the case at hand (the new agenda of lawmaking is to make it substantial rather than formal, see Nonet & Selznick 1978) and not an inflexible law without any content.

The focus shifts from the lawmaker to the civil servants but the latter do not live in a vacuum. In fact the inhibit organizations are problematic in several ways because they place the civil servants in a special situation which influences their decision-making. It is therefore necessary to elaborate organizational theory a bit further.

**Some Reflections on the Importance of Organizations**

Organizations work in their own way. It might even be possible to talk about organizational cultures. By that is meant that an organization develops its own
way of working, some kind of "normal" behaviour among the co-workers. An organization does not equal the sum of its members it is something else; it takes on its own form and behaviours (Morgan 2006).

In our case the organization has to solve a problem in a way that hardly can be disputed from the point of law. If it is met with resistance the dispute is moved to another organization at a higher level. At whatever stage a decision is made it has to be legitimate, in the meaning that it is made according to law, as well as that it has to be regarded as an act that meets legitimation in Habermas' sense (Habermas 1976, 1991). The problem of legitimate decisions is an easy one since the laws are so vague that any decision can be made and still be according to law. The problem of legitimation is a harder one since it has something to do with the life-world and collective will. According to a dispute between Habermas and Luhmann there are two different standpoints. Luhmann means that it is enough that the decision is regarded as fair, while Habermas takes the standpoint that it actually has to be fair (Luhmann/Habermas 1985).

If legitimation has to be true in the sense that it is a fair decision this means that it could be positively tested against a generalized interest, what everybody could want. This is stronger than Luhmann's idea of a decision being fair if people think it is fair. That is due to the discourse ethics of Habermas meaning that a decision could be put through the test of an ideal speech act. On the other hand Habermas' thesis does not mean that it could not be taken up in a discourse later on as the collective moral develops (Habermas 1979).

To us this means that an organization has to work in ways such that its decision-making process can be legitimated, inwards as well as outwards. Inwards because the co-workers have to accept and stand behind the decisions taken and outward because the decisions are accepted, otherwise a motivation crisis is at hand. In practice this could mean that when laws are vague the decision maker has to lean on something other than law and that is why guidelines gained impact since they are more specific.

Social movements that are, according to Habermas, steps ahead of the collective moral development, on the other hand threaten legitimation (Habermas 1979). Social movements push the collective moral up to the next step by making their voices heard. Such movement's existences are built upon being in opposition to the existing way of conduct. In our context it is the environmental movements that are at hand, consistently questioning the decisions made by the political/administrative system, putting pressure on them.

There is another important aspect regarding organizations in terms of power. Inside organizations there is an ongoing competition in terms of career opportunites forming the organization. There is a pressure from below on those that are established. There are foxes against lions, to use the language of Clegg (Clegg 1989). The foxes fight the lions, which have established their power position, and when the foxes conquer the lions the foxes turn into lions. This is an ongoing process but can also come to a halt if the lions are too powerful and the foxes are forced to leave the organization.

The metaphor of foxes and lions can easily be illustrated by the Swedish health agency to which a lot of young people with strong environmental protection pathos were drawn. Since those organizations were ruled by politicians the clash between young civil servants with an interest in change and the politicians, representing a more conservative interest in growth, was unavoidable. In this case the lions were too strong and the foxes either had to seek other jobs or fall into line.

There are, of course, a lot more to organizational theory than it is possible to discuss in this short paper. My point is that it is not obvious that law is the only cause of certain behaviour - there is a lot more to it. I think that organizational theory, as well as power relations, is a neglected field of study when it comes to sociology of law. I will later in this paper return to these questions and try to incorporate them in my analysis of participation.

**Decision Making in Process**

The above mentioned obstacles may result in behaviour that is contrary to law - other interpretations of law, guided by guidelines, will be accepted. In our case it can result in marginalization of value-oriented arguments in spite of the law accepting them. These results probably emanate from the feeling of security with traditional positivist arguments like measurable emissions instead of arguments about if it is a good thing to establish another chemical plant that produces the same products as others, already established.

