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**Papers on Social Representations****Volume 21, pages 3.1-3.21 (2012)**

Peer Reviewed Online Journal

ISSN 1021-5573

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## **Cognitive Polyphasia in the Reception of Legal Innovations for Biodiversity Conservation**

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Cognitive polyphasia has mainly been used to address encounters between innovative scientific knowledge and local, traditional knowledge. Yet, change and innovation occur in many spheres of life, not just in the scientific one. In this paper we examine the encounter between new laws – or legal innovations – and local knowledge, and discuss how the normative force of new laws shapes communication and cognitive polyphasia. We specifically focus on the Generalisation phase of legal innovation, when new laws are translated into concrete practices, the social debate is more intense, and cognitive polyphasia is more likely to occur. We present empirical data from focus groups and interviews to illustrate how this happens for the specific case of the reception of new biodiversity conservation laws affecting communities living in protected sites. We also examine the positions of professionals from local mediating systems, illustrating how they manage the dilemmas linked to the introduction of new laws. The results illustrate the contexts of use of non-polyphasic and polyphasic interventions; they also show how polyphasia is expressed by two divergent argumentative formats (*thematization* and

*conventionalisation*), whose conjugation is indispensable for trying to contest the law while still respecting the normative meta-system. The findings are discussed taking into account the macro-societal consequences of cognitive polyphasia, trying to show how, at the societal level, it may contribute to slowing down social change. We also discuss how this is related to the enablement of emancipated representations, those where uncertainty and ambivalence more clearly emerge and sustain the negotiation of meaning.

The concept of cognitive polyphasia has helped examine how individuals and groups resort to different types of knowledge and forms of thinking for coping with change and innovation (Gervais & Jovchelovitch, 1998; Moscovici, 2008; Wagner, Duveen, Verma, & Themel, 1999). However, although change and innovation occur in many spheres of life, until now the notion of cognitive polyphasia has predominantly been used to address encounters between scientific knowledge and local knowledge. Examining whether and how polyphasia occurs in other encounters, such as those where local knowledge confronts the force and formality of new laws – or legal innovations – may help expand our understanding of its characteristics and functions.

Therefore, in this paper we examine how the normative force of new laws shapes cognitive polyphasia in legal-local knowledge encounters. We further expand the notion by linking it more explicitly with other concepts of the theory of social representations. In this regard, we will argue that the notion of cognitive polyphasia assumes particular relevance in the context of one specific type of representations – emancipated ones (Moscovici, 1988). Moreover, we will argue that the notion can also expand our understanding of the operation of the normative meta-system in the context of emancipated representations, at the inter-personal and societal levels.

We view cognitive polyphasia as having two components: (1) it is a property of human thought enabling the self to use different rationalities, reasoning forms, or knowledge modalities, each characteristic of the different spheres of social life; (2) because meaning is heterogeneous, both within and across spheres, cognitive polyphasia also enables the self to draw arguments from different belief systems and spheres when resorting to different rationalities. Thus defined, cognitive polyphasia is clearly more an issue of social re-presenting than of social representations. In other words, the forms and functions of cognitive polyphasia are better

understood if we focus on relational, conversational, interactional aspects, looking at how representation happens in concrete communicative practices.

A further contribution of the paper will be the placing of cognitive polyphasia in a temporal context. Social change promoted by legal innovation follows several phases and cognitive polyphasia arguably has higher expression in the Generalisation phase of legal innovation (Castro, 2012; Castro & Mouro, 2011), when the new laws have been issued and need to be translated into concrete practices. It is during this phase that individuals, mediating systems and groups actively negotiate different translations and the social debate can become intense.

