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Dewey's Theory of Moral (and Political) Deliberation Unfiltered

Shane J. Ralston

Abstract

In this paper, I argue that many recent interpretations of John Dewey's vision of democracy distort that vision by filtering it through the prism of contemporary deliberative democratic theories. An earlier attempt to defend Dewey's theory of moral deliberation is instructive for understanding the nature and function of this filter. In James Gouinlock's essay "Dewey's Theory of Moral Deliberation," he argues that Morton White and Charles L. Stevenson's criticisms of John Dewey's ethical theory are based upon fundamental misinterpretations of Dewey's theory of moral deliberation. In the spirit of Gouinlock's 1978 essay, I show how this historical debate relates to a claim of political philosophers and political theorists that is currently in vogue, namely, that Dewey's writings contain a nascent theory of deliberative democracy. Deliberative democratic theorists contend that deliberation is *the* group activity that transforms individual preferences and behavior into mutual understanding, agreement, and collective action. Once Dewey's vision of democracy is identified with this theory of deliberative democracy, the strategic question for Deweyans arises: If Deweyan democracy is identified too closely with deliberative democracy, will Dewey scholars risk making Dewey's democratic vision an outmoded approach to theorizing about democracy in the wake of an expired deliberative turn? One way to see our way clear of this strategic question is to remove the deliberative democracy filter and appreciate Dewey's vision of democracy as a unique and free-standing contribution to democratic theory.

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> The ballot is, as often said, a substitute for bullets. But what is more significant is that counting of heads compels prior recourse to methods of discussion, consultation and persuasion, while the essence of appeal to force is to cut short resort to such methods. Majority rule, just as majority rule, is as foolish as its critics charge it with being. But it never is merely majority rule.

> —John Dewey, *The Public and Its Problems*

> There have been two distinguished critics who declare great admiration for Dewey's work and yet are constrained to say they find it essentially defective. Both Morton White and Charles L. Stevenson have reluctantly judged that Dewey's ethical theory fails at decisive points.

> —James Gouinlock, "Dewey's Theory of Moral Deliberation"

In this paper, I argue that many recent interpretations of John Dewey's vision of democracy distort that vision by filtering it through the prism of contemporary deliberative democratic theories. An earlier attempt to defend Dewey's theory of moral deliberation is instructive for understanding the nature and function of this filter. In James Gouinlock's essay "Dewey's Theory of Moral Deliberation," he argues that Morton White and Charles L. Stevenson's criticisms of John Dewey's ethical theory are based upon fundamental misinterpretations of Dewey's theory of moral deliberation. In the spirit of Gouinlock's 1978 essay, I show how this historical debate relates to a claim of political philosophers and political theorists that is currently in vogue, namely, that Dewey's writings contain a nascent theory of deliberative democracy. Deliberative democratic theorists contend that deliberation is *the* group activity that transforms individual preferences and behavior into mutual understanding, agreement, and collective action. Once Dewey's vision of democracy is identified with this theory of deliberative democracy, the strategic question for Deweyans arises: If Deweyan democracy is identified too closely with deliberative democracy, will Dewey scholars risk making Dewey's democratic vision an outmoded approach to theorizing about democracy in the wake of an expired deliberative turn? One way to see our way clear of this strategic question is to remove the deliberative democracy filter and appreciate Dewey's vision of democracy as a unique and free-standing contribution to democratic theory.

The paper is organized into four sections. In the first section, I summarize the positions of those scholars who defend the view that John Dewey was a proto-deliberative democrat, in effect anticipating the deliberative turn in democratic theory. The second section examines Gouinlock's thesis that despite White and Stevenson's mistaken accounts, Dewey offered a distinctive and insightful way of understanding moral judgment. In the third section, my analysis reveals the politi-

cal dimension of Dewey's theory of moral deliberation as articulated by Gouinlock and more recently by theorists identifying Dewey's vision of democracy with deliberative democracy. The fourth and concluding section explores the lesson that my analysis imparts to commentators enamored with the idea that Dewey's vision of democracy is essentially deliberative: namely, that it is a good idea to remove the deliberative democracy filter and see Dewey's democratic vision in its own light, unfiltered.

Dewey, a Deliberative Democrat?

Over the past decade, the claim that John Dewey was a deliberative democrat or a proto-deliberative democrat has become increasingly common in both the literature on deliberative democracy and classical American Pragmatism. Among deliberative democrats, John Dryzek acknowledges that "an emphasis on deliberation is not entirely new," and points to "[a]ntecedents" in the ancient Greeks, Edmund Burke, John Stuart Mill and "in theorists from the early twentieth century such as John Dewey."[1] Likewise, deliberative theorists Amy Gutmann and Dennis Thompson note that "[i]n the writings of John Dewey . . . we finally find unequivocal declarations of the need for political discussion . . . [and] widespread deliberations as part of democracy."[2] Deliberative democrat Jürgen Habermas invokes John Dewey's argument that genuine democratic choice cannot be realized by majority voting alone, but must also be complemented by deliberation—or in Dewey's words, "prior recourse to methods of discussion, consultation and persuasion."[3] Jane Mansbridge and John Gastil have taken these Dewey-inspired theories of deliberative democracy a step further, employing them to study the actual phenomenon of deliberation in institutionalized forums and small groups.[4] Still, while the general idea can be traced back to John Dewey, the name "deliberative democracy" has a fairly recent origin. With genealogical precision, James Bohman pinpoints "its recent incarnation" in the work of the political scientist "Joseph Bessette, who [in 1980] coined it to oppose the elitist and 'aristocratic' interpretation of the American Constitution."[5]

Among Dewey scholars, the coronation of Dewey as a nascent deliberative democrat has been comparatively slower. One remarkable conversion was signaled by Dewey biographer Robert Westbrook's admission that Dewey's democratic vision resembles deliberative democracy more than participatory democracy. Writing after the publication of his widely heralded Dewey biography, he confesses:

> I think we might say that Dewey was anticipating an ideal that contemporary democratic theorists have dubbed "deliberative democracy." Indeed, I wish this term was in the air when I was writing *John Dewey and American Democracy*, for I think it captures Dewey's procedural ideals better than the term I used, "participatory democracy," since it suggests something of the character of the participation involved in democratic associations.[6]

