

The idea of deliberative democracy

Since ancient times, mankind has asked questions about what form of government is best. It is not uncommon for many scholars of deliberative democracy to use and refer to the ancient sources of the idea of rule by the people. Greek democracy is an example of the earliest use of the idea of deliberation¹. In order to trace the history of deliberative democracy, one must turn to the origins of philosophy, combined with the development of democratic thought. This is all the more so because the accompanying philosophical thought and reflection are inherent in deliberation. In the assemblies that took place in ancient Greece, deliberation was usually understood as dialogical, touching on the subject of all relevant public affairs². According to Pericles, discussion around the vital importance of the common issues of the Athenians was a necessary step to undertake any sensible action. Aristotle championed the claim that citizens advising together on an issue, through discussion and debate, would make a better decision than a single expert on a particular public matter^{3, 4}. Aristotle can be described as the first significant theorist of the field that laid the foundations for what is now called deliberative democracy. He postulated an ideal deliberation. A process of exchange of arguments in which citizens learn from each other,

¹ Chambers S., *The Philosophic Origins of Deliberative Ideals*, [in:] *The Oxford Handbook of Deliberative Democracy*, ed. Bächtiger A., Dryzek J.S., Mansbridge J., Warren M., Oxford University Press, Oxford 2018, p. 56.

² Cammack D., *Deliberation in Ancient Greek Assemblies*, "Classical Philology" 2020, vol. 115, no. 3, p. 2.

³ Gutmann A., Thompson D., *Why deliberative democracy?*, Princeton University Press, New Jersey 2004, p. 8.

⁴ Aristotle, *Politics*, <http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.01.0058%3Abook%3D3%3Asection%3D1281b> (accessed 14.02.2023).

arrive at solutions based on truth, justifying them with arguments, ruling out errors in reasoning and developing new views on public policies⁵. In a word, a crowd, if it cooperates, can reach a much more advanced level of wisdom than the single mind of a wise man⁶. Plato remained skeptical, believing in the idea of an expert government, a so-called epistocracy. He saw wisdom and the ability to make decisions only in enlightened, few individuals. When considering the roots of Greek democracy, it is important to remember that Athenian democracy, throughout its history, differed significantly from its modern counterpart and concerned a narrow social group, the citizens⁷. According to Aristotle's definition, these were people who had the right to participate in assemblies (and therefore to speak, to take part in deliberation) and the right to hold office^{8,9}. Adults, i.e., men over the age of twenty, citizens of Athens who were registered in the relevant register, were entitled to participate in the assemblies¹⁰. Speaking of deliberation in popular assemblies in ancient Athens, it is impossible not to mention their scale, which translated into the way in which decision-making processes were carried out. The problem of the number of people involved then arises. Situated in the vicinity of the Acropolis, the Pnyx hill became the site of the ecclesia, i.e., the place where deliberations took place, where the popular assemblies gathered. It could accommodate up to eight thousand participants and was one of the largest meeting places of the time. Researchers and experts on the subject point out, in view of these estimates, that real deliberation, with

⁵ Gutmann A., Thompson D., *Democracy and Disagreement*, The Belknap Press of Harvard University Press, Massachusetts-London 1996, p. 43.

⁶ Chambers S., *The Philosophic Origins of Deliberative Ideals*, op. cit., p. 56.

⁷ Gutmann A., Thompson D., *Why deliberative democracy?*, op. cit., p. 8.

⁸ Cammack D., *Deliberation in Ancient Greek Assemblies*, "Classical Philology" 2020, vol. 115, no. 3, p. 2.

⁹ Aristotle, *Politics*, <https://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.01.0058%3Abook%3D3%3Asection%3D1275b> (accessed 14.02.2023).

¹⁰ Mogens H. H., *Demokracja ateńska w czasach Demostenesa. Struktury, zasady i ideologia*, DIG Publishing House, Warsaw 1999, p. 140.

so many participants, in such conditions, could not have taken place. Only a small proportion of those who came could make a speech, while the others listened and voted. Scholars propose, in view of this, that the audience, after listening to the speaker, debated and discussed the issues raised in smaller groups, exchanging arguments before voting¹¹. *The polis* system was characterised by an exaltation of the importance of the word. In ancient Athens, philosophy and politics were closely intertwined, and both were expressed through the spoken word. The meetings of the speakers were accompanied by an audience that passed judgement. It voted in favour of one side or the other or the arguments in the discussion. In this way, the will of individuals, of citizens, was expressed in the face of concrete problems¹². Hannah Arendt even described, in her work *The Human Condition*, the Greek *polis* as the most talkative of all political bodies¹³.

Throughout human history, many scholars of democracy and political philosophers have addressed the issue of deliberation. The essay in the collection of commentaries on the Constitution of the United States of America, entitled *The Federalist*, provided a contemporary approach to this topic¹⁴. This collection of writings was written by three of the founding fathers of the USA, namely Alexander Hamilton, John Jay and James Madison. Essay No. 10, the authorship of which is attributed to James Madison, is devoted, among other things, to the distinction between direct democracy and the republican system. In it, he touches on the issue of the delegation of power to a small group of elected citizens. The delegation of power to a small group by the rest of society, according to Madison, is supposed

¹¹ Cammack D., *Deliberation in Ancient Greek Assemblies*, op. cit., p. 5.

