

THE LIBERAL AND THE DELIBERATIVE DEMOCRACY¹

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Abstract. This study has in view the qualities and the deficiencies of two dominant patterns in the contemporary theory of democracy: the liberal pattern and the deliberative one. The liberal pattern has got as finality the rational individual who possesses rights. The deliberative pattern has got as finality the social participation and cooperation between individuals. Although both patterns have been criticized because of their constituent structure, a cooperation between their ideas can be the great advantage of the theory of democracy at the beginning of the third millennium.

Key words: democracy, liberalism, rational deliberation, epistemic patterns.

WHAT CAN DEMOCRACY BE?

Democracy is a beautiful word. Therefore, one of the most provocative questions met in the political theory is that raised by Giovanni Sartori at the beginning of his classical treatise, *The Theory of Democracy* (G. Sartori, 1999, 31): “Can democracy be anything?”. That is a sad question, that, actually, shouldn’t exist. And the fact that one of the most important theorists of democracy opens his book with this question, tells us a lot about the ambiguous status of contemporary democracy.

That makes, although democracy is the dominant contemporary political discourse, to be a big mystery for a great part of those that embrace this theory – not to talk about the enemies of this political theory. All the definitions you can find in a dictionary seem to clarify the matter, as, for example, *The Blackwell Encyclopaedia Of Political Thought* does: “Ancient political term, with its original meaning – in Classical Athens, of people’s rule, *demos’ rule*” (D. Miller, 2000, 153)³. But even this simple definition raises major questions.

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³ The definition goes on as follows: “in current use it may refer to the popular leading or the popular sovereignty, to the representative government or to a direct participative government, even to the republican or constitutional government, in conclusion, to the government according to law.” A Romanian dictionary defines democracy as follows: “Democracy is that political order and manner of operation of the political system that realizes the right of the people to govern itself. The nucleus of democracy is the principle of the sovereignty of people, that means that the government process can be legitimate only by the will of the governed” (S. Tamaș, 1996, 79).

Let us analyse carefully the first question that should be taken into account: why the authors of the most known political encyclopaedia in the world needed that, beside the people's rule to mention *the demos*' rule? In other words, is there no identity between terms as "people" and "demos"? Well, this suggestion must be clarified: there is no identity between the contemporary acception of the term of "people" and its equivalent from the Athenian ancient times. And that is simply because the Athenian *demos* was unique, small in number and with much fewer individuals than we now understand to be the members of the people. More than this, we must keep in view that, in contrast with contemporary thinking, the political vision of the ancient philosopher was limited to the walls of the city, the discourse about power coming behind the reality of the city, that city – none specific – that almost always was at war with another city. From this point of view, it is important to say that, in the great number of wars in the Ancient Greek, there never was a peace treaty, but only armistices.

We are talking here of an unique case, but the singularity of the Athenian democracy is not an advantage for it. Being unique, it was fragile, too. Being fragile, it destroyed itself. One of the reasons for this was the fact that the *demos* was fragile, leaving outside the women, the slaves and the foreigners. In Athens before the Peloponesiac War, the power of the people was so much different from what we understand by it now!

Sartori identifies at least six interpretations of the term of "people":

1. "The people means, literally, *everybody*.
2. People means a major indeterminate part, *the great part of the masses*.
3. People means *the lower classes*.
4. People as an indivisible entity, *as an organic whole*.
5. People as the great part expressed by *the principle of absolute majority*.
6. People as the great part expressed by *the principle of limited majority*" (G. Sartori, 1999, 46).

In these circumstances, the definition, that is so beautiful, of the American president Abraham Lincoln who says "the democracy is the power of the people, through the people, for the people" runs the risk of remaining just an attractive sentence but with no help for us to understand the real meaning of democracy.