In other words, Dewey developed an ideal of intelligent social action that outstripped the ideal of participatory politics. While Westbrook saw the mass politics

and direct action of grassroots groups in the 1960s (for instance, the Students for a Democratic Society) as distinctly Deweyan, he later revises his view. Even more than participatory democracy, Dewey's democratic vision resembles the deliberative strain of democratic theory. Why? If we follow Joshua Cohen's definition of deliberative democracy (as Westbrook does), that is, an association for coordinating action through norm-governed discussion, then deliberative democracy appears surprisingly similar to Dewey's vision of democracy. In Dewey's *The Public and Its Problems*, democratic methods encompass communication and collaborative inquiry undertaken by citizens within a community and against a rich background of supportive institutions.[7] Through the social activity of appraisal or evaluation, private preferences, or what Dewey terms "prizings" (i.e., what is subjectively valued or desired), are converted into publicly shared values (i.e., what is objectively valuable or desirable).[8] Similarly, deliberative democrats model deliberation as a communicative process for resolving collective problems that depends on converting individual ends and preferences into shared objectives and values. For instance, deliberation-friendly political theorist Ian Shapiro claims that "[t]he unifying impulse motivating [deliberation] is that people will modify their perceptions of what society should do in the course of discussing this with others."[9]

Finally, a new generation of Dewey scholars has begun to enthusiastically endorse the proposition that Dewey anticipated the deliberative turn in democratic theory. Some locate the source of Dewey's ideas about democratic deliberation in his books and articles on politics, while others see a closer connection to his works on ethics.[10] Three of the more prominent scholars in this group, Melvin Rogers, Noëlle McAfee, and William Caspary, explicitly tie what they see as Dewey's nascent theory of democratic deliberation to operative concepts in his logical, political, and ethical writings. Rogers detects the connection between Dewey and deliberative democratic theory in his logic of inquiry: "It is Dewey's appeal to inquiry s a method for justifying beliefs that feeds directly into and underwrites [the legitimacy of] democratic deliberation."[11] For McAfee, it is not Dewey's logic, but his notion of publicity that emerges in *The Public and Its Problems*. "Dewey's emphasis on publicness" and "public discourse" clarifies "how a given policy would or would not satisfy their [i.e., the discoursing citizens'] own concerns, values, and ends— including the value they place on the welfare of the community itself."[12] Publicness for Dewey resembles the contemporary deliberative democrat's full-blooded sense of public deliberation, that is, discourse intended to transform individual perspectives and goals into shared ideals and public values.

For Dewey, ethical deliberation pertains to moral judgment, choice, and action. In *Human Nature and Conduct*, he defines ethical deliberation as "a dramatic rehearsal (in imagination) of various competing lines of action."[13] To deliberate, the moral agent must, first, temporarily disengage the engine of action; then, imagine the possible consequences, good or bad, of "various competing lines of action" (i.e., rehearsing them); and, lastly, decide on the best, or most morally defensible, course of action given the rehearsal of possibilities.[14] Even though deliberation

for Dewey is a way of addressing moral problems, on Westbrook's account, it also represents a method for confronting social and political problems: "Dewey's goal [in offering a theory of ethical deliberation] is to move toward an account of public deliberation on issues of society-wide concern."[15] As we shall see, the connection that Westbrook draws between political and ethical deliberation was made many years earlier by James Gouinlock in his groundbreaking essay, "Dewey's Theory of Moral Deliberation."

Gouinlock on Dewey's Ethical Theory

Gouinlock opens his essay with a series of reflections on Dewey's legacy for American philosophy. He draws attention to the American pragmatist's popularity in academic and nonacademic circles up until the late 1940s, when "[h]is ideas were thought to be morally enlightened, innovative, and a basis for further development," followed by his loss of "reputation" after his death in 1952. In the intervening years, many professional philosophers became enamored with linguistic analysis in Anglo-American philosophy, and unfortunately the linguistic turn was not seen as encompassing Dewey's Pragmatism.[16] While two prominent analytic philosophers, Morton White and Charles L. Stevenson, acknowledge their indebtedness to Dewey and his written legacy, they claim that his ethical theory is, in Gouinlock's words, "essentially defective."[17]

In Gouinlock's essay, he begins by demonstrating that White's critique of Dewey's ethical theory is misconceived. White directs his attention to Dewey's distinction between "desired" and "desirable."[18] Rather than appreciate "desirable" as Dewey does, that is, as the moral quality of a situation which is open to "question,"[19] White interprets "desirable" as a good that "should be desired," "imposes a duty" or "is desirable under typical circumstances." However, in Dewey's view, a good being desired does not settle the issue of whether it is desirable; rather, it invites further inquiry. Consequently, White challenges a claim Dewey never made, namely, that desiring a good operationalizes its normative value, providing a formula for making a thing desired universally desirable.[20] In White's estimation, Dewey attempted to close Hume's fork, or the cleavage between descriptive and normative statements, and ultimately failed. Gouinlock responds to White: "[T]he assumption that Dewey was working on the 'is/ought' problem is simply gratuitous."[21] Instead, he was concerned with how inquiry transforms a disrupted situation into a unified one, from a situation fraught with difficulty to one that is enjoyable, from a situation in which goods are merely desired to one where the goods are reflectively determined to be desirable. According to Gouinlock, "'desirable' [for Dewey] means 'that which will convert the situation from problematic to consummatory'" in a process that Dewey designates as "moral judgment."[22]

For Dewey, the method of ethical inquiry, or moral judgment, loosely resembles the pattern of experimental inquiry in positive science: 1) identifying a problem, 2) forming a hypothesis, 3) working out the implications of the hypothesis, and 4) testing the hypothesis.[23] With respect to their differences, ethical inquiry

and scientific inquiry have separate objectives: improving value judgments and explaining phenomena, respectively.[24] "[T]he moral phase of the problem," Dewey notes, is just "the question of values and ends."[25] Values direct choice and action when existing habits prove unhelpful or obstructive to good conduct. Individuals test their value judgments in lived experience, by 1) acting in accordance with them, 2) observing the outcomes, and 3) evaluating the degree to which they are acceptable.[26] Value judgments can be assessed naturalistically, that is, in terms of whether they cultivate intelligent habits of ethical conduct—habits that make humans better adapted to their natural and social environment.[27] They can also be assessed instrumentally, that is, in terms of their efficacy or success in achieving favored ends. Finally, they can be evaluated conventionally, that is, by recourse to widely approved or potentially approvable community standards.[28] In sum, pragmatist ethics for Dewey is a form of experimental inquiry, or method, a way improving our value judgments relative to naturalistic, instrumental, and conventional criteria of acceptability.

