

10-26-2006

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Recommended Citation

Carson, Lyn (2006) "Improving Public Deliberative Practice: A Comparative Analysis of Two Italian Citizens' Jury Projects in 2006,"
Journal of Public Deliberation: Vol. 2 : Iss. 1 , Article 12.
Available at: <http://www.publicdeliberation.net/jpd/vol2/iss1/art12>

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Keywords

Public Deliberative, Deliberative Democracy

Acknowledgements

My sincere thanks to my Italian collaborators whose stimulating company I enjoyed and whose commentaries appear elsewhere on JPD, and to Ned Crosby for adding his considered thoughts as well.

Improving Public Deliberative Practice: A Comparative Analysis of Two Italian Citizens' Jury Projects in 2006

Lyn Carson (University of Sydney)

Recently the author was invited to Italy, by the Regional Government of Tuscany, the University of Bologna and the University of Turin. The three institutions asked the author to speak about random sampling as a means to include missing voices in political decision making, i.e. the voices of those who usually remain unheard (see Carson & Martin 1999). Their interest was with the author's work in the field of deliberative democracy and its practical expression, democratic deliberative processes, best exemplified by citizens' juries (see, for example, Carson & Martin 1999, Carson & Hart 2005, Carson & Hartz-Karp 2005, Carson 2004, Carson 2003, Carson *et al.* 2002, Crosby 2003).

Inevitably the author was drawn into deep discussions about the two recent attempts to convene citizens' juries (CJs) in Bologna and Turin (both in 2006). It became apparent, as it had already to the convenors from the Universities of Bologna and Torino (Turin), that both attempts were ambitious and well executed but still fell short of the convenors' ideals. This paper draws together the author's reflections about the concerns that were heard during these discussions. Advice was sought, and that advice is repeated here. These observations may be helpful for those embarking on similar experiments for the first time.

This paper relies on an understanding of the original CJ model pioneered by Dr Ned Crosby but for those with an interest in knowing more about CJ design, see the Jefferson Center's website <http://www.jefferson-center.org> (the Jefferson Center is the organization that conducted all of the U.S. Citizens Jury projects, 1974-2002) or a handbook written by the author for those convening a CJ for the first time which is available via the www.activedemocracy.net website.

Length of jury

Crosby’s original citizens’ jury model involved 12-24 participants in an intensive period of deliberation following presentations by expert speakers. Having convened a number of CJs myself, I was peripherally involved in a jury convened by Ned Crosby and Pat Benn in Perth, Australia, in 2005 and shared a number of conversations with Crosby about the need for a five-day jury, his preferred model. In Australia 24 CJs have been convened to date and only one other has involved five days of deliberation. My research reveals the following (see Table 1):

½ -1½ day	2-2½ days	3-3½ days	4-4½ days	5 days	TOTAL
8	7	3	4	2	24

Table 1: Length (in days) of citizens’ juries convened in Australia 1976-2006 (as at April 2006)

One jury (a parent jury for a primary school) was convened for a single evening and there have been seven others in Australia that were convened for less than two days. With hindsight, I now question the use of the label ‘citizens’ jury’ for these events. However the large majority of Australian juries have been convened for two days or more, a length which is more in keeping with the deliberative requirements of a CJ, as long as a minimum of time (perhaps 25% of the time), is devoted to presentations by expert speakers.

Convenors of the Italian CJs were influenced by the structure and process of a one-day deliberative forum which was held in Dublin in November 2003 (see French & Laver 2005) and involved 50 participants (the Australian average is 18 participants). The Dublin event was labelled by the convenors as a “citizens’ jury”, and one of the Bologna convenors, Daniela Giannetti, attended that event. In my opinion, this influence was unfortunate as it would have been far more beneficial to follow the Crosby model, even if it was modified. The Jefferson Center has copyright of the name “citizens jury” in the US but not elsewhere, so there can be no guarantee that a CJ actually conforms to Crosby’s design. Although I have not followed the Crosby model to the letter, my own experiments

and the procedures described in my handbooks are definitely offspring of American CJs, as are those of most CJs convened in Australia.

