

INTRODUCING DELIBERATIVE DEMOCRACY: A GOAL, A TOOL, OR JUST A CONTEXT?¹

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Abstract: The concept of deliberative democracy is presented within a wide spectrum of variety of its operationalizations. Since the applicability of the principle of deliberation to the functioning of human society is of the author's primary interest, dilemmas of deliberative democracy related to different problems associated with deliberation in practice are described in some detail. The key questions raised aiming at elucidating the "ontology" of deliberativeness are as follows: is it only a tool for solving the problems of society and politics? Is it a context within which other processes decide on the running of society? Or does it embody a goal of democracy?

Keywords: deliberation, deliberative democracy, discursive democracy, Socratic democracy, values, moral attitudes.

The roots of a deliberative approach to democracy can be traced back to ancient Greece, later to the Enlightenment and more specifically to John Stuart Mill or John Dewey (who wanted to protect individuals against the tyranny of the majority). This term has been rarely used before 1990. The concept was theorized by Joseph Basset (1980) and was brought to life by Bernard Manin (1987) a Joshua Cohen (1989). But it was John Rawls (1993) and Jürgen Habermas (1996) who made the concept of deliberative democracy widely known and who, each of them in his own way, identified with the concept and characterized themselves as deliberative democrats. Although the definition of deliberative democracy will be the subject of our further discussion, it is necessary to start with at least one definition to present the framework within which we will move. In their definition of deliberative democracy, Gutmann and Thompson (2004) place the emphasis on four characteristics: (i) Deliberative democracy is a form of government in which free and equal citizens and their representatives justify decisions (*the reason-giving principle*) in (ii) a process in which they give one another reasons that are mutually acceptable and generally accessible (*the principle of making the process of justification accessible to others*²) with (iii) the aim of reaching conclusions that are binding for all citizens in

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² J. J. Rousseau in his *Du Contrat Social* expressed concern over the fact that if citizens get together in a parliament and will discuss what should be a common interest, they would be tempted into doing compromises and maybe also creating fractions, which do not express the general will. They should think about it alone, and then meet in the parliament and take a vote on it. A modern, less extreme version of this view (which, however, does not eliminate public deliberation) is the one by Robert

the present (*the principle of the process that is binding*), but (iv) open to a challenge in the future (*the principle of the dynamics of the process*).

The two main sources of deliberative democracy are the liberal tradition (e.g. J. S. Mill) and a critical theory oriented towards the progressive emancipation of individuals and community from oppressive forces that are, according to J. Dryzek (2002), ideological activities rather than structural necessities; becoming aware of these forces may lead to emancipation from their influence. In his effort to find a place for the concept of deliberative democracy in philosophy, A. Gundersen (2000) seeks to solve relationships between (philosophical) rationality resulting in elitism that favours reason over democracy on the one hand, and democracy that can be characterized by skepticism because the real application of reason in democracy that is independent of it is dubious on the other hand. This leads Gundersen to deliberative theories of democracy characterized by “reconciliation” between reason and democracy. In this third group he presents Habermas’s “ideal speech situation” as one of the best examples (let us as people talk one to another in the conditions securing perfect equality for a sufficiently long period of time to reach a consensus; this consensus is just what is rational; for details, see Habermas 1984). Another example is the “strong talk”—an attempt to replace the quest for truth by the policy of strong democratic talk that contains listening, integrates emotional and cognitive contents and through its intentionality it goes beyond pure reflection into the sphere of activities and transformation of the world³ (for details, see Barber 2003). According to Gundersen, other examples of deliberative democracy are the following: the challenge of Bonnie Honig (1993) for the majority to give up its or majority status and invite minorities to participate in politics as well as the construction of critical feminism by Mary Dietz (1989) who rejects efforts to reach objective standards in favour of the process of spontaneous discussion, dialogue, and protest.