Moving to Stevenson, Gouinlock considers the meta-ethicist's two objections to Dewey's ethical theory: 1) its account of moral choice is too individualistic, or *not* intersubjective enough, to permit genuine moral dialogue and 2) the vocabulary in which the theory is framed represents a radical form of subjectivism. These objections rely on the faulty assumption that Dewey's theory of moral deliberation is wholly monological, or an individual process of choice, rather than dialogical, or a shared process of discussion and decision making.[29] Although Gouinlock neglects to discuss the details of Stevenson's ethical theory, evaluating the two objections begs for a short excursus on his response to the cognitivist's challenge to noncognitivism. In *Facts and Value*, Stevenson identifies a tension between beliefs and attitudes as factors in explaining moral conflicts.[30] Disagreements of belief depend on differences of opinion concerning facts, such as medical practitioners disagreeing about the causes of a patient's sickness or acquaintances disputing when they last saw each other. Disagreements in attitude, on the other hand, involve subjective dispositions to like or dislike, approve or disapprove, such as when two people disagree about where they would prefer to have dinner. "The difference between the two senses of 'disagreement,'" Stevenson claims, "is essentially this: the first [or disagreement in belief] involves an opposition of beliefs, both of which cannot be true, and the second [or disagreement in attitude] involves an opposition of attitudes, both of which cannot be satisfied."[31] While conflicts over values often encompass both disagreements in belief and attitude, "the distinguishing feature of ethical arguments" is that they predominantly involve disagreements in attitude.[32] Cognitivists assert that all moral preferences are matters of rational belief. Noncognitivists argue that, to the contrary, all such preferences are matters of subjective attitude (either directly or on some deflationary view).

However, if all moral disagreements reduce to differences in attitude (the noncognitivist's position), then it ultimately proves impossible for moral agents to engage in consensus-directed ethical discourse. Your view is yours; mine is mine;

each is contingent on our individual attitudes; there is no possibility of judging each other's position. Thus, the result of noncognitivism pushed to its extreme is radical subjectivism and, *a fortiori*, the denial of the possibility of ethical disagreement. The radical subjectivist concludes that since ethical statements are solely expressive of the speaker's attitude, they remain meaningful only for the speaker (i.e., ethical solipsism). Stevenson attempts to strike a compromise between the cognitivist and noncognitivist positions, thereby undermining the cognitivist's objection that noncognitivism leads to radical subjectivism. He argues that it is possible, though never guaranteed, that a moral agent's view, or value orientation, may change if she is exposed to previously unknown facts by her interlocutor. Realizing this possibility requires, first, alteration of a belief and, second, production of a consequent transformation in attitude.[33] Therefore, ethical disagreement and consensus-directed discourse are possible within Stevenson's emotivist theory. Nevertheless, for Stevenson, agreement at bottom demands a change in subjective attitude, not rational belief.

Dewey's ethical theory provides a more balanced account of moral experience than Stevenson's emotivist theory. Similar to Stevenson, Dewey refuses to grant an exclusive place to rationality in ethical choice (as cognitivists do). As he observes, "[w]e do not, any of us, think out all of our standards, weigh independently our values, make all our choices in a rational manner, or form our characters by following a clearly conceived purpose."[34] The experience of ethical inquiry begins with an affective response, or a felt difficulty, and involves a process of imaginative experimentation or dramatic rehearsal. Stevenson would have us believe that the troubled or doubtful feeling in the initial phase of inquiry and the dramatic rehearsal of ethical deliberation indicate for Dewey private psychological or mental states that are immune to rational scrutiny.[35] Yet, Dewey disputes this interpretation. The feeling of doubt and the drama of rehearsal are, instead, objective features of the situation. He writes: "The habit of disposing of the doubtful as if it belonged only to us rather than to the existential situation in which we are caught and implicated is . . . a mistake [because] a situation is [not] doubtful only in a 'subjective' sense."[36] Elsewhere he acknowledges that there is "no excuse for regarding desire and deliberation and decision as subjective phenomena."[37] So, Dewey's recognition of the emotional dimension of experience and inquiry should not be mistaken for an endorsement of thorough-going subjectivism, noncognitivism, or even an emotivist theory on par with Stevenson's. As Gouinlock notes, "whatever merit there may be in Dewey's ethical theory persists undiminished when it is rid of its ethical language [of emotions and values]."[38] Unfortunately, Stevenson's critique makes the illicit move of filtering Dewey's moral language of emotions and values through an alien meta-ethical position—a move similar to that made by recent commentators who see Dewey as advancing a deliberative theory of democracy.[39] Although I cannot explore it here, Stevenson was on comparatively firmer, though still somewhat shaky, ground when he disputed the relevance of scientific inquiry as a model for forming ethical judgments.[40] Unlike emotivism and subjectivism, inquiry and deliberation

are central features of Dewey's ethical theory. So, the upshot of Gouinlock's refutation is that Dewey's theory of moral deliberation should be appreciated without the subjectivist-emotivist filter, that is, on its own terms and unfiltered.