In the pages that follow, we substantiate the aforementioned ideas and illustrate them by specifically looking at how communities and mediating systems from *Natura 2000* sites<sup>1</sup> receive and negotiate the new biodiversity conservation laws. For this, we analyse focus groups and interviews, showing that even when social practices are strongly constrained by legal norms, debate and resistance are still possible, with consequences for the transformation of ideas and practices. We namely examine:

- 1) The discursive formats through which polyphasia is expressed, identifying ideas that are *conventionalised* (re-affirmed, but left un-discussed) and ideas that are *thematized* (Marková, 2008; Mouro, 2011), thereby exploring how the normative meta-system (Moscovici, 2008) shapes cognitive polyphasia;
- 2) the tensions between the two types of knowledge (legal and local) in the discourse of local residents and in that of professionals from local mediating systems involved in implementing the new laws;
- 3) how the discursive formats adopted help sustain the dialogue between different, alternative representations, a characteristic of emancipated representations.

Finally we discuss the societal consequences of polyphasia, debating how it can contribute to either accelerating or slowing down social change.

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<sup>1</sup> The *Natura 2000* sites constitute an EU-wide network of nature protection areas established under the 1992 Habitats Directive. They now cover about 20% of the EU territory.

## **COGNITIVE POLYPHASIA AND THE TEMPORAL CONTEXT OF LEGAL INNOVATION**

Moscovici (2008) proposed the concept of cognitive polyphasia for addressing how “an individual (or collective) subject can use a plurality of modes of reflection” (p.193), with the aim of deepening our understanding of how different spheres of knowledge co-exist and transform each other. More recently, research has shown how distinct rationalities and types of knowledge are indeed used by individuals and groups for choosing among available practices, making sense of their relationships or justifying their everyday options in contexts of innovation and change brought by scientific knowledge (Castro & Lima, 2001; Gervais & Jovchelovitch, 1998; Provencher, 2011; Wagner et al., 1999). However, and as mentioned, innovation can emerge from other spheres besides the scientific one (Castro, 2012), and in this paper we address cognitive polyphasia in the context of legal innovation, focusing specifically on how biodiversity conservation laws regulating *Natura 2000* protected areas are locally received.

For contextualising this reception, let us first set it in its temporal context. Innovative concerns with biodiversity entered European societies in the middle of the 20<sup>th</sup> century through the influence of (then) minority ecological movements, which established the first stage of legal innovation: the Emergence stage (Castro & Mouro, 2011). After gathering public support - from the late 1980s onwards - conservation concerns began to be institutionalized in European Union (EU) member states. During the Institutionalisation stage, the sites integrating the *Natura 2000* network were defined with the help of ecological experts; the laws regulating them were devised by the European Commission in the early 1990s and then transposed to the legal frameworks of member states. At this point, the third phase of change, the Generalisation one, was initiated. During this stage – the present one - the new legal imperatives for the protection of endangered species have to be made effective and translated into concrete practices, and meet and confront previous local practices and ideas. Such imperatives include the prohibition of intensive farming practices or restrictions to new constructions, for both small (e.g., residential buildings) and large-scale projects (e.g., highways or dams).

The Generalisation stage has high socio-psychological relevance, since in the encounters it fosters, the appropriation and translation of the legal innovations trigger debate, negotiation,

contestation and transformation of meanings and practices. Research shows that the reception of *Natura 2000* laws has been marked simultaneously by a high endorsement of biodiversity protection as a valid societal goal and by some local contestation (Buijs, 2009; Castro, Mouro & Gouveia, 2012; Hovardas & Korfiatis, 2008; Mouro & Castro, 2010). This poses the question of how can individuals and communities resist and contest in practice the new laws created for supporting a highly normative societal goal. In other words, how can individuals and communities simultaneously attempt to negotiate the laws and respect the normative meta-system that intervenes in communicative practices by stating “which combinations of available propositions are permissible and which are forbidden” (Moscovici, 2008, p.168)? Moreover, how can this be achieved when the normative meta-system does not just comprise informal (there is public support for its goals) but also formal (the goals are backed by actual laws) norms? For answering these questions we need to set the notion of cognitive polyphasia more clearly in the context of change fostered by legal innovations.

