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Sébastien Chailleux, Philippe Zittoun

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Sébastien Chailleux, Philippe Zittoun. The Regime of Invisibility in Closed Spaces of Debate: How and Why Shale Gas Was Perceived as a Non-Problem for Almost a Year in France. *Nature and Culture*, 2023, What is Fracking a Case of? Theoretical Lessons from European Case Studies, 18 (1), pp.20-41. 10.3167/nc.2023.180102 . hal-03988298

HAL Id: hal-03988298

<https://hal.science/hal-03988298>

Submitted on 14 Feb 2023

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The regime of invisibility in closed spaces of debate: how and why shale gas was perceived as a non-problem for almost a year in France.

Nature & Culture, 18 (1), pp.20-41

Sébastien Chailleux

Philippe Zittoun

Abstract: Our empirical study tackles the definition of shale gas within the Administration and gas companies before social mobilization erupted in France in 2011. We analyze how and why shale gas was neither considered problematic, nor perceived as part of the political agenda, even though it was the object of policymaking. We argue that shale gas was caught up in a regime of invisibility shaped by the actors in charge of dealing with license requests. Constituting a closed space of debate, the department in charge of the licenses imposed its own definition of shale gas licenses, and when the topic circulated outside the department, it was always under a business-as-usual scenario. Invisibility was made possible because of the cadastral organization of the Administration, which considered that this department had exclusive expertise over the granting of licenses, but also because of the department’s marginal position within the Administration, rendering shale gas proponents invisible to their own hierarchy. This regime of invisibility helped to define shale gas as a non-problem.

Keywords: shale gas; invisibility; France; public problems; agenda-setting

Introduction

On March 1, 2010, the French Minister of Ecology granted three shale gas exploration licenses in South Eastern France to the companies Total and Schuepbach, without raising any particular reaction from the media or from environmental Non-Governmental Organizations (NGOs). These were in addition to a dozen other licenses targeting unconventional oil and gas since the early 2000s which had gone unnoticed even by the Minister who had signed them: when the contestations began, the Minister admitted that he had been unaware of the actual implications of what he was signing then and he regretted a hasty and uninformed decision. In late December 2010, the first reactions began and swift mobilization was initiated, leading to a ban on hydraulic fracturing in July 2011 (Chailleux, Merlin, and Gunzburger 2018). To explain the initial absence of reaction, the leaders of the social movement underlined that the government had intentionally hidden the granting of those licenses. The denunciation of “intentional invisibilization” was a core argument in the discourse of opponents protesting against shale gas and contributed to the success of the mobilization. Rather than investigating this unsubstantiated claim, we aim to underline the structural mechanisms producing invisibilization during this pre-controversial stage and to show how administrative and professional routines and organizations generated and maintained a regime of invisibility, preventing certain issues from reaching the public and governmental agendas (Cobb and Elder 1971)¹. We argue that such regimes of invisibility are commonplace in consensual spaces of debate that we refer to as “atriums”, which are closed spaces dominated by owners who enforce

¹ Cobb and Elder made a distinction between two types of agenda; the systemic or public agenda refers to an abstract range of legitimate concerns for the polity, while the institutional or governmental agenda denotes a set of concrete items scheduled for consideration by policy-makers (Cobb and Elder 1971: 906).

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a special argumentative regime. We also argue that, while such spaces gain autonomy in regulating specific issues, which increases their invisibility, they may be marginalized within their organization, producing not only invisibility, but also inattention, from their hierarchy, and preventing support when contested.

