# *BUILDING CONSENSUS TO FACE THE SUSTAINABLE MOBILITY CHALLENGE: EXPERIMENTING CITIZEN JURIES IN ITALIAN CITIES*

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'The essential need ...is the improvement of the methods and conditions of debate, discussion and persuasion, That is *the* problem of the public'
J. Dewey (1927: 144)

## SUMMARY

Over the last several decades there has been an increasing interest in deliberative democratic theories, amenable to the difficulties of representative democratic systems. Central to deliberative theories is the idea that informed debate can generate democratic consensus over controversial issues.

Within this overall context, environmental issues prove to be particularly suitable for deliberative approaches given their emphasis on common goods, on one hand, and the technical complexity of the issues at stake, on the other. Also, environmental issues typically feature a high degree of conflict that often cuts across traditional left-right political cleavages, making it even more difficult for traditional political arrangements to deal with them effectively. Fostering sustainability is likely to ignite high levels of conflict since it implies changes in deeply embedded lifestyles and ways of production, consumption.

Interest in deliberative democracy has given birth to a host of 'techniques' aimed at translating the ideal into actual practice. This paper reports the research design and some of the results in using one of such techniques -a citizen jury- for the first time in Italy tackle a highly conflictual issue in the city of Bologna: the limitation of private vehicle access to the ancient historical center.

## 1 URBAN (IM)MOBILITY IN ITALY

Italy features the highest vehicle/inhabitants ratio (0.8 vehicles/inhabitant) in Europe, after Luxembourg. Especially in urban areas this leads to heavy congestion problems: people rely heavily on the private automobile to satisfy their mobility needs, as public transportation is inadequate; investments in modern rapid mass transportation has been insufficient for decades. The situation of air pollution is a matter of special concern; levels of particulate matter (PM10), benzene and ozone are well above EU allowed thresholds in cities; geographic traits cause dispersion to be slow and difficult (especially the Po Valley, with its some 20 million inhabitants, suffers from heavy pollution also due to the fact that is surrounded by high mountains on three sides). Overall costs of negative externalities (congestion, air and noise pollution, 'accidents') tied to vehicle traffic have been estimated in some 95 billion euro, more than a third of which are caused by air pollution (Lewanski and Tintori, 2006).

The situation, thus, is clearly unsustainable and a serious threat to human health. Yet attempts to change, however incrementally, the present trend in the direction of more sustainable mobility modes typically encounter opposition and raise conflicts. Change impinges on vested interests and on deeply entrenched lifestyles based on the automobile (and, in Italy, on the motorcycle; there are more than 10 million of such -often highly polluting- vehicles in Italy by now, that in this respect

ranks first in Europe). Though there has been some opposition (citizen committees in several Italian cities[1]), the auto still enjoys a wide and deep social approval and is considered an individual right.

Measures of various kinds to reduce private traffic in major Italian urban have been adopted over the last three decades. Initially such measures were aimed at reducing congestion (Desideri and Lewanski, 1999), but, as air quality standards have been introduced by national and EU legislation, their focus shifted towards the reduction of polluting emissions. Along with emergency measures when legal thresholds are bypassed (especially in the winter periods), local policies have to a large extent focused on limiting private vehicle access to the ancient city centers (where pollution levels are higher due to narrow streets, in which dispersion of air pollutants is more difficult); Bologna was one of the first to adopt such measures since the mid-'80s.

## 2 DELIBERATIVE DEMOCRACY

Democratic theory is increasingly interested in deliberation (Bächtiger and Steiner, 2005: 13). The roots of the deliberative turn can be traced back the critique of Western democracies by social movements of the '60s (Mansbridge, 2003: 177; Krantz, 2003: 226), but even further back to the contributions of U.S. scholars as Mary Parker Follett (1919) and John Dewey (1927). During the '70s deliberative ideals started to be translated into actual practice as the first techniques (such as *Plannungzelle* in Germany -Hendriks, 2005: 89- and *Citizen Juries* in the United States) were developed (in the same period in which alternative dispute resolutions emerged); major theoretical contributions appeared during the following decade (Mansbridge, 1983; Barber, 1984; Habermas, 1984, among others). Since then more than a 1,000 deliberative experiences have been carried out at the local level (Rosenberg, 2005: 212).