The Political Dimension

More than twenty years prior to William Caspary's similar move, Gouinlock highlighted the political dimension of Dewey's theory of moral deliberation. Gouinlock reports that even before Dewey wrote his major political works (*The Public and Its Problems, Liberalism and Social Action*, and *Freedom and Culture*), his "ethical theory [was] explicitly characterized as democratic."[41] Still, the question reemerges: Is his theory of moral deliberation deliberative in the same way as deliberative democratic theory? As stated above, Stevenson's critique depends on the assumption that moral deliberation is wholly monological. While some disagreement on moral matters is inevitable, Gouinlock contends that agreement "is possible in public affairs" only when we see moral deliberation as "public and social"—that is, dialogical.[42] Anticipating McAfee's thesis by over two decades, Gouinlock insists that the common thread between moral and social deliberation is publicness: "The method is social in that deliberation and consultation are public."[43] What Dewey offers in his theory of moral deliberation is a way of intelligently coordinating individual actions, forging shared moral values, and solving common problems. In Gouinlock's words, "As Dewey repeatedly insisted, social problems *are* moral problems, for they involve the conflict of values. Hence, democracy, or social intelligence, is moral method."[44] In other words, democracy as a way of life does not extend Dewey's method of ethical inquiry to social and political issues; rather, it presupposes that social and political issues are, to some extent, already moral issues. In striking contrast, some deliberative democrats' theories of deliberation extend moral argumentation into the political realm.[45]

Also a point of contrast with deliberative democrats, Dewey never employed the term "deliberation" when addressing political subject matter. Instead, terminology such as "communication" and "dialogue" took center stage. For instance, in *The Public and Its Problems*, Dewey writes: "Systematic and continuous inquiry . . . and its results are but tools after all. Their final actuality is accomplished in face-to-face relationships by means of direct give and take. Logic in its fulfillment recurs to the primitive sense of the word: dialogue."[46] Moreover, moral deliberation is not exhausted by dialogue, for as Dewey notes, only "[s]ome people deliberate by dialogue."[47] Other deliberators engage in visualization, imaginative agency, and imaginative commentary. Nevertheless, in seeking to resolve issues of political import, democratic citizens commonly engage in "communication"—a word that, Dewey reminds us, is intimately connected with community.[48] Despite the terminological shift, moral deliberation often pervades dialogue about politics because these communications involve the disclosure and clarification of personal preferences, or "prizings," as well as their conversion into shared moral values and ideals. To avoid foreclosing the many possible avenues for creating a democratic commu-

nity, Dewey did not lay out the particulars, a plan of action or a final destination in the struggle to institutionalize a better (or best) form of democracy—let alone, a deliberative democracy. According to Aaron Schutz, "Dewey resisted calls for him to develop a specific model of democratic government, arguing that it must look differently in different contexts."[49] In stark contrast, Francis Fukuyama declares that by the latter half of the twentieth century, "the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government" had been reached.[50]

Unfortunately, Dewey's vagueness about how to institutionalize democracy has given rise to a series of trenchant criticisms concerning the feasibility of his democratic ideal. In Alfonso Damico's reading, Deweyan democracy denotes many things: "It is a form of government, a set of procedures and freedoms for making the state responsible to the public, and a way of life, one marked by the spread of the 'intelligent' or 'scientific' attitude within all social institutions."[51] Political democracy for Dewey signifies the institutional phase of democratic governance, while democracy as an idea (or way of life) points to the conceptual or theoretical phase.[52] Richard Posner objects that Dewey overemphasizes the idea of democracy, and particularly the epistemic preconditions for a deliberatively democracy, while neglecting the practical difficulties of institutionalizing the idea. According to Posner, Dewey ignores "the variety and complexity of parties and interest groups, the variety and complexity of the issues that confront modern government, the political apathy and ignorance of the people" and opts instead for a utopian account of deliberative democracy modeled after an academic "faculty meeting."[53] Although more sympathetic than Posner, Marion Smiley doubts the practicality of Dewey's democratic ideal: "How, if at all, can pragmatists rely on experts to decide which methodologies are helpful to developing democratic institutions?"[54]

Rejoinders to both Posner's objection and Smiley's question can be teased out of the text of Dewey's *The Public and Its Problems*. Dewey's concept of public spirit expresses the idea that publics and experts, through mutual consultation and inquiry, can coordinate their plans and actions in the process of solving of common problems.[55] To Smiley, Dewey would respond that choosing methods for designing democratic institutions is not outside the purview of those tasks that publicly spirited citizen-expert partnerships could accomplish. In other words, expert-bureaucrats need not, and should not, make decisions about policy matters without consulting what Dewey terms a "public," that is, those citizens who stand to be affected by the policy decision.[56] Experts and citizens inquire and deliberate in collaboration, observing the problematic features of their common situation and seeking to ameliorate them. To Posner, Dewey would reply that, consistent with the needs of citizens and experts, democratic ideas such as public spirit serve as exploratory suggestions, proposals and hypotheses in an open-ended process of institutional experimentation and, eventually, transformation.[57] For instance, Dewey argues in "The Future of Liberalism" that the idea of liberalism, so central to the organization of modern democratic states, contributes to "the positive con-

struction of favorable institutions, legal, political, and economic" when understood in nonabsolutist and experimental terms.[58]

Rather than advocate for "political democracy" or a discrete set of political institutions (in Fukuyama's case, liberal democratic ones) waiting at the "end of history," Dewey proposes a set of leading principles or postulations that together he calls the "social idea" of democracy.[59] As postulations, these ideas are intended to direct subsequent investigations into the design of stable and viable governing apparatuses; however, taken alone, they have no direct correspondence with any particular set of institutions.[60] Political democracy for Dewey signifies the institutional phase of democratic governance, while democracy as a social idea (or way of life) points to the conceptual or theoretical phase.[61] So instead of grappling with the challenges of institutional design, this idea orients the democratic process towards a broader—and, some may say, less concrete—objective: namely, the enrichment of individual and communal experience, or the "creation of a freer and more humane experience in which all share and to which all contribute."[62] Therefore, Dewey's democratic vision shares only a faint family resemblance with contemporary models of deliberative democracy, in two respects: 1) it involves the open-ended pursuit of an emancipatory moral ideal and 2) it recommends social experimentation and institutional reform, generally, as appropriate means.