We move in an ambiguous conceptual frame just because the basic terms of the discourse are really vague. The linguistic ambiguity and, more recently, the cultural relativism made no more but to weaken the democratic discourse, because in the period when The Cold War came to a head in the second part of the 20th century, nothing was more mentioned than democracy and nothing was more violated than it. All these being said, it is a logical conclusion that the term of "democracy" can't support itself. Because of this, the discussion about democracy

ends here and the discussion about liberal democracy begins. And the liberal democracy has to answer to the eternal provocation between liberty and equality. It has been observed that when someone wants to give anteriority to liberalism in comparison with democracy, talks more about liberty, and when someone talks about the priority of democracy, talks more about equality. We can talk very well about the fact that the purpose of the liberal democracy is to join liberty with equality. In democracies, the ideal is to get equal liberties for all the citizens. In the same time, talking about liberalism and democracy, the relations between these two terms cannot be reduced just by references to the concepts of liberty and equality. Another important concept in the discourse about the theory of democracy is that of “power”. In this case, too, we cannot talk about a superposition of the approaches: democracy is just a discourse about a certain organisation of power, and liberalism aims strictly to the limitation of power. But, in the same time, we can say that the liberal democracy is that kind of discourse about the political power that aims to the limitation of this⁴.

The misunderstanding of the term of democracy and the often use of it with meanings that flagrantly contradict any honest interpretation, make no more than to help us to become conscious of several things. But, if by all we have written by now we may conclude that democracy is a confused term and denotive deceiver, it does not mean that we have to stop here. In fact, we can complicate the problem by a simple observation, that is hard, if not impossible, to find a democratic reality to correspond to the democratic theory. In other words, the problem refers not only to the significance of the word, but to what it says and succeeds to transmit in reality. Because there is, by far, no direct connection between theory and practice, Robert Dahl does not hesitate to initiate a new term, “poliarchy”, just meaning the real democracies (R. Dahl, 2000). But the solution proposed by Dahl does not solve the problem. Although his approach is capital in understanding the contemporary democracy, what it has in view is reduced to the pragmatic reality, to the description of this. But this is not enough, because one must have in view beside *the description* of a state of fact its *prescription*, too. “A democratic system sets up as a result to the ethics pressures. What democracy *is* cannot be separated from what democracy *should be*. A democracy exists only if its ideals and values bring it to life” (Sartori, 1999, 34). Obviously, these affirmations are not exclusively true just for democracy. Any political system stands due to its ideals. Democracy is different from any political system not only due to its dynamic ideals, as Sartory concideres (Sartori, 1999, 34), but, first of all, due to the value of the promoted ideals and to the answer that, implicitly, it gives to the question

⁴ Let us not make illusions: freedom never had a privileged position, not only in the political practice, but in theory, too, and that fact made Claude Lefort to reach to a sad conclusion: “Freedom, the simple word..., is usually banished from scientific language or relegated to the vernacular” (C. Lefort, 1988, 9).

“what is man?”. Because democracy does not promote just liberty and equality among human beings, but their independence, opening to what is new, it speaks about the ability of coming to rational decisions, about progress, about adaptation, and about success, too. And this because a simple analysis from a historical perspective makes the assertion that says that the democratic societies are the most developed ones to be a truism⁵. We live in the age of democracy, or, at least, things look like this, but, unfortunately, even if this assertion is true, we do not really know what democracy is, and, probably, we’ll never know. And because of this, more than ever, we really must know what to ask from democracy, in other words, we have to know what democracy must be, because, as Sartori observes, too “democracy is a result of, and it is made of the interaction among ideals and realities, by the pressure of *must* and the resistance of *is*” (Sartori, 1999, 35).