The literature about public problems is particularly focused on agenda-setting (e.g. Zahariadis 2016b), i.e., on phenomena seeking to catch the attention of actors on a given issue and contributing to setting it on the media and institutional agendas. However, it is less telling about the phenomena of invisibilization which constitutes the dark side of the same process. Most articles on shale gas acknowledge that the pre-controversial stage is “business-as-usual” and is tied to an economic opportunity discourse (Cotton, Rattle, and Van Alstine 2014; Weible et al. 2016; Dodge and Metze 2017; Metze 2017; Lis and Stankiewicz 2017; Evensen 2018). Policy conflicts over hydraulic fracturing and shale gas crop up when another coalition emerges and propagates an environmental discourse that contests the economic opportunity (Goussev et al. 2014; Heikkila et al. 2014; McGowan 2014; Weible et al. 2016; Dodge and Lee 2017; Metze 2017; Cantoni et al. 2018; Witt et al. 2018). The “business-as-usual” coalition then engages in intense strategies to impose its narratives (Cantoni et al. 2018), to criticize those of their opponents (Lis and Stankiewicz 2017), and even to conceal detrimental data and potential side-effects (Fisk 2013; Wylie 2018). Despite providing interesting findings about policy change or stability, these works generally argue that the inattention to hydraulic fracturing often results from intentional actions. The shale gas issue in France provides an interesting case study because it shows how inattention may also be the outcome of an unintentional systemic regime of invisibility, based on monopoly over expertise and

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cadastral² organization – enabling dominant actors in a field to use argumentative practices to discredit opponents – but also on the marginal position of proponents which prevents them from being visible outside the spaces where they dominate. There is one major advantage to analyzing the case of shale gas in France: it is a new topic because, before the controversy started, nobody had heard of it; this enables us to identify better how actors shifted from inattention to attention.

This article is based on 52 interviews with administrative actors from the Ministry of Ecology and the Prime Ministerial cabinets, political actors from the Ministry of Ecology, the Parliament and local governments, and reporters, activists, and industrial actors (Total, Schuepbach, GDF-Suez, Vermilion, Toreador, EGL, UFIP). We also used administrative documents about the granting of licenses and we had access to the archives of the Prime Minister. Lastly, using data from Europresse, we undertook a media analysis with the following keywords (in French): “shale gas”, “hydraulic fracturing”, and “unconventional gas”. We analyzed 548 articles between January 2008 and April 2011 in the French daily newspapers.

First, we will present our theoretical perspective based on a state-of-the-art review of the processes of attention and inattention in policymaking. We will then develop the main features of the shale gas regime of invisibility. (1) A “cadastral” bureaucratic organization fragmented the topic into manageable proportions, but also granted great autonomy to the dedicated administrative department. (2) An expert regime of feasibility helped define shale gas as business-as-usual and as an opportunity. (3) The asymmetrical relations between shale gas proponents and their hierarchy

² The « cadastre » is used in the French legal system to refer to mapping the division of land based on ownership. A cadastral organization therefore refers to the division of tasks between organizations, departments and actors, giving them ownership over specific items.

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contributed to marginalize the former. Lastly, we will analyze how the unproblematic statement from supporters resisted initial criticism.

Table 1

Agenda-setting and the invisibilization of issues

The phenomenon of invisibilization was questioned quite early in the literature on public problems (Fuller and Myers 1941a, 1941b; Dewey 2010). This phenomenon became clear in the 1960s, when it was perceived as essential to reveal the mechanisms behind the sorting out and the selection of problems in the decision-making process. Rejecting the opposition between objective conditions and subjective definitions of problems, sociologists from the Chicago School showed that the absence of collective definition and mobilization generated the inexistence of an issue and therefore its invisibility (Blumer 1971; Spector and Kitsuse 1973). Political scientists also showed that most of society’s “wants” remained invisible to the political system. To be considered in the political system, those “wants” had to be transformed into “demands” through the designation of a public authority in charge of them and through the establishment of collective support for the demand (Easton 1965).

Schattschneider (1960) highlighted this phenomenon when he suggested looking to the pre-decisional phase to explain better the role of interest groups in controlling access to the political agenda. He stressed that not only did a conflict have to expand to become important, but also that political power lay first and foremost in mastering this expansion and in limiting participation to

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policymaking. He invited scholars to study less visible conflicts and to examine those that did not provide access to visibility. Using the concept of bias, he underlined processes of strategic, cultural and political mobilization, limiting the expansion of conflicts and precluding them from becoming visible on the political and democratic scene.