The Bologna jury was a one-day event on a weekend; the Turin jury took place over two consecutive Saturdays. Longer juries would have provided opportunities for deeper deliberation and would have balanced the length of time that was spent listening to experts (in Turin 15 experts were called and this took 7.5 hours of the two days, in Bologna six experts were called and this occupied 50% of a one-day event). In Turin only three hours was spent on the jury's deliberations with the entire group of 21 jurists, in Bologna an afternoon was dedicated to deliberations in three groups of 14 people with a later report back to the plenary, so presumably a similar length of time was devoted to deliberations as had been in Turin (for further details of the Bologna experiment, see Giannetti & Lewanski 2006). These periods for deliberation were far too brief.

Convenors of CJs often place too much emphasis on monologues from experts, believing that adults learn best by sitting and listening to experts. They do not. I believe (as an educator of adults), that they learn best through problem solving, by posing questions and finding answers and interacting experientially with a puzzle. For that reason, I find it very helpful to work with CJ participants before the time dedicated to the CJ. This might happen a week or so before the event or during the first half day of the CJ itself. This period can be spent to learn about the CJ process, to begin to grapple with information about the topic and importantly to begin to build trust about working together as a team. Typically, time would be spent working with strategic questioning (Peavey 2005), with listening skills, with unpacking our respective worldviews and those worldviews likely to be encountered amongst experts. This means that the jury can approach the expert speakers and its own deliberations with confidence. It also allows time for locating additional speakers should the jury offer suggestions that a steering committee might have missed.

It was no surprise, therefore, that convenors considered that a type of premature conclusion was reached for both Italian juries and that the convenors had little confidence

in the learning and exchange that occurred. As a facilitator, it is possible to know when a conclusion is mature and consequently when there is reason to have confidence in the stability of the jury's recommendations. The indicators are that the jury has exhausted its questioning and holds an unshakable belief that it has gone as far as it can to achieve common ground. In these circumstances, the jury has a genuine sense of satisfaction that it has wrestled with the complexity of the issue for long enough even if complete consensus does not occur and this is evident when the jury claims confidence in and ownership of its decision. The aim is to work toward consensus, not necessarily to reach it, but to be certain that common ground has been explored and recognition has been paid to minority views. The entire jury should accept the conclusions, including minority reports, because of the robustness of the process, even if there is not complete agreement. With this type of mature conclusion, any preferences that have been transformed are likely to endure—they are not simply the sort of “spontaneous impressions” that might be extracted from survey respondents (Fishkin 2006).

Scope of charge

The two Italian juries were concerned with the same subject matter, although with quite different emphases. In Bologna the jury considered traffic in the city's historic centre and in Turin there was a more general consideration of traffic in the whole city. Though the topic was about unacceptable levels of air pollution, both juries were presented with possible solutions based on “reducing such pollution through regulation of private cars circulation” (Giannetti & Lewanski 2006:10). The Bologna team offered jurists a question that required a yes/no response, while the Turin team worked with six scenarios and defined the criteria to be used, with the possibility of a new scenario emerging (see http://www.dsp.unito.it/it/giuria_cittadini-en.asp).

There is a potential improvement that can be made in relation to this issue, that is, the scope of the ‘charge’ or topic for consideration by the CJ. One of the main advantages of the use of deliberative democratic processes such as CJs, by comparison with referenda or conventional means of consultation that form part of statutory or policy planning

processes, is that they can offer opportunities for creative responses to problems. This can only occur if the scope of the discussion is kept as open as possible, consistent with remaining manageable or within the power of relevant agencies to implement.

On this basis, the use of yes/no questions, or pre-determined scenarios, can be overly restrictive. The dualism of a yes/no question suffers from the same restriction as an adversarial legal system, allowing a result that denies the rich context of most decisions. The use of pre-determined scenarios suffers from the same restrictions as traditional forecasting, in that scenarios are strongly influenced by the restricted confines of the current policy context, and stifle creativity. The development of ‘backcasting’ (in contrast to forecasting) has arisen in response to this, and these modes are highly consistent with deliberative democratic processes (see e.g. Robinson 1982, 1990).

In the case of the Bologna CJ for example, the charge was established in the form of opposing points of view: ‘environment’ versus ‘economy’, and the experts were also positioned with this framework in mind. In fact, in the presentations, some shopkeepers (ostensibly arguing for the ‘economy’ side in the way the debate had been framed) had more nuanced views, arguing for some restrictions on traffic. More generally, it is now recognised that an opposition between ‘environment’ and ‘economy’ is limiting, in particular the negative economic implications of activities and policies that impact on the environment or public health are becoming well characterised. These issues highlight the difficulty, and problems, associated with such a restriction on the framing of the problem or the ‘charge’ of the CJ. Process designers understand the fundamental importance of this stage. The materials produced by National Issues Forums on naming and framing could be helpful with this important aspect of CJs for future convenors (see <http://www.nifi.org/>).