From the angle of what it has been said by now, *an* ideal of democracy is delimited by the following exigences:

- The guarantee of the fundamental rights of the human being (a fair relation between rights and liberties, between obligations and duties, between liberty and responsibility);
 - The sovereignty of the people;
 - The government is made with the agreement of the governed;
 - The reign of the majority;
 - The rights of the minorities;
- The existence of a legislative frame (to stipulate the fundamental rights and liberties of the human being, to stipulate the equality in rights of all the citizens, but, especially, the entire possession and the entire power of expression and application of these rights);
 - Free and equitable elections (the existence of a political mechanism to assure the proper conditions for free practising of all citizens of the right of election and the right of being elected: universal vote, secret and direct vote);
 - Rule of law;
 - Constitutional limitation of the power of the governors;
 - Social, economical and political pluralism as a *sine qua non* condition of democracy;
- Separation of the power in state (the legislature, the executive power and the judicial power) being a necessity and a guarantee against the setting up of totalitarianism;
 - The respecting of the values of tolerance, pragmatism, cooperation and compromise;

⁵ David Held has special contributions regarding the understanding of democracy in contemporary reality, in his *Modele ale democrației* (D. Held a, 2000) și *Democrația și ordinea globală*, translated by Florin Șlapac and Gabriela Inea (D. Held b, 2000).

- The right of free political and professional organization;
- The existence of a free mass-media (some political scientists consider the press to be “the fourth power in state “);
- The organization and the democratic leading of the society to include all the fields of the social life;

Although what has been written above is the expression of a thinking line that begins with Aristotle and ends in the greatest universities of the contemporary world, that after they have been shaped and refined in hundreds of years of political and philosophical reflections, such a great number of pretensions referring to democracy may raise reproaches as: “how can someone really know what to ask from a political system called democracy?”. Maybe accidently, contemporary democracy became so strong only when it began to talk about human rights. Before modern democracy, by liberal inspiration, any other political system was relatively simple: one man, or a small group of persons had rights that were privileges in comparison with the great number of human beings in a society. The tension was highest between the minority with rights and the majority with no rights. A real revolution did not happen only in the moment when an angry group of people pulled down Bastilia, but, especially, in the moments when in the countries from Europe and Northern America anyone who was not man, white and Christian (eventually Protestant) gained the right of election. In other words, plainly talking, democracy is simply an answer – so far, the best answer for the only reason that, at least formally, it takes the wishes of a large group of people into account – to the oldest political problem inside the human communities, that of the relation between the people that rule and the people that are being ruled. The fact that democracy is still the dominant discourse in the political field, shows that its solutions are the best that can be imagined by the humanity (I underline the fact that is not the best thing for the mankind). What is almost never mentioned is that democracy – especially the modern one with liberal roots – has got a historical sense as no other political system has got in the entire history. That is from a simple reason, that of the most important political agent in democracy – the individual – has a perpetual dynamics by the simple size of a population of a democracy.

The fact that, more or less, the individual, meaning me, you, the reader, and our friends decide from time to time a certain political direction, and we all are so different, makes, anyway, that even in the most uninspired moments, democracy will take political decisions at least as good as those of the best (from any point of view) non-democratic political systems. After all, that means that the value of democracy is given, first of all by quantity and not by quality. But, the fact that this quantity turns into quality, somehow in the sense of those said by Marx, makes democracy to be viable and unique. The fact that democracy changes as long as its citizens change or transform make it to be the most malleable and most capable to answer to the complex problems of the third millenium.

Let us make no illusions: democracy is not by far the best one from the possible worlds. Probably the man can do more. But we can not know it. After all, democracy is the most obvious proof of the human imperfection. Many of those that are really democrats seem to expect too much from democracy. But democracy is not as perfect and as open as some would like to be. And so it must be because democracy is the only political system that does not aim to perfection and, more than this, it does not believe in absolute truths.

THE RATIONAL DELIBERATION AND THE DEMOCRATIC IDEAL

The last decades have brought deep dissatisfactions regarding the liberal pattern of democracy. There could be taken into account two major causes that made the western academical thinkers to make a big change of direction (J. Dryzek, 2000, V) in the theory of democracy: the constitutionalism and the proceduralism of the liberal democracy.

