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DELIBERATIVE DEMOCRACY AND MORAL PLURALISM: DEWEY VS. RAWLS AND HABERMAS

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A new theory of democracy has recently become popular in American political theory. This new theory has a multitude of advocates, who are all busy explaining why ordinary democracy is failing. Ordinary democracy, amounting to little more than periodic voting, provides insufficient opportunity for citizen participation, they say, and America's problems can't be solved unless citizens are more involved in thoughtfully identifying and solving the problems. The name of this new theory is "deliberative democracy." Even though the label is fairly new, prominent philosophers such as John Rawls and Jürgen Habermas have identified themselves as deliberative democrats. Dewey, America's greatest social theorist of the 20th century, would naturally approve of this new-found appreciation for thoughtful citizenship. Unfortunately, so many thinkers are trying to crowd under this welcoming umbrella, that the definitions of deliberative democracy offered today are vague and largely unworkable. Can Dewey's philosophy show us a specific type of deliberative democracy that is worth having?

1. Democracy and Moral Values

Dewey's philosophy does contain a highly developed form of deliberative democracy that should be recognized and considered *because* his theory of democracy is directly concerned with moral values. In Dewey's philosophy we clearly and loudly hear that real deliberative democracy must be consistent with the basic idea of democracy: that all citizens must have the opportunity for political participation on any and every cherished value, moral issue, and social problem which concerns them. Dewey always protested against any political theory that exempted some moral view, some part of society, or some type of activity, from public scrutiny and political action. Dewey supported labor unions, for example, rejecting the notion that private economic transactions were sacred and untouchable. Dewey also supported women's suffrage, unimpressed by arguments that the family should be unstained by politics. In Dewey's view, there is no realm of life and no segment of society that is not

answerable to public concern and public intervention where necessary. If some aspect of society is to be regarded as exempt from legal regulation, that decision itself must be the conclusion of public deliberation and might be revised by future deliberation. Democracy is not complete, according to Dewey's political philosophy, unless the extent of possible political legislation is unlimited. This principle is not, despite appearances, in conflict with constitutional limitations on government power, such as the U.S. Bill of Rights. Since all legitimate power derives from the governed, as Dewey held, a Bill of Rights is a product of citizen deliberation, and can be modified by future deliberation. The people should deliberate as needed upon any and all laws restraining their conduct. The alternatives are stark: to challenge Dewey here is to uphold the possibility of deriving (or just "intuiting") in an a priori fashion some set of privileged laws that can never be questioned by citizens. This is the path backwards to aristocracy. Forward progress for democracy demands that the people take deliberative responsibility for all laws.

Not all forms of deliberative democracy agree with Dewey about this basic principle of "unlimited democracy." In fact, nearly all varieties of democracy invented by Western civilization provide only "limited democracy." There are many ways to limit democracy, too many to enumerate in a short paper. Popular ways to limit democracy which have powerfully influenced actual constitutional history in America and Europe include the idea of inalienable rights that cannot be overridden by any vote, the idea of privileged status that creates a separate kind of justice for a superior class, and the idea of special relationships that establish unique obligations of one person to another. The history of America has witnessed, for example, the powerful impact of doctrines such as private property, slavery, and marriage rights. Justifications for limiting democracy ultimately require the acceptance of this central notion: that there are some types of important values which remain valid despite whether some mass of citizens decides to respect them. With regard to these absolute values, the public must be politically powerless: the body of citizens should not be permitted to even consider adopting them, ignoring them, or overriding them. However, in an unlimited democracy like Dewey's, there can be no such absolute values.

From the perspective of Dewey's philosophy, theories of democracy should not be categorized by the kind and degree of citizen participation encouraged. All theories of democracy praise participation. Instead, theories of democracy should first be categorized into two primary kinds: unlimited and limited democracies. Both Rawls and Habermas offer limited democracies. This should sound surprising — after all, neither Rawls nor Habermas appeal to absolute values exempted from public deliberation. Neither Rawls nor Habermas ground their visions of democracy on any necessary truths about values or morality or rights. Nonetheless, Rawls, Habermas, and most other

Western democratic theorists today can only offer some theory of limited democracy.

The reason for the current philosophical dominance of limited democracy might be quite hidden unless we know exactly where to look. Political theory in the 20th century has seen a sharp reversal from the quest of the 18th and 19th centuries for firm political foundations resting upon some absolute values. Ethical theory in earlier centuries sought a reasonable basis for an absolute moral system. However, successfully verifying absolute values seemed impossible as the abiding reality of deep pluralism dawned on intellectuals struggling through the 20th century's problems: endless waves of immigration, movements of ethnic populations across fluctuating country borders, and terrible wars, both hot and cold. The friends of deliberative democracy have all been more or less aware that even a peaceful democracy must accept the reality of deep pluralism: that many members of the same society disagree about fundamental values and conceptions of the "good life." But the friends of deliberative democracy, especially those active today, made an additional assumption about a democracy containing deep pluralism: that reasonable public deliberation about fundamental values and conceptions of the good life is impossible. The quest for moral certainty is over, these deliberative democrats agreed, and therefore they have taken the position of "limited ethics," which holds that there are some values that should not be subject to public deliberation. The position that *ethics* is limited is a central premise of recent types of limited democracy.