¹² Vernant J.P., *Źródła myśli greckiej*, Polish Scientific Publishers, Warsaw 1969, pp. 39-40.

¹³ Arendt H., *The Human Condition*, The University of Chicago Press, Chicago 1998, p. 26.

¹⁴ Juchacz P.W., *Demokracja-Deliberacja-Partycypacja. Szkice z teorii demokracji ateńskiej i współczesnej*, Adam Mickiewicz University Press, Poznań 2006, p. 15.

to lead to an increase in the quality and broadening of the views of the general public. The will of the citizens expressed by this body of elected representatives is, according to Madison, supposed to be more consistent with its welfare than the unmediated decision of the people alone. The qualities of the elected body are to be reflected in a patriotic attitude, guided by the interests of the country and non-partisan. This minimises the chances of deviating from potentially beneficial decisions in favour of individual, vested interests¹⁵. Joshep M. Bessette sees in this very passage in Madison's essay the seed for the later phenomenon known as deliberative democracy. It was Bessette who first used the expression *deliberative democracy* in his article *Deliberative democracy: The majority principle in republican government*¹⁶. In this article, he presents a very interesting consideration of this form of government. Madison's view is that the refinement of the demands expressed by the people is carried out precisely by these elected representatives of the people, through the formulation of a kind, the voice of the people, which, however, is not formulated by the people themselves directly. Bessette then poses the question: why do we have, in this sense, two voices expressing the social will, expressed directly and indirectly? The author then proposes a consideration of why elected representatives would be better placed to decide in the field of legislative and similar matters. As people versed in politics, legislation and public affairs in general, they have experience, competence and familiarity with the mechanisms taking place in these fields much deeper than the average citizen. As experts, they rotate in circles where a common sense reflection on the nature of shared problems is present. Meanwhile, Bessette explains, ordinary citizens do not have the desire,

¹⁵ Hamilton A., Jay J., Madison J., *The Federalist - A Commentary on the Constitution of the United States*, Modern Library, New York 1937, pp. 53-62.

¹⁶ Juchacz P.W., *Demokracja-Deliberacja-Partycypacja...*, op. cit., p. 18.

the time or the right environment to deal with these issues. Ceding these activities to those predestined to do so then seems a sensible solution. It is impossible for the general public to match the specialists in public affairs, if only because of the limited time available for, for example, professional work and similar activities. Another important question posed in the article is whether, if citizens possessed knowledge and experience in the field of public policies similar to that possessed by these elected representatives, would they be able to make similar decisions and legislate accordingly? A positive answer confirms the democratic nature of such a political arrangement. The author points out that an individual may approve an idea without having the full set of knowledge and tools needed to consider a particular proposal. However, if he or she considers the costs and feasibility, the possibility of such a proposed project occurring, the approach to it may change. Bessette concludes, therefore, that we have two voices of the people, one expressed directly and without reflection, spontaneously, and the other, supported by thoughtful in-depth reflection on the arguments for and against, discussed in a group properly equipped to do so¹⁷. In subsequent essays in the collection *The Federalist*, the concept of such a deliberative body of elected citizens was developed. Democratic majority rule was split into two models in this context. At the expense of the direct and less deliberative of the two, the authors of *The Federalist* focused on developing a more deliberative model. Hamilton, in essay No. 71, expressed his view of the possible situations in which the general interest does not coincide with their public views and expectations. This is when the role of the people's elected representatives is to stand up to sudden, based on false premises or manipulated, unreflective demands. They must give the public the time and

¹⁷ Bessette J.M., *Deliberative democracy: The Majority Principle in Republican Government*, [in:] *How Democratic Is the Constitution*, ed. Goldwin R. A., Schambra W.A., American Enterprise Institute for Public Policy Research, Washington-London 1980, pp. 105-106.

opportunity for a calmer, more in-depth judgement of the actual situation in order to protect them from the consequences of a wrong choice¹⁸. This kind of custodianship of the will of the people is not a constraint, but a necessary element for majority rule. In order to safeguard deliberative majority rule, appropriate institutions needed to be aligned so that volatile and unreflective public sentiment did not reflect negatively on this form of governance¹⁹. Essay No. 62, the authorship of which is attributed to Hamilton, or Madison, presents the institution of a senate, composed of older and more experienced citizens, indirectly elected by the state parliaments, in order to ensure the stability of the federal government through the wisdom of such a body, through deliberation^{20, 21}.

The French aristocrat Alexis de Tocqueville's description of the young United States of America, written in the 1830s, can be used to illustrate the practical application of the principles of democracy and civic engagement in early America. He travelled around the then young United States, writing down his own thoughts on the system there in his work entitled *On Democracy in America*. The assertions and insights contained therein, attest to the fact that it was collective political discourse and institutions such as juries and jurors that gave Americans room to develop a civic culture that was able to resist the tyranny of majority rule²². Political scientist James S. Fishkin believes that the citizen participation in meetings and associations described by Tocqueville is still, despite the passage of years, a model example of group deliberation, but only to a local degree²³. Of interest, from the point of view

¹⁸ Hamilton A., Jay J., Madison J., *The Federalist...*, op. cit., pp. 463-468.