Constitutionalism refers to the fact that the liberal democracy prefers to take out of discussion from the political agenda some subjects (as the problem of rights, for example) and to situate them into an immutable and inaccessible place, but most of all, an overprotective one: the constitution. Consequently, any major problem that occurs inside a society can be solved only on juridical way: if you disagree with a certain procedure of the state, you have to prove that it violates some constitutional principles. The dissatisfaction comes from the fact that this removal of the discussions about the fundamental problems of a society from the ultimate reality in the juridical sphere moves away the citizen from the factors of decision, and this is unacceptable for any theory or practice of democracy.

Proceduralism simply proposes a set of rules that are necessary and ultimate inside the political game. The election system, the separation of the power in state, the balance of the power are some of these rules. As soon as all the rules are settled down and accepted by the citizens, the entire politics is no more than a game of advantage and negotiation regarding the choices and the interests of the citizen⁶. A serious reproach brought to this pattern refers to the fact that the major problems inside a society are not solved by vote because this system makes no more than to come off victorious a certain group of citizens. Moreover, proceduralism has an intrinsic defect: a certain procedure does not appear naturally and objectively, but it is the materialization of a set of values. Because of this, the respective procedure will favour the conflict part that has the values that are more similar to those of the respective procedure.

⁶ "Democracy is that institutional arrangement to reach to that political decisions by which individuals get the power of decision by the means of competitive struggle so that they should gain the vote of the people" (J. Schumpeter, 1943, 263).

In these circumstances, a new tendency was outlined, a tendency that “grew out of a long-standing interest in the capacity of ordinary people to order their own lives, and the lack of opportunities for them to exercise that capacity in the political arena in modern democracies” (J. Parkinson, 2006, VIII). And so, deliberative democracy⁷ becomes the dominant discourse of the last two decades, benefiting by John Rawls’ contribution that does not hesitate to name himself, in *Political Liberalism* (J. Rawls, 2006), a deliberative theorist, or benefiting by Habermas’ contribution whose pattern of “discursive democracy” (J. Habermas, 1996) will be taken over as a theoretical basis by a lot of thinkers that embrace the deliberative pattern. Benefiting by a term invented in 1980, “around 1990 the theory of democracy took a definite deliberative turn. Prior to that turn, the democratic ideal was seen mainly in terms of aggregation of preferences or interests into collective decisions through devices such as voting and representation” (J. Dryzek, 2000, V)⁸, and the bibliography dedicated to this subject reached to bigger and bigger proportions.

Rational deliberation is, undoubtedly, one of the most promising values of the contemporary democratic theory (J.L. Marti, 2006), and, because of this, it is one of the most attractive theory. And this attraction also comes from the fact that deliberation excludes a lot of undesirable things in a democracy, such as elitism, and protects the values of the ordinary people. Because every opinion is taken into account and because each person can participate to the political decisions that concerns him or her, the deliberative pattern of democracy favours the development of the civic sense, the participation and the independence of the individual⁹. Another very important thing is that the deliberation excludes irrationality from the democratic space. Thus, showing their confidence in rational arguments, the theorists of the deliberative democracy see the political discourse like a scientific one where assumptions, arguments and conclusions follow the same guiding lines of rationality, clarity and coherence. Moreover, the deliberation improves the argumentative solidity of the political convictions.

And the qualities of this pattern do not end here. The rational deliberation has a number of intrinsic qualities that cannot be ignored:

⁷ “Most fundamentally, deliberative democracy affirms the need to justify decisions made by citizens and their representatives” (A. Gutman, D. Thompson, 2004, 3).

⁸ See also „The essence of democracy itself is now widely taken to be deliberation, as opposed to voting, interest aggregation, constitutional rights, or even self-government. The deliberative turn represents a renewed concern with the authenticity of democracy: the degree to which democratic control is substantive rather than symbolic, and engaged by competent citizens”, *Ibidem*, 1.

⁹ “The conception consists of three principles: reciprocity, publicity, and accountability; that regulate the process of politics, and three others: basic liberty, basic opportunity, and fair opportunity – that govern the content of policies.” (A. Gutman, D. Thompson, 1997, 12).