Steering committee plus jury selection, number and compensation

A steering committee is usually convened to have oversight of the CJ process. This involves agreement between a diverse group of protagonists about the content of briefing

documents and boundaries of the discussion. A steering committee might also consider matters such as jury selection and compensation. Such a committee was convened for both Italian CJs. It is essential, in my experience, to have process designers as members of these steering committees and to have process experts involved early to define the process “architecture” (a term used by Iolanda Romano who facilitated the Turin jury).

For one Australian CJ two separate committees were established, one focusing on process design, and another on content, or subject matter. This separation between process and content was a mistake which was recognised only with hindsight. The process designers might have reassured the content experts about procedural matters and, in turn, may have tempered a boycott of the event by the group of expert speakers that perceived themselves as the possible ‘losers’. In Bologna the predicted ‘losers’ also boycotted the event. This tendency is a problem that can be anticipated and possibly avoided—both through the combination of process designers and content experts on the steering committee as well as the avoidance of constructing the CJ as a debate with winners and losers, rather than an exploration of common ground.

Juries are randomly selected and because of the small number of participants in a CJ and the fact that a statistically representative group is not possible, the sample is stratified to match a socio-demographic profile of the population as well as variables that may be important in relation to the topic under discussion. For example, when a CJ was convened in Australia on solid waste policy, the sample reflected census data but also took other characteristics into account. One demographic was family composition (with/without children) because of the relevance of household type and size to the issue.

In Bologna, a statistically representative random sample of one thousand citizens was selected by a national polling institute and these people were questioned about car access to the city and pollution policies; 239 agreed to participate in a CJ. A further four shop owners were selected because representatives of this group had not volunteered for the CJ and the convenors considered that their voices should be heard. I understand this motivation, but think this should have been reflected in the composition of the expert

speakers. In Bologna, fifty volunteers were selected from the 239 and contacted again and reminded of the event; 42 of 50 showed up. In Turin, a similar process was used and 24 respondents were randomly selected from a wider survey of 1,400 respondents—21 showed up. There are always some volunteers who drop off so a contingency plan is needed. Ned Crosby deals with this by having ‘reserve’ jurists who turn up on the day and are either included because of drop-offs or are paid for half a day. If there is to be no payment it is best to invite a few more than the quota.

The briefing materials must be agreed upon by members of a diverse steering committee. In some cases, for example, in the case of one of the Australian Deliberative Polls, this involved more than twenty drafts of a briefing document until agreement was reached on ‘facts’ that were acceptable to all parties. Participants can be quite intimidated by complex written materials without having the benefit of discussion amongst their peers. For that reason, I avoid sending briefing materials before a CJ and prefer to use them during the first session (preferably a preparatory session well before the event) so that the documents can be discussed and fears can be allayed.

The Bologna convenors sent briefing materials beforehand, which included quite complex data that, I suspect, would have been daunting for some participants and may help to explain the rather high attrition rate. In Turin, participants were sent six pages of briefing materials which included data on traffic and pollution plus details of the six scenarios and details of the CJ program. My preference would be to limit materials to logistical details of the CJ.

There is a parallel here with the briefing materials that are typically sent to Australians prior to a referendum, for example, a booklet sent prior to the referendum about becoming a republic in 1999. Recipients are reasonably clear about an issue but then receive very complex material which serves to confound rather than clarify the subject matter because there is no opportunity for discussion except amongst people with an equivalent level of knowledge. The result is a resistance to change and this is reflected in the low number of successful referenda in Australia. This was also evident with one

combined Televote/CJ which was convened in Australia. There was a difference between the manner in which members of the CJ were able to deal with the complexity of the topic and develop confidence in their opinions amongst people they trusted, relative to the limited deliberation provided via a Televote, which involves two surveys, one prior to receiving written materials and encouragement to discuss the matter, one afterwards (see Carson et al 2002 for further discussion).

