SYMPOSIUM/3

THE DELIBERATIVE ARENAS IN THE CRISIS OF DEMOCRACY

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When it was proposed to me that I take part in a symposium dedicated to Luigi Bobbio using a discussion of his final contribution to Partecipazione e Conflitto as my starting point, I did not think it would be a simple matter to write these few pages. As was the case for so many people, my distress at his premature death was accompanied by a sense of disappointment that our open dialogue, albeit one that was being conducted at a distance, had been interrupted. Luigi Bobbio was one of the most eminent scholars in the field of public deliberation and a central point of reference for the national scientific debate, and was one of the major promoters not only of this field of study, but also of the increase in institutional interest in the more inclusive decision-making processes that are appropriate for the deep crisis in political and social representation. It is really very difficult, even for a person for whom it was only possible to know a few personal details for reasons of distance, to believe that Luigi Bobbio's work did not also involve a great civil – and not merely intellectual – passion for democracy. One of the characteristic features of Luigi Bobbio's intense work is his capacity to interweave empirical research and fieldwork with theoretical rigour, as this final paper for Partecipazione e Conflitto bears witness.

I will first review and discuss certain aspects of the analysis of Bobbio's article on the relationship between depoliticization processes and new institutional arenas for deliberation. I will then offer some thoughts on the comparison between the arenas in which

Bobbio focused his analysis and other cases, and will conclude with some more general considerations.

Resuming the topic of his recently-completed comparative study of citizens' juries (Bobbio 2013), in this paper, Bobbio discusses the political significance of deliberative arenas, with the purpose of understanding where deliberative arenas might modify the power relations between citizens and representative democratic institutions. The subject is important if one takes account, as Craig Calhoun does in his foreword to an excellent joint work (Lee, McQuarrie and Walker 2015), which is cited by Bobbio in this paper, of the apparent global success of a form of "ideology of participation and consultation" within government agencies and large corporations, together with increasing frustration with social inequalities. Actually, deliberative arenas represent one of the most ambivalent cases of appealing to participation by citizens: are they tools at the service of the new neoliberal public management or opportunities for citizens to incorporate their claims into decision-making processes? Are they techniques for reducing conflict or tools of social and political emancipation? Are they symbolic shortcuts for a political class that finds itself in increasing difficulty or a victory by social movements for the democratization of democracy? Are they ways to distract citizens from the power games being played in the institutional domain or means to re-conquer it for democratic control? Are they tools that further fragment the public sphere or occasions to re-establish an arena of confrontation that has not been polluted by the logics of media coverage?

A comparison among such distant hypotheses can be a lively, and even exaggerated, one. Taking them to their extremes for merely analytical purposes, Bobbio identifies two macro-positions, both of which agree on the de-politicizing nature of deliberative arenas, but which differ on the implications of this depoliticization for the quality of democracy, and therefore on their political significance. On the one hand, we have some advocates of deliberative arenas. For these individuals, only citizens who have preferably been selected at random can take rational decisions, because when politicians take decisions, they are strongly conditioned by their search for immediate electoral consensus. Accordingly, the less politicized citizens are, the less attached they will be to political logic, the better the decisions taken will be for the common good, and the more legitimate their decisions will be in the eyes of their fellow citizens and the institutional actors that will oversee them. Deliberative arenas are therefore a useful tool for causing political decisions to be reached that are relatively closer to citizens, who do not have as many opportunities if they use representative channels or other forms of political participation, especially conflictual ones that do not have an adequate linkage with the institutions.

For sceptical, or 'realistic', analysts on the other hand, whom Bobbio places in a perspective of radical democracy, the various practices of deliberative arenas have numerous and varied – and even conflicting - antidemocratic effects. For example, they claim that deliberative arenas result in a devaluation of institutional bodies and actors, in the removal of their responsibilities for self-serving purposes, in concealment of the political nature of conflicts, in the anaesthetisation of dissent and conflict, and in the possibility that the participation itself may be manipulated. These interpretations oscillate between two hypotheses: that arenas have scant influence, and that they are pernicious (Pellizzoni 2005). The separation between deliberative and institutional arenas and their nature as a third and technical space that is represented as neutral is a symptom, if not an outcome, of the post-democratic crisis rather than an antidote to it.