¹⁹ Bessette J.M., *Deliberative democracy...*, op. cit., p. 106.

²⁰ Hamilton A., Jay J., Madison J., *The Federalist...*, op. cit., pp. 400-407.

²¹ Gustafson M.S., *Imagining Deliberative Democracy in the Early American Republic*, The University of Chicago Press, Chicago 2011, pp. 2-3.

²² Schneiderhan E., Khan Sh., *Deliberation in Sociology*, [in:] *The Oxford Handbook...*, op. cit., p. 574.

²³ Audier S., *Tocqueville: Is He Relevant Today?*, <https://www.diplomatie.gouv.fr/IMG/pdf/0602-AUDIERS-UK-2.pdf> (accessed 17.02.2023).

of the reflections made in this thesis, is the account of the unrestricted freedom to form political associations in the USA, which is contained in an essay entitled *On Political Associations in the United States*. This essay presents several elements of American life that fits into the solutions of a democratic and deliberative nature. The first example mentioned by the author is the public reaction to the disruption of public traffic. Faced with a troublesome situation state, the citizens affected convened an appropriate council, which, as it were, automatically acquired the executive power to solve the problem. This happens without the involvement of the authorities because, as the author writes: "For there is nothing that the human will is not capable of achieving through the voluntary action of individuals united in a common effort"²⁴.

Another example of the practical workings of democracy thus understood was the conflict over internal tariffs and free trade present among the American public, which strongly affected economic interests and also touched on more delicate worldview issues. The northern states were supposed to benefit from the existing customs system, while the south blamed it for its shortcomings. In 1831, an unnamed citizen of the state of Massachusetts circulated in the newspapers a proposal for a convention of representatives of all those opposed to this tariff policy. Representatives and delegates from various centres convened in Philadelphia for a session to discuss freedom of trade in the United States. The invitation was met with enthusiasm and representatives from all states attended the deliberations. The assembly took the form of a convention and was constituted on 1 October 1831 with over 200 members. The convention was public from the start and had a legislative character. After ten days of discussions on trade laws, the extent of congressional power and the customs system, the representatives

²⁴ de Tocqueville A., *O demokracji w Ameryce*, Aletheia Publisher House, Warsaw 2019, p. 193.

dispersed and the result, of their deliberations, was an address to the people of the United States, stating that Congress had no power to impose internal tariffs and that the system itself was considered unconstitutional and that the absence of free trade was not in the interest of the American people²⁵.

When considering the theory of deliberative democracy, it is worth noting the influence of Kantian thought on its foundations. It should be noted that this thinker also formulated his understanding of the concept of the social contract. Human individuals enter into a contract that allows them to emerge from a state of nature, understood as lawless anarchy. This contract establishes a society, a certain political community. The individual, particularistic interests gathered by the people become the public, common will of the people. The concept presupposes both a state and a society, composed of citizens. The contract reflects practical reason, presupposing the establishment within the contract of rules organising the life of the community, without which coexistence would not be possible. The contract presented is hypothetical; however, it commits decision-makers and legislators to a proposal of such laws that can result from the united will of the entire nation²⁶. The proposition is a rational idea of the rule of law, a law for the existence of the state²⁷. Despite Immanuel Kant's non-democratic views and his doubts expressed about the exercise of power by the people (in his view lacking adequate mental competences) and their possession of influence over political decisions, he included in his egalitarian philosophical vision the idea that every human individual deserves respect. This principle encapsulates the foundation for the development of the field, which includes the idea of deliberative democracy. Justification, the giving of an argument in support of a thesis, allows the co-creators to be approached as equal and free individuals with

²⁵ de Tocqueville A., *O demokracji w Ameryce*, op. cit., pp. 195-196.

²⁶ Wonicki R., *Kant and Revolution*, "Diametros" 2023, vol. 19, no. 75, p. 4.

²⁷ Höffe O., *Immanuel Kant*, Polish Scientific Publishers PWN, Warsaw 2003, p. 212.

mutual respect, and discussion or debate in the public space is a prerequisite for the correct implementation of the law, since the legitimacy conferred by discourse is more important than mere legitimacy on the basis of aggregation. Thus, Kant considered such a process more adequate for achieving the public good than one based on voting alone or other methods of civic participation. He believed that taking into account different perspectives and interests led to more balanced and morally good decisions. A legitimate good law should be one that the whole of society would agree was good in substance. An unjust one, on the other hand, would not find support among citizens. In his reflections, Kant also proposes a public use of reason, distinguishing it from private reason. Public reason, in his view, rises above the limitations of worldviews and those imposed by private self-interest or the group from which the individual comes. It should draw only on reason and truth²⁸. It can therefore be assumed that deliberative ideas in the area of decision-making are part of Kantian moral and political philosophy.