## **COGNITIVE POLYPHASIA AND THE CHARACTERISTICS OF LEGAL INNOVATION**

Cognitive polyphasia is both stimulated and supported by some of the specific characteristics of legal innovation that we shall now briefly address (see Castro, 2012; Castro & Mouro, 2011 for detailed renderings). The first characteristic refers to the fact that, in order to be able to regulate different social groups in many different contexts, laws are usually written in rather generic and unspecific terms, and always need to be translated to concrete, specific contexts (Castro, 2012; Castro & Mouro, 2011). This translation process moves the laws from the societal/generic to the local/specific level, and opens space for communities and mediating systems to debate them. For this, they can either draw arguments from different and competing belief systems and rationalities (Batel & Castro, 2009; Castro et al., 2012), or from only one of them. In other words, the arguments in these debates can be non-polyphasic – for instance, defending the “primacy of the law” as a societal imperative (Tuffin & Frewin, 2008) and/or establishing prescriptions for representations or actions, through a reification-like communication (Batel & Castro, 2009); or they can be polyphasic, articulating distinct knowledges and different positions and revealing

awareness that actions and representations are adapted to context (Batel & Castro, 2009; Provencher, 2011), and discussing for instance the extent to which the law responds to contextual specificities.

A second characteristic of legal innovation relates to the relevance that needs to be accorded to mediating systems as active social agents in the reception and co-construction of legal innovation (Castro & Batel, 2008; Morant, 2006; Morant & Edwards, 2011; Mouro, 2011; Renedo & Jovchelovitch, 2007). For the study of polyphasia, it is important to understand which discursive formats and arguments are used by these systems in the presentation of the new laws, since they may echo the tensions emerging from dialogical relations between their professional agenda, the community/contextual demands and the statutory demands (Aveling, 2011; Renedo & Jovchelovitch, 2007).

Finally, a third and very central specificity of legal innovations regards the fact that, in order to fully fulfil their role, new formal laws need to become informal forms of regulation across different contexts (Castro, 2012). In other words, the goals, values, ideas and practices (or representations) promoted by the laws need to become hegemonic, i.e., uniform and coercive across a structured group, like a nation, as the definition of hegemonic representation proposes (Moscovici, 1988, p. 221). Yet, this can only happen over time, during the Stabilisation phase, and only if the Generalisation phase has been successful (Castro, 2012). In the transition period, before full generalisation and acceptance of the laws, the law-associated representations are better described as emancipated. This means that, despite the social support offered to the generic values on which they are founded, “each subgroup creates its own version” of them and the goals they promote “and shares it with the others” (Moscovici, 1988, p.221).

In this Generalisation period, the translation of laws into concrete practices and specific contexts is intensely negotiated in everyday debates. Yet, these are not the blatant, confrontational and polarized conflicts associated with polemic representations; these are the everyday, subtle, re-signification-lead clashes in which individuals do not seek the substitution of one representation for another. They seek to remain in dialogue and to achieve some coordination of meaning and action, while still maintaining the space for creating and sharing the aforementioned own versions. One way of assuring this is by expressing a *conventionalized* agreement with the laws, followed by a *thematization* contesting them and putting forward local

projects and interests (Mouro, 2011). This evidences the operation of the meta-system, and in this case, means that, when needed, a generic agreement with formal norms can be presented to guarantee that local projects and perspectives can also be put forward in discourse.

## **SYNTHESIS AND SPECIFIC GOALS**

In sum, the above suggests that the Generalisation stage of legal innovation – when the new laws are translated into concrete practices and debate is intense – is a period of emancipated representations during which distinct rationalities are in a polyphasic way brought into dialogue. Through that dialogue, open confrontation opposing the laws is avoided, as it would violate the normative meta-system (Doise, 1993), and these rationalities and the arguments supporting them are simultaneously connected and kept distinct from one another. This is consequently not a period of blatant conflict but a moment for conflicts of interpretation.