In summary, for the former, the depoliticization offered by deliberative arenas, which cleanse debate of majoritarian institutional logics, is a necessity in order to defend citizens from bad politics. For the latter, the depoliticization of arenas exposes citizens to an increasingly irresponsible political class. Bobbio then goes on to show that neither of these two positions is fully correct or completely wrong. In practice, it is extremely difficult to keep politics out of both relations: between a deliberative arena and the institutional sphere; and internal dialogue within the arenas themselves. Deliberative arenas are not, therefore, totally depoliticized, nor do they only produce their politicizing effects internally or externally: they also produce (re)politicization.

Bobbio reaches these conclusions by drawing a comparison between two highly significant experiences. Using an analysis that is not restricted to the confines of the deliberative arena, but which also takes its external connections into account, Bobbio shows that in both cases there are traces of both politicization (in the internal and external processes) and depoliticization (spaces defended through the constant mediation of deliberation experts that tend to cleanse the discussion of partial interests) of arenas upstream and downstream of them, as well as within them. For example, the two cases share a not insignificant institutional commitment associated with agenda power. Bobbio clearly demonstrates that the two arenas are the result of two significant opportunities for institutional actors: (i) to escape politico-institutional impasses; and (ii) to give expert approval of decisions that have already been taken as regards their general guidelines. In both cases the outcomes need to be submitted to the institutional actor (the local government) or arena (the referendum), that is, returned to the channel of the politico-institutional game.

The distinction between the two cases is principally based on the criterion according to which citizens are admitted. When evaluating the level of depoliticization of arenas, in fact, who participates in them is a decisive factor if we consider that they are spaces

legitimized because they lie 'outside' the partisan logic that is a congenital aspect of representative institutional bodies. In the case of Genoa's major road infrastructure (the "Gronda"), the 'open-door' method enables, and even requires, participation by the most informed and active citizens, including in an organized manner, so that the deliberations assume a 'hot' nature. In the Canadian case of the British Colombia Citizens' Assembly on Electoral Reform, participants were selected using the representative sampling method, and the deliberations were predominantly 'cold'.

Because the open-door method also admits more organized and politically active citizens, it leaves a wider margin for conflict and politicization of the debate, which the sample method, on the other hand, greatly reduces. There are therefore differences in the intensity with which the two arenas succeed in making their debates sufficiently depoliticized so that an ideal deliberation process is created, but the technical dimension of their discussions is not completely flattened out.

However, the resistance of politics within a deliberative arena depends not only on the selection of participants, but above all on another decisive factor: the topic under debate, its importance, and its conflictuality. In both the cases selected by Bobbio, the subject at the centre of deliberations has broad political significance and a more than marginal connection with the public agenda. In the case of the Genovese infrastructure, it is easy to suppose that there was a clear political dimension to the process due to its powerful impact on the city and the area around it. In actual fact, this is also true of the Canadian case, in my opinion, although it does not have the same conflictual character. It does not seem to me to be especially realistic to believe that although the participants were chosen at random, they might develop their preferences for the optimal electoral solution in a kind of vacuum, devoid of their own personal previous general political preferences and/or in relation to the broader political context.

Bobbio maintains that deliberative arenas are unpolitical, principally because the actors who operate within them – and the focus is on citizens here – are called upon to discuss the merits of an agenda without having a strategic direction. Citizens are not, in fact, involved or interested in the political or power games that bind political-institutional actors, nor are they conditioned by expectations of future interactions and/or alliances associated with discussions on other issues. "In others words, deliberative arenas break the power connection between the issues: each one is dealt with on its own considering the specific merit or demerit it displays. This is the unpolitical side" (Bobbio 2017, p.630). Nonetheless, this concept might be a case of excessive simplification. It is not entirely realistic to believe that a citizen who is involved in deliberative arenas, even as the result of a drawing of lots, is not biased, that the structure of his or her political preferences is weak, that he or she does not grasp the connections between the issues,