Macro vs. Micro: Liberal-constitutionalistic Deliberation vs. Discursive and Dyadic Deliberation

Deliberative democracy is the second-order theory. In contrast to the first-order theories which explain how democracy should work and how moral dilemmas ought to be solved within society, e.g. utilitarianism, libertarianism, liberal egalitarianism, or communitarianism, it is important to realize that the theories are mutually exclusive. Second-order theories of democracy are theories about other theories since they give instructions on how to deal with the argumentation of first-order theories’. They offer solutions to moral conflicts that were simply eliminated by first-order theories. They persist without involving the rejection of a wide range of moral principles of individual first-order theories. Deliberative democracy (in addition to the so-called aggregative theories of democracy⁴) is that type of the second-order theory.

Goodin who defends deliberation within—not because of being afraid of fractionalization but for practical reasons in the large world of democracy (2003).

³ Strong democratic talk should satisfy according to Barber nine political functions: (1) articulation of interests, (2) persuading, (3) agenda setting, (4) discovering the common, (5) creating belongingness and sympathy, (6) maintaining autonomy, (7) self-expression, (8) transformation and re-conceptualization, and (9) community, public interest and active citizenship building.

⁴ Aggregative conceptions are characterized by using complementary instruments for conducting opinion polls before adopting political decision. The outcome of a poll, voting or referendum can

Deliberative democracy can also be understood at two very different levels; at the higher “macro” level, or the lower “micro” level that is close to citizens.

The *macro* level is represented by *liberal-constitutionalist deliberative democracy* in which, according to J.S. Mill, an advocate of broader discussion about the problems of society claimed that discussion has to be calmed down to avoid making the ruling powers angry—the place of deliberation is therefore only in the domain of constitution making and building representative democratic institutes (for details, see Dryzek 1990; 2002).

The *micro* level of deliberative democracy does not set any limits either formal or content-related on the domains to which it can be applied. It has several forms. *Discursive democracy* of John Dryzek (1990, 2002; see also James 2004) and Gundersen’s *Socratic democracy with dyadic deliberation* (2000) represent the micro level of deliberative democracy.

Gundersen maintains that his conception of deliberative democracy goes even further and is more radical than any other conception. It is based on the idea that the capacity of the public to think does not only lead to (ad hoc) consensus but it also enables people to learn. The quintessence of deliberation is, according to him, in the processes of learning which lead to rationality. Speaking about Socratic democracy, Gundersen thinks that it is the character and activities of individual citizens that is important for democracy. In other words, he primarily draws up democracy in the concepts of citizenship, not in the concepts of decision-making or as a set of institutions. Gundersen introduces thereby a dyadic model of deliberation; he “breaks down” deliberation to the level of interaction between two (arbitrary) citizens. If we accept that deliberation is a fundamentally dyadic and not group or organizational dynamic (as the majority of current deliberative theorists maintain) it follows that citizens can and do deliberate in an almost infinite number and variety of “private” places. In other words, it follows that public reasoning need not always occur in places that are necessarily “public”. The Socratic approach casts doubt, inter alia, on automatic expectations that the correct result of deliberation should be consensus. By contrast, the author argues that if deliberation is in principle the process of challenge and response, dissensus, which feeds the challenge, should never be subordinated to consensus (ibid., 12).

John Dryzek does not glorify his conception of discursive democracy (1990) as Gundersen does; his approach can certainly be denoted as comprehensive. He has worked out not only the application of the basic principle of discursiveness in deliberative democracy (discursive democratization, discursive design, discursive community) but he has got as far as the application of deliberation to the politics on the global scale (Dryzek 2006). The main objective of deliberative democracy is according to Dryzek (2002) to provide the most acceptable conception for solving moral conflicts in politics. In this context deliberative democracy has four partial goals: (a) to support the legitimacy of collective decisions, (b) to encourage views on public issues, that are public spirited, (c) to support the mutually respecting processes of decision-making—e.g. if two absolutely conflicting moral approaches to a particular problem meet, and (d) to help to correct mistakes.

