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**DELIBERATIVE DEMOCRACY –  
INTERNATIONAL DISCOURSE**

**HUMAN  
RIGHTS**



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### ABSTRACT

In the 21st century, dissatisfaction with the democratic arrangements contributed to the arousing curiosity about the improvement of representative democracy. Modern forms of political organization consider alternative ways of arranging the state. Deliberative democracy is the idea which became popular with the researchers in their theoretical considerations at the turn of the 20th and 21st centuries. It is also seen as a lucrative proposal to enrich and improve the mechanism accompanying the operation of the universal model of representative democracy. However, it should be taken into closer consideration that its solutions and postulates raise a number of questions and doubts, specifically as regards their applicability in practice. Scientific debate referring to the development of deliberative democracy did not establish any unified schools or currents. The discourse is internally diverse, however four generations of deliberative democracy might be identified. The 'systemic turn' exposes development and promotion of deliberation on a mass scale, emphasis on the division of activities and tasks of participants within the system, and – in order to link multiplicity of institutions and the processes that occur among them – application of a certain continuum to the criterion of deliberation.

**KEYWORDS:** *deliberative democracy, representative democracy, participation, participatory instruments, political organization*

### INTRODUCTORY REMARKS

Christopher W. Morris in *Handbook of political theory* asks some questions concerning the contemporary state. It is difficult to determine what exactly it is that we are talking about when referring to 'the state'<sup>[1]</sup>. General characterisation of the state may not be suitable for all purposes. According to Max Weber the state is considered the sole source of the right to use violence<sup>[2]</sup>. The state expects the loyalty of its members and permanent inhabitants of its territory.

<sup>[1]</sup> C.W. Morris, *The Modern State*, [in:] *Handbook of Political Theory*, eds. G.F. Gaus, Ch. Kukathas, Sage Publications, London 2004, pp. 195-209.

<sup>[2]</sup> M. Weber, *Politics as a Vocation* (1919), [in:] *From Max Weber: Essays in Sociology*, eds. and trans. H. Gerth, C. Wright Mills, Oxford University Press, New York 1946, p. 78.

However, the world of states appears to be changing. It is the effect of *various trends clustered under the label of globalization, the threats of Islamist terrorism or insurgency*<sup>[3]</sup>, or the demise of the Soviet Union. What establishes minimal legitimacy of the state? In general, government is responsive to the just wishes or interests of the governed. The modern state should provide some mechanisms for collective decisions. States must respect the moral rights of individuals and fulfil duties owed to individuals<sup>[4]</sup>. The institutions associated with the modern state, e.g. the government, the judiciary, the bureaucracy, are the agents of the state. They do not constitute the state themselves.

Modern forms of political organization consider alternative ways of arranging the state. Dissatisfaction with the democratic arrangements contributed to the arousing curiosity about the improvement of representative democracy. The alienation of citizens resulting from the feeling of illusory influence on political decisions, and dissatisfaction with the decisions of central and local administrative bodies, all these excited the search for new solutions and looking for new opportunities to improve current democratic systems<sup>[5]</sup>. It is significant that since democracy became the leading system of government in the Western culture, it has been experiencing consistent transformation<sup>[6]</sup>.

Deliberative democracy is the idea which became increasingly popular with the researchers in their theoretical considerations at the turn of the 20th and 21st centuries. It is also seen as a lucrative proposal to enrich and improve the mechanism accompanying the operation of the universal model of liberal/representative democracy. However, it should be taken into closer consideration that its solutions and postulates raise a number of questions and doubts, specifically as regards their applicability in practice<sup>[7]</sup>. Supporters of this model of democracy express believe that for the contemporary global movement for

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<sup>[3]</sup> C.W. Morris, *The Modern State*, op.cit., p. 200.

<sup>[4]</sup> Ibidem, p. 203.

<sup>[5]</sup> See here R. Markowski, *Demokracja i demokratyczne innowacje. Z teorii w praktykę*, Instytut Obywatelski, Warszawa 2014, p. 109.

<sup>[6]</sup> G. Sartori, *Democratic Theory*, Wayne State University, Detroit 1962, pp. 3-16.

<sup>[7]</sup> J. Łapaj, *Demokracja deliberatywna i jej przejawy w praktyce*, [in:] *Demokracja deliberatywna: utopia czy ratunek dla demokratycznych wartości?*, ed. A. Turoń-Kowalska, REMAR, Sosnowiec 2016, p. 133.

political reforms, with the simultaneous crisis of liberal democracy and declining trust of citizens in governments, this is the best time for dissemination and implementation of the solutions proposed by deliberative democracy. It should be also considered that deliberative democracy is closely related to the idea of civil society<sup>[8]</sup>.