Continuing these works, Bachrach and Baratz developed the concept of non-decision to shed light on the practices that hinder issues from accessing the decision arena, thereby making them invisible to policymakers (Bachrach and Baratz 1962, 1963). They showed how powerful groups acted upstream of the decisional phase to stop issues from becoming visible public problems that the government should solve. Cobb and Elder used the famous concept of “agenda” to explain the mechanisms of the sorting out and selecting of issues in this pre-decisional phase (Cobb and Elder 1971). They differentiated the systemic agenda from the institutional agenda to show the filters operating to select problems. Each of these filters acted as a barrier: gaining access to the systemic agenda did not ensure that the problem would be set on the institutional agenda.

However, since the 1970s, the attention of scholars has focused more on the conditions of access to the institutional agenda than on failures, and invisibilization processes. This period has been marked by the development of policy process approaches suggesting that the pre-decisional phase be integrated into a larger process (Lowi and Olson 1970). This has pushed scholars to examine the problems that succeed in accessing the agenda, leading to policy decisions and implementation. Studies investigating the definition of problems (Kingdon 1984; Rochefort and Cobb 1994), their framing (Gusfield 1981), and the attention of governments (Baumgartner and Jones 1993; Jones and Baumgartner 2006) have cast aside the question of inattention and invisibility. Nevertheless, some authors have underlined the importance of scrutinizing “quiet politics” (Culpepper 2012) the

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better to understand who benefits from the distribution of costs and advantages regulated by public policies.

Regime of invisibility and the confinement of demands into a hermetic atrium

Recent research in science and technology studies on the production of strategic ignorance (McGoey 2012) and agnotology (Proctor and Schiebinger 2008) have renewed interest in these phenomena. These studies mostly insisted on intentional deception from powerful actors (Oreskes and Conway 2010; Kirsch 2014), but the agenda is set to question the various processes contributing to reducing attention and to confining problems before they emerge (Paul and Haddad 2019). We suggest developing further the mechanisms of the regime of imperceptibility/invisibility (Murphy 2006; Henry 2017; Wylie 2018) through the investigation of the development of the regime for shale gas in France. Our study addresses the question of why policy issues do not reach the political and public agenda, and we suggest the role of a structural regime of invisibility in rendering potential problems invisible. We explain the inattention of policymakers and wider publics over shale gas through this regime of invisibility, describing the business-as-usual management of oil and gas licenses in France.

To develop this argument, we need first to evoke some key elements of the framework that we used: the pragmatic constructivism framework (PCF) (Zittoun and Chailleux, 2022; Chailleux and Zittoun, 2022). Based on a constructivist approach, PCF considers how policymakers define the reality around them and build agreement through their interactions to define collectively a problem or a policy (Berger and Luckmann 1991; Rochefort 2016). PCF differs from the relativism and structuralism frameworks (Baudrillard 1985; Bourdieu 2014) by seriously taking into account the

importance of the actors’ experience, the unexpected consequences of their practices, and the conflictual dimension of their interactions (Ansell 2011; Zittoun 2014; Chateauraynaud 2016; Dunn 2019). As Boltanski noted, while structured “reality” is built and ordered through discourse, the enigmatic outside “world” regularly explodes into this social “reality” through unexpected events (Boltanski 2008, 2009).

The first element to consider is the discursive interaction between policymakers and other actors to build a coalition around a “problem statement” and/or a “policy statement” (Zittoun, 2014). If the concept of “policy statement” was initially used by Anderson to evoke the “formal expressions or articulations of public policy” (Anderson 1975: 5), we borrowed from Foucault’s concept³ to describe the definitional coupling between different elements, its stabilization through repetition, and its capacity to cement a “statement coalition”⁴ (Foucault 1971; Zittoun 2016). We differentiate problem statements – which chain together a problem, its victims, a dramatic future, culprits, and responsible authorities – from policy statements – which chain together a solution and its beneficiaries, a bright future, and a legitimate authority able to restore social order. In this article, we will focus primarily on how interactions between actors shaped a policy statement coalition favorable to shale gas in the shadows of the Administration⁵ and of gas companies.