In relation to the compensation of jurors, there are varying rates and ways in which this is handled. In the case of the Bologna and Turin CJ's jurors were (appropriately) offered a small payment for participation, but concern was expressed by the Bologna convenors that this may bias selection in favour of those who are time-wealthy, but cash-poor. One way to reduce this impact is to avoid providing specific details of the compensation or the amount until after the first expression of interest in participation. Providing suitable support (travel, childcare, accommodation and meals/ refreshments as necessary) and compensation (sitting fees) is a useful norm in terms of these processes. Ned Crosby paid jurors AUD100 (EUR58, USD74) per day for the five-day Australian jury though it is more usual to offer a lower amount, typically AUD50 (EUR29, USD37) per day. It is important to offer some recompense to acknowledge the valuable contribution of jurors' time and ideas.

There is also the question about when jurors should be made aware of the topic of the CJ. In the case of the two Italian CJ's, the survey participants were told in the very first approach. Indeed, in the case of the Bologna their attitude to this very issue was canvassed in the phone survey. While this aspect is dealt with in various ways in CJs, there are advantages to be gained from withholding specific details of the topic under discussion in the first approach to potential participants. This mitigates against the self selection of those with a strong interest in, or pre-conceived attitudes to, the issue. In the case of one CJ in Australia, potential participants on first approach were told that the CJ would be on a 'matter of strong public policy interest'. In this case the survey questions used to stratify respondents on attitude can be of a more general nature e.g. attitude to urban environmental issues, rather than the specifics of traffic in the city or air pollution.

Of course, it also possible to select *according* to attitude—this decision being very context dependent.

Facilitation

In Turin, a skilled, independent facilitator moderated the discussion. This facilitator expressed concern that she had manipulated the jury, not because she was attempting to lead them in relation to the subject matter but because she was pressed for time and was forced to hurry the jury along the decision-making path. In this case, there definitely was insufficient time for deliberation so her concern is valid. It should be noted that the facilitator's job is to ensure timely completion so her efforts should not be interpreted as manipulation. However, Iolanda Romano believes that performance anxiety due to time constraints led jurors to search, at any cost, for a collective output. I would add the following observations. Not only should there have been more time dedicated to deliberations but another few adjustments to design might have helped. When working with a group that is larger than say ten-to-twelve people (especially when there are uneducated or timid people in the group), it is very helpful to split participants into smaller breakout groups (pairs, triads etc.) from time to time. This enables quieter participants to find their voice and develop confidence in expressing their opinions.

In regard to using different facilitation models, another option is co-facilitation. This means that facilitation can be rotated and the non-active facilitator can keep an eye on the overall process or the impact on participants. It is also extremely helpful for reflective practice, to be able to de-brief with a fellow facilitator and to modify the process to suit all participants. Further, in a few CJs over which I have oversight, I have used a separate chairperson to moderate the entire process, e.g. keeping speakers to time, welcoming observers during the times when participants are not privately deliberating, thus enabling the facilitator to devote her/his energy throughout to being the jury's ally. This chairperson is usually someone who is well-known and respected and adds some *gravitas* to proceedings. In Bologna a separate chair (a former university dean) was used to good effect.

During discussions in Italy we noted the general absence in the literature of details of the micro-processes employed by CJs which may say something about the distance between academic discourse and democratic practice. For example, on occasions I have used multi-criteria analysis, card storming, brainstorming, prioritising, argument mapping and so on but have not documented these. Many experienced facilitators would use them routinely. When recommending CJs or deliberative forums it is assumed that there is an understanding about what actually happens during deliberation but in Italy, for example, it seems that there are few people to call upon who are skilled in this area. In Bologna the large group was divided into three and each was facilitated well. In Turin the whole group was also facilitated well. However, there were concerns about convening a large-scale 21st century town meeting (see <http://www.americaspeaks.org/>) because one is scheduled for November in Florence, and this method is dependent on skilled facilitation at each of dozens of tables. This will present a challenge for the convenors and there needs to be more training of facilitators to overcome this impediment to robust deliberations. For those training future facilitators, there is some limited discussion about micro-processes in the handbook on deliberative democracy which has recently been published (Gastil & Levine 2005). However a web search of small group techniques would reveal many helpful tools such as SWOT analysis, world café, nominal group process and so on.

Expert speakers

As mentioned earlier, Bologna modelled *debate* (for and against arguments, creating in effect an unrealistic dichotomy of economics versus environment). It is important to model *dialogue*, rather than debate, to encourage participants to unravel complexity and to dig deeper. Karpowitz & Mansbridge (2005) have concerns about conflict being suppressed in some deliberative forums. They are right, conflict should not be suppressed, it should be encouraged but in the spirit and using the mode of dialogue. As Blaug points out, conflict works—it generates cohesion and causes people to re-evaluate

their preferences and it can help to bring about consensus—a process which Blaug describes as a break out of democracy (Blaug 1999).