The philosopher Hannah Arendt, in her position entitled *Between Past and Present. Eight Exercises in Political Thought*, she also touches on issues related to the theory of deliberative democracy. She considers, in an essay entitled *Truth and Politics*, opinion as the basis of government and the place of truth in politics. Madison wrote in *The Federalist No. 49* about how an individual left alone with his thoughts is much less stuck in his beliefs than when he is in a collective supporting his position²⁹. The individual shifts the emphasis on truth to the collective as a whole. Thus, the reasonableness of the individual shifts towards the power of opinion, dependent on those who, according to that individual, hold the same view. Thomas Jefferson, in the US Bill of Rights, adopted certain assertions, *taken for granted*, so that among American

²⁸ Chambers S., *The Philosophic Origins of Deliberative Ideals*, op. cit., pp. 58-59.

²⁹ Hamilton A., Jay J., Madison J., *The Federalist...*, op. cit., pp. 327-332.

revolutionaries certain issues would not be debatable, but would be accepted as the basis of consensus. Arendt notes that in adopting certain axioms Jefferson inadvertently acknowledged at this point that these self-evident truths are not quite so, because the need for agreement and consensus about them, that is, for example, subjective liberty and its recognition lies in the realm of opinion. The author touches on an important point from the point of view of deliberation, namely that political thought should be characterised in terms of representations. Views on things are shaped by taking into account different points of view, allowing the positions of absentees into the thought process, i.e. the representation of their thoughts and views. This provides the opportunity to think in a different way than one's own worldview dictates. Increasing the number of views on an issue and juxtaposing them in the thought process allows insight into other people's perspectives. In a word, the greater the representation of positions in the mind the greater the capacity for representational thinking. The result is that the conclusions drawn from the process will be more legitimate and thus, so will the opinion. The discovery of this mechanism, as cited by the author, was made by Kant in his work *Critique of the Power of Judgement*. The only conditions for this process are disinterestedness and the surrender of self-interest³⁰.

Contemporary reflections by political philosophers on deliberative democracy find their beginning in the 1970s and 1980s. It can be said that from 1980 onwards, the theory of deliberative democracy began to flourish when it was realised that deliberation, could be democratic³¹. Apart from Bessett, who coined the term *deliberative democracy*, other American scholars of the subject, Sunstein, Ackerman, Michelman, played an equally important role in the debate on its theoretical shape. The idea of this type of democracy was

³⁰ Arendt H., *Między czasem minionym a przeszłym. Osiem ćwiczeń z myśli politycznej*, Aletheia Publisher House, Warsaw 1994, pp. 280-285.

³¹ Gustafson M.S., *Imagining Deliberative Democracy...*, op. cit., p. 3.

developed in the course of the debate that heated up over the interpretation of the US Constitution, following Madison's reinterpretation of the words. The first approach, a vision inspired by the views of Thomas Jefferson and an approach opposed to federalism, concerned itself with reading the US Constitution as a limitation on the revolutionary aspirations of American democracy from its first period of development. The second, opposing approach, was concerned with revising James Madison's view of the theoretical framework of contemporary pluralism. Questions were asked about the place and role of interest and interest groups in democracy, the problematisation of the idea of the general interest and its opposite, the private interest, and the self-determination of citizens. Frank I. Michelman took up the theme of the constitutional tradition and its coexistence alongside the republican and liberal paradigms. Citizen self-determination, in this view, was a phenomenon understood as discursive practices whose product was the normative paradigms of the political community, realistically translating into the legitimacy of democratic power, the more strongly it was inclusive. His account of deliberative politics was used, among others, by Jurgen Habermas, who proposed his own project of it. Bruce Ackerman, on the basis of an analysis of the history of the American constitution, argues that at the most significant moments of laying the foundations for it and its duration, from the Revolution and the time after it, through the Civil War, to the New Deal, the constitution was legitimated precisely through the popular, active participation of citizens and the presence of deliberative practices³².

The work of John Rawls's *Theory of Justice* changed the previous approach in currents of political theory, by submitting to discussion an aggregative model of democracy as one that is best suited to the needs of society. Rawls also derived his considerations from social contract theory, while

³² Florida A., *The Origins of the Deliberative Turn*, [in:] *The Oxford Handbook...*, op. cit., pp. 37-40.

supplementing them with the principle of justice as impartiality (from *Justice as Fairness*). In short, the principles of public policy advocated by the philosopher consist of the equal and fair participation of individuals in society, however, only in those parts where their status as citizens is determined. In *Political Liberalism*, which is both a supplement to and a response by Rawls to the critique of *the Theory of Justice*, a concept called *overlapping consensus* is presented, which consists of coming to an agreement despite significant differences in citizens' attitudes towards the idea of justice, with the indication that their political judgements will be close to each other³³. This happens because of the overlapping of partly worldviews, shared ideas and principals. This is due to two moral authorities, one relates to the possibility of having a sense of justice, which allows one to participate in society based on reason under conditions of social co-existence. The other relates to the possibility of possessing some idea of the good, something important, which guides the actions of the individual³⁴. In view of this, the aforementioned partial consensus can occur when the individual publicly acts as a citizen and only in this role, without the baggage of participation in various types of organisations, communities with a particular worldview, etc.³⁵. This relies on the idea of public reasoning, through which, in the public space, for example in the context of deliberation, the human individual is limited to using arguments in defence of his or her position and judgements to only those that are compatible with the perception of other citizens as equals in relation to each other³⁶. In other words, what is referred to here is

³³ Abramowicz B., *Koncepcja demokracji deliberacyjnej jako odpowiedź na postulaty usprawnienia demokracji przedstawicielskiej*, "Ruch Prawniczy, Ekonomiczny i Socjologiczny" 2011, vol. 73, no. 4, p. 215.