The growing interest -both theoretical and practical- for deliberative democracy stems from the inadequacies and difficulties of present liberal democracies based on representation and aggregation of preferences. The distance between the democratic ideal and its actual functioning and performance is evident both to the polity and to the public, as traditional institutions are at odds in making the decisions in the face of the challenges of contemporary society, featuring increasingly socially and technically complex issues (Fung, 2004: 16), value conflicts, social fragmentation, demand overload, policy interdependency, excessive influence of interests groups, just to mention a few. The loss of effectiveness and responsiveness of the political-administrative systems brings about citizen political apathy, loss of social capital stock (Putnam, 1995), the widespread feeling that the agenda is influenced by interest groups and the distribution of power within society, and ultimately loss of legitimation.

If deliberative democracy initially expressed an 'antagonistic' ambition vis-a-vis representative democracy, this trait has given way to a more moderate -but perhaps more realistic and potentially effective- goal, that is to '*deepen democracy*' (to use the title of a book by Fung and Wright, 2003a) by protecting democracy from the above mentioned trends threatening its nature, if not its survival. The role of deliberation is not to substitute representative democracy, but rather to supplement and expand it making it stronger and more vital (Chambers, 2003: 308).

In this perspective deliberation presents a number of potential contributions to offer.

- It increases social capital and civic virtues: involvement in decision-making makes people better citizens, more aware of public issues and active (this argument dates straight back to Aristotiles ), and confident in their own capabilities (atrophied by traditional democracy) of acting in the public sphere (*self-efficacy*); furthermore, it fosters reciprocal respect among citizens (Neblo, 2005: 175). Thus, deliberative processes are 'schools of democracy' (Fung and Wright 2003b: 30-2).
- It produces wiser and more rational decisions (Bobbio, 2004) as compared to other types of processes by allowing a wider range of interpretations of problematic situations and of solution options to be considered: citizens can often offer in-depth knowledge of problematic situations, and effective ideas on how to tackle them; also, it allows values and preferences of affected actors and communities to be incorporated into collective choices.
- Due to its secular character, the contemporary State encounters great difficulty in dealing with value-laden issues, whereas deliberative processes can assist social actors in finding reciprocally acceptable choices.

[1] For a discussion of such committees, see Piazza G., Lewanski R., Mosca L. and Andretta M. (2003), «Protestare e argomentare: le campagne dei comitati di cittadini contro il traffico in quattro città italiane», *Rivista Italiana di Politiche Pubbliche*, n.1, April, pp. 65-99; Contro il nemico invisibile. Comitati, inquinamento e salute a Bologna, I quaderni Nuovamente, Edizioni SIGEM, Modena, 2002.

- Decisions adopted through processes involving affected parties, rather than 'parachuted' from 'above', are more acceptable and perceived as more equitable; in a secular society, legitimation cannot be based on metaphysics, but must derived from the democratic nature of the decision-making *process* (Habermas, 2005: 386).
- Overall, deliberation increases the legitimacy of authorities resorting to such processes.
- Finally, by involving affected parties, deliberation increases chances of successful implementation of decisions by creating a sense of ownership among social actors; it also enhances responsiveness and effectiveness of administrative agencies (Fung, 2004: 4).

The goal of deliberation is to produce consensual decisions on controversial public issues, along with better mutual understanding among parties. It aims at doing so by means of orderly and structured reflexive processes 'in which individuals are brought to think about their positions' (Dryzek, 2000: 79), that in turn brings about opinion and preference shifts. More specifically deliberation implies:

- Cognitive processes within and among participants (who, depending on context, can be individual citizens, representatives of communities or sections of it, stakeholders, authorities); deliberation aims at enhancing decisions based on their informed, rather than 'raw', opinions and preferences.
- Dialogic processes among participants in which the 'non-coercive coercion of the best argument' prevails (Habermas, 1984: 25); arguments should be socially acceptable, logic and coherent, rather than based on purely 'egoistic' partisan claims (Mansbridge 2003, 179; Goodin 2005, 190). This should foster the quest for common reasons and common good (Melville, 2005: 110). Structured processes (that may or may not use specific techniques or combinations thereof) aim at creating a positive context of relationships and at ensuring that all participants have adequate opportunities both to have express their 'voice' (inclusion) as well as to actually be listened to.

Though deliberation does not eliminate asymmetries of power and resources existing in society (including diversity in dialectic capabilities; Bächtiger e Steiner 2005, 154), it does attempt to give 'voice' to those social actors who have less opportunities to express it in 'traditional' decision-making processes, and allow them to do so in fora 'protected' from such asymmetries, to some extent.