If the above holds true, the significance of participation should not be over-estimated. The political system creates possibilities for a widening of democracy while it, in the same process, closes it by neglecting guidelines for the administrative system on how to act. In this forthcoming short analysis I will refer to both Luhmann and Habermas, though it is not my intention to confuse them in any way, I just want to briefly show that they both can be used with some success in the analysis. The administrative system seems to react to vague laws by closing itself - it starts to act in an autopoietic way. This if you want to use Luhmann's theoretical framework, in short meaning that the administrative system
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question that for once is not marginalized: are windmills disturbing to the beauty of the landscape or are they good-looking? The population seems to be divided and it might be possible to draw the conclusion that environmentalists are more prepared to find them beautiful because they do the coupling to clean energy. The psychological coupling to what they do influences the aesthetic view of how they look – windmills are a good thing therefore they also look good.

People without any relation to environmental problems of energy production on the other hand might look upon windmills as they stand, plentiful and tall above the ground with spinning propellers. They do not see the beauty in this, just several windmills disturbing the view and producing annoying sounds. Even if they do not dislike them they are indifferent to them.

The main rule for location-decisions states that the location should be chosen from the point of view that there should be as little impact on people and environment as possible. Even if the rule makes sense it might not make anybody wiser. What does "possible" mean? In effect this is a case of interpretation and weighing interests against each other. Such activity includes, not to say – builds upon, a value-oriented activity. This activity, according to the above, is of a kind that the authorities do not want, or cannot, get involved in. So how do they get around it?

The valuation process has to be hidden. If it is not it is open to arguments from outside and the administrator's values will be obvious. One way to accomplish this is to stay in the realm of measurable phenomena, meaning that the decision seems to be based on facts. When it comes to windmills there will be established norms in decibel as to the impact of noise. By using such norms it will seem like decisions were based on truth and by that nobody could reach another conclusion.

The problem with the above is not only that it does not say anything about the wisdom of location; furthermore tolerance of noise is a subjective property. Some people are more sensitive to disturbances that other. It is also dependent on background noise – in a quiet area the disturbing effect of the noise is more noticeable than if it is close to a city. Background noise has a tendency to mask more noise.

There have also been established principles for localizations of windmills. The county administration acts based on the policy that windmills ought to be established inshore. This seems to be a wise policy since the winds are more frequent by the sea than inland, the wind and sea produce noise themselves, which might hide the noise from the windmills, and very few, if any, people live at sea. Disturbances do not seem to hit the ears as much as the eyes. Some individuals

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can only work from its own premises and with its own concepts. Since value-oriented concepts do not have a place within the administrative system they cannot be used. All in all resulting in a decentralization of the civil society, leaving the common man powerless. Moreover it marginalizes important aspects of how we ought to live, or in Habermas' terminology: the colonization of the life-world. What society needs is decided from the point of view of what is decided from an already established fact; growth. This is due to his communicative theory were the discourse-ethics play a major part. The discourse is supposed to establish forms for consensus by creating an ideal speech-act-situation. That, in an ideal word, guarantees primacy of the communicative rationality over system.

Society is organized on the principle of an ever-growing consumption that makes energy, among other things, a scarce resource. There has to be an increasing production of electricity if society's, or more precisely – the industries', demand shall be satisfied. The question is not if more power is needed but how it should be produced. Oil- and coal-fuelled power plants contribute too much to the CO$_2$ production, which makes them less popular. Nuclear power is, at the time being; maybe the most cost effective process of producing electricity. There are a couple of problems connected to the technology that are still unresolved, that make them less desirable though they seem to gain in popularity due to the climate debate.

Wendmills, on the other hand, are seen as a clean technology but the technology is burdened with the fact that its output is rather low compared to nuclear power. This means that they have to be plentiful compared to a single nuclear plant. This has an impact on the landscape; towers rising hundreds of meters above the surface, making noise and casting shadows and, to make it even worse – there are a lot of them. Windmills also creates sounds that are not pleasant to the human ear which means that there has to be established safe zones in relation to occupied buildings. In fact, we could start to debate an old problem in accordance with the environmental protection law – the problem of location.