The Deliberative Democracy Filter

The function of a filter is to remove impurities. Interpretive filters remove what the interpreter believes are impurities in the original text. However, not all interpretive filters are created equally. A commentator can interpret an historical work through a foreign filter, such as a more contemporary framework or theory, for the sake of updating it, making it more relevant to its intended audience or allying it with an unfashionable position. The filtering move is rarely warranted and, therefore, commonly disguised. Imagine a contemporary commentator on Plato's *Symposium* who misinterprets or entirely overlooks the ancient Greek view of homoeroticism by filtering it through the post-Freudian category of homosexuality.[63] Closer to the present topic, Robert Talisse filters Dewey's vision of democracy as a way of life through the contemporary framework of civic republicanism in order to show that it is incompatible with pluralism on Rawlsian grounds.[64] Likewise, Richard Posner reads Dewey's democratic vision through the prism of recent deliberative theories. Similar to Talisse, Posner's agenda is to refute the argument in favor of Dewey's vision of democracy.[65] Both impose a foreign filter and thus fail to appreciate Dewey's vision as a unique contribution to democratic theory.

Let's examine Posner's critique in more detail before demonstrating that the imposition of a deliberative democracy filter distorts the original—in this case, Dewey's democratic vision—beyond recognition. In chapter 4 of *Law, Pragmatism and Democracy*, Posner outlines two concepts of democracy: 1) democracy as ideal, deliberative and Deweyan and 2) democracy as elitist, pragmatic, and Schumpeterian.[66] As mentioned, he objects to the feasibility of the first concept on the grounds

that it overlooks the raw power grab of interest group politics, the evidence that citizen ignorance and apathy make engaged democracy a sham and that the "variety and complexity" of policy issues turn governing into an activity suitable only for the few, the elites. Consequently, concept two democracy is better suited for capturing the empirical realities of American democracy. In the democratic theorist Joseph Schumpeter's words, "Democracy is a method, rather than an ideal of political culture, in which certain [elite] individuals, rather than the public at large, acquire the power to decide on questions of public policy."[67] The point, however, is not to undermine Posner's objection (to some extent, that operation has already been performed). Instead, it is to identify the filtering mechanism. Posner contends that what Dewey shares in common with deliberative democrats is a paramount concern for "envision[ing] moral arguments on political questions as taking place on a philosophical plane."[68] However, Dewey's intention was not to extend moral argumentation into political contexts, or transform moral deliberation into political deliberation, as some deliberative democrats have attempted to do. Rather, it was, in Gouinlock's words, to demonstrate that "social [and political] problems are [already] moral problems, for they involve the conflict of values."[69] Thus, the shroud of contemporary deliberative democratic theory recedes to reveal Dewey's democratic vision. The impurity is not the vision; instead, it is the filter.

Posner's filtering move is motivated by a desire to criticize Dewey's vision of democracy. In slight contrast, Rogers, McAfee and Caspary hitch Dewey's theory of moral deliberation to contemporary theories of deliberative democracy, thereby defending what they believe to be Dewey's vision of democracy. Either way, the filtering move is nearly identical; regardless of the end, it is a mistake.

The Kidnappers of Dewey's Democratic Vision

To conclude, we return to the question posed at the outset: If Deweyan democracy is treated as essentially deliberative, do scholars have reason to worry that Dewey's moral vision will eventually exhaust its usefulness as a guide for theorizing about democracy? Surely the deliberative turn in democratic theory will eventually exhaust itself. Among the many objections leveled at deliberative democracy, one or more of the following will likely undermine the paradigm: Deliberation is impractical, pointless, too elitist, too populist, polarizes preferences, promotes groupthink, ignores the dynamics of political power, dichotomizes reasons and passion, and reinforces modernist/chauvinist discourses of rationality.[70] As the group of scholars objecting to deliberation approaches a critical mass, the day draws nearer when deliberative democracy will, in all likelihood, be superseded by approach to theorizing about democracy.

It could be objected that I am treating scholarly interest in deliberative democracy as if it were a faddish or transitory craze that will inevitably expire (similar to a pop star's brief but intense fame). In response, I would say that deliberative democracy is not just a fashionable area of research. Rather, it is a research program within the subfield of philosophy and political science called "democratic theory,"

in which researchers share a common set of core assumptions and research tools. As paradigms in a disciplinary field (or subfield) run their course, revolutions ensue and before long a new paradigm emerges.[71] According to Alan Drengson, "one aim in contrasting paradigms is to free our minds so that we can look at the world afresh. If we view paradigms as art (or literary) forms, we can then better appreciate the need to avoid conceptual rigidity."[72] If Dewey scholars tie Deweyan democracy too closely to the deliberative paradigm, then they endanger its capacity "to avoid conceptual rigidity," to adapt to the changing values and goals of democratic communities, as well as to survive the inevitable paradigm shifts in democratic theory. The strategic issue for mainstream Dewey scholars then becomes how to preserve the core of Dewey's democratic vision while resisting the pull of those who would appropriate it for other purposes, that is, to read it as a thoroughgoing deliberative theory of democracy.

One way to negotiate this strategic issue is to remove the deliberative democracy filter and to appreciate the sui generis quality of Dewey's democratic ideal. Indeed, by filtering it through deliberative democratic theory, the kidnappers of Dewey's democratic vision undermine its ability to function as a self-standing (and self-correcting) ideal, a social idea and a flexible tool for social-political reform. As John Herman Randall declared, "[t]he best way of honoring Dewey is to work on Dewey's problems—to reconstruct his insights, to see, if need be, farther than Dewey saw."[73] One might add: Dewey scholars and democratic theorists ought to be challenged to see beyond the horizon of deliberative democratic theory and to recover the significance of Dewey's democratic vision for our own times and unfiltered.