³⁴ Rawls J., *Liberalizm polityczny*, Polish Scientific Publishers PWN, Warsaw 1998, p. 159.

³⁵ Abramowicz B., *Koncepcja demokracji deliberacyjnej...*, op. cit., p. 216.

³⁶ Rawls J., *The law of People, with 'The Idea of Public Reason Revisited'*, Harvard University Press, Cambridge 1999, p. 139.

the abandonment by participants in public life of the relative categories of truth and goodness that they recognise, in favour of reasoning in argumentation, using such justifications for their claims as can be found convincing by reasonable persons³⁷. John Rawls calls a well-ordered constitutional democracy a deliberative democracy. For Rawls, the exchange of views and discussion, the debate of proposed arguments on public issues, is the ultimate fulfilment of the democratic idea. Participants assume that, on the basis of deliberation, they can change their minds, their judgement towards the issues in question, and this means that they are not grounded in their private or non-political interests^{38, 39}. Rawls, in his work *The Law of People, with 'The Idea of Public Reason Revisited'*, outlines three basic elements of deliberative democracy. The first is the aforementioned public reason, the second is the framework of constitutional, democratic institutions that determine the location of deliberative legislative bodies, and the third consists of the knowledge and aspiration of the general public to be guided by public reason and to realise its ideal in their political conduct^{40, 41}. The theory proposed by Rawls of justice as impartiality is taken as the basis of contemporary democratic discourses in politics⁴².

Another figure of relevance to contemporary reflections on democracy and deliberation is that of the German scholar, author of *The Theory of Communicative Action* and *Between Facts and Norms*, Jürgen Habermas. This philosopher postulates that the most essential elements in the establishment of laws are communicative processes. A democratic

³⁷ Grygień J., *Demokracja na rozdrożu. Deliberacja czy partycypacja polityczna?*, Universitas, Kraków 2017, pp. 32-33.

³⁸ Juchacz P.W., *Demokracja-Deliberacja-Partycypacja...*, op. cit., p. 31.

³⁹ Rawls J., *The Law of People, with 'The Idea of Public Reason Revisited'*, op. cit., pp. 138-139.

⁴⁰ Ibid., p. 139.

⁴¹ Juchacz P.W., *Demokracja-Deliberacja-Partycypacja...*, op. cit., p. 32.

⁴² Abramowicz B., *Koncepcja demokracji deliberacyjnej...*, op. cit., p. 216.

legislative procedure is legitimised on the basis of social agreement on the rules of coexistence between citizens. Law can stabilise expectations of normative behaviour in society if it is linked to communicative actions that internally bind the community together⁴³. Habermas starts from the proposition of considering societies in general as such systems that are capable of rational problem-solving and evaluating these solutions on the basis of their rationality, and of involving them in a democratic procedure (dependent on rational, implicit problem-solving) to establish legitimate rights. The essence of deliberative politics is, according to Habermas's proposal, a 'network of discourses and negotiations' enabling the solving of problems of a 'functional, moral and ethical' nature in the integration of societies that cannot be solved in other fields⁴⁴. In the German scholar's proposed philosophy of the idea of law given "to itself by the citizens", the principle of discourse taken over by him introduces at its very beginning the principle of separation from morality and law. This connection only occurs next, through legal institutionalisation. Only then does it adopt the rules of democracy. The essence of this thought is that democracy is constituted by the meeting of discourse and legal principle. Habermas calls this observation the logical genesis of rights, based on the application of the principles of discourse, through the rights of action of subjective freedom, to legal institutionalisation. In doing so, he points out that the democratic principle enters here as "the nucleus of a certain system of rights"⁴⁵. Here, the scholar reconciles democracy with civil liberties and their rights. This reconciliation can occur through appropriate legal regulations. In turn, on the assumption that the normative principles of life in society can be

⁴³ Habermas J., *Faktyczność i obowiązywanie. Teoria dyskursu wobec zagadnień prawa i demokratycznego państwa prawnego*, Scholar Publishing House, Warszawa 2005, p. 100.

⁴⁴ *Ibid.*, pp. 339-340.

⁴⁵ *Ibid.*, p. 137.

established through discourse, understood as the linguistic communication of social actors, fulfilling the requirement of using rational arguments in it⁴⁶. The principle of discourse only assumes democratic principles when both overlap to form a system of rights, locating the autonomy of individuals and the public sphere⁴⁷. Law, in Habermas's thought, is the medium that transforms the power resulting from communicative action into administrative power⁴⁸. The pursuit of deliberative politics in discursive theory depends on the institutionalisation of communicative procedures and activities and the synchronisation of formal debates with informal expressions of social opinion. Such an arrangement provides an image of the decentralisation of society, which occurs through the 'proceduralisation of the sovereignty of the people and the linking of the political system to the peripheral networks of the public sphere', giving this type of democracy the opportunity not to have to operate with a centralised notion of society as a whole⁴⁹. The vision of deliberative politics does not consist in the mere preferences of citizens as to the shape of the rules of law, but in a process of transformation of opinions, views, positions on the basis of deliberation, taking into account the positions of other deliberators⁵⁰. Habermas divides the public sphere into strong and weak publics. The strong is the political institutionalised bodies and the weak is the media, associations etc. Such a division assumes that the weak public will address demands to the authorities, i.e. the strong public, and the latter will consider their inclusion in legislative procedures in order to solve given social problems⁵¹. The topics addressed in deliberation are limited by the fact that only those arguments that

⁴⁶ Abramowicz B., *Koncepcja demokracji deliberacyjnej...*, op. cit., p. 218.