The general purpose of this paper is then to contribute to a more comprehensive understanding of cognitive polyphasia as it happens in the context of the encounters between legal and local knowledge that take place during the Generalisation phase of legal innovation, when emancipated representations are to be expected. Since cognitive polyphasia is better understood by examining communication and discourse (Jovchelovitch, 2007), we analysed interviews and focus groups with local community members, as well as with professionals from the mediating systems that intervene in the translation of the laws. The transcripts from these interviews and focus groups were used for capturing how the discourses were organized in order to manage the tensions opened up by the imperatives of not violating a doubly powerful meta-system, both informally and formally supported, while maintaining space for discussing and resisting the laws.

Concretely, our first specific goal was to examine the specific communicative practices through which polyphasia is expressed in contexts constrained by legal norms. For this the use of either *thematization* or *conventionalization* arguments was examined, and the *themata* more frequently used were identified. We also analysed how the concrete arguments constructed biodiversity conservation as either a local or a global issue and assessed how this helps supporting or resisting the laws. The second specific goal was to examine how professionals who

help implementing the laws deal with the tensions between formal knowledge about biodiversity conservation and local knowledge and practices, and how their arguments were linked to their professional projects.

## **DATA COLLECTION**

The data presented here comes from six focus groups with thirty-three local residents and from seven semi-structured interviews with landowners and local professionals working on biodiversity conservation issues. The interviews and group discussions focused on the participants' evaluation of local changes, their attitudes and experiences as residents in a protected area, and the involvement of local communities in the designation of those areas into protected sites.

Interviews and focus groups were recorded and transcribed verbatim. The analysis of the resulting material was theoretically guided: we tried to understand how the participants responded with regards to several dialogical components of the representational process (details can be found in Mouro, 2011). In this paper, however, we focus only on how the laws that regulate biodiversity conservation are re-presented in either polyphasic or non-polyphasic interventions, on the discursive formats the arguments assumed in these interventions, and on the *themata* they develop.

## **ANALYSIS**

Let us start by presenting a synthetic overview of the interventions of the participants about the new laws. There were a few non-polyphasic interventions, either defending the law with arguments about the “primacy of the law”, or blatantly contesting it. Yet, while the “followers” of the law were not confronted by others in the debate, those blatantly opposing the law received interpellations from other participants, reminding them of the limits of the debate. They subsequently reviewed their position, affirming their agreement with the laws, in a polyphasic manner.



There were very few of these interventions, however. By far more frequent were interventions expressing simultaneous agreement and disagreement with the laws. These had the following format: subsequently to affirming their support of the laws, residents initiated their contestation, mobilizing heterogeneous arguments, some drawn from their knowledge of legal imperatives, some from local knowledge. Two main *themata* were used for debating the limits of the law: the *rigidity vs. flexibility* of the law and of its implementation, and the *exclusion vs. inclusion* of local concerns and priorities in the process of issuing and translating the new laws. The mediating system responded to this by using the same *themata* to distance their professional image from the official/governmental position, contested by the local residents.

In the following pages we offer examples of the communicative processes and discursive strategies that uphold the expression of such polyphasic and non-polyphasic accounts regarding the new laws. We first present some excerpts illustrating the positioning of local residents. Then we present excerpts with the position of the mediating professionals. The quotations presented here reflect main trends in the data.

### **Legal innovation for biodiversity conservation - *in the community***

We start with a non-polyphasic intervention where a member of the local community defends the primacy of the law (Tuffin & Frewin, 2008), accentuating the force and formality of legal imperatives and prescribing action and representation (Batel & Castro, 2009). The person is voicing the formal idealized discourse of *dura lex, sed lex*, insisting that the law must be integrally respected, and no bending of the ecological imperatives should be allowed.