Deliberative democracy has, understandably, been heavily criticized from a theoretical perspective (e.g. Sanders, 1997), but perhaps it is doubts expressed in relation to its actual practicability and usefulness in 'delivering' according to its promises that are more 'decisive': if deliberation isn't 'doable' and if it doesn't provide added value, it will remain perhaps an interesting field of academic work, but it will not represent a contribution to public issue solving, nor will it be an ailment for the pathologies of representative democracy. Thus, its qualities -and limitations- must be empirically tested (Melville, 2005: 107; Bächtiger and Steiner, 2005: 155); a process of social learning through 'practice-thought-practice' (Mansbridge, 2003: 176-8) aimed at developing approaches, in turn capable making deliberation credible in the eyes of policy-makers and the general public, thus, is in order.

## 3 A DELIBERATIVE PRATICE: THE CITIZEN JURY

The challenge deliberation must face is to translate theory into practice. Though the models of the ancient Greek polis or of the New England town meeting (and perhaps of the Swiss cantons) have been influential on deliberative democracy, time, size and distances make face-to-face dialogue unfeasible on a large scale in contemporary societies (Goodin, 2000). In response to this problem a number of techniques have been designed and put to practice[2]; two fundamental aspects they must deal with are:

- the choice of the participants: who, how many, how are they selected?
- the type of dialogic and cognitive process: how are participants exposed to each other and to relevant information and knowledge?

This paper presents and discusses the results of a research project aimed at testing a specific deliberative pratice, i.e. the citizen jury, a technique designed in the '70s by Ned Crosby (Crosby e Nethercut 2005, 112; Smith e Wales 2000). Its goal is to allow decision-makers to acquire the informed opinion of a group of citizens -representing a microcosm of the 'universe' involved in an issue (for example a community)- in relation to controversial matter. According to the original format developed by Crosby, the number of jurors is relatively small (12-24) in order to foster direct dialogue; they meet for 4-5 consecutive days, a time required to analyze in depth a specific matter (Jefferson Center 2004). During this period they are

[2] For a description of a number of such techniques see the website of the International Association for Public Participation (IAP2).

exposed to information provided by experts, stakeholders and discussion. In the end, the jury issues a verdict, in relation to a specific charge, or question, on the matter at hand; the charge is formulated by the organizer (typically a public authority responsible for the decision). The authority resorting to such process should clearly state in what account it will take the verdict: it might well not commit itself to adopting it as the final decision, but it should at a minimum guarantee that it will publicly motivate the reasons by which it accepts or rejects it.

Some 30 juries have been carried out up to now in the U.S. and approximately 200 in other countries, especially the U.K. and Australia (Carson and Hartz-Karp, 2005). The project discussed here was an academic 'experiment' aimed at testing, for the first time, such approach specifically in the context of Italian political culture[3]. The jury took place in Bologna on March 5, 2006 (in the same period a 'gemini' experiment was carried out in Turin, albeit with several differences[4]). Under several respects the Bologna jury differed from the original model, since the organizers (academics, in this case) preferred to follow insofar as possible the approach adopted in a similar experiment carried out the previous year in Dublin (in that case the charge concerned waste incineration; French and Laver, 2005)[5]. Thus, the jury lasted only one day[6] (a Sunday, in order to foster participation of working individuals) and it involved a larger number of members: 50 citizens were invited, aiming at the actual participation of approximately 40 considering a physiological attrition rate (French and Laver, 2005) by which some jurors would not show up on the day of the jury.

An Advisory Board was set up, with the task of checking the choices made by the organizing team and preventing bias as much as possible (Coote and Lenaghan, 1997: 79; French and Laver, 2005: 15); three distinct categories of actors formed the Board: 1) stakeholders, both environmental (*Legambiente*, WWF, Anti-smog citizen committees) and economic and pro-auto (associations of shopkeepers –ASCOM and *Confcommercio*-, artisans -CNA-, Automobil Club -ACI-; the local association of industries was invited but never replied); 2) public authorities (Municipality, Province, Region and the regional environmental agency ARPA; 3) experts (a jurist and a climatologist[7]).

In selecting the charge it was decided from the outset that, in order to verify the adequacy of the technique to produce consensual decisions, the issue would be related to urban environmental quality and would have a high degree of: a) relevance b) conflict e c) technical and social complexity (furthermore, a similar issue would be selected both in Bologna and Turin).

Traffic limitation is certainly a relevant issue in Bologna, hotly debated over the last 20 years or so. In a local referendum held in 1984 more than 70% of votes were in favor of closing the center to traffic. This clear mandate however was implemented during the following years with great caution by municipal Administrations; each measure adopted to limit vehicle access caused reactions from opponents (mainly the shopkeepers) and criticism from supporters (accusing the measures of being insufficient). In 1994 an automatic system (called 'Sirio') capable of controlling vehicles entering the center and issuing fines to those that were non authorized to do so was set up, though for juridical and political reasons it was hardly ever in use until 2004[8].