and that he or she does not have a tendency to recreate them from a standpoint that is at least pre-political (otherwise it would be difficult for them to be included as participants in the arena). However much deliberative arenas ideally suggest the isolation of an issue and discussion about it by considering its specific elements in depth without the 'prejudices' that associate it with more general prior judgments, whether or not they are successful seems to be neither a simple nor an especially desirable matter, as also seems to emerge from the last study by Bobbio on the quality of deliberations in citizens' juries (Bobbio 2013). When the stakes are politically high (weighty and sufficiently clear), prior preferences tend to count more, especially – as it seems one can infer from this analysis of citizens' juries – when the deliberations involve fairly lengthy time periods and intervals that enable participants to have freer internal and external interactions. The aim of a deliberative arena is an informed, transparent discussion that therefore expresses the conflicts and interests at play rather than ignoring or dissimulating them. It does not seem possible that the isolation of issues to prevent them from collapsing into positions adopted in the politico-institutional arena can become an aim of an arena in itself. The fact that deliberative arenas do not totally succeed in 'isolating the issues' may therefore be a positive sign of the fact that citizens are not totally atomized, and/or that the arena has enhanced its participants' level of comprehension with regard to the more general implications of a particular choice. From this standpoint of depoliticization, the opportunities for an improved exchange between discussions held in deliberative arenas and politico-institutional and media arenas also seem to emerge as a positive outcome in the above-mentioned study (Bobbio 2013).

Bobbio's close analysis of the two arenas seems to demonstrate that in practice it is very difficult to keep politics out: this can be seen from the interaction among individuals and parties that have been at least partially pre-formed in more or less open, balanced, and/or reasonable negotiations, as happens when 'interference' from the specific politico-institutional context manifests itself. This seems to be a problem, however, because it weakens government claims that these arenas are legitimate. If, in fact, practice within the arenas cannot satisfy the theoretical models that explain them because the actors involved are some distance from being the ideal model required, they become reduced to additional consultative arenas that lack the independent legitimacy required to influence politico-institutional processes. We should also consider that their relationship with the public sphere tends to be fundamentally dependent on their institutional promoters. Deliberative arenas are influential and legitimate to the extent that they are well integrated into an institutional pathway that offers them strong support and shares their outcomes. This dependency reduces them to the role of useful means to improve the quality of prior politico-institutional decisions, and gives them greater legitimacy. For

this reason, it seems that the perverse political effects of their actions (which are active, but not necessarily sought after) prevail.

Let us now look at a work cited by Bobbio in this paper and others (Bobbio 2013) as an example of a strong concern about the perverse political effects of deliberative areas, which analyses two experiences based on the two ways of selecting participants (Freschi and Mete 2009). We should stress here that the two deliberative arenas being compared occur in the same politico-institutional context in a temporal sequence, unlike the two cases proposed in Bobbio's paper.

The first case study was centred on the process pursued to prepare a draft regional participation law in Tuscany, which used the Electronic Town Meeting (ETM) and the open-door method as its deliberative devices. The second case study was on the same method as it applied to a debate on joint healthcare payments ("tickets") – more pre- cisely on "participation by citizens in [regional] healthcare costs" – as promoted by the same institutional actor but using the sample method for selecting participants. The re- lationship between our two cases and the public agenda is different, however, and in- troduces the variant of a more clearly depoliticizing arena that specifically combines dis- cussion agenda, participant selection and methodological characteristics. In particular, the ETM offers an occasion for debate by citizens that is limited to just one day. One might add that the two pairs of examples used by Bobbio refer more to the public en- quiry, whereas in our two Tuscan cases, the model is closer to an opinion poll (Pellizzoni 2007).

The first experience that we analysed comprised stronger features of politicization due to the particular political compromise at its basis. The participants included a signif- icant number of the emerging policy stakeholders: participation practitioners – a cate- gory that receives growing attention on Bobbio's research agenda – and a significant number of political participation activists with backgrounds in both the parties of the left (in rather marginal components of the institutional arena) and movements, social fo- rums and civic committees. For these social actors, the topic under discussion is there- fore relatively non-conflictual. The framework for public deliberation and participation by ordinary citizens who are "distant from politics" increases the legitimacy of associated institutional and non-institutional actors with regard to successfully concluding the new law on the public funding of participatory processes in the area. Deadlines provided by the ETM settings encourage 'strategic' deliberations managed by the networks of expert participants. This network is also influential in the politico-institutional negotiations that follow the deliberation 'event'.