R3: In fact, what worries me is that it is forbidden to build in this land because it is an agricultural land reserve and an ecological reserve, and yet... we see some constructions there anyway ... I've (elsewhere) watched fantastic, unique bits of our natural heritage just disappear ... a degradation of the natural heritage that before was at our disposal. ... So, I think one must preserve it, I think that some values are indeed superior to others. (designer, FG.3)

To justify her position, the person argues that the edification of infrastructures is making a unique natural heritage disappear and this justifies having nature preservation assuming a top place in the hierarchy of values. In this extract, it is worth noting that the refusal to admit (further) exceptions to the law rests on a call for community members to acknowledge loss of biodiversity as a local problem, proposing they be custodians of the local natural heritage. In this way, having biodiversity conservation as a top priority would also be prioritizing local matters. This extract, defending the law as an unbendable imperative, admitting no polyphasia, is therefore also an example of the fact that residents can voice the formality of legal imperatives while still linking them to local matters; here, this is done by underlining the convergence between global and local issues. To be remarked is also that although non-polyphasic and confrontational, this argument is not followed by contestation from the group.

The next extract illustrates a different case. It shows what often happens when non-polyphasic accounts contesting the new laws emerge; it exemplifies how, during the debate in the group, a tension is created to maintain the support for the norm:

LA3: We had here a public session to present what was going to happen [regarding the construction of a new tourist resort] and I particularly remember a Professor from the University of [region] saying “You cannot build anything there because there is a community of otters that must be preserved”. And then I see 200 people, who have lived here all their lives, looking at each other and asking: “What is he talking about, what otters?” I mean, now we are all talking about an otter that lives here [in the protected area] but which no one has seen. I am not saying that there aren't one or two otters there.

L3: It's just the same as for the lynx.

LA3: It's just the same as for the lynx. We are always dealing with the same issues.

L3: Still, I think one must support biodiversity protection.

LA3: Exactly. No. Yes, yes. (FG.1)

A local authority representative (LA3) presents what he considers an example of the excessive stringency of biodiversity conservation laws: an infra-structure that would foster economic development at the local level was being stopped with the argument of saving the otters; yet, these had never really been spotted by local residents. He was, thus, defending a position of open contestation to the law, based on local facts: those who had lived there all their lives had never seen those otters that were being used as an argument to forbid new constructions. At this point, another resident (L3) entered the dialogue. At first, he corroborates the position taken by LA3 (*L3: It's just the same...*) by offering another example of an “unseen” species, the lynx, regarding which there were already old arguments circulating in the community (about its unproven existence). Yet, immediately after this, L3 evokes the general norm of support of conservation (*Still, I think one must support biodiversity protection*), thus bringing to the fore the meta-normative limits of the debate through a clear prescription of action and representation (Batel & Castro, 2009). When confronted with the reminder of the norm, LA3 immediately attempts to reformulate his position (*Exactly. No.*, i.e. “Exactly, I was not saying conservation is not important”) and affirms his support to the norm (*Yes, yes.*, i.e. “I think conservation must be supported”). This evidences how discursive formats with polyphasic characteristics, used to simultaneously defend legal and local knowledge, emerge from the encounter between different perspectives within the community.

The next extract is from the same focus group – it follows the previous one – and exemplifies what is by far the most common type of argument, through which the local community tells the institutional Alter (the Government) that the new laws need to be better adjusted to the local context. This excerpt shows how LA3 now adopts a more elaborated discursive pattern to criticize the law. In the first utterance, he expresses agreement with biodiversity protection. In fact, he *conventionalises* biodiversity conservation (Mouro, 2011) by merely restating the norm; this lack of substantive argumentation denounces this utterance as deferring to a social convention (Marková, 2008) and evidences meta-knowledge about the social relevance the laws acquired, i.e., knowledge about the normative meta-system.