Nobody wants to live close to a plant producing poisoning gases or which is very loud. Disturbances are problems connected to most industrial production. Therefore a principle of concentration has been established: the location of disturbing factories ought to be chosen from the point of view that they be placed in concentrated areas. In an already polluted area it is easier to get permission to locate yet another disturbing plant. This also holds true for windmills. Until recently they have appeared in clusters on open fields in the lowlands.

The locating of windmills has given rise to a question that is not so common in the environmental debate: the question of beauty. This is a value-oriented
might complain about disturbances of the view. On the other hand: whatever
decision is made, it is the wrong one.

The main problem with locating windmills on the sea might be the costs; it is
more expensive to build on the sea than on land. Since the rule changed in 1991
the cost is no longer an argument. Earlier on the authorities had to take note of
the costs, which could not be exceptional.

For quite some time locating windmills at sea has been an established policy
when it is possible to make a choice. New technology in some ways has altered
this. Projectors now consider it quite possible to build windmills in the forest
as long as the propeller reaches above the treetops. The consequence of this is
that there must be an increase in the heights of the windmills. They are getting
higher and bigger and by that they are producing more noise than ever, in spite
of new technology for the construction of the propeller.

The idea of locating windmills in the forests works against another environ-
mental policy that is rather new on the agenda. The policy in question is based
on the finding that quiet areas are rare; we are surrounded by noise and quiet
places are not common and those that exist ought to be respected as an asset.

The Case that Never Seems to End

In the summer 2007 Billy Vind applied for a permission to establish two wind-
mills in Benarp located in the municipality of Hörby (Application 2007). They
were to be located in the forest on a small piece of land owned by a man living
about 5 Swedish miles from Hörby. He owned about four acres of land with
two buildings that were uninhabited. The landowner had already let another
company establish a 3G mast on his property.

Since the windmills were to be located in the woods they had to be of con-
iderable height; about 100 meters which in practice meant 150 meters with
the propeller. In an area of about 3 km² there were about 80 inhabitants, mostly
summer residents. The others consisted of farmers running their business on a
small scale. There were three farmers living at a distance of less than 500 meters
from the planned windmills (No wind power in Benarp).
The application from Billy Vind and the landowner is handed over to the local municipality. Thereafter it is processed and prepared for the Municipal Council to decide. In our case the Local Housing Committee mainly does this, but it is possible that other local committees get involved.

As soon as the preparations are done it should in principle be up to the Municipal Council to make a decision but first the rule of participation has to be tended to. This involves making some delicate decisions. First of all it has to be decided under what forms the participation ought to be done? In principle the inhabitants are informed when the proposition is made public but that is not the same as participation. The latter must mean not just to get to know what is going on but furthermore be given an opportunity to have their say in the matter.

In this case it partly became participation by mail, meaning that maps and descriptions of the project were sent out by mail to the “affected” parties. One problem is how to define who is affected? Do you have to own land in the area to be affected? How far from the projected windmills can you live and still be affected? Do summer residences get affected? The choices were probably made by the guidelines from The National Board of Housing, Building and Planning, stating that if you live more than 500 meters from the windmill the noise is regarded as insignificant (www.boverket.se). It seems that they widened the circle to a mere 1000 meters. On the other hand they excluded the summer residences. They gained information whatsoever.

The information consisted of a map where the location of two windmills was marked out. There was also written information based on facts, such as height and noise production. There was also a paper where you either supported or rejected the location and was supposed to return to the authorities. The summer residences were not given the same opportunity in spite of them being in majority and probably those who will suffer the most (Application of Billy Vind).

A couple of inhabitants decided to go further in the process. The strategy was to collect names and make a petition and to attend a municipal commissioner. It was during the collecting of names that it was discovered that the summer residences were excluded from participation. This is a bit odd because the summer residences outnumbered the permanent inhabitants. What is more is that the summer residences have chosen their location from other points of views than the other group; namely because it is a beautiful area that is also quiet. In a way they are more dependent on an unexploited nature than those who live there permanently.