The development of deliberative democracy has aroused curiosity concerning the instruments and forms that promote effective participation and deliberation in the field of local self-government and other areas. Such instruments as referendum, elections, and social dialogue are accepted in deliberative practices. The activity of a society and applied forms of participation chosen by citizens depends on variety of factors. Historical experience of a given society, the nature of democracy and political culture of a country as well as standards of living and the sense of real influence on political decisions are of great importance.

Social participation is a phenomenon consisting in the participation of the inhabitants of a given town, commune, district, region, and even state in identifying and solving common needs and problems. Participants of the deliberative procedure perceive themselves as mutually free. Due to the fact that they accept rational pluralism they should not resort to any religious or moral arguments that justify their position. It is significant that the proponents of deliberative democracy see a specific role of a debate in the process of making democratic decisions. A debate is not only an intellectual task or a kind of discourse of rhetorical talents. A debate is of a political significance because its consequence is supposed to be a decision. Participants of the debates see themselves as formally equal. Their participation is equal at every stage of the deliberative process. Everyone should be able to raise issues that are in the agenda. They can propose solutions, present rationales, or be against the solutions put forward. They mutually recognize each other as substantively

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<sup>[8]</sup> See more in E. Sokalska, *Searching for a New Formula of a State: International Discourse on Deliberative Democracy*, *Acta Iuridica Resoviensia* 2023, vol. 1(40), pp. 124-125, DOI: <https://doi.org/10.15584/actaires.2023.1.8>.

equal, and their participation in distribution of wealth do not affect the position that they occupy during the debates<sup>[9]</sup>.

It is worth to consider that the growing interest in the subject of deliberative democracy is reflected in the impressive subject related literature. Such eminent philosophers as Jürgen Habermas<sup>[10]</sup> or John Rawls<sup>[11]</sup> emphasize the importance of social discourse and the value of communication in contemporary communities. As far as the terms of communication are concerned, they are of the opinion that the discourse should be regulated by the law. According to their assumption, the 'principle of inclusion' means that all interested parties of the dialogue should be included in discourse as equal. They should not be favored or discriminated. All participants of the debate have the same opportunities to express themselves and to respond to the statements of the others<sup>[12]</sup>. It is significant that such scholars as John S. Dryzek<sup>[13]</sup> and James S. Fishkin<sup>[14]</sup> determined the scientific and social perception of the phenomenon.

The purpose of the article is to present the experience concerning the development of deliberative democracy and the directions of the international scientific discourse on participatory practices. The main questions the present

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<sup>[9]</sup> Cf. A. Turoń-Kowalska, *Rozmowa jako remedium na ponowoczesność*, [in:] *Demokracja deliberatywna: utopia czy ratunek dla demokratycznych wartości?*, ed. A. Turoń-Kowalska, REMAR, Sosnowiec 2016, p. 20.

<sup>[10]</sup> J. Habermas, *The Theory of Communicative Action vol. I. Reason and the Rationalization of Society*, Beacon Press, Boston 1984; idem, *Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research*, *Communication Theory* 2006, vol. 16(4), pp. 411-426, <https://doi.org/10.1111/j.1468-2885.2006.00280.x>

<sup>[11]</sup> J. Rawls, *A Theory of Justice. Revised Edition*, Oxford University Press, Oxford-New York 1999.

<sup>[12]</sup> J. Łapaj, *Demokracja deliberatywna i jej przejawy...*, op.cit., p. 118.

<sup>[13]</sup> J.S. Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*, Oxford University Press, New York 2000; idem, *Deliberative Global Politics: Discourse and Democracy in a Divided World*, Polity Press, Cambridge 2006, idem, *Democratic Political Theory*, [in:] *Handbook of Political Theory*, eds. G.F. Gaus, Ch. Kukathas, Sage Publications, London 2004; idem, *Democratization as Deliberative Capacity Building*, *Comparative Political Studies* 2009, vol. 42(11), pp. 1379-1402, <https://doi.org/10.1177/0010414009332129>

<sup>[14]</sup> J.S. Fishkin, *The Voice of the People: Public Opinion and Democracy*, Yale University Press, New Haven 1995; idem, *Democracy and Deliberation: New Directions for Democratic Reform*, Yale University Press, New Haven 1993; idem, *When the People Speak. Deliberative Democracy and Public Consultations*, Oxford University Press, New York 2011.

study strives to answer are: What are the main premises and models of (trends in) deliberative democracy? Which strengths and weaknesses of deliberative democracy are the most noticeable in the context practical experience? How to improve the mechanisms of an ideal system of deliberative democracy in order to function effectively in practice and to implement successfully the assumptions of that model? In the first part of the article, an overview of some trends concerning the transformation of deliberative democracy will be presented. Some identified strengths and weaknesses of this kind of political system will be considered in the second part of the publication. In this particular study, the comparative and formal-dogmatic methods were applied to address the research questions and then, to reach some conclusions. Unfortunately, since the modest scope of the article does not allow for an exhaustive treatment of the subject, the present work is contributory in nature.