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Notes

1. Dryzek, *Deliberative Democracy and Beyond*, 2.
2. Gutmann and Thompson, *Why Deliberative Democracy?*, 9.
3. Habermas, *Between Facts and Norms*, 304. Dewey, "The Problem of Method," LW 2: 365

4.   Mansbridge, *Beyond Adversary Democracy*. Gastil, *Democracy in Small Groups*.

5.   Bohman, "The Coming of Age of Deliberative Democracy," 400. Likewise, Mansbridge writes, "[i]n . . . a prescient paper . . . presented at the American Political Science Association annual meeting but never published . . . [demonstrating] that in Congress deliberation on matters of the common good plays a much greater role than either the pluralist or the rational-choice schools had realized." "Self-Interest and Political Transformation," 94. Bohman and Rehg claim that John Dewey and Hannah Arendt were precursors to contemporary deliberative democrats, but then qualify their claim with the disclaimer that "[t]he term 'deliberative democracy' seems to have been first coined by Joseph Bessette." Introduction, xii.

6.   Westbrook, "Pragmatism and Democracy," 138. Bessette, "Deliberative Democracy."

7.   Citations are to *The Collected Works of John Dewey: Electronic Edition*, edited by L.A. Hickman, following the conventional method, LW (Later Works) or MW (Middle Works) or Early Works (EW), volume: page number. Dewey connects the concepts of communication and community: "To learn to be human is to develop through the give-and-take of communication an effective sense of being an individually distinctive member of a community; one who understands and appreciates its beliefs, desires and methods, and who contributes to a further conversion of organic powers into human resources and values." Dewey, "Search for the Great Community," LW 2: 332.

8.   Dewey, "Propositions of Appraisal," LW 13: 216-18; "The Construction of Good," LW 4: 207. Dewey's distinction between prizing and valuing is mirrored in Bryan G. Norton's distinction between "felt" preferences and "considered" preferences. "Environmental Ethics and Weak Anthropocentrism," 134. Hickman connects Dewey's theory of valuation to his theory of deliberation: "What is experimentally determined to be *valuable* is constructed from the inside of what Dewey calls a deliberative situation, or what some have described in more general terms as deliberation within a 'lifeworld.'" *Pragmatism as Post-Postmodernism*, 160.

9.   Shapiro, "The State of Democratic Theory," 238.

10.   Among those scholars who see the connection between Dewey's theory of democratic deliberation and his political writings, see Ralston, "Deliberative Democracy as a Matter of Public Spirit."; VanderVeen, "Pragmatism and Democratic Legitimacy" and "Pragmatism and Democratic Values." For those who see a closer tie to his ethical works, see Colapietro, "Democracy as a Moral Ideal" and Pappas, *John Dewey's Ethics*.

11.   Rogers, *The Undiscovered Dewey*, 21; "Democracy, Elites and Power."

12.   McAfee, "Public Knowledge," 149.

13.   Dewey, "The Nature of Deliberation," LW 14: 132.

14.   In *Human Nature and Conduct*, Dewey compares ethical deliberation to an imaginative "experiment." Each possible course of action, once worked out, remains tentative and "retrievable." Dewey writes: "It [i.e., deliberation] starts from the blocking of efficient overt action, due to that conflict of prior habit and newly released impulse to which reference has been made. Then each habit, each impulse, involved in the temporary suspense of overt action takes its turn in being tried out. Deliberation is an experiment in finding out what the various lines of possible action are really like. It is an experiment in making various combinations of selected elements of habits and impulses, to see what the resultant action would be like if it were entered upon. But the trial is in imagination, not in overt fact. The experiment is carried on by tentative rehearsals in thought which do not affect physical acts outside the body. Thought runs ahead and foresees outcomes, and thereby avoids having to

await the instruction of actual failure and disaster. An act overtly tried out is irrevocable, its consequences cannot be blotted out. An act tried out in imagination is not final or fatal. It is retrievable." LW 14: 132-33.

15. Caspary, *Dewey on Democracy*, 140.

16. Gouinlock, "Dewey's Theory of Moral Deliberation," 218. For a contrary argument that there was some continuity between classical pragmatism, linguistic philosophy, and neo-pragmatism, see Ralston, "Linguistic Meaning as a Matter of Transaction." Also, see Koopman, "Language is a Form of Experience."

17. Gouinlock, "Dewey's Theory of Moral Deliberation," 218.

18. Dewey introduces the distinction in the following passage from *The Quest for Certainty*: "The formal statement [of the difference between immediate and mediated experience] may be given concrete content by pointing to the difference between the enjoyed and the enjoyable, the desired and the desirable, the satisfying and the satisfactory. To say that something is enjoyed is to make a statement about a fact, something already in existence; it is not to judge the value of that fact. There is no difference between such a proposition and one which says that something is sweet or sour, red or black. It is just correct or incorrect and that is the end of the matter. But to call an object a value is to assert that it satisfies or fulfills certain conditions. Function and status in meeting conditions is a different matter from bare existence. The fact that something is desired only raises the question of its desirability; it does not settle it." LW 4: 207-08. Stevenson, as we will see, overlooks or misunderstands the last sentence.

19. Ibid.

20. Gouinlock summarizes "White's misunderstanding" in the following manner: "He supposes that Dewey equates 'desired under normal conditions' with 'desirable' and then 'desirable' with 'ought to be desired.'" "Dewey's Theory of Moral Deliberation," 224.

21. Ibid., 219.

22. Ibid., 224, 220.

23. More precisely, Dewey explains the five stages of inquiry, as follows: "Upon examination, each instance of [intelligent inquiry] reveals more or less clearly, five logically distinct steps: (i) a felt difficulty; (ii) its location and definition; (iii) suggestion of possible solution; (iv) development by reasoning of the bearings of the suggestion; (v) further observation and experimental leading to its acceptance or rejection; that is, the conclusion of belief or disbelief." "The Analysis of a Complete Act of Thought," *How We Think*, MW 6: 236.

24. Dewey, "Judgments of Value" in *The Logic of Judgments of Practice*, MW 8: 24-32; "Valuation and Experimental Knowledge," MW 13: 23-28.