The implementation of deliberative democracy in Dryzek’s discursive conception has, however, one indispensable condition, namely the *presence of the developed discourses*

be put through a cost-benefit filter before making decision. In some cases, aggregative decision-making is very useful, e.g. when it is necessary to take a relatively quick decision or when it cannot be expected that better resolution would be reached through deliberation (all elections are in principle aggregative decisions).

in society—conflict as such is not enough, it must be developed into conflict discourses. According to Dryzek, reflection on deliberative democracy does not make any sense without them (for details, see Dryzek 2002, 162). If a deliberative process is to be implemented in a nation state, it is necessary to (a) identify social discourses on the given topic, (b) find out what the relationship between them is like, and (c) find out what the relationship is between them and the state policy. Only on these grounds is it possible to struggle towards deliberation, i.e. to reach a position of “mutual reverberation” between state policy and the discourses in society (for details, see James 2004, 65).

Dilemmas of Deliberative Democracy

According to O’Flynn (2002), the conception of deliberative democracy consists of four normative principles: *reciprocity* (people should seek the organization of public matters that suits everyone, that is, they are not mutually exclusive), *publicity* (nothing is secret), *accountability* (politicians’ accountability is that they cannot rule as they want but they have to account for their decisions they want to make or have made, to others), and *inclusion* (the interests of all members of the community must be incorporated in deliberation).

In addition to these “indubitable” characteristics, the individual authors differ in their outlook on instrumentality, substantivity, consensuality, and the extent and scope of applicability of deliberative democracy. The differences between conceptions of deliberative democracy, that are often polar, sometimes incompatible, sometimes reconcilable, were systematized by Gutmann and Thompson (1996, 21-39) into seven dilemmas.

A) *Is deliberation instrumental or expressive?* Instrumentality of deliberation implies that it is a means of arriving at good policies; deliberation has expressive value as a manifestation of mutual respect among citizens.

B) *Is deliberation procedural or substantive?* The question is whether deliberation should apply only to democratic procedures, e.g. voting mechanisms, procedures for the passing of laws, decision-making about a particular public interest, etc.), or it also should resolve a political substance (e.g., what is freedom, when does a human embryo become “human”, does a father have the right to decide on abortion, etc.). James raises a similar question (2004, 54): should deliberative democracy be only about the *means* (he calls them ‘preferences’) or also about *goals* (‘interests’ in his terminology).

John Dryzek (2002) and Adam Przeworski (1998) think that deliberation is primarily about the means. They are in opposition to people who think otherwise. Gutmann and Thompson (ibid.) write, however, that Jürgen Habermas and John Rawls implicitly agree that substance should be the subject of deliberation even though Habermas is said to favour consensus achieved through deliberation over individual rights, and Rawls, rights over deliberation. The fact that deliberation also relates to goals, is implicitly evident from Gundersen’s theory of dyadic (Socratic) deliberation described above. In the end, James (ibid.) claims the same, stating that deliberation cannot be good when it does not deal with substance, that is, with a goal.

C) *Should deliberation aim at achieving consensus or can it be pluralist?* This dilemma, in contrast to the foregoing ones, whose solutions were rather a question of “*measure*” signals (potential) conflict. Consensual deliberation tries to find a comprehensive common good valid for all; the democratic world consists of the two platforms, of republicans and communitarians. By contrast, the aim of the pluralist platform is not the consensual good but the possibilities

of harmonizing different ideas of “the good”. What are we able to agree on, let us agree on it and let us tolerate the rest. The consensual platform is rather problematic for deliberation in contemporary world and Gutmann and Thomson (ibid., 29) even warn that it threatens to become tyrannical.⁵

Four other dilemmas of deliberative democracy concern the extent and scope of deliberation. They are expressed in the following questions:

D) *Should deliberation only take place at the level of government or should it be spread across civil society?*

E) *How far should deliberative democracy reach?*

F) *Should deliberation be representative or participative?*

G) *Should deliberation only concern domestic matters or should it also be applied at the international level?*

In terms of these four dilemmas a question arises as to whether deliberative democracy should concern only central administrating institutions (e.g. government) or also civil society as a whole. Habermas defends the position that deliberative democracy should concentrate on central organs of administration since civil society must remain substantially unstructured to allow free-will formation (Habermas 2002). Joshua Cohen (1989) and Jane Mansbridge (1999) argue that deliberative democracy should assert itself in the “private sphere” of society. Deliberativeness should then involve elected representatives but in many questions it is adequate if it applies to all strata of society, and if it “enters” the privacy of households.