However, the public representation of this method, and especially of the ETM as an event that involves ordinary citizens in a discussion that has been removed from partisan

logic, does not correspond to this political connotation, which has mostly remained in the 'backstage'. The depoliticization component is more evident if one takes account of the fact that there is a simultaneous lack of dialogue between institutional actors and social movements on major infrastructural issues. The fact of that participation has been made a subject of deliberative experimentation is interpreted by the more conflictual politico-social actors as a way to avoid having to tackle the important infrastructural problems affecting the Region. Within the public sphere, therefore, the decision assumes a markedly propagandistic (reinforcement of the regional government's image) and anti-political character, in that the opportunity for direct, open confrontation between institutions and movements on the most conflictual infrastructure issues is avoided. Accordingly, in this case, which lies outside the arena and its pathway, the effect of depoliticization seems to be the result of a compromise for opening up local participatory spaces without needing to tackle any conflictual questions of regional (and in the case of the High Speed Train "TAV", national) significance. On the other hand, the deliberative event serves to demonstrate the device's potential for both the wider public and actors from the institutional arena, thereby enhancing consensus on the initiative for a viable policy in the area of participation.

The second case study provides a more striking example of 'agenda shifting' (a possibility also mentioned by Bobbio in the paper being discussed here) with regard to the issues raised by the networks of protest committees opposed to the profound reorganization of the regional-provincial health service. External depoliticization – associated with the lack of centrality of the topic – is accompanied by internal depoliticization of the arena. The sampling selection of participants, taken together with the limited time available for discussion, contributions by experts, and televoting fosters a lower quality of dialogue. A number of different elements for depoliticizing the arena therefore combine and are apparent: they are both internal, encouraged by the overall setting, in particular the combination of selection method, participant management, and reduced discussion time; and external, relating to the selection of a non-conflictual topic and the sensationalization of the deliberative event. The most significant result, which goes far above and beyond the collection of opinions, is the promotion of the regional government's image as an institution interested in citizens' opinions.

This declension of deliberative arenas has specific characteristics, therefore: rigid methods and citizens selected by sampling who are involved for a limited period of time, possibly in non-strategic decisions, to complement the administration's work. Unfortunately, the specific nature of this type of politico-institutional communication does not emerge clearly in the public discourse.

If we also consider that in both of the Tuscan cases, the arenas have not produced any substantial modification to the institutional agenda (as had been the case with the two arenas described by Bobbio), the new arenas appear to be complementary and compatible (although this does not necessarily mean complicit) with politico-institutional balances rather than calling them into question.

Over the ten years that have followed, the major regional infrastructure issues have never been at the centre of the debate between institutions and citizens in Tuscany, and together with healthcare reform, they still represent an extremely significant political cleavage on the left. This problem was fully confirmed following the recent reform of the law on participation (Regional Law 46/2013). Requests for discussion on the regional capital's infrastructure investments – especially the expansion of Florence Airport, which is already very close to the city of art and is fully integrated into the urban fabric of its small periphery – have run into apparently regulatory difficulties, therefore not only having the obvious effect of delegitimizing the entire regional policy on participation, but also generating repeated crises between local and regional institutional structures, including within the government itself, with consequences for the working conditions of the bodies established to be guarantors of implementation of the law (the Autorità regionale per la partecipazione [the Regional Agency for Participation]).

If we look at our two cases, therefore, it does not seem possible to generalize about the politicization processes associated with the new arenas due to a number of variables, principal among which are an institutional willingness or opportunity to tackle significant conflictual issues, the highly critical features of the method adopted, and conditions in the public sphere. The "third way" of deliberative arenas between populism and neoliberalism that Bobbio hoped for would appear to follow at least two rather different paths.

The critical elements of the public deliberation experience are extremely clear to Bobbio, of course. The problem of agenda power, the selection of participants, the quality of management and information (which are highly vulnerable and variable aspects), and the impact of the new deliberative arenas on political decisions remain macroscopic, with ambiguous effects ranging between an attempt to give institutions greater legitimacy and delegitimization of their role. In regard to these elements, Bobbio's major concern is that in principle, everything will be 'tarred with the same brush', and that citizens who are disillusioned with their representative institutions will not be offered any alternative to passivity and conflict. In order to avoid this situation, Bobbio invites us to face up to the difficulties and opportunities presented by public deliberation, and to make use of the hybrid features that emerge from its most interesting practices. It seems to Bobbio that greater anchoring of deliberative arenas on the institutional framework is a decisive factor for citizens and deliberation to conquer more space.