Furthermore, in formulating the charge the organizers had to balance two somewhat opposite requirements: on one hand the charge had to be as neutral as possible in order to avoid influencing -in one way or another- the jurors and predetermining the verdict; on the other, it had to be framed in terms that would emphasize the adversarial nature of the process (as in a judicial trial), at least in its initial phase (in deliberative processes, the existence of conflict is not an obstacle to the quest for consensus; quite on the contrary, it represents the starting point; Melville, 2005: 126).

[3] The research project, funded by the Ministry for research and Universities (MIUR) and directed by G. Freddi of the University of Bologna, was designed and carried out in cooperation between the Universities of Bologna (whose team was composed by D. Giannetti and R. Lewanski, with the assistance of D. Natali), Turin (L. Bobbio, S. Belligni, S. Ravazzi, I. Romano, N. Podestà and A. Chiari) and Trieste (L**.** Pellizzoni, G.Delli Zotti, C. Corvino**).**

[4] The Turin jury had a smaller number of members (21) and was carried out on two consecutive Saturdays; for a thorough description see the website http://www.dsp.unito.it/download/wpn7.pdf

[5] A similar project, also concerning urban traffic limitation, should be carried out shortly by M. Lejenaar of the University of Njmegen and colleagues in several Dutch cities.

[6] The jury lasted exactly 10 hours from 9 AM to 7 PM (including 1,30 hour for coffee breaks ad lunch, that also represent useful occasions for discussion, 'cognitive exchange' and developing personal relationships, a precious asset in deliberation).

[7] Respectively G. Endrici, Faculty of Political Science, Bologna, and A. Navarro, Istituto Nazionale di Geologia e Vulcanologia.

[8] At present access to the city center is allowed only to permit holders; permits are issued to residents, as well as to specific categories, such handicapped persons, or for carrying out repair and commercial activities. Some 70.000 permits have been issued. Furthermore some limitations apply to more polluting vehicles (pre-euro, euro 1), not only in the center, but in the entire municipality.

The charge was formed by a general question: Should vehicle access to the city center be free or limited? Jurors were also asked what type of approach they would recommend to limit vehicle access, i.e.

a) should the present regulatory approach, based on authorizations, be maintained?
b) should any vehicle be allowed access provided it pays a daily ticket (economic approach)?
c) should only less polluting vehicles be allowed access (technological approach)[9]?

## 4 EVALUATING THE BOLOGNA EXPERIMENT

The Bologna citizen jury will be -synthetically, due to available spece- evaluated on the basis of four distinct criteria, partially derived from the deliberative democracy literature (Fung, 2003; Carson and Hartz-Karp, 2005): inclusion, quality of deliberation, effectiveness of deliberation, and influence.

### 4.1 Inclusion

The project's aim was to recruit a group of citizens who would constitute a randomly selected microcosm of the overall population, representative in respect to four demographic features (age, gender, education, area of residence -center or periphery; 1/7 of the population lives in the center-). The principle of inclusion however requires that exceptions be made to representativeness in order to allow for the participation of 'voices' that would otherwise be absent. Jury members were selected with the assistance of a major polling firm (SWG) through a two phase process.

First, a random sample of 1,000 inhabitants of Bologna statistically representative of the overall population was singled out. These individuals were interviewed by telephone; questions concerned their opinions on such aspects as involvement in politics, the environment, and urban traffic and pollution. At the end, they were asked if they would be willing to take part in an innovative participatory experience that would discuss traffic limitation in the city center (they were told that they would receive a 100 euro bonus, in recognition for their expenses and time); 239 persons volunteered at that stage. A few weeks later, these were contacted again until 50 individuals fitting into the required demographic categories volunteered to participate in the venue. On the day of the jury 38 of these showed up. In addition, in order to assure inclusion of relevant 'voices' as previously mentioned, 4 shopkeepers of the center were invited and took part in the jury[10].

Table n. 1 compares the demographic features of the citywide sample with those of the actual jury members, evidencing that several categories were over-represented in the jury due to an 'attrition' effect, i.e. the actual turn-out on the day of the jury: males, the age bracket between 45 and 64, residents of the periphery, and entrepreneurs, employees, housekeepers and shopkeepers (due to the inclusion of 4 additional members of this category, as mentioned above).

Jury members were chosen on the basis of demographic characteristics, but not of their attitudes. It did however turn out that they did differ from the citywide sample in respect to their opinions: jurors (note: before participating in the jury) were more interested in politics, had a higher sense of political competence (but not of political efficacy), cared more about the environment (e.g. having to choose, 60% of the citywide sample gives priority to employment, whereas 64% of the jurors give priority to the environment), and were more favorable to limiting traffic.