## **THE TRANSFORMATION OF APPROACHES TO DELIBERATIVE DEMOCRACY**

The consequence of the disappointment with both representative and direct democracy was a great number institutional innovations aiming at the improvement and modification of quality of democracy. In 1980s, there appeared a number of initiatives, which oscillated around some new economic, technological, and communicative factors, which might have influenced and ameliorated the forms of democratic regimes. The concept of deliberative democracy emerged in the 1980s. It has quickly become the subject of the scientific discourse (e.g. philosophy of law, political and sociological thought). The popularizer of the term of deliberative democracy was John S. Dryzek, He was of the opinion that the ‘deliberative turn’ in the theory of democracy took place in the last decade of the 20th<sup>[15]</sup>. According to him, deliberation was not a new phenomenon because its antecedents could be even found in ancient Greece, in political theory (e.g. Edmund Burke, or John Stuart Mill)

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<sup>[15]</sup> J.S. Dryzek, *Deliberative Democracy and Beyond...*, op.cit., p. 1.

and theorists in the early 20th century (e.g. John Dewey). In the matter of the fact, the term ‘deliberative democracy’ was invented by Joseph Bessette (1980)<sup>[16]</sup>, and it was popularized by Bernard Manin and Joshua Cohen. It was used rarely prior to 1990s<sup>[17]</sup>.

It should be taken into closer consideration that the long scientific debate referring to the development of deliberative democracy did not establish any unified schools or currents. In fact, the discourse is internally diverse<sup>[18]</sup>. Proponents of deliberative democracy present different answers to the question of what kind of communication is conceived as deliberative, who should participate in deliberation and how, where and at which level deliberation should take place<sup>[19]</sup>. They also present different points of view on the expected outcomes of deliberation<sup>[20]</sup>. Some distinctive constituent elements allow to identify four generations of scholars who conduct research on deliberative democracy and its tools.

The first generation of explorers of deliberative democracy was interested in the normative theory. Jürgen Habermas emphasized the legitimacy of collective decisions through the discursive character of their decision-making procedures. John S. Dryzek proposed a radical concept of discursive democracy allowing for a transnational or supra-state view on democracy in his early

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<sup>[16]</sup> J.M. Bessette, *Deliberative Democracy: the Majority Principle in Republican Government*, [in:] *How Democratic is the Constitution?*, eds. R.A. Goldwin, W.A. Schambra, American Institute for Public Policy Research, Washington 1980, pp. 102-116.

<sup>[17]</sup> J.S. Dryzek, *Deliberative Democracy and Beyond...*, op.cit., p. 2.

<sup>[18]</sup> Cf. E. Sokalska, *Deliberative democracy in the time of crisis: participatory instruments at the local level and their limitations (some remarks)*, *Journal of Modern Science* 2020, vol. 2(45), pp. 227-230, DOI: 10.13166/JMS/125595; see more in eadem, *Searching for a new formula of a state...*, op.cit., pp. 124-138,

<sup>[19]</sup> S. Elstub, S. Ercan, R.F. Mendonça, *The Fourth Generation of Deliberative Democracy*, *Critical Policy Studies* 2016, vol. 10(2), p. 141, <https://doi.org/10.1080/19460171.1175956>.

<sup>[20]</sup> S. Chambers, *Deliberative Democratic Theory*, *Annual Review of Political Science* 2003, vol. 6, pp. 323-350, <https://doi.org.10.1177/0090591709332336>. See also Polish subject related literature presented in E. Sokalska, *W poszukiwaniu idealnej formuły państwa: blaski i cienie demokracji deliberatywnej na poziomie lokalnym (wybrane uwagi)*, [in:] *Społeczeństwo obywatelskie. Historia, teoria, praktyka*, R. Kania, and M. Kazimierczuk, DIFIN S.A., Warszawa 2021, pp. 208-211-210; eadem, *Flaws and Advantages of the Polish Local Self-Government in the 21st Century: Social Consultations at the Local Level*, *Lex Localis* 2021, vol. 19, no. 1, pp. 19-37, DOI: [https://doi.org/10.4335/19.1.19-37\(2021\)](https://doi.org/10.4335/19.1.19-37(2021))

works. The considerations of Joshua Cohen are also suitable for the described current<sup>[21]</sup>. Something that was common to this current it was the articulation of the need to push forward deliberative democracy on a mass scale, and the preference for a vision of deliberative democracy formed normatively, something that had not actually been possible on a mass scale before. However, the scholars have paid insufficient attention to the challenges that were posed to deliberative democracy by the contemporary complexity<sup>[22]</sup>.