The following table (Table 2) explains the difference between debate and dialogue.

Debate	Dialogue
(a) Assuming that there is a right answer and you have it	(a) Assuming that many people have pieces of the answer and that together they can craft a solution
(b) Combative: participants attempt to prove the other wrong	(b) Collaborative: participants work together toward common understand
(c) About winning	(c) About exploring common ground
(d) Listening to find flaws and make counterarguments	(d) Listening to understand, find meaning and agreement
(e) Defending assumptions as truth	(e) Revealing assumptions for reevaluation
(f) Critiquing the other side's position	(f) Reexamining all positions
(g) Defending one's own views against those of others	(g) Admitting that others' thinking can improve on one's own
(h) Searching for flaws and weaknesses in other positions	(h) Searching for strengths and value in others' positions
(i) Seeking a conclusion or vote that ratifies your position	(i) Discovering new options, not seeking closure

Table 2: Source: Daniel Yankelovich (1999)

The Magic of Dialogue: Transforming conflict into cooperation, Simon & Schuster, New York, pp.39-40

Turin convenors noted that the presentations by their expert speakers went on for too long and were sometimes not useful. The following advice was passed onto Italian convenors and is drawn from the excellent work of Max Hardy from Twyford Consulting (Wollongong, Australia www.twyford.com.au) who has convened many CJs and has encountered a number of ineffective presentations (long monologues with too little time for questions). Here is what Hardy now does.

Hardy works closely with speakers beforehand. He stipulates the length of presentation and question time and requests a brief summary of the presentation which is to be handed to participants. Hardy asks speakers to consider: what is the question to be addressed by the speaker, what are the main messages for participants, what evidence or main reasons will be offered to support those messages. Hardy also asks who the speaker would consider would offer a message contrary to his/her own (this can help to locate a diverse group of speakers that a steering committee might not have considered). All of this is requested in the early stages of soliciting speakers and helps the speaker to begin to structure their presentation. After that stage, Hardy sends each speaker an information package which provides the context for the presentation, an explanation about the CJ process and how the presentation will contribute to the jury's decision making, as well as the likely key issues that will be discussed by the jury. Finally, Hardy offers some helpful advice about how to communicate well in the CJ environment. This helps to avoid the possibility of a droning lecture and ensures that the message that is to be delivered is the message that will be received.

Janette Hartz-Karp, in Western Australia, has used a micro-process for a deliberative forum which involves the steering committee and expert speakers in a 'dry run'. Members of the steering committee ask the speakers difficult questions (which the expert speakers do not have to answer at that time) to check to see that all areas are covered and to allow the speakers to better prepare for the sort of questions they will be asked. This process is also likely to expose gaps in significant areas and, if so, Hartz-Karp arranges for extra speakers to fill those gaps.

Political influence

There can be no question that genuine deliberation has a significant impact on participants (see Gastil & Levine 2005, Fung & Wright 2003). However, the most exasperating conclusion for any CJ can be the lack of any real political influence despite this ideal being the one which is most important to those involved. Quoting from a recent conference paper (Carson & Hart 2005):

One research study, albeit using hypothetical scenarios, indicated that power sharing “is the single most important variable in public satisfaction with decision-making processes and outcomes”, more important than the timing of the consultation or even the outcomes (Bentson 2003). The “impact of their voice” is crucial for participants (Delli Carpini et al 2004: 333).

Western Australia has been blessed with a Minister of Planning and Infrastructure in tandem with an excellent process designer who takes seriously the recommendations of citizens and has consistently honoured citizens’ recommendations (see Carson & Hartz-Karp 2005 and the Participatory Democracy link from the Minister’s web page <http://www.ministers.wa.gov.au/mactiernan/index.cfm> or www.21stcenturydialogue.com). This elected representative has demonstrated how democratic deliberative processes can be integrated with representative government. This is rare, although British Columbia’s Citizens’ Assembly is another encouraging example of best practice because citizens’ recommendations were put before all citizens of British Columbia (in Canada) in a plebiscite (see <http://www.citizensassembly.bc.ca/public>).