Unfortunately, however, this effect of institutionalization has been seen only very rarely, even in certain apparently favorable cases. Antonio Floridia (2013, pp. 62-64) has outlined the modest results achieved by the Tuscan law with regard to its crucial challenges (creating participative processes with a high degree of political significance and considerable potential for conflict; supporting processes suggested by citizens; and encouraging public debate on major works). In his interpretation as a privileged observer of the field , this weakness is due not only to the complexity intrinsic in the creation of deliberative arenas, but also to the features of the broader national political context which, it must be said, was not unknown to the promoters of the law. In this context, therefore, it will come as no surprise if poll-based, neo-managerial or propagandistic uses of the new forms of participation come to the fore. Account should also be taken of the fact that at the same time, the public administration is involved in a reorganization that advocates a rhetoric of openness, sharing, and co-responsibility in the most immediately reasonable context, the objectives being to streamline and to outsource activities and responsibilities. One might, therefore, be even more sceptical about the possibility that these institutional tools might act as a brake on the crisis in representative democracy, in view of its apparent acceleration. It would certainly be difficult to make the point – and it is not my intention to do so – that the spread of deliberative arenas might be the 'cause' of some of the components of this crisis, for example growing political disaffection. The strongest impetus has undoubtedly come from the stultification of these same standard institutional processes whenever they are not aligned with liberal policies, as in the case of the breakdown in the relationship between the outcomes of referenda or elections and their institutional translation (into government bodies and laws), with the adaptation to external political constraints in response to supranational macro-economic policies. As much as public deliberation has nurtured, and continues to nurture, expectations that democracy will be relaunched, and the ensuing disillusionment, it is but a small trickle carried along by the river of far-reaching political processes that are already under way, which seem overall to be mostly contrary to deliberative normative ideals. Nevertheless, deliberative arenas that expose atomized or organized citizens to repeated frustration do not increase the chances of credibility for institutions, and end up generating further disappointment and detachment.

Ultimately, there seems to be no alternative to the democratic process that does not involve the emergence of conflict, protests, and alternative social practices in the public sphere, and political forces that succeed in uniting their institutional presence with a credible renewed social presence in the arena of electoral competition. The fact that Bobbio devoted one of his most recent papers to the problem of communicating policies (Bobbio and Roncarolo 2017), not only as regards deliberative arenas, but also with a

view to the more general relationship between the institutional and media communication of public policy also seems to indicate the same thing. This means refocusing attention on the general public sphere in order to strengthen the area for dialogic processes that contribute to clarifying the meaning of political options and encouraging better-defined discussion, consensus, and responsibility, with the aim of securing improved selection of the political class. However, this form of deliberative reconquest of institutional communication and the public sphere requires an active commitment from truly independent and pluralistic media reporting.

The impression remains, of course, that we are faced with a circular crisis of democracy. The credibility of our representative institutions has been greatly eroded, even in relation to their basic mechanisms. Colonization of the public sphere is today even further advanced, included as it is in the dynamics of the digital political economy. Parties, parliaments, and governments have seen the space for deliberation that defended their authority erode within them, and with it their 'substantive' legitimacy, over and above formal procedures. Unfortunately, it seems that the regressive trends of recent years are threatening basic democratic values, no longer just those based on solidarity, but liberal ones as well. This is no longer merely a problem of an oligarchic structure, presidentialization, and populism; unfortunately, institutional deliberative arenas seem to be mostly trapped in this context. At the same time, they appear to be too ambitious and fragile, and too prone to manipulation in the face of the current status of the crisis of representative democracy, increased social inequality, pollution of the public sphere, and the ever-expanding political use of the rhetoric of hate. Paradoxically, it would seem that the conditions required for a deliberative democracy can only be produced under better (if not optimal) conditions of representative democracy, which are, however, subject to considerable vacillation.

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