The experiment shows that it is possible to involve a reasonably representative microcosm of citizens in deliberative practices. Though not perfectly respondent to the initial design, the actual turn-out of selected citizens on the day of the jury proved to be satisfactory (38 out of 50, plus 4 shopkeepers, for a total of 42); the attrition rate was comparable to that of other similar events (8%, the same ratio as in the Dublin jury; French e Laver, 2005: p.6).

[9] The Turin experiment opted for another way of formulating the charge, i.e. by using 6 scenarios referring to different policy approaches: 0- present policy (alternate license plate numbers 2 days a week; 1-alternate license plate numbers for an increasing number of days; 2- Los Angeles (vehicles discriminated on the basis of their emissions); 3- Zurich (dividing space among road users), 4- road pricing, 5- car pooling).

[10] Jurors filled out two questionnaires, one in the morning before the jury started, the other at the end of the jury (containing the same questions; the evening one also enquired about the jurors' satisfaction in taking part in the experience).

Table 1. Demographic features of the citywide sample and of the 42 jury members.

| Demographic categories | 1) City-wide sample (N=1000) | | 2) Jury members (N=42) | | Difference 1 - 2 | |
|---|---|---|---|---|---|---|
| | N | % | N | | % | |
| **Age** | | | | | | |
| 18-24 | 57 | 6 | 1 | 2 | 3 | |
| 25-34 | 157 | 16 | 4 | 10 | 6 | |
| 35-44 | 183 | 18 | 4 | 10 | 9 | |
| 45-54 | 148 | 15 | 13 | 31 | -16 | |
| 55-64 | 148 | 15 | 10 | 24 | -9 | |
| Above 64 | 307 | 31 | 9 | 21 | 9 | |
| **Gender** | | | | | | |
| Male | 463 | 46 | 22 | 52 | -6 | |
| Female | 537 | 54 | 20 | 48 | 6 | |
| **Education** | | | | | | |
| Primary | 103 | 10 | 4 | 10 | 1 | |
| Secondary | 216 | 22 | 7 | 17 | 5 | |
| High school student | 1 | 0 | 0 | 0 | 0 | |
| High school diploma | 354 | 35 | 15 | 36 | 0 | |
| University student | 60 | 6 | 4 | 10 | -3 | |
| University degree | 264 | 26 | 11 | 26 | 0 | |
| **Profession** | | | | | | |
| Entrepreneur | 14 | 1 | 4 | 10 | -8 | * |
| Artisan | 14 | 1 | 1 | 2 | -1 | |
| Shopkeeper | 11 | 1 | 3 | 7 | -6 | |
| Other self-employed | 30 | 3 | 0 | 0 | 3 | |
| Professional (lawyer, doctor, etc.) | 50 | 5 | 1 | 2 | 3 | |
| Manager | 12 | 1 | 1 | 2 | -1 | |
| Teacher | 54 | 5 | 2 | 5 | 1 | |
| White collar | 29 | 3 | 3 | 7 | -4 | |
| Employee/private | 118 | 12 | 4 | 10 | 2 | |
| Employee/public | 79 | 8 | 1 | 2 | 5 | |
| Employee (other) | 11 | 1 | 0 | 0 | 1 | |
| Blue collar | 54 | 5 | 2 | 5 | 1 | |
| Agricultural worker | 1 | 0 | 0 | 0 | 0 | |
| Student | 79 | 8 | 3 | 7 | 1 | |
| Housekeeper | 76 | 8 | 4 | 10 | -2 | |
| Retired | 354 | 35 | 12 | 29 | 7 | |
| Unemployed | 14 | 1 | 1 | 2 | -1 | |
| **Center/periphery** | | | | | | |
| Center | 143 | 35 | 11 | 26 | 9 | |
| Periphery | 857 | 65 | 29 | 69 | -4 | |

A very down-to-earth, yet very relevant, aspect connected with this aspect is the duration of the event. Clearly, longer duration would allow for deeper dialogic and cognitive processes and therefore improve the quality of the verdict. But it is also quite obvious that that a jury lasting 4 or 5 days would increase the attrition problems highlighted above in respect to jury composition (individuals with work or family obligations would find it difficult to participate).

### 4.2 Deliberation quality

One of the basic assumptions of deliberative democracy is that an appropriately structured 'space' is required in order to ensure that an actual dialogue (and not a debate in which participants hold 'crystallized' positions) takes place. A dialogue implies that there is a 'climate' of mutual respect (Goodin, 2005: 190), in which *all* participants have adequate opportunities

both of expressing their views and of being listened to. Only thanks to dialogic exchanges in such a context can opinion shifts possibly occur (Fung and Wright, 2003b: 27). Structure and rules must protect participants against manipulative or aggressive behavior.