⁴⁷ Habermas J., *Faktyczność i obowiązywanie...*, op. cit., pp. 143-144.

⁴⁸ Ibid., p. 184.

⁴⁹ Ibid., p. 317.

⁵⁰ Abramowicz B., *Koncepcja demokracji deliberacyjnej...*, op. cit., p. 219.

⁵¹ Ibid., p. 220.

are acceptable to all participants can be used in deliberation. Researchers, or at least some of them, agree as a logical corollary of this limitation that all arguments that contain worldview elements should be excluded from public debate⁵².

Having introduced the idea of deliberative democracy, it is worth defining the concept of deliberation itself in the context of its distinction from conversation. As Joshua Cohen puts it in *Reflections on Deliberative Democracy*, deliberation in deliberative democracy means a process in which persons equal to each other, in the course of it, use arguments to support theses that are not only considered reasonable by them, but ones that will be considered reasonable by their co-participants. Conversation is in a slightly different sphere of human communicative activity, for it allows for elements of emotionality, the use of false or manipulated beliefs, convictions and the like. Importantly, it is also not binding on decision-makers. Deliberation should only be based on intersubjective arguments. An important point that Cohen makes is that deliberation in itself is not democratic, as it can be used in many, not necessarily democratic, regimes by the decision-makers within them. Briefly, Cohen identifies two elements of deliberative democracy in his article. The first is that decisions are made collectively on the basis of the reasoning of individuals subject to political decision-making. The second is the principle that these decisions are not made solely on the basis of personal, individual preferences and interests. Reason becomes paramount in directing the decisions of administrative authorities, and a principle that Habermas called the power of better argument rules in their determination⁵³.

For researchers of the 1980s and 1990s, the deliberative model of democracy became the prevailing scientific paradigm. It then began

⁵² Grygień J., *Demokracja na rozdrożu...*, op. cit., pp. 32-33.

⁵³ Cohen J., *Reflections on Deliberative Democracy*, [in:] *Contemporary Debates in Political Philosophy*, eds. Christiano T., Christman J.P., Wiley-Blackwell, Malden 2009, pp. 248-249.

to influence other areas and fields of political theory. The American researcher John Forester addressed the issue of planning practices in his work, for which he was inspired by Habermas' theory of ideal communicative action. His aim was to redefine the models and decision-making practices in this area that had hitherto been based on a technical and instrumental approach. In their place, he advocated the creation of a model involving broad dialogical, interactive participation in administrative decision-making processes⁵⁴. What, then, does this shift towards argumentation in the fields in question mean? The perception of analytical planning of public political action can be subjected to evaluation, through the limitations imposed on analysts, such as a small amount of data and time. The observer may criticise the results of the analytical work on which decisions are based in terms of their veracity, bias, comprehensive view, etc. In practice, then, it is a matter of looking at procedures and their results as a product that can be evaluated. Forester and Fischer's publication *The Argumentative Turn in Policy Analysis and Planning* argues for greater suspicion of policy arguments that do not meet the requirements of public justification for the actions in question. A critical approach makes it possible to distinguish between rhetorical justifications and actual, complex analysis of the policies introduced. In a word, the argumentative turn in the work of policy analysts, according to Forester and Fischer, is that this work, combining institutional, political, substantive and methodological issues, needs to be bound together by an argumentative framework. This framework provides the requirement for planners and analysts to provide argued, coherent, convincing justifications for genuinely tailored public policies⁵⁵.

⁵⁴ Florida A., *The Origins of the Deliberative Turn*, op. cit., p. 45.

⁵⁵ Fischer F., Forester J. (eds.), *The Argumentative Turn in Policy Analysis and Planning*, Duke University Press, Durham-London 1993, pp. 3-5.

Antonio Florida identifies as the first example of a critical-radical approach to deliberative democracy theory the work of John S. Dryzek under the title *Discursive Democracy*. Dryzek presented a vision of discursive contestation as a stronger version of deliberative democracy. He is also responsible for developing a critique of Habermas's theory of the ideal communicative situation. He proposed so-called *discursive designs* as an alternative to the familiar liberal institutions of the open society, i.e. an institutional manifestation of discursive democracy⁵⁶. The deliberative survey, which was proposed by James S. Fishkin, went down in history (although it was not the first such attempt) as the first exemplification of a conscious translation of deliberative democracy theory into practice. This opened a new chapter for the evolution of deliberative democracy applications in practice. The proposal was to provide appropriate venues, methods and conditions for the deliberative process. The example published in *Democracy and Deliberation: New Directions for Democratic Reforms* consisted of a meeting of randomly selected citizens who would familiarise themselves with the subject matter of the issues to be deliberated on with the support of experts. The unease with the state of American democracy and forms of direct majority rule was diagnosed by Fishkin in the above work, and this approach outlined above was, in theory, intended to uphold the principles of a normative vision of democracy, based on equality, absence of tyranny of the majority and deliberation⁵⁷.