The second element is to analyze the multiple disputes in which these statement coalitions engage so as to impose their own statement in the policy process. We underline the considerable

³ “Enoncé” in French.

⁴ Statement coalitions differ from discourse coalitions because they need to be observe “in action”, that is they are performed in actual spaces, and they differ from advocacy coalitions because they are not based on share values but on a shared definition of a problem or a policy.

⁵ We refer to the Administration as encompassing all the State authorities and bureaucracy.

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uncertainty in the policy process as the power of each coalition, which would like to impose its own definition of a problem or a solution, is tested in multiple events in more or less open spaces. In this article, we insist on the asymmetrical position of actors in these disputes and on their relative power to build a strong statement coalition in some spaces, but a weak one in other spaces.

The third dimension to consider is the spaces of debates where these discursive practices take place empirically. Rather than consider some very large “policy subsystem” or “policy stream” (Weible and Jenkins-Smith 2016; Zahariadis 2016a) structured by unique rules and modes of regulation, we will observe the multiple locations where the actors argue so as to understand better the multiple rules and regimes of regulation that take place during policy formulation. Specifically, we will distinguish public forums that are open, conflictual, and without any particular regime of discursive regulation, from closed and discrete spaces that could be either conflictual and with a low level of regulation (the arenas), or dominated by a set of actors. In this article, we focus on this last type of space, which we refer to as an atrium. An atrium is a space of debate characterized by an asymmetric position of actors with a dominant group of experts who occupy a strategic position in the policy formulation process and who mobilize arguments to disqualify and discredit any problem statement. Following Gusfield’s concept of ownership (Gusfield 1981,1989; Zittoun, Fischer, and Zahariadis 2021), we refer to the dominant actors as the owners of the atrium.

We argue that an atrium tends to produce regimes of invisibility shaped by intentional and unintentional features. Our argument is, on the one hand, that an atrium is based on the monopoly of expertise and on a cadastral organization – which are two features of our regime of invisibility – enabling its owners to impose a dominant definition of a policy statement within the range of their monopoly and to prevent other actors from setting any alternative problem statement on the

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agenda. We specifically show how actors from the oil and gas atrium maintain the “business-as-usual” frame to render any problems tied to shale gas invisible to policymakers outside the atrium. On the other hand, we argue that the ability of an atrium’s owners to impose their definition of a policy statement sometimes comes at the cost of themselves being made invisible – this is the third feature of our regime of invisibility. Specifically, we show that the oil and gas atrium is marginal in France and, while this marginality favored its autonomy in the pre-controversial stage, granting it the full management of licenses without supervision of its hierarchy, it became a liability when the support of the hierarchy was needed to circumvent the growing criticism.

Invisibility through bureaucratic cadastral organization: how shale gas licenses requests were confined within the bureaucratic atrium

Traditionally, the administration is structured through a division of tasks between departments and offices, which contributes to fragmenting and confining issues (Blau 1956; Crozier and Friedberg 1977; Weber 2003; Selznick 2011). This bureaucratic division of tasks contributes to designing a cadastral map where each office manages its own demands and issues, making these offices atriums as they possess exclusive expertise and the ability to define ordinary items that lie out of the scope of other offices, departments, and ministries.

In the case of France, the division of tasks leads all requests for an oil and gas license to the Department of Energy and, more specifically, to one of its offices, i.e., the Bureau of Exploration and Production of Hydrocarbons (BEPH) (Table 2). The minister’s final signature constitutes a formal step in a procedure managed exclusively by one office.

Table 2

Despite the fact that the requests pass through various departments, BEPH imposes its expertise and its ownership over their acceptance or rejection. A request must follow four phases defined in a codified procedure and reflecting the fragmentation of tasks (Table 3). The request is first received and validated by BEPH which then sends it to the regional level for a legal notice. However, given that this regional authority was integrated into the procedure only in 2008 and has almost no expertise in hydrocarbons, it follows BEPH’s suggestions. The request is then sent back to BEPH, which provides a report on its feasibility. Using a self-defined regime of truth, the bureau proceeds to the validation of its technical, economic and financial feasibility. Finally, the request is sent to a technical body for an additional legal notice, but the civil servants from the *Corps des Mines* generally validate the expertise provided by BEPH. Therefore, despite its circulation, BEPH maintains total domination over the regime of truth and the conditions of validity, to the extent of making it invisible to the other departments that handle the request.