In the Bologna jury, a rather rigid structure was proposed by the organizers (and approved by the Advisory Board, but not discussed with the jurors); the rules defined precise timings and who was entitled to speak in each specific phase of the process. A moderator was in charge of keeping the process on schedule and making everyone respect it (this did create a few tensions, but the process overall ran quite fluidly). Understandably, this rigidity implies a *trade-off*: if it ensures that all participants (including Parties and authorities) have a chance to express their views, albeit within a constrained time frame, on the other hand it also causes unforeseen needs (to express emotions, to discuss further) to be sacrificed. Overall, the 'climate' was respectful and conducive to exchange of opinions.

### 4.3 Effectiveness of deliberation

Deliberation aims at reaching consensus through cognitive change and transformation of preferences, in turn produced by exposure to relevant information and knowledge, presented to jurors in clear and balanced ways by authorities and stakeholders, in documentation provided to them, and elaborated by the jurors through discussion.

In the Bologna case, due to time shortage, the organizers provided jurors beforehand with a document of 20 pages prepared with the help of several administrations, containing basic information (the features of the city center, mobility in the city, the situation of air and noise pollution, the rules governing vehicle access to the center at the time, the specific roles of the responsible authorities, plus a brief description of the London road pricing scheme). It was, no doubt, a technical document presenting some difficulties for laypersons.

Also, it was agreed in the Advisory Board that each of the two sides (economic and environmental) would draft a 5 page position paper, that was to be sent to jurors before the 'trial'. Though the environmental side did produce such document, the economic side did not (due to their decision to defect, as discussed below). Thus, in order to avoid an imbalance, the environmental paper was not mailed to jurors (rightly causing the protests of the environmental side), who instead received photocopies of articles appeared during the last year on the topic and selected by the organizers. The environmental document and papers prepared by some of the economic actors were handed out on the day of the jury.

On the day of the venue, jurors heard 3 testimonies (20 minutes each) from both sides. Testimonies could be either experts (the environmentalists invited two epidemiologists) or 'partisan' speakers. It is worth noticing that more than 80% of the jurors evaluated the contribution given by the testimonies of the two sides and of the administrations as positive: they had increased their knowledge on the subject and that they had provided arguments of general -rather than partisan- character. Subsequently jurors listened to the questions the two sides posed to the local administrations and their answers. They also had the opportunity to pose their own questions to the two sides and to the administrations. Though it is not possible to analyze in depth the dialogic process that took place, suffice it here to say that jurors discussed and considered a wide variety of topics and policy measures to cope with the externalities connected with vehicle traffic. Though the jurors had no specific competence in reference to the subject under consideration, they do not seem to have been shied off by the technical complexity.

From observation and subsequent analysis of the taped discussion, it emerges quite clearly that within the jury's discourse one specific frame (Rein and Schön, 1991: 263), quickly became hegemonic in defining the nature of the issue, i.e. the reasons for limiting traffic in the city center. Such frame is constituted by the negative effects of air pollution on human health (in the words of a juror: 'anybody walking in the center nowadays, working there, in the shops, under the arcades, is breathing particulate....'). Other externalities (noise, accidents, quality of life, etc.) had a very minor role in discussions. There are two reasons accounting for this. The first is that the 'external' context influenced the jury (including representatives of the two sides): vehicle pollution has become a widely acknowledged fact by now, as legal thresholds have been enacted; frequent smog alarms and media coverage are there to remind of the existence of the problem year after year. Secondly, the defection of some of shopkeeper associations weakened the economic side. The testimonies of the environmentalists were more influential because of the 'status' of their two medical testimonies (presenting ample empirical evidence) and the stronger arguments used. Available literature (Fishkin and Rosell, 2004: 56) confirms that experts can produce a bias among participants. Perhaps if the shopkeeper associations had decided to participate and had brought more 'technical' experts as testimonies, the final outcome might have been different. The speakers of the economic actors who did accept to

come did not question the seriousness of the pollution situation and its consequences, nor did they oppose the limitation of traffic in the center in principle.

The jurors then split up into three groups, assisted by professional facilitators[11], to discuss the verdict. Table 2 shows the essential elements of the positions each group expressed on the general charge and on the questions concerning the approach to be used in limiting traffic. The groups expressed similar positions on all charges except 1c. Finally, the issue was discussed in a plenary meeting with the assistance of a moderator.