There are two primary ways that a contemporary philosopher advocating deliberative democracy typically arrives at the position of "limited ethics." The first way proceeds by considering that if deep pluralism is truly a fact about a particular society, then public deliberation about fundamental values is powerless to change anyone's beliefs about those values. If public deliberation could cause people to re-evaluate their fundamental values, then pluralism really isn't so deep, because that society could begin to move towards agreement. The second path towards limited ethics proceeds by considering that if deep pluralism is truly a fact about a particular society, then public deliberation about fundamental values is necessarily disrespectful towards those values, and public deliberation displays intolerance towards those people holding those values. If public deliberation about fundamental values is permitted, then people who don't conform to the majority values are treated as inferior and unequal.

Both of these ways of justifying limited ethics have the same basic premise: that deep pluralism is an absolute, either in the first sense as an absolute condition of a modern democratic society, or in the second sense as an absolute value. Contemporary deliberative democracy widely regards deep

pluralism as an absolute, and therefore it holds that the public must be politically powerless over the fundamental values responsible for deep pluralism.

Dewey's "unlimited" deliberative democracy does not regard deep pluralism as a necessary and permanent social feature. Although his familiarity with 20th Century sociology and anthropology made him keenly aware of the deep divides across cultures, Dewey did not see deep pluralism everywhere, unlike many recent surveyors of the cultural landscape. Where deep pluralism does cause serious social problems, Dewey expected that a genuine democracy would attempt to deliberate about, and hence consider altering, the fundamental values responsible. In short, Dewey believed that a true deliberative democracy requires unlimited deliberative ethics. Dewey's confidence in unlimited deliberative democracy is grounded on his confidence that public reasoning can, with needed improvements, be capable of rationally evaluating any and all fundamental values. The new deliberative democrats mostly disagree, and thus they advocate limited democracy. They believe instead that public reasoning, even if perfected, is constitutionally incapable of deliberating on some kinds of fundamental values. Traditional limited democracy was based on the conviction that some set of special absolute values were already known by reason or revelation. Contemporary limited democracy is based on the opposite conviction that some kinds of fundamental values can never be subjected to public reasoning.

Was Dewey blind to pervasive deep pluralism? That is hardly likely, especially since he grew up in a small Vermont city teeming with diverse immigrants, and he personally witnessed two of the most cosmopolitan cities in the world, Chicago and New York, absorb many millions of immigrants. Chicago turned out to be an especially good example of how many social problems that resulted from immigration were gradually resolved by democratic processes without recourse to rampant violence. Of course, Chicago, like America generally, consisted of many social groups that were committed to life together in this country. There are a few exceptions, of course: some small religious denominations seeking solitude or the occasional calls for separatism by some African-American leaders. The rest have found ways to accommodate; to adjust their values as needed to secure some degree of mutual respect, cooperation, and community living. The accusation is occasionally aired that Dewey really isn't a respecter of pluralism, since his democracy requires a social group to at least desire some degree of community life, and so Dewey could not tolerate those who cannot tolerate others. But this conundrum (it smells of the easy refutations of relativism — how could it be True?) is not really Dewey's problem. Dewey did not seek a theory of democracy for a nation attempting to hold together social groups that really did not want mutual relationships. That sort of theory of democracy (which is actually a theory of the nation-state) has been pursued with zeal, by just about every major Western

political theorist since Hobbes. Dewey's theory of democracy is not attempting to hold together something that wants to fly apart. His theory assumes that every social group within a political unit attempting democracy has some measure of interest in having interrelationships with other social groups in one or another field of mutual cooperation. Dewey's theory of democracy is designed with an escape clause: nothing in his theory forbids a non-tolerant group from exiting the political unit. If that is a theoretical failing, I fail to see how the alternative is more tolerant of deep pluralism.

Since Dewey cannot be charged with either failing to notice deep pluralism, or failing to really commit to pluralism completely, we may move on to a discussion of two recent philosophers who defend limited democracy in the face of deep pluralism.