- it goes to the increasing of the amount of information and to its quality;
- it obliges to a deep process of reflection over the utilized arguments;
- it requests the existence of a process of learning of democratic and epistemic values, of the experiences and motives belonging to the other participators in dialog;
- it increases the degree of responsibility and the opening to agreement (J. Elster, 1998, 11).

In the process of deliberation, having in view to convince the others by the means of the solidity and firmness of your arguments, first of all, you must listen to their arguments, you must understand and honestly accept their value. Consequently, in the process of rational deliberation the values, the interests, the individual “truths”, frequently outlined from the perspective of a selfish vision, are transformed by the action of the best argument towards a positive action to aim to a general interest that really reflects political participation.

Following Habermas, we must underline the fact that there is a moral theory as a basis of normative validity of the decisions acquired in a process of rational deliberacy. That person that starts from the idea that he has to use rational means of persuasion will implicitly believe that the rational argument will be the only instrument of persuasion, a priori excluding force, coercion or manipulation from the space of the common living. In other words, the process of rational deliberation presumes a equality of positions in society, that deriving from the symmetry of positions in dialogue. Starting from these considerations, Habermas builds up a theory focussed on the following principle: in society, rules have moral validity only and if only they are discursively built up as a result of a deliberative process that must follow some conditions:

- anyone can bring any assertion in dialogue;
- anyone can contest any assertion;
- no one can be prevented from practising the rights mentioned above (J. Habermas, 1991, 89).

Starting from these conditions, a principle can be created to outline the defining note of the theory of deliberative democracy: democratic decisions have normative validity only and if only they are the result of a deliberative process of rational argumentation that respects following procedures:

- there are no restrictions of any nature regarding the implications in the process of democratic deliberation;
- anyone can express any rational argued opinion and, he also can contest, by rational arguments, any other opinion;
- there is no coercion, neither inside nor outside, regarding the deliberative process, excepting the coercion of the best rational argument¹⁰.

¹⁰ Also see Seyla Benhabib, “Toward a Deliberative Model of Democratic Legitimacy” (S. Benhabib, 1996, 70).

Moreover, and perhaps this is the most important thing, rational deliberation offers a new type of justification to the democratic process: the rational justification of participation. For the first time after thousands of years distance from the Athenian democracy, the idea of participation gets major meaning in democracy, trying to equal the contribution of representation.

The qualities of the deliberative pattern do not end here¹¹. Beyond this, all these qualities apply to an ideal, and the important debates appear in the moment when someone tries to put into democratic practice the ideal principles.

Daniel Bell observes, not without a little bit of irony:

„The most influential political philosophers today divide their work into two tasks. The first task is to present and rigorously defend morally desirable political principles, and the second is to think about how to implement them. Quite often, the first task proves to be overwhelming, and it is left to others to think about feasibility. The problem, of course, is that the political principles often prove to be useless or counterproductive in practice, which undermines the first task. One might have thought that the political principles themselves should be assessed partly by the extent to which they can be usefully implemented in practice, but philosophical purists seem to worry about the possible implication that there may not be one unique, universally applicable, and eternally valid set of political principles” (in S. Macedo, 1999, 70).

That makes the implementation of the deliberative pattern to rise enough major problems. And because of this, rational deliberation supposes a series of necessary preconditions:

- “a relatively fair distribution of resources,
- a sense of community and trust between participants,
- and, more controversially, a political culture that values decision-making by intellectual elites” (in S. Macedo, 1999, 71).

And John Rawls, on the other hand, will talk about the necessity of three essential elements so that the deliberative democracy should function:

¹¹ “Deliberation here describes a particular way of thinking: quiet, reflective, open to a wide range of evidence, respectful of different views. It is a rational process of weighing the available data, considering alternative possibilities, arguing about relevance and worthiness, and then choosing the best policy or person.”, Michael Walzer, “Deliberation, and What Else?” (S. Macedo, 1999, 58). Also, deliberation “contributes to the legitimacy of decisions made under conditions of scarcity”; encourages citizens “to take a broader perspective on questions of public policy than they might otherwise take”; clarifies “the nature of a moral conflict, helping to distinguish among the moral, the amoral, and the immoral, and between compatible and incompatible values”; and, “compared to other methods of decisionmaking[,] increases the chances of arriving at justifiable policies”, (A. Gutman, D. Thompson, 1997, 41-3); “...public deliberation generally improves the quality of legislation by enhancing citizens’ understanding of their society and of the moral principles that ought to regulate it”, Thomas Christiano, “The Significance of Public Deliberation” (J. Bohman and W. Rehg, 1997, 244).