Table 2. Positions of the 3 groups in respect to the charge and the final verdict.

| Charges | 1 – Access should be limited | 1a – regulatory approach (permits) | 1b- economic approach (road pricing) | 1c – technological approach (vehicle emissions) |
|---|---|---|---|---|
| Group 1 | YES<br>- also mopeds and motorcycles<br>- limited no. of permits/month for all | YES<br>- good delivery only in certain hours<br>- clear criteria for permit release<br>- strict control | NO<br>- 2 tickets/month | YES<br>(with conditions) |
| Group 2 | YES<br>- also mopeds and motorcycles | YES<br>- rules for commercial vehicles<br>- also during the night | NO | YES |
| Group 3 | YES | YES | NO | NO |
| Jury verdict | YES | YES<br>- strict control<br>- permits to be reviewed periodically<br>- also mopeds and motorcycles<br>- flexibility/ temporary permits | NO | NO<br>- issue permits in relation to emissions produced by vehicle (see 1a)<br>- more information on pollution and how to reduce it |

Deliberative theory highlights that citizen involvement allows their specific values to be brought into the decision making processes. In the Bologna case the jurors spelled out very clearly that they opposed the economic and technological approaches because they would be both socially inequitable (poorer people couldn't afford road pricing, nor to buy a new - less polluting – car) and ineffective (road pricing would raise money, but it wouldn't clean the air, as one juror put it).

To what extent has the process brought about change in the jurors' preferences? At the end of the day, as compared to their answers to the morining questionnaire, jurors are both slightly less favorable to completely closing the center to traffic (median value on a scale of 5 from 1.97 to 2.10), but also to totally free access (from 4.44 to 4.61); considering these two positions together , it seems that jurors have moderated their preferences towards an intermediate position that tries to keep the complexity of the situation in account. They are more against lifting limitations before Christmas holidays (up from 3.20 to 3.68), but are less opposed to limitations based on days of the week or hours of the day (down from 3.88 to 3.49) (though in both cases opposition is high); opposition to subordinating limitations to pollution levels increases (from 2.49 to 2.75); they are also less convinced that parking space and public transportation should be provided before introducing limitations (from 1.53 to 1.92). There was also a considerable change in the jurors' preferences concerning the policy approach they thought most appropriate in limiting traffic: the percentage of those in favor of the present permit system rose from 63 in the morning to 89% at the end of the day, whereas those in favor of allowing access to less polluting vehicles declined from 33 to 11%, and those in favor of a road pricing approach from a tiny 3% fell to...zero!

[11] The facilitators were V. Baruzzi and M. Guarino of Camina, and W. Sancassiani of FocusLab.

At the end, there was a overwhelming consensus with the verdict (97%), though time constraints and possible '*group-thinking*' -i.e. some jurors might have agreed with the group just to favor consensus though they really weren't happy with the outcome- raise the doubt that the consensus reached was somewhat 'shallow'.

### 4.4 Influence

Deliberative practices are meant to have an impact on real world decisions. Differently from 'real' juries, that typically are originated by authorities, the Bologna jury, as mentioned, was only an experiment and had no ambition to exert influence on decisions concerning the traffic limitation policies. This was made clear to both the actors in the Advisory Board and to the jurors. Having said this, it is interesting to note that shortly after the jury took place, the Municipality of Bologna decided to introduce a ticket system allowing vehicles to enter the city center; since the verdict strongly opposed this option, it is clear that the jury had no influence at all on the decision making process.

The influence criterion however also concerns another aspect, i.e. the fact that, according to literature, deliberation fosters social capital and civic culture, i.e. the willingness and capability of contributing to the 'public sphere'. The Bologna case shows that citizen juries can sow seeds in this direction. At the end of the day, jury members have increased their sense of competence (median value from 2.67 to 2.95 on a scale of 5) and self-efficacy ((from 2.07 to 2.40). Also, 92% was satisfied or very satisfied of the venue they had taken part in, l'87% would participate in such an event again, and 95% believes that the jury is an appropriate way to involve citizens.

Of course, the effect of the Bologna jury remains limited to its participants (and perhaps to their circle of relatives and friends with whom the jurors might have shared their experience); only a widespread use of deliberative processes could foster the development of social capital on a significant scale.

## Conclusions

The Bologna experiment points to several aspects of general interest.