Table 3

Another feature of invisibility relates to the cadastral organization and the division of tasks. The French procedure is structured with a gap between licenses and work authorizations, which fragments the management of the requests. Licenses grant access to the land but drilling activities require work authorizations which are granted by a different office. Managing licenses, BEPH does not have to take a stance on drilling techniques, including on hydraulic fracturing. BEPH only assesses the competences of the company and its financial capabilities. Once the licenses are

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granted, techniques are assessed in a second procedure by another office from the General Directorate of Risk Prevention (*direction générale de la prévention des risques*: DGPR) (Table 2).

We deal with the land. We grant land titles. (...) We are in charge of granting mining rights [and] we manage the licenses. As far as work authorizations are concerned, that's something else; it is a different procedure. (BEPH interviewee)

However, when the social movement against shale gas started in late 2010, licenses had been granted but no work authorization had been delivered, meaning that the drilling techniques, and particularly hydraulic fracturing, had not been assessed by the Administration.

The BEPH agents managed the license requests autonomously in their own atrium. They never alerted their hierarchies of any issues relating to drilling techniques and even when the minister had to sign the licenses, he or she followed the advice from the office.

The minister's delegation was total, I never saw a minister look at a file, never, they were not interested. (Interview with a member of BEPH)

The cadastral organization makes BEPH the unique owner of the oil and gas licenses and also separates the administrative management of licenses from work authorization, contributing to rendering oil and gas license requests invisible to actors outside this atrium, or at least to giving the BEPH agents the ability to be the key players in shaping the demands. Indeed, this cadastral organization must be connected to the dominating framework about shale gas within the BEPH atrium, which was the narrative about “business-as-usual” demands.

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Invisibility through the definition of shale gas as a business-as-usual situation: how BEPH agents framed the requests as policy solutions rather than as problems

BEPH agents and exploration companies were the first actors to give meaning to shale gas requests. Within the hermetic space of the atrium, they defined shale gas as “business-as-usual”, based on a specific regime of technical and legal feasibility.

To understand better how BEPH agents understood shale gas requests, we must first explain the larger and the historical narratives that they developed and institutionalized concerning their activity of granting licenses. In the 1990s, BEPH experienced a major decline in its activity with a sharp drop in requests. The agents adopted a mission of “saving” the exploration of the French subsurface and the discourse of decline led to a narrative of promoting the French mining domain. BEPH agents became representatives and promoters of abandoned licenses and deposits.

At the beginning of the 1990s, the policy was to promote the mining sector. From 1995 onward, I participated in the promotion of the French mining sector in international conventions such as the AAPG [American Association of Petroleum Geologists] up until 2006. (BEPH interviewee)

Therefore, rather than defining unconventional oil and gas as a new problem to address, BEPH considered them as the solution to its decline. The agents declared that the new licenses were “in continuity” with past exploration: coalbed methane exploration from Enron in the 1990s and from European Gas Limited in the 2000s; tight gas exploration from Conoco/Encana in 2006; and even shale oil exploration from Toreador and Seven Petroleum in 2007. Similarly, hydraulic fracturing was understood by these actors as a classic, old, well-known, and mastered technique. For them, it

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had neither specificity nor particularity that could be defined as a problem: “*Hydraulic fracturing is used to enhance oil recovery. It’s a technique mastered since the 1970s. That has always been used.*” (BEPH interviewee). Based on geology and engineering knowledge and on mining regulation, the agents defined shale gas and hydraulic fracturing as technically feasible, business-as-usual, and unproblematic. They chained shale gas to their own problem of decline and made it an opportunity for renewal, further erasing any problematic aspects.

