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## **SYMPOSIUM/6**

### **CONCEPTS AND EXPERIENCES**

#### **The Theoretical Pragmatism of Luigi Bobbio**

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It is hard for me to remember Luigi Bobbio, because of the strong friendship that bound us. I met Luigi Bobbio at the beginning of 2006, during the drafting of the Tuscan regional law on participation, which was approved at the end of 2007. Luigi, in particular, had the task of organizing an international conference (“Le vie della partecipazione”, May 2006), in which the models of participation and deliberation that were emerging and developing abroad were presented for the first time in Italy. But in those months Luigi also collaborated directly to the elaboration of the Tuscan law: we had an intense exchange, whose memory lies in the many emails in which we discussed, in detail, the possible solutions to the problems we were facing.

In this article, I will propose some considerations on the contribution of Luigi Bobbio to the theoretical reflection and empirical research on participatory and deliberative democracy and his more recent orientations and research interests. Others may do a better job at describing Luigi Bobbio's role in the field of policy analysis. What is certain, however, is that his fundamental contribution to the issues of participatory and deliberative democracy strongly (and, in my opinion, positively) bears the sign of this disciplinary approach. *Democracy does not live in Gordio* is the title of his successful book of 1996: a work marked by theoretical attention to the complexity of the decisional processes and the conflicts that take place within the concrete unfolding of policy-making. And it is

based on this theoretical awareness that Bobbio began to look at the role and meaning of the "participation" of citizens, thus converging with the new idea that, in the international field, went under the name of "deliberative democracy". Bobbio avoided any holistic (or "ideological") view of participation, but this view didn't lack ideal and normative dimensions and implications: at the core of his view there was still the idea (and the ideal) of a democracy that, along with its decision-making processes, could and should "work" to the best of its possibilities. Therefore, it was fundamental for him to always combine theoretical reflection and empirical experimentation (as also happens in the essay published in *Partecipazione e Conflitto*). His intellectual style acted almost as a "razor" against formalisms, all-encompassing schemes, and purely verbal solutions. In May 2007, for example, Luigi sent me a commentary on the first draft of the regional law:

in my opinion the text is too detailed, a little too complex, and contains some dispositions that prove to be incomprehensible or that seem useless. I believe that the text should be simplified to make it more effective also on a symbolic level. Here are my first observations. At the end of the commentary I add a list of possible situations to see how the law could work in specific cases. It would be useful to also bring forward other cases in the discussion in order to understand how the law dispositions could apply to concrete circumstances...

And, immediately afterwards, speaking of the "general principles" of the law, he wrote:

I have some doubts about the introduction of the "right to participate". The attribution of a right implies: a) the provision of a judicial action in the event that the right is violated, but there is no trace of this in the law (and rightly so, I think); b) the specification of the subjects who have this right. But this specification is impossible and inappropriate. I wonder if it would not be easier and more effective to say that the law favors the participation of citizens and residents, without introducing the cumbersome concept of right.

But it is not just a matter of intellectual attitude, of course: the essay that Luigi Bobbio published in this very journal in 2017 also took cue from precise theoretical questions, and in particular from a response to the theoretical challenge to deliberative democracy brought by all "antagonistic" or "conflicting" views. But this comparison, for Bobbio, could not take place only on the theoretical level: "the only way", he wrote (2017, p. 618), "to respond to such questions is to give a close look at what happens in some deliberative arenas". Of course, his view was not simply neo-positivist (as if deliberative

democracy were a "theory" of how things are that can be verified empirically), but an attitude that can be properly defined "pragmatist", in the philosophical sense of the term: he wished for a constant interaction between concepts and experience, between the conceptual models that guide, and are often implicit in, the practices and experiments inspired by these models; but he also advocated the comparison between the practices and experiences that often develop without a clear theoretical awareness of their own presuppositions, on the one hand, and the interpretative models that can help explain their characteristics and improve their "grip" and effectiveness on reality, on the other.

Not surprisingly, the core of Bobbio's theoretical interest, in recent years, was the crux of the relationship between participation, deliberation and conflict: this is evidenced, in particular, by the introductory essay (Bobbio, Melé 2015) to a monographic section of *Partecipazioni*, but also by many other recent interventions; it also emerges from one of his most exhaustive and important theoretical contributions (Bobbio 2010a), proposing a typology of possible forms of deliberation based on different contexts or settings, and on the different cognitive resources of the actors.

According to Bobbio, "conflict" cannot rise to the role of a *passé-partout* theoretical category: one cannot have an undifferentiated idea of it, nor can one take it as a value in itself. There are many types of conflict, not only "vertical" (between Power and the subjects that contest it), but also "horizontal", between citizens with deeply different ideas, interests and "points of view". In particular, considering the experiences of deliberative policy-making, and the cases in which these processes take the form of an "institutionalized" space (as in the case of the Genoese *Dibattito Pubblico* that Bobbio analyzes in the text appeared in *Partecipazione e Conflitto*), what emerges are indeed the "paradoxical relations" between participation and conflict. Even the deliberative spaces and processes that are promoted by the institutions (for the most diverse reasons, which can be investigated: strategic uncertainty, information deficit, legitimation crisis and consequent search for consent) not only fail to make conflict any weaker, but can also ignite it and even make it emerge more clearly when it is still in a latent state.