The discursive format consists then of affirming, at first, that biodiversity protection is a valid goal and, then, contesting the translation of this social norm to the local context:

LA3: I really agree and I think that, for example, regarding the bats or the lynx, or whatever animal it may be, very well, if they exist or existed, I believe they must be preserved. Now, I cannot accept that two bats, a bat-couple, will, for two years, prevent the construction of what could be an asset for the community. (local authority representative, FG.1)

The second part of the intervention, separated from the first by the conjunction “now” and where *thematization* happens, also introduces one of the *themata* used to debate the local operationalization, or translation, of the laws: their *rigidity vs. flexibility*. By using this ‘yes, but’ format (Billig, 1991; Castro, 2006) the residents comply with the normative pressures while also suggesting a re-formulation: that the specific number of exemplars present in a specific area may serve as a criterion for re-defining or reformulating the limits of the law. This rhetorical construction (*two bats, a couple*) proposes that there should be a minimum number of exemplars needed for considering worthwhile the protection of a certain species rather than making other investments, such as tourist resorts, in that land. It points to the need of considering other criteria than the simple classification of the species as endangered; if the number of exemplars is too small, then the probability of success would be too low and does not justify the investment in protecting the species. The proposal here is, thus, to make the application of the law more flexible. Also, the strategy of separating the generic (the law is good) from the particular (but too strict) (Castro & Batel, 2008) allows the participant to distance the global problem of environmental protection from the local reality, here portrayed as in need of more progress and fewer restrictions to economic development.

The next two extracts form a sequence evidencing how this ‘yes, but’ rhetoric format results from the implicit debate and negotiation with one Alter (the legal system and its offices) always present in the re-statement of meanings and social positions (Jovchelovitch, 2007; Marková, 2008). They show how the meta-knowledge about the power of the norm (Elcheroth et al., 2011) is an indispensable tool for entering the social debate with legitimacy (as previously shown by the interpellation that followed an intervention that blatantly violated the norm). It also allows both “mentioning” the norm (*conventionalizing*) only to resist it and “using” (*thematizing*) local stories to defend a particular construction of reality (Howarth, 2006).

The excerpt also shows that this format (first affirming support to the laws, and then making their limitations evident) is repetitive, and is used also when they change the *thema* being developed:

L2: Well, yes, I agree, I do agree; but I would like to know better what kind of protection is expected to occur, when can people get involved, and when they cannot get involved, because I think that these things should always be defined with the locals (landowner, Intr.2)

In this case, the *thema* used to mobilize the Alter for negotiating new meanings is the *exclusion vs. inclusion* of local knowledge. Here local knowledge and local interests are portrayed as standing apart from the processes of decision-making. The argument is that governmental institutions are distant and, consequently, their laws exclude local reality and local knowledge. The appeal made to the Alter (the central government) is, therefore, to make biodiversity conservation a process that is “*defined with the locals*”. This appeal is based, again, on the distinction of what is global and what is local and how these two levels should be related: for biodiversity conservation to become a local concern, local knowledge has to be recognized and integrated into the laws.

We have seen, then, that in this context of law-regulated practices, cognitive polyphasia is used to contest and resist societal proposals but in a subtle manner, without blatant rejection of the law. This is achieved, in communicative practice, through a combination of two discursive formats – first, the *conventionalisation* of the legal norm and then the *thematization* of its operationalization, based on local knowledge. These two formats are linked, as mentioned, by the rhetoric construction ‘yes, but’. This rhetorical tactic is usually called an “agreement preface” and has been identified as a tool for mitigating disagreement towards strong views in interpersonal interactions (see Billig, 1991, p.179). It is not irrelevant that polyphasic processes use such a rhetorical device, because knowledge encounters, and consequently also polyphasia, occur in and through the interactions with Others (Jovchelovitch, 2007). Yet, it is also important to take into account what are the consequences of polyphasia as well as of these rhetorical devices for the pace of social change, i.e., for the societal level. In this case, it seems clear that the local

community is attempting to decrease the pace of change as proposed by the new laws, by contesting their rigidity and by proposing a different relationship between the legal and local spheres of knowledge.