25. Dewey, "Democracy and America," in *Freedom and Culture*, LW 13: 184.

26. Dewey, "Value, Objective Reference, and Criticism," LW 2: 78-97.

27. Dewey (with James Hayden Tufts), "The Moral Self," in *Ethics* (1932 revision), LW 7: 285-309.

28. Dewey's ethics requires that we locate the conditions of justification for our value judgments in both the individual's community (i.e., in terms of standards of general approval) and human conduct itself (i.e., in terms of instrumental efficacy), not in *a priori* criteria, such as divine commands, Platonic Forms, pure reason, or a fixed Aristotelian *telos*. "Three Independent Factors in Morals," LW 5: 278-88; Dewey (with James Hayden Tufts), "Moral Judgment and Knowledge," in *Ethics* (1932 revision), LW 7: 262-83.

29. It is ironic that Stevenson interprets Dewey's theory of deliberation as monological. The virtue of Stevenson's own emotivist theory, as compared to A.J. Ayer's, is that the role of ethical words is not only to express the speaker's ethical attitudes, but also to persuade others

to adopt those attitudes. Whereas Stevenson's theory makes room for ethical disagreement, argument and compromise (i.e., is dialogical), Ayer's wholly denies that ethical judgments can be the basis for argument (i.e. they are monological) since, unlike descriptive statements, they cannot be true or false. Dewey's theory of deliberation in no way resembles Ayer's account, since ethical judgments for Dewey can be confirmed or denied through inquiry and discourse. See Ayer, *Language, Truth and Logic,* 110-11; Warnock, *Ethics Since 1900,* 105.

30. Stevenson, *Facts and Values,* 2-3.

31. Ibid., 2

32. Ibid., 3. One difficulty with Stevenson's use of the terms "attitude" and "belief" is that in ordinary ethical discourse, people rarely state that they have an attitude about a moral issue (e.g. abortion), whereas they typically do state that they have a belief concerning the issue. According to Hilary Putnam, this apparent difficulty leads Cavell to object that Stevenson has no sensitivity for what actual ethical arguments sound like. *The Collapse of the Fact/Value Dichotomy and Other Essays,* 152, ff28. Although Dewey did not survive long enough to read *Facts and Values,* he did read Stevenson's *Ethics and Language,* commenting that it "is a curious mixture of good and very bad things." Ratner and Altman, *John Dewey and Arthur F. Bentley,* 456. See also Stevenson, *Ethics and Language.*

33. Stevenson, *Facts and Values,* 4. Another difficulty is that despite Stevenson's precise analysis, it is difficult, if not impossible, in practice to sort out those preferences revealed in experience as belief-based, and thus determined exclusively by facts, versus those revealed as attitude-based, and therefore a function entirely of personal preferences or tastes.

34. Dewey, "Elements of Agreement and Continuity," *Ethics,* MW 5: 162.

35. According to Dryzek, "[n]on-cognitivism means simply that values and preferences are like emotions, beyond the reach of rational argument." "How Far is It from Virginia and Rochester to Frankfurt?" 406.

36. Dewey, "The Pattern of Inquiry," in *Logic: The Theory of Inquiry,* LW 12: 110. Hilary Putnam notes that one of the insights of pragmatists such as Dewey is that not every agent disposition, such as doubt or belief, reduces to a "self-identifying mental state." "Pragmatism," 305. For instance, in describing the experience of sleep-disrupting shock at the noise of a window-shade hitting a window, Dewey explicitly states that the indeterminate situation "is [initially] experienced as being" fear, but in an objective sense. "The Postulate of Immediate Empiricism," LW 3: 160.

37. Dewey, "The Logic of Judgment of Practice," MW 8: 35.

38. Gouinlock, *Dewey's Theory of Moral Deliberation,* 227. Stevenson's reading of Dewey is consistent with his position that philosophers tend to redefine terms in order to appropriate the emotive content of the previous term and attach it to the redefined term. Stevenson, "Persuasive Definitions." In this way, Stevenson's critique could be construed as a wholesale attack on Dewey's method of reconstructing old terminology for new purposes. While Gouinlock points out Dewey's practice of imbuing old terms with new meanings, he appears to overlook the possibility that Stevenson's critique could apply more generally to this practice of Dewey's.

39. Stevenson's tendency to read Dewey's ethical theory in entirely subjectivist terms might be due to his familiarity with Stephen Toulmin's discussion of imperative theories, in which Toulmin references Dewey's *Theory of Valuation.* However, Dewey only discusses, but does not espouse, an imperative theory of ethics in this or any other of his works on ethics. Toulmin, *Reason in Ethics,* 49, 51.

40. He introduces this general objection to ethical theories that conflate "emotive meaning" and "descriptive use," misrepresenting ethical judgments as descriptive statements that

result from applying the scientific method to morally problematic situations. Stevenson, "The Emotive Meaning of Ethical Terms." Stevenson's criticism that Dewey's ethical theory focuses too much on how scientific (or predictive) inquiry can settle moral quandaries can be found in *Ethics and Language*, 253-264. Stevenson's objections to Dewey's ethical theory are also discussed at length by Warnock, who concludes: "As for his [i.e. Stevenson's] general complaint that Dewey unduly neglects emotive meaning, my sympathies here again are rather with Dewey." *Ethics Since 1900*, 116.

41. Gouinlock, "Dewey's Theory of Moral Deliberation," 226.

42. Ibid., 224.

43. Ibid., 226.

44. Ibid., 225. Gouinlock also echoes this idea in his introduction to a collection of Dewey's writings on ethical theory: "Intelligence is far removed from dogmatism. Dewey has no kinship with doctrinaire philosophies and moral finalities. His advocacy of intelligence and his faith in the possibilities of human nature constitute a recognition that the responsibility for continued inquiry and social effort is shared by all." Introduction, liii.

45. For instance, Amy Gutmann and Dennis Thompson write: "When citizens of their representatives disagree morally, they should continue to reason together to reach mutually acceptable decisions." *Democracy and Disagreement*, 1.