There were about 80 households that signed the petition, only 2 refused. Unfortunately the two refusals were those living closest to the projected windmills. On the other hand most of those signing the petition were positive towards windmills but there were a couple of circumstances that they found disturbing. Firstly they reacted to the location of two very huge windmills in the middle of the forest. Nobody was used to this; windmills had their place in the open landscape or by the coast were the wind is steady and were they were used to seeing them. Secondly, the landowner did not live there himself. He lived far away and would not be affected by the noise and other nuisances, which made people angry. The argument was that he owned a very little piece of land that was useless and were he did not even live; now he was to overburden his neighbours with the nuisance while he made money off it. In fact he would get 100,000 Swedish kronor a year per windmill.

Armed with such an overwhelming petition the next step was to find out significant arguments against those “horrible” windmills. To do so it was necessary to collect knowledge from the criteria that the authorities used. Referring to the former text this location is very delicate and has to be based on evaluations of interests. In other words; this is a value-oriented question and values are harder to argue against than what is preferred to be called “facts”.

Referring to the guidelines that have been developed by The National Board of Housing, Building and Planning there is a lot of evaluating to be done (www.boverket.se). The whole concept builds on nature’s value against exploitation. Concepts like: undisturbed, beauty and quiet are frequent. For example it is stated that your expectations of a landscape is important for the experience of nuisances. If you are staying in the landscape for relaxation your experience of nuisances is greater than if you live there as a farmer. If the participation process has been a good one you experience lesser nuisances, and the same if you are a stockholder in the business.

The status of the landscape is a central aspect when the localization is decided. If the landscape is not used for any industrial purpose or exploited by other means, it is supposed to be less appropriate as a location for windmills. Other aspects are the beauty of the landscape and what it is suitable for; for example recreation. Windmills are buildings with an erect form and a rotating propeller. Erect forms as well as rotations are striking features. Therefore, according to The National Board of Housing, Building and Planning, choosing of location is a delicate task.

Accordingly, the petitioners chose their arguments carefully. Hörby municipality had in their plan for nature written that “the silence was one of the greater assets of the municipality” (Hörby naturvårdsplan). Well, that should work; they
have said it themselves. It was also written in blood that the surroundings were extremely suitable for recreation and that the landscape was rare in its beauty.

There was also a fresh dissertation in Social Medicine on the subject, especially oriented towards how individuals experienced disturbances from windmills (Pedersen 2007). From that it was obvious that the location preferred by Billy Vind was extremely unfortunate. People who had chosen to live in Benarp had done so on the preferences of the beauty of the landscape as well as the silence. There also happened to be a large population of summer residents and their property would, economically, turn out to be worthless. The economic argument is as heavy as the others even if it is of another category – it is not regarded as a value-oriented argument but as a fact.

When it was time to tend to the municipal commissioner it became obvious that it was his privilege to allow this. He listened very politely but none the less the election period was over and he had no longer need for any votes. In fact he made it clear that he did not like windmills and he was against the localization of them wherever anyone would like to build them. He was helpful but in his own terms.

After the meeting with the municipal commissioner nothing happened. In fact the silence remained for about half a year. Then, suddenly and out of the blue, a call for a meeting was sent out – there would be a hearing less than a week from when it was communicated to the inhabitants. This hearing is formulated in a certain way in the Swedish law meaning a conference and not information. The distinction between “confer” and “information” is very important since it means a real opportunity for the affected to intervene. It could almost be called a special case of discourse in Habermas sense, were both parties must be capable to accept the better argument.

Even the lawmaker made the above clear: there had to be a conference and not an information meeting (Prop 1980/81:92). At the time being the discussion was in some way infected by the social movement's call for more influence on the decision-making process. It was a call for more democracy and less bureaucracy. The organizations that made decisions were more related to the applicant than they were to the environment and nature. The time was also directly coupled to a serious scandal that had stirred the whole county. BT Kemi, located in the south of Sweden producing pesticides, had economically collapsed and it was discovered that a large amount of poison had been buried in the soil.