Most requests are considered as “business-as-usual” demands because they fulfill a set of norms and expectations that make those demands ordinary demands for BEPH agents. We can highlight two main expectations about the “seriousness” and the “business-as-usual” features of the requests: the identity of the requester as a petroleum geologist, and the co-construction of the demand with BEPH agents. The requests from Schuepbach in 2008 followed the ordinary procedure bound by the Mining Code. BEPH agents saw no problem with this request, but it was crucial for the requester to be a “petroleum geologist”. Indeed, all BEPH agents are petroleum geologists trained at the French School of Petroleum, and during the interviews, they identified themselves with this “world” by repeatedly saying “*we, the geologists*” (rather than “*we, the administration*”). This was the door opener that would determine if one was serious and whether one would act as a guarantee of the request’s quality:

Emmanuel Mousset is the president [of Toreador], he is a geologist. And Schuepbach, Martin, he's a doctor in geology too. He was in my office, there was no problem. They are people with a lot of experience about the subsurface and oil. (BEPH interviewee)

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Moreover, if requesters made an effort to work with the department and followed their recommendations to submit a request compliant with the department’s regulations, then all the conditions were fulfilled. When Total requested a license for the same area targeted by Schuepbach but without making an effort to work with BEPH, the latter gave precedence to the junior American company rather than the major French firm, exemplifying the importance of co-construction.

We almost rejected them, Total, I almost rejected them. They came on the last day because they were late, that's all. They were caught in a rush. They made their application but it had to be written in a nice way and it took them a long time. (BEPH interviewee)

Schuepbach was granted two licenses and Total only one. Total tried to bypass the BEPH decision and went to the Director of Energy who let his deputy director deal with the case. However, even outside the atrium, the deputy director finally trusted his department and followed its advice. Outside this issue of competition, no other issue emerged from the atrium and the BEPH’s policy statement remained the dominant one: shale gas licenses were not an issue.

Having monopoly over expertise and being the unique owners of oil and gas licenses, BEPH agents produced their own definition of shale gas license requests and exported this definition outside the atrium. When the shale gas policy statement circulated during the two-year procedure, it was always under the BEPH frame that the requests were considered as business-as-usual and as unproblematic.

The marginal positions of the owners of gas: how BEPH was also invisible

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The invisibility of, and inattention given to, shale gas management was not only the result of the division of tasks between offices but also of the marginal position of the agent within the department and ministry. Indeed, in 2010, BEPH had hierarchical and symbolically weak positions: its agents did not interest their hierarchy and they had no access to their organization’s agenda. In 2010, shale gas was invisible not only because it was confined within the BEPH atrium and only circulated outside under the frame of “business-as-usual” narratives, but also because the actors dealing with the demands were themselves invisible.

BEPH agents were in the shadow of a powerful administration which took no account of their concerns. Part of the Directorate of Energy, BEPH was attached to the Ministry of Industry and to the *Corps des Mines* before 2007. The *Corps des Mines* is one of the *grands corps d’Etat* in charge of the French top Administration. Composed of high-ranking civil servants educated in specific schools, such as the French Polytechnique, the *Corps des Mines* is historically in charge of all the topics regarding mines and energy. In the French bureaucratic system, a “*corps*” has the ability to monopolize every key position within a Directorate of the Central Administration. In the Directorate of Energy, the director, all deputies and the majority of office managers are from the *Corps des Mines* and always have been. Young engineers usually use each position to build their career; one generally occupies a position for a maximum of four years before moving on to the next level. The *Corps des Mines* is historically a powerful body as it has been behind the development of nuclear energy and has crushed all forms of contestation over the past 50 years.