Contracts should always be agreed to by convenors and participants, in my opinion. The following is extracted again from a recent conference paper (Carson & Hart 2005) and explains this idea further.

When there is little promise of enactment of recommendations, participants are occasionally offered reassurance through a contract that explicitly defines the group’s terms of reference. For example, in [an Australian] case study...the organisers and the participants signed a contract in which the latter promised their full and open participation and the organisers guaranteed that the citizens’ recommendations, no matter what they might be, would be included verbatim in the final report to the environment minister. It was not within the organisers’ power to enact the recommendations, the best that they could do was to faithfully report the participants’ judgment and a contract helped to clarify this important distinction. Of

course, **a more ideal scenario would be to guarantee some action on participants' recommendations and that the decision makers would report back to the citizens on the progress of this; this has been done for some recent planning cells projects in Germany** (emphasis mine).

One impediment to political influence that was discussed in Italy was the small number of citizens involved in a CJ—quality not always satisfying the hunger for quantity in the eyes of decision makers. More work needs to be done with simultaneous CJs, an idea we are exploring in Australia with a proposed “National Conversation on Climate Change”. A scientific research body in Australia (CSIRO) has also recently completed three CJs on energy options (in Perth, Newcastle and Melbourne) which will enable useful comparisons between citizens' recommendations. There is, of course, the Planning Cell (PC) method in Germany which is less deliberative than a CJ but satisfies the need for a greater number of participants because PCs are typically convened in 20 different locations, each with 25 participants (Dienel & Renn 1995). More experimentation in this area will be fruitful.

It helps to convene a CJ in a formal space because of the symbolism of the location and staging of the interaction with agencies and decision-makers—e.g. holding a CJ in Parliament House or municipal venue and attempting to have senior representatives of the responsible agency or decision-makers present. Indeed, decision makers should always be invited to a CJ, to open proceedings and offer welcoming remarks and/or at the conclusion of the CJ to hear the findings first hand and even accept its recommendations.

Finally

Paul Ginsborg, an academic from the University of Firenze (Florence) remarked that he wants citizens to remain *in* the process, not participate in one-off events such as CJs. However, citizens' juries are extremely suitable for time-poor citizens *because* they are one-off events and do not require ongoing commitment. Ginsborg, speaking during the Florence seminar, cited the experience of Participatory Budgets (PBs), in Porto Alegre,

Brazil which is notable for attracting large numbers of marginalised citizens.

Unfortunately the PBs that have been enacted outside Porto Alegre (for example in Spain and France) demonstrate that opening a process to everybody rarely results in *everybody* showing up or remaining committed to a long-term process (Drouault 2006). Numbers involved in PBs in Europe are small and unrepresentative. Interestingly, at least two PBs (one in Spain and one in France) have used random selection to help to overcome this perception of illegitimacy.

At the Bologna seminar, Monique Leyenaar (Radboud Universiteit Nijmegen) noted the divide that often exists between the views of politicians and their constituents—one of the challenges that democratic deliberative processes seeks to address. She cited the recent example of the referendum in The Netherlands when Dutch citizens rejected the EU Constitution. Apparently 62% of Dutch people were opposed to the EU Constitution while 85% of politicians supported it. Australian research undertaken in Sydney for the Warren Centre (2001) indicated that over 70% of citizens wanted road funding allocated to public transport. Decision makers, presumably with access to more and better information, believed the same, but to a greater extent, some 89% when asked their personal views. However, and this is worth noting, when asked what they thought was the view of the public, these same decision makers assumed that only 56% of the public would have this view.

In Italy we discussed the effectiveness of combining methods (see Carson & Hartz-Karp 2005 for discussion about combining and adapting methods), acknowledging that this is especially helpful when trying to reach marginalized groups such as young people or diverse ethnicities. The planned Deliberative Poll on the matter of the proposed fast train between Italy and France will offer an example of combining methods since a CJ will be convened at the same time. The University of Turin is building on its experience and preparing to convene further CJs on the same topic as its inaugural CJ and it will be interesting to watch as it refines the process.

Luigi Bobbio, on one occasion, suggested the possibility of convening two CJs on the same topic with each jury having a different composition—one for activists and one for randomly-selected citizens to assess their respective outcomes. He has concerns about the absence of passion for the topic among randomly-selected citizens—often, of course, the very reason they are chosen, i.e. to establish what a *typical* citizen would think if given access to sufficient information and an opportunity to grapple with its complexity.

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