The second generation of scholars was concerned with defining deliberation more broadly in order to consequently create a model more 'sensitive' to the heterogeneity, pluralism, and complexity of contemporary democracies. Their field of interest included the requirement of rational arguments and consensus in deliberation, which consequently brought deliberative democracy theory closer to other issues related to multiculturalism, environmental politics, or feminism<sup>[23]</sup>. The considerations of Monique Deveaux, John Dryzek (later works), and Iris Marion Young fall within this current<sup>[24]</sup>. Representatives of the second generation raised issues of potential inequalities during discourse and the possibility of instrumentalization or strategic use of deliberation by its influential participants. In this way, deliberation brought deliberative democracy closer to the real world of dilemmas and conflicts, while giving deliberation a more practical meaning and making it more 'mature'. Some researchers prised this current arguing that *these theorists deserve enormous credit for making deliberation a more workable and fully developed ideal*<sup>[25]</sup>.

The participants of the scientific discourse on deliberative democracy defined as third generation are interested in the empirical analysis of deliberative practices and the specifics of their detailed institutional design. They promote

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[21] J. Cohen, *Deliberation and Democratic Legitimacy...*, op.cit., pp. 17-35.

[22] S. Elstub, S. Ercan, R.F. Mendonça, *The Fourth Generation...*, op.cit., p. 141.

[23] S. Elstub, *The Third Generation of Deliberative Democracy*, *Political Studies Review* 2010, vol. 8(3), p. 298.

[24] M. Deveaux, *A Deliberative Approach to Conflicts of Culture*, *Political Theory* 2003, vol. 31(6), pp. 780-807; J.S. Dryzek, *Deliberative Democracy and Beyond...*, op.cit. passim; I.M. Young, *Activist Challenges to Deliberative Democracy*, *Political Theory* 2001, vol. 29(5), pp. 670-690.

[25] S. Elstub, S. Ercan, R.F. Mendonça, *The Fourth Generation...*, op.cit., p. 142. See also here E. Sokalska, *Searching for a New Formula of a State...*, op.cit., p. 127.



research on institutional mechanisms which encourage and foster deliberation. Their analyses are more oriented towards some practical solutions, particularly the design of deliberative institutions and their empirical analysis, therefore, a large part of the literature is devoted to various participatory practices, e.g. social dialogue or participatory budgets.

James S. Fishkin in a 1995 publication presents the idea of so-called ‘deliberative pools’ – a representative sample of citizens from a given area, such as those living in an administrative unit, taking part in deliberating on a particular problem or project<sup>[26]</sup>. The attitude of Fishkin commenced a debate on the promotion of deliberative practices through small community groups ‘mini-publics’, while at the same time, looking for a suitable method to systematically study the deliberation process and identify the required parameters of institutional arrangements. We can identify here a micro rather than macro approach to the process of deliberation. Small communities and institutions removed from the wider discursive environment in which they operate are the objects of exploration<sup>[27]</sup>. Nevertheless, it has become also necessary to return to a holistic concept of deliberative systems, and to the need to perceive the deliberation not just as isolated, local activities but as coherent macro-scale practices.

It should be emphasized that in recent years, the concept of a deliberative system, where deliberation is understood as communication occurring in multiple, sometimes partly overlapping spaces, where the need for interaction among these spheres is emphasised, has gained importance. Deliberation is not limited to the forum focused on the structure, which was the main interest of the scholars’ reflections on deliberative democracy in the 1990s and defined as the ‘deliberative turn’. *Deliberation should not be reduced to face-to-face dialogue, but understood in terms of a wider discursive process. This impetus represents a significant change from some more traditional conceptions*

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<sup>[26]</sup> J.S. Fishkin, *The Voice of the People...*, op.cit., *passim*.

<sup>[27]</sup> S. Chambers, *Rhetoric and Public Sphere: Has Deliberative Democracy abandoned Mass Democracy?*, *Political Theory* 2009, vol. 37(3), pp. 323-350, <https://doi.org/10.1177/0090591709332336>

*of deliberative democracy, were deliberation occurs in close proximity to binding collective decision-making*<sup>[28]</sup>.