When discussing the theoretical framework of deliberative democracy, it is also worth noting an issue related to the nomenclature present in the literature on the subject. In the publication *Democracy-Deliberation-Participation. Sketches from the Theory of Athenian and Modern Democracy*,

⁵⁶ Florida A., *The Origins of the Deliberative Turn*, op. cit., pp. 45-46.

⁵⁷ *Ibid.*, p. 46.

Professor Piotr W. Juchacz presented the history of the terminology of deliberative democracy. It has functioned under various names: consociational, consensual, unitarian, discursive. However, the version of the term defined by Bessette as *deliberative democracy*, deliberative democracy, is the most widely used. Professor Juchacz also points out the translations present in the Polish literature on the subject: discussion democracy and debating democracy, as such which do not adequately reflect the essence of the term described⁵⁸.

Theories of deliberative democracy and participatory democracy

On the basis of the above-mentioned elements that make up the history of the idea of deliberative democracy, it can be assumed that it represents a way of thinking about democracy as a decision-making process characterised by the participation of deliberation as a key element. In this type of democracy, decision-making depends on both coming to an agreement, consensus and majority rule, so it becomes an amalgam of representative and direct democracy. Deliberation (from the Latin *deliberatio*, from the Greek *bouelo*) by definition means thinking about an issue, reflecting on it and then confronting views with other participants. A correct deliberation process contains at least three basic elements, which are understood by: that the participants have a basic knowledge of the issue being deliberated; that they think and reflect on the problem, which will be followed by the formulation of their own reasoned position on it; that citizens participate in the debate, exchange of views, discussion. The final product of a properly

⁵⁸ Juchacz P.W., *Demokracja-Deliberacja-Partycypacja...*, op. cit., pp. 16-17.

conducted deliberation is a jointly reached consensus on a given problematic issue. The *focus of deliberation* is, therefore, the argumentation and public justification of an opinion, the truth of which is widely believed⁵⁹. The model of citizen participation and functioning in the public sphere can be divided into two proposals for decision-making procedures: the aggregative theory (market approach, in which the truth is chosen by the majority, also called private-instrumental)⁶⁰ and the transformative paradigm, which assumes that decisions can be changed and the choice is determined by more accurate, better-founded arguments⁶¹. The aggregative policy vision introduces a clash of individual interests and accumulates private preferences, whereas what the transformative paradigm proposes is to change these private preferences through discussion, through arguments, so as to pursue a non-partisan interest but the good of the whole. This occurs through the development of a consensus on the basis of rational arguments, in which the participants in the deliberation convince each other of their reasons, and the result is a satisfactory agreement⁶². Such a separation highlights the contrast between the two modes of politics. In view of this, deliberative democracy is by definition situated in opposition to aggregative concepts that do not sufficiently ensure that citizens' preferences are reflected in the political space⁶³. Derived from J. J. Rousseau's *Social Contract*, the belief embodied in both the aggregative and transformative visions treats democracy as an instrument that is an expression of the will of the people, which is supposed to represent the general good. This is to take place through, as mentioned above, the formulation of appropriate processes in the area of decision-

⁵⁹ Ibid., p. 32.

⁶⁰ Ibid., p. 22.

⁶¹ Abramowicz B., *Koncepcja demokracji deliberacyjnej...*, op. cit., p. 215.

⁶² Juchacz P.W., *Demokracja-Deliberacja-Partycypacja...*, op. cit., pp.10-11.

⁶³ Ibid., pp. 24-25.

making⁶⁴. Despite the conversation-voting contrast, both elements are essential to the functioning of decision-making processes. However, they concern different stages of them. The discussion preceding the vote allows the problem to be solved at an early stage. If the expected results are not achieved, the voting device remains the way to come to an agreement. So what is deliberative democracy? The core of deliberative democracy is the effort to overcome differences of opinion among citizens⁶⁵. In deliberative democracy, citizens and their elected representatives have to give reasons for a particular decision and try to justify it, so as to convince unconvinced or political opponents. By minimising the difference between the vision of one and the other participants in the deliberation, an agreement that is recognised despite the initial disagreement can be reached. This occurs through the presentation of mutually acceptable arguments by the participants in the dispute, arguing, for example, for the introduction of a given solution into public policies. The consensus developed will apply to all, but on a similar basis may be transformed in the future⁶⁶. Jack Knight and James Johnson, in their article *Aggregation and deliberation: on the possibility of democratic legitimacy*, describe deliberative democracy as a process in which deliberative participants (political actors) discuss, supported by reasoned arguments. This is based and carried out fairly on the basis of appropriate procedures. The aim of this process is to resolve political conflict^{67, 68}. Its role is to give citizens the chance to better explore and understand the problematic issues, conflicting interests and their implications and the views of all participants⁶⁹.