This depiction of the French administration in general, and of the Directorate of Energy in particular, sheds light on the particularities of BEPH. The office manager was a petroleum geologist and did not belong to the *Corps des Mines*. She worked at BEPH from 1998 to 2011, i.e., far longer

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than the classical career length. The policy officer in charge of shale gas licenses had the same training and had been working at BEPH since 1990. Far from being a simple matter of specialization, the lack of engineers from the *Corps des Mines* revealed the general lack of interest of young engineers towards BEPH. There is no doubt that the agents from BEPH were aware of the administrative rules:

I have always said we worked for the Secret Service because as long as it was going well, no one was interested. (...) Before the office manager came from the Corps des Mines, he was not a contractual geologist [like me]. Let's say they focused on other topics. (BEPH interviewee)

This disinterest arose from the decline of extraction in France since the 1970s (Chailleux, Merlin, and Gunzburger, 2018) which led the *Corps des Mines* to manage other activities such as nuclear energy. It was also visible in the absence of interest from the direct hierarchy. We have already stressed how the atrium was granted autonomy with total delegation, but this autonomy also meant inattention. Deputy directors showed no interest in this self-organized department:

So each time I had a new deputy director, it took him a few months to understand the main goals of the department, to see that we were on an activity that was working, that was going smoothly. He was less involved in monitoring. We were completely entrusted with this task and this role of proposition. (BEPH interviewee)

The Director of Energy, before the mobilization, explained that he paid no attention to oil and gas requests (interview with the Director of Energy). BEPH was therefore a department in the shadow of the bureaucratic system, whose concerns rarely became those of its hierarchy.

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This type of asymmetry also existed between exploration companies and their professional union. France has always had marginal oil and gas extraction (less than 3% of its consumption) which peaked in the 1970s. While major companies (Total and Shell) left France in the 1990s when exploitation became less profitable, they were replaced by smaller companies (Vermilion, Toreador) which made profits from smaller deposits and which invested in exploration. The Union of Oil and Gas Companies (*Union Française de l’Industrie Pétrolière* or UFIP) is an illustration of this shift. In 2010, major companies, which had no interest in exploration, dominated the union’s agenda. The dedicated union in charge of exploration within UFIP was an ad hoc department in the 2000s:

When I began to take charge of this union chamber in the mid-2000s, we simplified the structures. We were engaged in a logic of decline and we forecast the end of the exploitation and production activity in the long term. (UFIP interviewee)

When exploration companies such as Toreador (which owned exploration licenses for shale oil in the Paris basin) came to seek support from their union in the late 2000s, they were met with skepticism:

When Toreador started to talk about it, it made a lot of people laugh, especially the foreign companies who thought that it was what had happened with Elf, sniffer planes, a swindle. (Interview with Toreador)

Even when the major companies, Total and GDF-Suez, came looking for shale gas, it was marginal teams within these big groups that led the project, without the support of top managers.

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At that time, shale gas was not high on the list. It was clearly not a priority at Total, and even more so in France, where opinions on the potential were very divided within the company. (Interview with a senior Total manager)

Contrary to the two previous features of the regime of invisibility, the marginal position of shale gas supporters in France was endured by actors rather than activated to promote exploration. Shale gas was thus an invisible issue in 2010 because it had been confined within the BEPH atrium which imposed its “business-as-usual” framework, rendering any problematic features invisible. It was also an invisible topic because its supporters were themselves invisible, both in their organization and to the general public.

Preventing criticism by mobilizing the regime of feasibility: how BEPH tried to invisibilize the first problem statement

BEPH domination over shale gas was put to the test in late 2010 when the issue was constructed as a public problem (Zittoun and Chailleux, 2022). When a new problem statement emerged, BEPH agents mobilized their expert legitimacy to criticize the definition of shale gas as a problem and to disqualify their opponents. This resistance only worked for a couple of weeks, but it exemplified, on the one hand, how these agents used both the cadastral organization and the monopoly over expertise to disqualify their opponents, and on the other hand, how they suffered from their marginalization.

In 2010, a problem statement about shale gas emerged in other countries (Dodge and Lee 2017; Chailleux 2020), as well as in France, through newspaper articles. In France, the first article was published in March 2010 in *Le Monde*. Inspired by what happened in the U.S., but also by his own

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investigation, a reporter developed a problem statement associating shale gas with environmental problems such as air and water pollution, water consumption, and landscape degradation.⁶ A few other isolated articles followed from April to September in other newspapers, but without leading to the mobilization of actors. Even with a media visibility, the problem statement did not really circulate. The situation changed in late December 2010 when a handful of people organized the first public meeting which marked the beginning of the problem agenda setting from January onward (Zittoun and Chailleux, 2022). The problem was threefold: hydraulic fracturing led to pollution; shale gas disrupted the local socioeconomic organization; the licenses had been granted “on the sly”. Therefore, opponents called a halt to all licenses.