2. Rawls and Habermas: Limited Democracy

Both Rawls and Habermas offer only a limited deliberative ethics, despite the fact that they both are convinced that public deliberation ideally can settle all essential public problems. Rawls's earlier work in *A Theory of Justice* (1971) was his expression of confidence in ethical theory to firmly ground a political system. However, Rawls' more recent work has surrendered optimism in the power of ethical theory to resolve all value conflicts. His *Political Liberalism* (1993) uses the concept of public reason to eliminate deliberation about any fundamental values that have less than universal commitment. Public reasoning by definition can only make appeal to those justifications which can receive universal assent, and so the fact of deep pluralism removes the consideration of the most fundamental values from public debate: they can never be used as rational justification, and can never receive rational justification. Habermas does not sharply separate morality from politics, but his conception of moral reasoning also effectively removes the consideration of the most fundamental values from public debate. Habermas constructs a conception of genuinely moral reasoning so that this process of deliberation excludes appeal to any fundamental values that have less than universal assent. Both Rawls and Habermas envision a democratic political process purified of any deliberation involving values of less than universal appeal, and therefore they both offer only a limited deliberative ethics, and a limited deliberative democracy. They are both convinced that a limited deliberative democracy is fully capable of handling all public problems under ideal conditions.

I will consider Habermas's theory of democracy more closely because there are several interesting and important points of agreement with Dewey. The starting point for Habermas is not one of these points of agreement, however. Habermas believes with Kant that there is a method to rationally determine universal moral principles, and that this method can also be used for

determining law. This Moral Discourse method eliminates all non-rational origins of persuasion, leaving only rationally persuasive discourse to prevail in the open space of moral deliberation. The moral discourse method has a similar counterpart in Political Discourse. Moral discourse can be “rationally universalized” under carefully controlled conditions of public deliberation on the question “What shall be the moral rules for society?” When a society engages in truly moral discourse, its decisions on what shall be moral norms for society must win the free acceptance of all members of society. To the extent that some members of society maintain a disagreement with a decision acceptable to the rest, either further rational argument will be fruitless, in which case the decision cannot be moral, or something other than rational discourse (like coercion) might compel their agreement, which also means that the decision cannot be moral.

If we do not want to settle questions concerning the normative regulation of our everyday existence by open or covert force — by coercion, influence, or the power of the stronger interest — but by the unforced conviction of a rationally motivated agreement, then we must concentrate on those questions that are amenable to impartial judgment...we must ask what is *equally good for all*.¹

Habermas expresses this requirement of moral discourse as a principle of universalization. This principle declares that a moral norm (or a political law) is valid for a society only if:

*All affected can accept the consequences and the side effects its general observance can be anticipated to have for the satisfaction of everyone's interests (and these consequences are preferred to those of known alternative possibilities).*²

For Habermas, it is necessary for people engaged in moral discourse to ground their preference for a proposed moral norm upon “interests.” Interests presumably are individual’s own desires for any kind of satisfaction. The only kind of interest that obviously must be ruled out for Habermas is a person’s interest in seeing that everyone else in society obeys the same norms that she herself finds compelling. An “interest in a moral rule,” if permitted in everyone’s preference calculation, would distort moral discourse and probably obstruct it completely. Moral discourse would have little chance of producing change if each person simply declared their paramount interests in keeping their moral norm, thus maintaining the moral disagreement. Habermas’s manner of referring to what is “good” for a person and what “interests” a person has, indicates that for Habermas these goods and interests must be

independent from what a person considers to be moral. The same independence must exist between peoples' valued goods and political laws. The principle of universalization can control political discourse and produce universal laws only if people cannot appeal to their own legal preferences.

Because Habermas believes that the same principle of universalizability should control both moral and political deliberation, he believes that it is likely that many moral rules will simply become political laws, where all of society believes that state enforcement is in the best interest of all (as opposed to the sort of informal enforcement applied by citizens who make moral judgments on each other). Habermas therefore believes that the moral sphere of public action will overlap and support the political sphere of state enforcement. Against the second camp, which holds that political deliberation could not happen much in common with private morality, Habermas argues that there is no good reason to continue to denigrate morality as necessarily private. Morality can become public in a rational fashion if a society's moral deliberation follows the principle of universalization. Genuinely moral deliberation, because it ensures that everyone affected will participate in the public deliberation, is the best depiction of the spirit of democracy. Habermas holds that one of democracy's essential tasks is to publicly debate and deliberate on morality. In other words, legal argumentation is to be unified with moral argumentation.