⁶⁴ Abramowicz B., *Koncepcja demokracji deliberacyjnej...*, op. cit., p. 215.

⁶⁵ Grygień J., *Demokracja na rozdrożu...*, op. cit., p. 30.

⁶⁶ Gutmann A., Thompson D., *Why deliberative democracy?*, op. cit., p. 7.

⁶⁷ Knight J., Johnson J., *Aggregation and deliberation: On the possibility of democratic legitimacy*, "Political Theory" 1994, vol. 2, no. 22, pp. 285-287.

⁶⁸ Grygień J., *Demokracja na rozdrożu...*, op. cit., pp. 43-44.

⁶⁹ Knight J., Johnson J., *Aggregation and deliberation...*, op. cit., pp. 285-287.

According to the authors, the necessary components of deliberative democracy are equality of participation. Citizens must have equal access to the deliberative process and have the opportunity to speak freely, to express their own opinions. It is not only the opportunity to speak, but also the obligation of participants to listen. Another fundamental element is the exchange of arguments. In the process, citizens exchange arguments and use rational discussion methods. The discussion aims to seek to understand different, differing perspectives, thus generating a holistic view of a topic. It is about developing outcomes that meet the needs and interests of the different, represented groups in society, finding a common alternative that is good for the whole⁷⁰. In view of this, deliberative democracy makes it possible to create balanced, legitimate, and legitimising decisions. Deliberative democracy also increases the involvement of citizens in the decision-making process and builds a bond between society and government, while easing any tensions that may exist along this line.

Deliberative democrats accept that strengthening democracy can be achieved by increasing the level of civic engagement and participation in society. However, there is no unanimity on the form of such public activation⁷¹. At this point, it is appropriate to consider how deliberation differs in theory from participation in a democracy. At the outset, it is worth noting that in contemporary modes of politics, participation and deliberation repeatedly co-occur, creating mixed participatory-deliberative forms. Participatory theories are divided into aggregative, in which deliberation does not occur (e.g. the referendum), and transformative. What do deliberation and participation have in common? Janusz Grygieńć in his book *Demokracja na rozdrożu. Deliberacja czy partycypacja polityczna?* sets out three definitions

⁷⁰ Ibid., p. 286.

⁷¹ Juchacz P.W., *Demokracja-Deliberacja-Partycypacja...*, op. cit., p. 21.

of these links. The first identifies deliberation with participation, allowing the terms to be used interchangeably. The second defines the inseparability of deliberation and participation, as they cannot be realised in isolation from each other. The third definition situates the two categories in opposition to each other. Deliberation is understood as rationalised debate based on reason, leading to a transformation of the opinions or preferences of its participants. Participation, on the other hand, as a broad, inclusive commitment to citizen participation, unrelated to their competence. Professor Grygieńć points to the first of these as the most commonly used definition in the literature on this issue⁷². Thus, deliberation and participation are two different approaches to public involvement in decision-making, although they are often linked. Deliberation is supposed to give the public a chance to take a broader perspective and change their individual optics to a more altruistic one. The primary goal of deliberative democracy is to provide an opportunity to deal with social discord and differences of opinion in politics. Collective decisions are legitimised through deliberative processes. This provides an opportunity for excluded groups or those affected by inadequacies in the distribution of wealth to express their needs, incorporating their demands into an overall view of the contentious issue. This facilitates the acceptance of certain administrative decisions, even if there is not full agreement on it, providing an opportunity for concessions or support for them. In the course of deliberation, it is also important to take into account respect for others, so that decisions are made with this factor in mind, even where there is disagreement with the participant's own moral reasons⁷³. Participation is a much more general concept, referring to the inclusion of citizens' opinions in the decision-making process. It takes

⁷² Grygieńć J., *Demokracja na rozdrożu...*, op. cit., pp. 44-45.

⁷³ Gutmann A., Thompson D., *Why deliberative democracy?*, op. cit., pp. 10-12.

various forms, such as voting or participation in public consultations. Overall, it is about involving citizens in matters that are important to them. The theoretical framework of civic participation recognises that the community, i.e. the citizens who make it up, have the right to have their say on issues that directly affect them. The opinions they express are thus relevant to the decision-making process. Participation, on the other hand, does not, however, lead to such complex and balanced decisions as deliberative processes⁷⁴. Deliberation implies a dialogue leading to and aimed at better understanding of pressing, problematic social issues and taking decisions towards them in a better way corresponding to the common good, whereas civic participation is aimed at providing citizens with the opportunity to take part in decision-making processes, not necessarily subject to participation in deliberative discussions and procedures^{75, 76}.

⁷⁴ Rowe G., Frewer L.J., *Public participation methods: A framework for evaluation*, "Science, Technology, & Human Values" 2000, vol. 25, no. 1, pp. 5-6.

⁷⁵ Arnstein S. R., *A Ladder Of Citizen Participation*, "Journal of the American Institute of Planners" 1969, vol. 35, no. 4, pp. 216-217.

⁷⁶ Rowe G., Frewer L.J., *Public participation methods...*, op. cit., pp. 21-24.