The fourth generation of explorers in their works deal with both the practical application of deliberative elements and theoretical considerations of proposed solutions in order to increase the representativeness of citizens, to involve them more broadly in the decision-making process at various levels, and to increase the legitimacy of taken decisions<sup>[29]</sup>. The actions following this direction pave the way for a new conceptualisation of the interaction between public opinion and the ‘decision-making moments’ of deliberation<sup>[30]</sup>. A new phase of deliberative democrats’ interest in deliberative system design is taking place today. Although, it requires more in-depth theoretical considerations and empirical research, the system approach to deliberative democracy promotes a new way of thinking about public deliberation<sup>[31]</sup>. Besides some practical and conceptual references to deliberative systems, scientific reflection also pays attention to some potential problems of deliberation, and it raises momentous questions that need to be addressed at the level of contemporary developments<sup>[32]</sup>. At present, the international scientific discourse is evolving towards the interest in the relationship between constituent elements and a holistic deliberative system, perspectives on the institutionalisation of deliberative systems, and methodological difficulties for empirical analysis<sup>[33]</sup>.

It is significant that some authors are of the opinion that inclinations towards both theoretical and practical research forerun the fourth generation of deliberative democracy. This new research approach is related to the so-called

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<sup>[28]</sup> S. Elstub, S. Ercan, R.F. Mendonça, *The Fourth Generation...*, op.cit., p. 143.

<sup>[29]</sup> Cf. S. Chambers, *Deliberation and Mass Democracy*, [in:] *Deliberative Systems – Deliberative Democracy at the Large Scale*, eds. J. Parkinson, J. Mansbridge, Cambridge University Press, Cambridge 2012, p. 54.

<sup>[30]</sup> S. Elstub, S. Ercan, R.F. Mendonça, *The Fourth Generation...*, op.cit., p. 140.

<sup>[31]</sup> S. Elstub, S. Ercan, R.F. Mendonça, *Deliberative Systems in Theory and Practice*, Routledge 2019, passim.

<sup>[32]</sup> S.A. Ercan, C.M. Hendriks, J. Boswell, *Studying Public Deliberation after the Systemic Turn: The Crucial Role of Interpretative Research, Policy and Politics* 2015, vol. 45(2), pp. 196-197.

<sup>[33]</sup> For further reading, see S.A. Ercan, J.S. Dryzek, *The Reach of Deliberative Democracy, Policy Studies* 2015, vol. 36(3), pp. 241-248.

‘systemic turn’<sup>[34]</sup>. The ‘systemic turn’ consists of three important factors: the search for opportunities to develop and promote deliberation on a mass scale; the growing interest in the division of tasks and activities between participants within the system; the introduction of a certain continuum to the criterion of deliberation linking the multiplicity of institutions and the processes that occur between them. Contemporary manifested emphasis on these three elements makes it possible to distinguish the representatives of the fourth generation of deliberative democracy from previous currents<sup>[35]</sup>. The need of deliberative democratic norms on a mass scale and broader discourse structures are articulated<sup>[36]</sup>. The fourth generation proposes a system approach, seeing potential in addressing theoretical as well as empirical problems of deliberative practice. A holistic approach (systemic approach) to deliberation is proposed<sup>[37]</sup>. The integrated model of deliberation (micro, macro, and hybrid forum, formal and informal debates) will ensure its effectiveness.

## **STRENGTHS AND WEAKNESSES OF DELIBERATIVE DEMOCRACY IN THE CONTEXT OF THEORETICAL AND PRACTICAL CONSIDERATION**

In Europe, the fall of communism and the elimination of some considerable threats connected with this kind of a political regime brought a different attitude to the liberal democracies in post-communist states. Some of the solutions of deliberative democracy were willingly adopted in post-communist

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<sup>[34]</sup> S. Elstub, S. Ercan, R.F. Mendonça, *The Fourth Generation...*, op.cit., p. 143.

<sup>[35]</sup> See E. Sokalska, , *Searching for a New Formula of a State...*, op.cit., p. 129,

<sup>[36]</sup> S. Chambers, *Deliberation and Mass Democracy*, [in:] *Deliberative Systems – Deliberative Democracy at the Large Scale*, eds. J. Parkinson, J. Mansbridge, Cambridge University Press, Cambridge 2012, p. 54.

<sup>[37]</sup> J. Mansbridge et al., *A Systemic Approach to Deliberative Democracy*, [in:] *Deliberative Systems. Deliberative Democracy at the Large scale*, eds. J. Parkinson, and J. Mansbridge, Cambridge University Press, Cambridge 2012, p. 2, <https://doi.org/10.1017/CBO9781139178914>

countries in order to meet new social and political needs<sup>[38]</sup>. It is significant that some scholars and proponents of deliberative democracy emphasize the wider legitimization of decisions and legal acts from the perspective of citizens. Amy Gutmann and Dennis Thompson seem to define deliberative democracy in this context: *virtually all deliberative democrats can agree that a primary aim of deliberation is to justify decisions and laws that citizens and their representative impose on one another*<sup>[39]</sup>. And they add that *in this sense, deliberative democrats share a consensus on deliberation aims at least at a thin conception of the common good. Finding fair terms of cooperation among free and equal persons in a common good for both individuals and society as a whole*<sup>[40]</sup>. The scholars argue that in any modern pluralist society where people are even moderately free, persistent disagreements about the principles that justify mutually binding law and decisions take place. Therefore, a deliberative theory of democracy provides possibility that moral values expressed by a wide range of theories might be justifiable, and deliberative theory contains a set of principles that determine fair terms of cooperation<sup>[41]</sup>.