Luigi Bobbio keenly followed everything that happened "on the field", and had reached a very precise conclusion: a) the cases of "institutionalized" participation motivated by openly manipulative and instrumental intentions are much less frequent and significant than what many suspicious critics believe; and b) even where such intentions are present and verifiable, they lead either to the failure or irrelevance of the participatory process itself or to self-defeating results for their promoters, precisely because the reasons for the conflict are always able to emerge (or re-emerge) within and next to the deliberative setting. In short, the participation in more or less "institutionalized" policy-

making processes can not be assessed with the same yardstick that can be adopted when participation develops on an antagonistic terrain, that is, when there is a strategic type of rationality and what ultimately determines the outcomes of a conflict are the power relations between the actors. It makes no sense to compare these two phenomena, although, naturally, as Bobbio notes, there are often many "gray zones": hybrid situations, in which communication logics and strategic logics coexist. In such cases even public deliberation develops simultaneously, and to varying degrees, both on a pragmatic and epistemic level ("improving" a decision thanks to more solid and shared assessments on "factual data" and on the means to achieve a given goal), and on ethical-political grounds (what values to prioritize, what aims a community may pursue) and very often even on a properly moral ground (what is more "right" to do about a given problem, but also how "just" and "fair" is the decision procedure).

Luigi Bobbio was therefore well aware of the need for a theoretical vision that took into account the variability of institutional contexts in which public deliberation takes place (while not reducing this variability to a mere empirical contingency). And, in recent years, he was very attentive to the proposal of a "systemic approach" to deliberative democracy (Parkinson, Mansbridge 2012), even though he expressed several doubts and objections about it. Bobbio's was an evolving reflection and, unfortunately, we cannot know how he would have developed it. We can only conclude by pointing to a possible path on which to further pursue this goal, in the certainty of finding inspiration in Bobbio's work. The core of this future research, in my opinion, consists of two crucial themes: a) the connection between the "micro" and "macro" dimensions of public deliberation; and b) a more complete and clear distinction between the epistemic dimension of deliberation and its strictly political dimension and, at the same time, the analysis of the inescapable intertwining between these two dimensions.

Some participatory models that are inspired by the principles of deliberative democracy embrace, more or less consciously, an exclusively epistemic purpose: I am referring to devices conceived as places of "unpolitical judgment", in which "ordinary" citizens, or "citizen representatives" (Urbinati, Warren 2008), are presumed to express an impartial vision, capable of escaping the bias of partisan politics. Thus, citizens are conceived as citizens-judges, or citizens-spectators, that emit "verdicts", but not as political actors who fight for their opinions and their vision of things, in confrontation and dialogue with others. These models (or more precisely, these ways of understanding some participatory institutions) can actually be considered as an expression of a "depoliticization" of democracy. In fact, they presume that a collective decision cannot be entrusted to conflict and mediation, in a public dialogical dimension, between different interests and val-

ues borne by citizens (and their forms of representation). Rather, they believe that deliberation can lead to find the "correct" solution by asking "ordinary" citizens as such. There are many serious objections (which I cannot discuss here) to such an approach. However, it would be wrong to limit oneself to this criticism: if we embrace the idea that there are "deliberative systems", even minipublics or deliberative settings composed of small groups of citizens (randomly or otherwise selected) can play a significant role as information-gathering places, appropriately inserted in a deliberative sequence, and as "part of a wider deliberative decision-making process that involves the people more generally" (Parkinson 2006, 34).

Other deliberative participatory models and devices are rather designed to enhance the epistemic properties of deliberation, but not to reach epistemically justified or founded decisions or solutions. They are open or inclusive deliberative arenas, which are intended as a phase of the policy-making process. These devices can be conceived as spaces of social learning and public inquiry, with the aim of including and enhancing widespread skills and social knowledge that cannot be contained in the restricted circle of the political decision-maker and his technical-bureaucratic apparatus; but they also aim to bring out and "treat" the conflicts that develop around a given political decision. These processes can lead to a "better" decision, not because it is "true" or correct, but because it is democratically more legitimate, capable of incorporating in the deliberative process a social patrimony of knowledge, experiences and conflicting "points of view".

These two approaches are very different and underestimating this difference may become the source of conceptual and political ambiguity. In the first case, some devices or institutions can also be interpreted as processes that empty, or replace, the institutional forms of political representation (now hopelessly considered prey of a partisan politics, which is disapproved of as such). In the second case, they can be experienced and practised as forms of public discourse-enrichment, bringing in knowledge and experiences that had previously been ignored or marginalised and thus contributing to building the agenda of the public sphere and of the institutional sphere of decision-making.

Political decisions always involve choice and/or mediation between alternative and conflicting options. The process that leads to a public decision, i.e. a deliberative system that revolves around a public issue, may imply a pragmatic, ethical or moral dimension of the discourses and justifications related to each option: decisions are made based on discussions regarding values and interests, and expressing the potential compromises that can be reached through public dialogue. However, within this process, 'good' arguments (arguments that can turn out to be acceptable) can also be those able to appeal to shared 'facts', to relatively and provisionally solid and effective knowledge and to a convincing interpretation of the participants' common experiences.

In the light of these considerations, accusing deliberative democracy of "weakening" or "neutralizing" conflict appears to be empirically groundless, but also theoretically incorrect, because it means only considering a partial and one-sided image of deliberative democracy, taken as an ideal model (a sort of "regulatory ideal") that aims at an undifferentiated "consensual" solution to conflicts (an image that some, but only some, deliberative theorists, have accredited and divulged). Rather, I believe that deliberative democracy should be conceived as a theoretical model that looks at the communicative and deliberative dimension acting within conflicts that still characterize political and policy-making processes; it is a critical and normative model, which encourages a dialogic-deliberative management of the conflicts themselves, well aware that their concealment or annulment is neither possible nor desirable. We can well say that the work of Luigi Bobbio will help us reflect on these subjects for a long time.

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