The demand that the whole population should participate in deliberation is practically unrealistic. However, there are some situations when it is very useful. Specific instruments are available, e.g. deliberative polling, which enable wide deliberation: citizens are selected by random e.g. to take part in a discussion with competing political candidates (c.f. James, Fishkin 1995). A strong argument for supporting the more extensive spreading of deliberative democracy is the need for deliberative democracy to be applied in the world of large corporations threatening large numbers of people by their decisions. Another example is the need for deliberation in the school system., Furthermore, some current political issues cannot simply be constrained to the national context when politics is globalized. Let alone unambiguously international agenda, like wars and reconciliations. Many contemporary authors think in these terms—whether it is deliberation in a multicultural society (see Jorge M. Valdez 2001), deliberation within the EU (see S. Besson 2006) or deliberation in the global politics of the “divided world” (see J. S. Dryzek 2006).

Deliberative Democracy: a Goal, a Tool, or just a Context?

Let us now try to answer the question posed in the title of this paper: what is deliberative democracy? Is it just a tool for establishing a well-ordered society, or is it a goal per se, defining the desirable status of society, or is it only a (positive) context within which society develops? Summing up definitions, dimensions and dilemmas, we can define its “differential

⁵ Deliberation is thus somewhere between mere negotiation and the rational (Habermasian) consensus. The aim of the consensus is not *strictu senso* but it is at least dealing with the opinions of the other sides. In the theory of negotiation this “product” is usually denoted as “consent” that can be subjectively characterized as a state, in which “as long as I am for, I am not against and we are thus not against either—I am able to live with a solution that is accepted jointly.”

diagnostics” as follows. Crucial for deliberative democracy are the following features:

1. SOCIAL FOCUS— reflection of the world through others: satisfying others is a value that motivates people to consider their own needs and common resources.
2. OPENNESS—disclosing oneself and exchanging⁶: it is a *psychological competence*, a primary *tool* that enables social exchange.
3. ANTICIPATION and PRO-ACTIVITY—expressed for instance in non- manipulating by waiting: it is a *psychological competence*, a *tool*, which has, however, a significant moral content.
4. ACCOUNTABILITY—for one’s own decisions and their maintenance that enables continuity in the social setting: it is an expression of *moral attitude*.
5. ACCOUNTABILITY—for inclusion that encompasses a demand to invite everybody on the one hand and the demand to participate on the other hand: it also expresses a moral attitude.

We can see that key dimensions of the deliberative paradigm are both tools and goals as values, and a context as moral attitudes. The response to the original question whether deliberative democracy is a goal, a tool or just a context, is its re-formulation. Deliberative democracy is thus an articulation of the desired goal of the organization of society as well as a route that optimizes the development of society and this last but not least, it is the context that is definable per se and has distinctive characteristics which are a precondition for the positive development of society.

At this point, we can conclude this part of contemplations about deliberative democracy. Its continuation will be the concretization of how deliberative democracy might look in practice. It concerns a number of aspects, ranging from the motivation for deliberation (described by e.g. James 2004, Dryzek 2002, Cohen and Arato 1992, Warren 1999, Gundersen 2000, etc.) to the demands on the individual who is expected to join deliberation (see e.g. Talisse 2005) and the demands on institutions in which deliberation should take place (see e.g. Gundersen 2000), to barriers to deliberation that can be of different character—e.g. psychological or sociological barriers (see e.g. Gundersen 2000), and, ultimately, the summing up of what empirical research offers (unfortunately sporadically) for a better understanding of the mechanisms and effects of deliberation in practice (see e.g. Reykowski 2006).

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⁶ Disclosing oneself or dialogue chiefly characterized by self-opening, addressed interest in another one and involvement according to Giddens (1992) or Machovec (2006), is not only a mental competence, but also an expression of certain psychological ripeness of an individual and is, in addition to inspiring work, “the most challenging demand of humanization—both its goal and tool (Machovec, *ibid.*, 89).

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