Joshua Cohen is also interested in the answer to the question how to strengthen the legitimacy of state decisions. In his opinion the ideal deliberative procedure might provide a distinctive structure for addressing institutional questions<sup>[42]</sup>. Democratic politics should shape the ways in which the citizens understand themselves and their own legitimate interests. Properly conducted public deliberation should focus on the common good, manifest equality among citizens, and shape the identity and interests of citizens in order to contribute to the formation of a public conception of common good<sup>[43]</sup>.

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[38] E. Sokalska, *Flaws and Advantages of the Polish Local Self-Government in the 21st Century: Social Consultations at the Local Level, Lex Localis* 2021, vol. 19(1), p. 20, [https://doi.org/10.4335/19.1.19-37\(2021\)](https://doi.org/10.4335/19.1.19-37(2021))

[39] A. Gutman, D. Thompson, *Why Deliberative Democracy?*, Princeton University Press, Princeton 2004, p. 27.

[40] Ibidem. See also A. Turoń-Kowalska, *Rozmowa jako remedium...*, op.cit., p. 18.

[41] A. Gutman, D. Thompson, *Why Deliberative Democracy?*, op.cit, p. 124.

[42] J. Cohen, *Deliberation and Democratic Legitimacy*, [in:] *The Good Polity: Normative Analysis of the State*, eds. A. Hamlin, P. Pettit, Basil Blackwell, Oxford 1989, pp. 17-18.

[43] Ibidem, p. 19.

Therefore, it could be taken into closer consideration here the John Rawls's suggestion of formal and informal lines of argument. The formal argument is that parties in the original position would choose the principle of participation with the provision that the political liberties have their fair value. Three conditions (namely well-ordered democracy; egalitarian implications of the ideal of democratic order that must be satisfied in ways that are manifest to citizens; and democratic politics that should be ordered in ways that provide basis for self-respect, encourage the development of a sense of political competence, and that contribute to the formation of the sense of justice as the foundations for civic friendship and shaping the ethos of political culture) are important, and they must be satisfied if constitutional arrangement intends to ensure participation rights<sup>[44]</sup>. The principle of participation means that all citizens have an equal right to determine and take part in the constitutional process<sup>[45]</sup>.

Deliberative democracy is a type of a political system in which free and equal actors legitimize political decisions through a process of exchange their convictions and the necessary acceptance of such rationales for this process as are acceptable to all, and they are universally understood. At the same time, the conclusions and decision-making, as a consequence of the mutual representation of each others rationales, are binding upon all citizens at a given moment, however they may be subject to criticism in the future. In deliberative political systems, citizens are not only the addressees but also co-creators of law<sup>[46]</sup>. Ian Shapiro is of the opinion that when appropriately institutionalize, deliberative arrangements help to hold governments accountable for their actions<sup>[47]</sup>.

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[44] J. Rawls, *A Theory of Justice. Original Edition*, Harvard University Press/Belknap Press 1971, pp. 221-234. Cf. J. Cohen, *Deliberation and Democratic Legitimacy*, op.cit., p. 19.

[45] J. Rawls, *A Theory of Justice. Original Edition*, op.cit., p. 221.

[46] See also here M. Żardecka-Nowak, *Demokracja deliberatywna jako remedium na ponowoczesny kryzys legitymizacji władzy, Teka Komisji Politologii i Stosunków Międzynarodowych O.L. PAN*, Lublin 2008, pp. 30-31, <http://www.pan-ol.lublin.pl/wydawnictwa/TPol3/Zardecka.pdf>, accessed 10.05.2024

[47] I. Shapiro, *Collusion in Restraint of Democracy: Against Political Deliberation, Dædalus. Journal of the American Academy of Arts & Sciences. The Prospects and Limits of Deliberative Democracy* 2017, vol. 146(3), p. 78, [https://doi.org/10.1162/DAED\\_a\\_00448](https://doi.org/10.1162/DAED_a_00448)

Hanna Kaisa Perna is of the opinion that one of the deliberative outcomes less frequently examined is (...) *its value of advancing people to become a public. The process of deliberation creates a collective public by interconnecting and filling partial perceptions*<sup>[48]</sup>. Collective will and collective memory of a society surpass the private opinions accomplished by voting and polling. Dagmir Długosz and Jan Jakub Wygnański emphasize that citizens and social organizations through their part in decision making process bring positive effects for the state administration itself<sup>[49]</sup>. Deliberative forums foster public debate and promote democratic reforms<sup>[50]</sup>.