Firstly, it confirmes that, as postulated by theory, deliberation does produce a 'treatment effect' by which preference change takes place. On the other, the risk of (involuntary) bias influencing such change is always just around the corner: how the process is structured, the way the charge is formulated, the information that is -or is not- provided to the jurors, the allocation of time and many more aspects (some apparently minor details) can produce unbalanced influence on the jurors, and thus on the verdict. In this respect, the attrition rate (self-selection of individuals initially volunteering to participate, and subsequently actually showing up for the jury or not) in the recruitment process of members causes a serious bias risk in the composition of the jury. More specifically, if people with an appetite for participation, or individuals attracted by material incentives are those mainly willing to take part in such practices, and if such motivations are systematically associated with specific opinions (e.g if people willing to participate are more pro-environment), then the verdict they produce will be biased as well. Yet, if the composition of the jury does not reflect that of the community affected by the decision at hand, its usefulness and credibility in the eyes of both authorities and the public at large will be undermined. In order to constitute a legitimate basis for decision-making, the verdict must be a proxy of the opinions that the general public would hold if it underwent a deliberative process.

A second point, connected to the previous, concerns citizens' motivation to participate. To assume a 'heroic' will (Melville 2005) to practice democracy is probably unrealistic (especially in times of increasing individualism). Fung and Wright (2003b: 27) indicate that such motivation depends on citizens' perception that their involvement will have some influence on decisions. Citizen involvement can have quite different aims: 1) simply giving people information on problems and solutions that have already been decided on (information); 2) obtain feedback from people in relation to problems and solutions (consultation); 3) demands and critical inputs are taken into account in formulating decisions (involvement); 4) citizens contribute in singling out options and making choices (cooperation); 5) citizens are entrusted with the responsibility of making decisions (empowerment)[12]. Though deliberative practices can involve many of the 'steps' of this 'participation ladder', citizens must perceive that here is 'system responsiveness' (Gastil, 2000: 27), if they are to be persuaded of the usefulness

[12] Typology proposed by the International Association on Public Participation -IAP2-, www.iap2.org; a similar 'participation ladder' was developed by Edelenbos and Munnihof, 2001.

of giving their time, energies and intelligence. True: deliberative democracy aims at fostering civic virtues, but if they are inexistent, they must first be built up, through a virtuous circle between social capital and public participation[13].

A third point is the attitude of powerful interest groups towards deliberative practices. The question is: why should they want to get involved at all? Fung and Wright (2003b: 35) show that these actors pursue their objectives through '*forum-shopping*', i.e. they turn other channels when they can't reach their goals through deliberative processes; if widespread, this practice would poison the resources (firstly trust) on which cooperation is based. There are several examples of actors refusing to take part in citizen juries. In 2001 beverage producers in New South Wales (Australia), after agreeing on the process focused on the introduction of a container deposit (Carson and Hartz-Karp, 2005), decided to defect shortly before the jury took place. In 2003, the mayor of Dublin, who had initially accepted the invitation by the university to take part in a citizen jury on waste incineration, suddenly backed out (French and Laver, 2005). In the Bologna case, the two major shopkeeper associations, after being part of the Advisory Board and having accepted to take part in the jury, decided (without notice) to quit just days before the jury took place. What the precise motivations were, it remains unknown. Yet the probable explanation, based on available elements, is that some of their requests (e.g. lifting traffic limitations during Christmas shopping) had been accepted by the Municipality and thus they had no desire for the topic being further raised in public.

This attitude might not all be the result of rational calculations; the possibility of resistance to innovation should be considered. But, whatever the explanation for this type of behavior, deliberative democracy faces a basic paradox: the potential interest for deliberation lies in its capability to tackle conflictual issues (such as sustainable mobility); yet that very adversarial nature of the issues might persuade interest groups to flee from deliberation because they might find themselves 'disarmed' because deliberation obliges them to behave responsibly (Hendriks, 2002: 65), but also because they cannot benefit from the asymmetries of power they enjoy usually (as in pressure politics).

On the other hand, it is interesting to note that the Bologna jurors, though strongly in favor of traffic limitation in the city center in order to enhance the environment and protect human health, were neither opposed to economic interests nor insensitive to their specific needs; quite on the contrary, the jury tried to indicate solutions to their specific problems (for example the delivery of goods to the shops). More in general, not all the preference shifts that occurred during the process were pro-environment, as discussed above. Perhaps interest groups should have more trust in the judgement of ordinary citizens, when they have the opportunity to be exposed to thorough information and discussion, as well as in their own capability to provide convincing arguments.

Beyond the experiment -however scientifically interesting- the hope is that carrying out such venues will gradually contribute to spreading the idea, both among those who have responsibility for decision-making on the basis of a representative mandate and among stakeholders, that innovative deliberative approaches based on direct involvement, and some degree of empowerment, of affected communities are available and can be useful.

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[13] For an example of how it is possible to avoid such a vicious circle, see Podziba, S., Social Capital Formation, Public Building and Public Mediation: The Chelsea Charter Consensus Process, Kettering Foundation occasional paper, 1998.

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