### **Biodiversity conservation laws through the mediating system**

We shall now complement this analysis by examining how the professionals of local expert systems talk about the laws. Generally, these biodiversity conservation professionals working locally, in local NGOs, use discursive constructions very similar to the ones we have identified within the community, that is, they usually support the new laws, but also debate them. Their interventions try to achieve several goals: to manage the tensions arising from encounters with the community; to construct their professional identity project; and to reflect the relation with a distant Alter (the government). In the debate they resort to polyphasic discursive formats (yes... but) and to the same *themata* used by the community: the *rigidity vs. flexibility* of the law and the *exclusion vs. inclusion* of the local perspective. The following excerpts illustrate this.

P3: If one is talking about the Natura [2000] network then one must say that the environmental policies are too strict, they are too strict, period. And the Ministry of the Environment has not developed policies for informing the locals, it lacks a pedagogical approach. Well, that is also our job here, at least we make it part of our job, to be pedagogical regarding the locals (conservation professional, Intr.7)

P1: I think that these protected areas are important, it is important to classify certain sites so that they can be protected. But we cannot ban Man [sic] away from those places ... these regulations are put to use in a very stringent way, too stringent; they nearly stop people from building houses (conservation professional, Intr.5)

We can see that the discursive formats and arguments used by the conservation professionals distance them from the governmental institution that issues the laws, by presenting

the Government as rigid (*environmental policies are too strict*) and not caring for community involvement (*has not developed policies for informing the locals*). This, in turn, allows these professionals to present themselves and their professional projects as flexible and concerned with community involvement.

However, these professionals still have to acknowledge the norm, not only as a legal imperative, but also because the expertise behind the new laws is closely related to their own area of performance (*it is important to classify certain sites*). These tensions put the professionals in dilemmatic conflicts between, on the one hand, the recognition of their role and expertise as conservationists and, on the other, the advocacy of local projects (*building houses*). Yet, the recognition of their professional role is also a way of defining their own position as experts authorised to inform the locals and capable of devising pedagogical ways to help them understand the new laws. And by doing this, they propose thus a much less active role for the community in the re-construction of the laws than the one residents propose for themselves. As noticed in other contexts, here as well, the consequence of proposing a pedagogical relationship between them and the community may be the marginalisation of those apparently being defended (Renedo, 2010). This suggests that the polyphasic arguments of these professionals – much like those of the local community – may result in a slowing down of social change as proposed by the new laws. It also suggests that, by explicitly proposing a central role for their professional group in bridging the legal and local spheres, their arguments may be a way of calling for alterations to the current institutional relationships that would offer them more space for manoeuvre.

## **DISCUSSION**

In this paper, we used the concept of cognitive polyphasia to examine how local communities and professionals deal with some of the dilemmas emerging from the encounters between legal imperatives and local knowledge and positions. Despite the fact that laws and regulations govern many domains of everyday life, the reception of legal innovation remains quite understudied. Our analyses of the specific case of the reception of new biodiversity conservation laws in *Natura 2000* sites show that local communities present legal innovation through both polyphasic and non-polyphasic discursive formats. The non-polyphasic accounts – when the new laws are

exclusively supported or contested – are not very frequent. This suggests that, as expected at the Generalisation phase of legal innovation, the laws are being debated and negotiated at the local level despite the societal endorsement they have attained.

By using the concept of polyphasia to study communication and dialogue, we acknowledge that the self is capable of trying to reconcile diverse and opposite ways of thinking in creative ways (Moscovici, 2000), alternating from one side of the dilemma to the other (Billig et al., 1987), while adjusting to on-going conversations and relations. In the context of this paper, cognitive polyphasia was useful for understanding how normative imperatives with both informal and formal endorsement can be resisted in communicative practices. Our analyses suggest that the encounter between legal and local knowledge engenders a specific format of polyphasia, which first offers generic support to the norm (through *conventionalization*) and only then contests it through *thematization*. This “yes, but” type of discursive organization draws on some of the very characteristics of the legal system: as generic proposals, the laws can also be supported in general without compromising the possibilities of contesting and negotiating their specific meanings. The *conventionalisation* of the norm can, thus, be used to guarantee that the criticisms that follow are presented without severe negative social consequences for the self. The use of different *themata* in the arguments that follow *conventionalisation* illustrates how polyphasic processes draw not only on the co-existence of knowledge systems, but also on the diversity of contents that can be found in each of these systems.