Currently, disadvantages or weaknesses of deliberative practices are also identified in the scientific research. John S. Dryzek argues that some non-deliberative methods should be complementary to deliberative methods<sup>[51]</sup>. Kristoffer Alstrom-Vij from University of London describes a phenomenon he calls 'widespread incompetence'. It can be identified when deliberating citizens adopt the lack of knowledge and ignorance of others on a given

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[48] H.K. Perna, *Deliberative Future Visioning: Utilizing Democracy Theory and Practice in Futures Research*, *European Journal of Futures Research* 2017, vol. 5(13), p. 6, <https://doi.org/10/0007/s40309-017-0129-1>

[49] D. Długosz, J.J. Wygnański, *Obywatele współdecydują. Przewodnik po partycypacji społecznej*, Stowarzyszenie na Rzecz Forum Inicjatyw Pozarządowych, Warszawa 2005, pp. 12-14. More about participatory practices, see M.M. Sienkiewicz, M. Sidor (eds.), *Dialog obywatelski: formy, mechanizmy, bariery i perspektywy rozwoju*, Wydawnictwo Fundacji Centrum Rozwoju Lokalnego, Lublin 2014, pp. 1-242. For more positive effects of deliberative democracy, see, e.g. A. Bua, E. Escobar, *Participatory-Deliberative Process and Public Agendas: Lessons for Policy and Practice*, *Policy Design and Practice* 2018, vol. 1(2), p. 131, <https://doi.org/10.1080/25741292.2018.1469242>; A. Lupia, A. Norton, *Inequality is Always in the Room: Language & Power in Deliberative Democracy*, *Dædalus. Journal of the American Academy of Arts & Sciences. The Prospects and Limits of Deliberative Democracy* 2017, vol. 146(3), p. 64, [https://doi.org/10.1162/DAED\\_a\\_00447](https://doi.org/10.1162/DAED_a_00447)

[50] N. Curato, J.S. Dryzek, S.A. Ercan, C.M. Hendriks, S. Niemeyer, *Twelve Key Findings in Deliberative Democracy Research*, *Dædalus. Journal of the American Academy of Arts & Sciences. The Prospects and Limits of Deliberative Democracy* 2017, vol. 146(3), p. 29, [https://doi.org/10.1162/DAED\\_a\\_00444](https://doi.org/10.1162/DAED_a_00444)

[51] J.S. Dryzek, *Foundations and Frontiers of Deliberative Democracy*, Oxford University Press, Oxford 2010, passim. In his opinion, so-called 'systemic test' that other than deliberative instruments should be engaged in order to rationalize the realization the purposes of deliberative democracy.

issue<sup>[52]</sup>. However, quite different is reasoning of Simone Chambers (university of Toronto), who is of the opinion that competence of citizens is fostered by deliberative practices<sup>[53]</sup>. Nicole Curato (University of Canberra), Marit Hammond (Keele University), and John B. Minn (College of Southern Nevada) emphasize the ambivalent relationship between deliberative democracy and power<sup>[54]</sup>. Ben Cross (Wuhan University) refers to the thesis in political science that activism (individual, social, institutional) is not always well regarded<sup>[55]</sup>. Spanish authors (José Luis Fernández-Martínez Patricia García-Espín, and Manuel Jiménez-Sánchez), who examined the development of participatory practices at the local level in Spain, are of the opinion that four reasons may lead to ‘participatory frustration’: exaggerated expectations of participants in the deliberation process; failures in the practical application of projects undertaken; low effectiveness of deliberation in the context of solutions adopted; lack of logical continuation of courses of action previously undertaken, both at the micro and macro levels<sup>[56]</sup>. Graham Wright presents the problem of social identity during deliberative transformation<sup>[57]</sup>. John Boswell (University of Southampton), Selen A. Ercan (University of Canberra), Carolyn M. Hendriks

[52] K. Ahlstrom-Vij, *Why Deliberative Democracy is (Still) Untenable*, *Public Affairs Quarterly* 2012, vol 26(3), p. 199.

[53] S. Chambers S., *Human Life is a Group Life: Deliberative Democracy for Realists*. *Critical Review, A Journal of Politics and Society* 2018, vol. 30(1020), pp. 36-48.

[54] N. Curato, M. Hammond M., J.B. Min, *Power in Deliberative Democracy. Norms, Forums, Systems*, Palgrave Macmillan 2019, v-vi.