While the objective of this article is not to analyze the construction and success of the problem statement, we would like to observe how the problem statement made its way to the atrium and came back. The problem statement accessed the media agenda in late December, but the first governmental reaction only appeared at the end of January. The problem statement entered governmental and administrative spaces through the deputy director of the cabinet of the Ministry of Ecology⁷, who was alerted through emails and press articles. His reaction was to ask for an explanation from the Director of Energy who himself demanded a memo from BEPH. The problem statement arrived in the atrium where the agents disqualified the problem by explaining that shale gas and hydraulic fracking were not problems. They argued that France was not the US, where the problem statement came from, and that French standards guaranteed proper drilling. They also

⁶ Hervé Kempf, « Le casse-tête gazier » (The gas puzzle), *Le Monde*, March 22 2010

⁷ All the main actors we interviewed confirmed that they paid attention to the problem statement because of this deputy director.

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disqualified the statement’s spokespeople, explaining how they were not experts and spoke falsehoods. Moreover, they mobilized an argument of legal feasibility to explain how halting the licenses was legally impossible.

These arguments came back to the Minister of Ecology who made a speech before Parliament on January 26, 2011 to state the position of the government. This meant that the atrium disqualified the problem statement and persuaded the Director of Energy, the cabinet, and the Minister herself that their policy statement was the most relevant one and that the problem statement was not legitimate. Mobilizing the power of the atrium, they shaped the governmental position and excluded the problem statement from the government agenda. Unfortunately for them, the public forum worked under different rules and other modes of regulation, and the position of the Minister was highly criticized, pushing the Minister to change her position and announce the licenses’ suspension and the launch of an expert mission only four days later. Calling upon new experts, the Minister distanced herself from an office that was labelled as “too legalistic” by its hierarchy (interview with the Director of Energy). Criticized outside the atrium, these experts suffered from their marginal position which deprived them from any hierarchical or political support.

Conclusion

The case of shale gas in France allows us to put under the spotlight the issue of invisibility in agenda-setting and the selection of public problems. While shale gas has been analyzed under different perspectives over the last decade, few studies have questioned what happens in the discreet spaces of the administration and the industry. In this article, we explained why shale gas

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was invisible in the French agenda before the end of 2010 and how the topic was shaped within the closed space of the BEPH atrium. The topic was confined in an atrium which developed a regime of invisibility, preventing shale gas from circulating outside it and when it did, it was always defined under the scenario of business-as-usual and economic opportunity.

We have shown how the structures of the atrium shed light on the dynamics suffocating potential public issues. The cadastral organization and the monopoly over expertise enabled BEPH to be the main owner of oil and gas licenses and to impose its definition about shale gas under the “business-as-usual” framework. These two features of the regime of invisibility provided resources for BEPH to define a policy statement making shale gas unproblematic. However, a third feature worked both ways because the marginal position of shale gas supporters within their organization gave them autonomy, but also rendered them invisible to their own hierarchy. Before the end of 2010, shale gas was therefore invisible for most actors, both as a problem and as a policy statement. When confronted with a potential social mobilization, the supporters of shale gas did not resist for long because they suffered from their marginal position and because their particular argumentative regime did not enable them to adapt to the rules of the public forum.

At the center of these mechanisms are the definition of collective statements and the configuration of the space of dispute in which statements circulate. Our article contributes to the literature about interpretive policy analysis by showing the importance of a comprehensive analysis of the production of statements, the actors and the coalition creating and propagating them, and the spaces of debate where these statements are produced. The objective of this article is not to explain why shale gas development failed in France. Rather, it aims to shed light on the pre-controversial stage

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when initial statements were produced in order to provide further details on their features and on the rules governing the spaces where they were shaped.

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