The dilemmatic relation between legal and local knowledge is also constructed through the tension between the global and local dimensions. Biodiversity conservation is almost always presented as a global problem, but whether or not the arguments consider it also as a local issue depends very much on the position assumed regarding the new laws. The polyphasic processes emerging in the community thus maintain separated, although in balance, two distinct rationalities. The first rationality is linked to the type of organization of our societies, based on legal frameworks which express broad societal values and goals; here, values that received majority or highly consensual support are not to be rejected. The second rationality refers to the integration and recognition of specific, local, contextual “facts”, goals and concerns in the pursuit and edification of those global values and goals. Balancing both rationalities, cognitive polyphasia allows individuals to position themselves both as responsible citizens, and as local



residents defending the recognition of local knowledge and local interests. This evidences also the plasticity of the normative meta-system: while indicating the general norms that should not be blatantly rejected, it does not exclude the possibility of arguing for contextually relevant specific norms and perspectives.

As for the local mediating systems, they offer recognition to some of the community's positions. Yet, the recognition is also a way of defining their own position as experts authorised to inform the locals and capable of devising pedagogical ways to help these understand the new laws. These dilemmas are dealt with through shifting positions (Castro & Batel, 2008) and using polyphasia to defend both their proximity to the community and their professional identity.

As illustrated, at the level of interaction, cognitive polyphasia is instrumental in adjusting discourse and communication to relational encounters. It maintains the conversation going and opens space for the presentation of counter-arguments without a blatant opposition to central norms and, thereby, avoids severe consequences for the self. But polyphasia also has consequences at the macro-level: it can play a role in advancing or delaying social change. As Elcheroth and colleagues (2011) discuss, "giving institutional support to a particular position by making it a law does not inoculate that position against changes in SR" (p. 18) or in social relations. This means that the pace of social change will be much determined by the way the type of debates here illustrated come, in time, to closure. In general, we could say that at this point many of the arguments advanced by local residents and local mediating systems, contesting the new biodiversity conservation laws for their stringency and demanding new forms of relationship between the legal and the local spheres of knowledge, may have the consequence of slowing down the change potentially promoted by the laws. Yet, although local communities demand the recognition of local knowledge and concerns, they do not argue against the existence of national laws or against their place in the nation as citizens. Cognitive polyphasia is then in this sense also a useful resource for attempting to keep the debates open while new forms of adjusting the laws, and maybe new forms of adjusting social relations too, are being discussed.

It is in this sense also that cognitive polyphasia seems to enable the ongoing debate to construct representations which do not seek full blown polemic and polarization, but attempt to maintain cooperation and the negotiation of meaning. In other words, cognitive polyphasia seems to be here enabling emancipated representations, those which allow uncertainty and ambivalence

to emerge (Vala, Garcia-Marques, Gouveia-Pereira & Lopes, 1998) and sustain the negotiation of meaning by the everyday, subtle, battle of interpretations.

For the future, our analyses invite comparative research. This means for instance that when looking at cognitive polyphasia research needs to be attentive to the type of representations involved and be explicit about it. From what we saw with these data and previous research (Vala et al., 1998; Wagner, 1995), it is worth raising the hypothesis that for polemic and hegemonic representations polyphasia will not be so prevalent. And perhaps for hegemonic representations *conventionalization* without *thematization* is the rule, while for polemic representations the rule might be *thematization* without *conventionalization*. It seems worth investigating these possibilities, and keeping inbuilt in the research designs the notion that not all representations – and not all knowledge encounters – are alike.

## ACKNOWLEDGEMENTS

The research reported was partially supported by the Fundação para a Ciência e Tecnologia (SFRH/BD/27316/2006) and by a European Commission grant (LIFE06NAT/P/000191).

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