- „a framework of constitutional democratic institutions that specifies the setting for deliberative legislative bodies”;
- „public reason”;
- and “the knowledge and desire on the part of citizens generally to follow public reason” (J. Rawls, 1997, 772).

The fact that the deliberative pattern presumes so many conditions in order to function, leads us to two different conclusions. First would be that the democracy, generally, needs a series of conditions, and that makes us believe that it is the most complicated and hard keeping political system. If deliberation brings more complications, the second conclusion is that the deliberative democracy is a step almost impossible to put into practice. In this context, we must remember the warning, old of thousands of years, from the VIth book of *The Republic* (Plato, 1986, 281-293): it says that in a place where the multitude of the political opinions dominate, the result is not the coherence of the political action, but its chaos, and the ultimate beneficiary of the democratic action, the citizen, does not gain anything, on the contrary, he is the mai loser.

ONE POLITICAL PATTERN, TWO EPISTEMIC PATTERNS

Referring to the liberal pattern, the deliberative democracy is no more than the expression of the new epistemic vision regarding the politics that dominates the theory of democracy in the last decades. If for the builders of the liberal theory of democracy, their trust in it was connected with its legitimation by standards of rationality or moral systems external to its forms of manifestation, the deliberative theory proposes “a weak” epistemic pattern of democracy. Thus, in the deliberative vision, for example, democracy does not have to and it cannot relate to concepts as “history”, “human nature” or “good”, but it may relate only to alternative political patterns. In other words, the democratic pattern is not intrinsic to the human nature and to its becoming and so, it is not universal, but it is a contextual discourse, pragmatically validated.

To sum up: liberal democracy, the theoretical pattern that imposed the preponderance of the rule of law by the end of the 19th century, although it is a concept with positive valencies it does not succeed to carry out its main objective – to argue that it is justified by something that exists beyond it (E. Huzum, 2006 a, 18-49; 2006 b, 398-427; 2008, 205-240). On the other hand, deliberative democracy, the dominant discourse of the theory of democracy in the last two decades, discourse dominated by high aspirations among which maybe the most important is to remodel the participation of the citizen in political affairs, does not succeed, but in a small extent, to put all these ideals into practice. In other words, we have a theoretical pattern that dominated the last two centuries of theory of democracy and a theoretical pattern that dominated the last two decades, and both

of them, in a certain interpretation, seem to be unable to carry out their most important objectives, the universality – on one side, and the participation – on the other side.

But there is nothing gloomy in this situation. Liberal democracy is not just an unfulfilled foundationist discourse, such as deliberative democracy is not just a pattern that is impossible to put into practice. Both of them are different types of the same discourse. One side of the discourse, that of liberal democracy, has got as final purpose the interest of the individual, seen as rational human being who posses rights, no matter if these rights “are offered” by an infallible argumentative line, by “a mythology” or by a social, political and historical favourable context. The other side, perhaps more advanced, that of deliberative democracy, has got as final purpose to find “fair terms of social cooperation” (A. Gutman, D. Thompson, 1997, 79), but this fair social cooperation is possible only if the fundamental rights are recognised and protected.

In other words, at the beginning of the third millenium, the cooperation between the complementary visions of the two theoretical patterns is the only chance that democracy should answer to present provocations. The recognition of the human being as a finality of the political step – the liberal vision –, adding the revival of the participation by rational deliberation, consequence of the deliberative vision, are elements that must be taken over in a real viable democratic pattern.

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