[55] B. Cross, *Deliberative Systems Theory and Activism*, *Critical Review of International Social and Political Philosophy* 2021, vol. 24/6 (published on-line 26 Feb. 2019), pp. 866-883, <https://doi.org/10.1080/13698230.2019.1584842>

[56] J.L. Fernández-Martínez, P. García-Espín, M. Jiménez-Sánchez, *Participatory Frustration: The Unintended Cultural Effect of Local Democratic Innovations*, *Administration & Society* 2020, vol. 52(5), pp. 718-748, <https://doi.org/10.1177/0095399719833628>. Psychological mechanism during deliberation are emphasized in L.M. Batalha, S. Niemeyer, J.S. Dryzek, J. Gastil, *Psychological Mechanisms of Deliberative Transformation: The Role of Group Identity*, *Journal of Public Deliberation* 2019, vol. 15(1), pp. 1-20, <https://doi.org/10.16997/jdd.313>

[57] G. Wright, *Persuasion or Co-creation? Social Identity Threat and the Mechanisms of Deliberative Transformation*, *Journal of Deliberative Democracy* 2022, vol. 18(2), pp. 24-34, DOI: <https://doi.org/10.16997/jdd.977>

(Australian National University) put forward the proposal of mending deliberative democracy in the normative, theoretical, and practical context<sup>[58]</sup>.

## CONCLUDING REMARKS

At present, deliberative democracy is intended to be the most appropriate form of a democratic system, however, some its inadequacies are identified. It assumes greater participation of citizens in the legislative process through the organization of institutional debates, complementing the process of informal development of public opinions. In this way, the public has a chance to advance consciously opinions referring to discussed issues and justify the views. At the same time, the state (local) authorities are provided with the more clear information referring to expectations of the electorate.

Deliberative democracy is an area directed towards increasing the participation of citizens in government, and above all – collective decision-making activities. Its fundamental assumptions emphasize the equal and universal right of citizens to speak, debate, and argue their opinions related to issues of social importance that should result in decisions, suggestions, and recommendations, which influence the actions taken by the authorities. Therefore, citizens should be able to take advantage of means and tools that allow them to express and confront their opinions with other members of community.

Deliberative democracy makes it possible to reduce political preferences and emphasize the links between motives and reasons of the mutually free participants of deliberative practices. However, the procedural dimensions of deliberative practices must ensure freedom of belief, religious freedom, and political and moral equality. The deliberative debate is intended to result in creation of appropriate conditions in order to reach an agreement, even in the case of

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<sup>[58]</sup> J. Boswell, S.A. Ercan, C.M. Hendriks, *Mending Democracy: A response to our Readers*, *Critical Policy Studies* 2022, vol 16(2), p. 237, <https://doi.org/10.1080/19460171.2022.2028644>. For more about positive and negative aspects of deliberative mechanisms, see J. Łapaj, *Demokracja deliberatywna – zalety i zastrzeżenia wobec modelu w kontekście rozważań teoretycznych i praktycznych*, [in:] *Demokracja deliberatywna: utopia czy ratunek dla demokratycznych wartości?*, ed. A. Turoń-Kowalska, REMAR, Sosnowiec 2016, pp. 45-71.



some ideological contradictions or conflict of interests among the participants. Adherence to principles of mutual respect, equality, and rational analysis of the problem, seeking a fair and reasonable solution to the problem while taking into account different perspectives, is important during proper deliberative processes. The basic ideas of deliberative democracy are therefore dialogue, discussion, communication, and discourse relating to the most important public issues in the local or central context. Deliberation is a form of organizing social relations and institutions, not only a technique applied to justification of norms and rules. It is common misunderstanding that deliberative democracy must be only procedural. It should be emphasized that deliberative democracy is of a dynamic character<sup>[59]</sup>. However, the subject of social interactions that is interested in the choice of his opinion or undertaking must follow the assumed procedure and respect the normative obligations arising from the agreed decisions.

It should be taken into closer consideration that the comprehensive implementation of all assumptions of deliberation at the initial stage is not achievable. Probably, as in the case of many solutions that emerge in the social science, it might be accompanied by number of limitations, uncertainties, and inaccuracies, which only through practice are likely to be supplemented, improved, and adopted to the current need and requirements of both: the authorities of a given state at the local and central level, and citizens of a given state. Therefore, deliberation within the framework of 'mini-publics' which comes down to local and regional debates should not be perceived negatively. Such participatory activities might be effective tests of how deliberation works on a micro-scale, and the solutions might be transferred to a large scale.

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<sup>[59]</sup> A. Gutman, D. Thompson, *Why Deliberative Democracy*, op.cit, p. vii.

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