A conference is something more than information and this puts the authorities as well as the applicant in a different position. During a conference they actually have to listen to different kinds of arguments, not just those they prefer but also value arguments. Unfortunately this did not change in reality since both the civil servants and the applicant kept their old behaviour – they still informed, neglecting their new duties.

The Hearing

The hearing was organized by Billy Vind and took place in the evening about two Swedish miles from Hörby. Billy Vind also had an application for yet another windmill a couple of miles from the other one and the hearing was about the two cases. There was a representative from the municipal present, which was not required by the law.

The first thing to wonder about is if it is according to the law to have two locations at one hearing. This is doubtful because it is hard to know which argument is put forward for what case. It is also possible to question that two different locations that are not commensurable can be discussed at the same time. As it turned out Billy Vind's representatives did not listen to arguments against their proceeding.

After discussing the above mentioned question, the meeting proceeded and the representatives of Billy Vind told the meeting that this was an opportunity for the common man to hear them and to pose questions. This was exactly what should not be said – them telling people what was going to happen to their surroundings. According to the representatives of Billy Vind the meeting should have the character of a lecture rather than that of a conference. They started out by showing pictures of windmills and explaining how they worked, how much electricity they produced and how little noise they produced.

During the lecturing people started to protest telling Billy Vind that this was not why they were there, they were there because they had something to say about the locations and not to listen to the praise of wind power. The representatives of Billy Vind responded to this with a promise that everybody could buy shares in the windmills and make money. They also tried to sell the idea that if you had shares in the windmills then they would not be as disturbing as if you did not. This last remark is true – if you are part of the disturbance you do not get annoyances in the same way as if you are not (Pedersen 2007). On the other hand the remark is miss-placed since it is an insult to offer shares to people who are in place to protest the whole undertaking.

People were now really upset, in spite of all the beautiful pictures shown on the wall. They continued to question the location arguing that their beautiful surroundings would be destroyed, the market price on their property would
sink and that nobody could dwell in nature anymore. They kept arguing that they have chosen to live in Benarp because of the beauty of the nature and that they did not want that destroyed by windmills and one landowner's greed for money. They also used the argument that Benarp was a silent place and that the municipal official standpoint in that question was that this was one of Höryby's most precious assets.

Billy Vind kept arguing that the noise production by the windmills was about 30 decibel. They increased the speed with which the pictures were showed and stopped by the last picture: a deer in the woods in a beautiful lighting. They refused to answer questions about why they had chosen that exact location; who had initiated it? Neither did they answer the question of why the quality of the environmental impact assessment was so low. (According to Swedish law an applicant is obliged to account for the impact the prospected activity will have on the environment. This means that an inventory of flora and fauna has to be done. How much energy they have to put into it is an unanswered question). In fact it was poorly written and a lot of things were not fully developed. Among those were an alternative location and the impact of the windmills on the fauna.

The municipality has a location plan for windmills in the west of Höryby while Benarp is in the east. It would seem logical to choose a location according to the plan instead of the chosen one. The explanation is that the landowner introduced the idea to Billy Vind and not the other way around. Wherever locations are chosen there will be protest actions by those living close and almost no landowner wants them on their property. Therefore it must have been a godsend when a landowner contacted Billy Vind and provided them with a small patch of land, let go that he wanted a neat sum of money for it.

The hearing was neither a success for Billy Vind nor the other parties involved. Some were angry while others tried to stay calm posing questions that were well thought through. Billy Vind on his part put forward the two arguments that had roots in positivism: a low noise of 30 decibel and the opportunity to invest in the windmills and make money. Billy Vind was not interested in alternative locations and kept to his arguments.