46. Dewey, "The Problem of Method," in *The Public and Its Problems*, LW 2: 371.

47. Dewey, "Psychology of Ethics," in *Lectures on Ethics: 1900-1901*, 245.

48. Dewey writes: "Communication can alone create a great community. Our Babel is not one of tongues but of the signs and symbols without which shared experience is impossible." "The Eclipse of the Public," in *The Public and Its Problems*, LW 2: 324. Again, he states: "To learn to be human is to develop through the give-and-take of communication an effective sense of being an individually distinctive member of a community; one who understands and appreciates its beliefs, desires and methods, and who contributes to a further conversion of organic powers into human resources and values." "Search for the Great Community," in *The Public and Its Problems*, LW 2: 332. Gouinlock states that "[a]s in no other method, Dewey's proposed decision procedure involves communication." "Dewey's Theory of Moral Deliberation," 226.

49. Schutz, "John Dewey and 'a Paradox of Size,'" 288.

50. Fukuyama, "The End of History?," 210.

51. Damico, *Individuality and Community*, 118.

52. LW 14: 225-26, LW 2: 325.

53. Posner, *Law, Pragmatism and Democracy*, 109.

54. Smiley, "Pragmatic Inquiry and Democratic Politics," 645.

55. The notion of public spirit will be discussed in more detail in chapter 5, within the context of the debate between Walter Lippmann and John Dewey. At this point, it is sufficient to know that it derives from an analogy between the expert-citizen relationship and the cobbler-customer relationship. According to Dewey, "[t]he man who wears the shoe knows best that it pinches and where it pinches, even if the expert shoemaker is the best judge of how the trouble is to be remedied. Popular government has at least created public spirit even if its success in informing that spirit has not been great." LW 2: 364. For commentary on the shoe analogy, see Ralston, "Deliberative Democracy as a Matter of Public Spirit" and McAfee, "Public Knowledge."

56. Dewey defines a "public" as "all those who are affected by the indirect consequences of transactions to such an extent that it is deemed necessary to have those consequences." LW 2: 245. Dryzek claims that "Dewey['s] . . . definition [of a public] meshes with the idea

of legitimacy in deliberative democracy: it is in the eyes of those affected, who ought to have a chance to participate in deliberation about the outcome." "Pragmatism and Democracy," 77.

57.   It is possible that Posner would not be sensitive to this reading given his glib response to talk of ideals mixed with his greater concern for economic efficiency. In a review of Posner's *Law, Pragmatism and Democracy*, the authors conclude that Posner has a generally pessimistic view of ideas and ideals. Sullivan and Solove, "Review of *Law, Pragmatism, and Democracy*," 740.

58.   LW 11: 291. In his full-length treatment of the topic, *Liberalism and Social Action*, Dewey was less sympathetic to liberalisms of the past and present: "The liberalism of the past was characterized by the possession of a definite intellectual creed and program . . . Liberalism today is hardly more than a temper of mind, vaguely called forward-looking, but quite uncertain as to where to look and what to look forward to." LW 5: 70.

59.   Dewey writes: "We have had occasion to refer in passing to the distinction between democracy as a social idea and political democracy as a system of government. The two are, of course, connected. The idea remains barren and empty save as it is incarnated in human relationships. Yet in discussion they must be distinguished." Similar to Fukuyama, though, Dewey defines political democracy, generally, in liberal-democratic terms, that is, as those "traditional political institutions" which include "general suffrage, elected representatives, [and] majority rule." "The Search for the Great Community," in *The Public and Its Problems*, LW 2: 325-26.

60.   Dewey's reluctance to specify model institutions for realizing his democratic ideal is mirrored in the aversion that contemporary critical theorists have to institutional design. Dryzek explains: "Overly precise specification of model institutions involves skating on thin ice. Far better, perhaps, to leave any such specification to the individual involved. The appropriate configuration will depend on the constraints and opportunities of the existing social situation, the cultural tradition(s) to which the participants subscribe, and the capabilities and desires of these actors." "Discursive Designs," 665.

61.   Dewey claims that in the institutional phase "[w]e acted as if democracy were something that took place mainly at Washington and Albany—or some other state capital—under the impetus of what happened when men and women went to the polls once a year or so—which is a somewhat extreme way of saying that we have had the habit of thinking of democracy as a kind of political mechanism that will work as long as citizens were reasonably faithful in performing political duties." "Creative Democracy—The Task Before Us," LW 14: 225. In the ideational phase, "[t]he idea of democracy is a wider and fuller idea than can be exemplified in the state even at its best. To be realized it must affect all modes of human association, the family, the school, industry, religion." "The Search for the Great Community" in *The Public and Its Problems*, LW 2: 325.

62.   Dewey, "Creative Democracy—The Task Before Us," LW 14: 230.

63.   This analogy is suggested in Christopher Gill's introduction to his translation of Plato's *Symposium*, xiii.

64.   See Ralston, "In Defense of Democracy as a Way of Life."

65.   To Talisse's credit, he criticizes Posner's analysis in *A Pragmatist Philosophy of Democracy*.

66.   Posner, *Law, Pragmatism, and Democracy*, 130-33.

67.   Cited by Posner, *Law, Pragmatism and Democracy*, 178.

68.   Ibid., 132.

69.   Op cit. note 45.

70.   A small sampling of the many scholars who deploy these objections include Rich Goldin, Iris Marion Young, Cass Sunstein, Frederick Schauer, Susan Stokes, Victor Vanberg, Cheryl Hall and Lynn Sanders. See Goldin "Constructing Democracy"; Young, "Communication and the Other"; Sunstein, "The Law of Group Polarization"; Schauer, "Discourse and Its Discontents"; Stokes, "Pathologies of Deliberation"; Vanberg, "Democracy, Discourse and Constitutional Economics"; Hall, "Recognizing the Passion in Deliberation"; and Sanders, "Against Deliberation."

71.   I am not appealing here to a Kuhnian notion of paradigm, since Thomas Kuhn expressly denied that scientific revolutions, which provoke paradigm changes, were relevant to the social sciences and philosophy. *The Structure of Scientific Revolutions*, 164-65. What I am loosely calling a "paradigm" would be closer to what Imre Lakatos refers to as a research program with a "hard core" of central assumptions and instrumentalities. "Lecture Eight," 106.

72.   Drengson, "Shifting Paradigms," 77.

73.   Randall is favorably quoted by Gouinlock, Introduction, liv. Originally, Randall, "John Dewey, 1859-1952," 13.

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