The strategy of Billy Vind is a common one by developers: stick to measurable variables. This has at least two benefits. Firstly the common man has no opportunity to verify the truthfulness of the statement and secondly they are avoiding every discussion based on values. It has been a strategy by developers to promise low disposals they cannot keep, then they get permission according to what they in fact emit (Ericsson 1985). The same could be true for Billy Vind, the noise level might not be as low as they promise, but when that is discovered it is too late; the windmills are established and it would be a waste of money to tear them down.

There was no possibility whatsoever to convince Billy Vind that this meeting was not based on participation. They maintained that the meeting they organized, had written the agenda for and even started with the proposition that they were there to answer questions, was a participatory meeting. They could not, or did not want to, recognize that a one-sided communication is not a communication it is a monologue.

Value arguments are considered difficult since they are based on common sense rather than on facts. Thereby they cannot be discussed since there is no demand for skills or knowledge connected to them. Anybody is able to have value-standards and in our society the foundation of which lays in relativism any value is regarded as good as any other. On the other hand values can, at least in theory, be subjected to a discourse in Habermas' sense and a generalized interest can be reached.

Further on, value-interests have to be discussed and problems connected to them have to be solved. These are questions that connect to deep-cutting questions of what a good life is all about. That is what participation is all about; the strategy of developers to exclude them from the agenda is a misinterpretation of what participation is about. This is what the lawmaker concluded in 1981 in a vague way (Prop 1980/81:92). Why the lawmaker was not clear in this respect might be because they did not understand the width of the problem since there seems to be no right or wrong when it comes to values. On the other hand; to be a relativist is also a standpoint based on values. The standpoint that there are no values that are true or false.

Conclusion

Values are marginalized as something that is not possible to discuss because everybody has the right to think what they want. On the other hand values have to be discussed because they cut so deep into life itself. Furthermore, from the author's view, they are possible to discuss since there are good and bad things, arguments that are better or worse. It is possible to discuss the beauty of a landscape but it is not possible to reificate it and transpose it to a monetary value. The latter has become a strategy of nature protection agencies, probably to overcome the problem of value-orientation by transforming it into a problem of measurement.

In our case there are value-arguments that would work for Billy Vind. One is
that the government already made such an argument in their favour. It is stated in a policy document that the number of windmills shall expand (www.naturvardsverket.se). This means that the Government values wind power to such a degree that they want more of it. If the number of windmills shall grow there has to be some sacrifices and somebody and the nature has to pay. This would open up for a discourse on balancing interests and beauty against one another. The weighting is of course based on valuations that are done beforehand: how highly is silence estimated and is the nature in Benarp so unique that it has to be saved? Now this would make it necessary to have more than one location as an alternative and it would also be a poor argument that one landowner wants to make money off his property.

On the other hand the interest manifested by the Government to extend the number of windmills makes it maybe necessary to build in Benarp. This would be an argument that outweighs the farmers’ and the summer residents’ argument that of course we should have wind power but not in my backyard.

There are, of course, a number of values that can and should be discussed in every environmental location issue. The most difficult problem to solve is the recognition that every question of location in the end is based on values – one interest before another. It is understandable that developers and authorities do not want that kind of discussion because it is much easier to make a decision legitimate on the basis of “facts”.

What ways participation takes also differs between authorities. There is a difference between changing levels of bureaucracy since civil servants seems more open to arguments than politicians who seem more conscious of their status. Even though civil servants put up a front they do so because they have to make the decision, not because they necessarily want to do so, which is not surprising since Habermas never thought a discourse would become a reality, since the capitalist society is not open for real compromises, just pseudo compromises (Habermas 1976). The rules of participation could, theoretically, open up for a discourse in Habermas’ sense but does not do so. Why this is so is based on asymmetric power relations. On the other hand Nonet & Selznick have argued for a substantial law, forcing politicians and civil servants to discuss with the public, not closing the door in our face (Nonet & Selznick 1978).

Participation is a way towards new forms of ruling. Gone are the times of casuistic law but what will succeed them is not obvious. It seems, though, that it is necessary to deal with value-oriented arguments and that cannot be done behind closed doors. On the other hand it might not be enough with participation on paper, it might even take new forms of organization.

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