Legitimacy is possible on the basis of legality insofar as the procedures for the production and application of legal norms are also conducted reasonably, in the moral-practical sense of procedural rationality. The legitimacy of legality is due to the interlocking of two types of procedures, namely, of legal processes with processes of moral argumentation that obey a procedural rationality of their own.³

Unlike those philosophers who view democracy as only a political system completely separate from morality (such as Rawls), Habermas sees in democracy great potential for reasonably resolving moral conflicts. As a democratic principle, any moral discourse which maintains the principle of universalization as its guiding ideal will sustain the democratic life of a society. This democratic principle specifies a "procedural" form of democracy. A society should be judged to be democratic not by judging the results of public deliberation, nor by asking whether everyone gets to vote regularly, but whether the process of people deciding in discussion together about *how* to vote is conducted in accordance with the democratic principle. Habermas:

[T]he democratic principle states that only those statutes may claim legitimacy that can meet with the assent of all citizens in a discursive process of legislation that in turn has been legally constituted.⁴

Dewey agrees with Habermas that democracy is a system of moral deliberation and not merely political legislation. Dewey also agrees with Habermas that democracy is essentially a process of persuasive argument under non-coercive conditions. Their closeness of their views is recognized by Habermas and he draws attention to Dewey's insights into democracy. He quotes from Dewey's *The Public and Its Problems* as follows:

Majority rule, just as majority rule, is as foolish as its critics charge it with being. But it is never merely majority rule.... The means by which a majority comes to be a majority is the more important thing: antecedent debates, modification of views to meet the opinions of minorities.... The essential need, in other words, is the improvement of the methods and conditions of debate, discussion and persuasion."⁵

While both Dewey and Habermas view democracy as a process of reasonable, uncoerced deliberation and decision, Dewey's theory of democracy cannot agree that either moral or political discourse must be grounded on something having less than universal agreement. This strict separation demanded by Habermas's theory of moral and political discourse is both unnecessary and unwarranted from Dewey's perspective. On Dewey's understanding of morality, morality exists precisely because social goods exist and hence peoples' interests in these social goods account for their behavior. There is a deep connection between which social goods interest people and which moral norms regulate peoples' behavior. Habermas's theory of moral discourse does not appear to recognize this deep connection. Instead, Habermas clearly holds that moral discourse is disconnected from peoples' valuations of social goods. Habermas does not deny that the pursuit of social goods engender and are sustained by social norms. However, the problematic pluralism that characterizes social goods infects their associated social norms, and for this reason Habermas refuses to recognize such social norms as *moral*. Instead, these norms are only "ethical," which for Habermas means that such social norms exist only for that social group which display an ethical form of life by accepting and pursuing a certain set of social goods. Moral norms, unlike ethical norms, must by Habermas's definition be universalizable: they can claim validity only where rationally acceptable to all citizens of a country.

Habermas in effect claims that ethical deliberation, because it operates only within a sphere of ethical commitment to a particular way of life and certain social goods, can never be sufficiently impartial. Moral deliberation, to be moral, must necessarily be impartial in the sense that its results, to be moral, must be acceptable to every citizen, regardless of individual commitment to some way of life. There is simply no such distinction in Dewey's moral and

social philosophy and hence his political theory of democracy does not depend on that distinction. For Dewey, “moral” norms simply are the actual moral norms and fundamental values accepted by citizens.

3. Pragmatic Democracy

How can Dewey’s pragmatic philosophy of intelligence shed more light on this disagreement between himself and Habermas? Dewey declared that practical reasoning is first and foremost about resolving actual human problems, and these problems almost always concern social goods. Where social goods are concerned, valuation is necessarily social as well. Therefore, social intelligence is required to adjudicate among problematic and conflicting social goods. Social intelligence imaginatively reflects on social values, aiming at the maximization of cooperation and enjoyment of social goods. By definition then social intelligence is not problem-solving by separate individuals concerned only for their own happiness. If any social goods are created by individual practical reasoning in problem-solving, such goods are accidental, not socially deliberate.

The long-standing philosophical prejudice against treating goods as primarily social has consequently caused many political philosophers to treat practical reasoning as similarly private and individualized. If goods are private, then practical reasoning is not a shared endeavor. Practical reasoning can be “social” only in a derivative sense, as a sort of aggregated summing of individual practical decisions. Habermas never intended to portray practical democratic deliberation as merely the summing of private interests (that was instead the typical utilitarian approach). However, Habermas’s principle of universalizability, by demanding that genuinely moral reasoning appeal only to impartially acceptable reasons, requires that we see individuals as having their own (as opposed to their socially instilled) interests and values. This requirement appeals to the individualized depiction of goods and values which Dewey’s social philosophy rejects.

Dewey’s vision of the proper functioning of democracy is grounded on the possibility that shared goods can be evaluated, re-evaluated, and mutually adjusted in an intelligent, that is to say, experimental, social inquiry. For democracy to be intelligent, it cannot be merely the process of polling of individuals who vote only in light of their subjective desires. Genuine democracy fosters the conditions for shared experience. Shared experience, and the cooperation among people which creates it, can grow or decay like any natural thing. It can transcend political, or religious, or cultural boundaries, since people working together towards common goals need not be halted by lines drawn on a map or even by language barriers. Political or religious or ethnic hegemony is not necessarily hospitable to the preservation of shared

experience if people are locked into social structures that restrict and constrict cooperation. Our understanding of democracy is incomplete if we cannot account for the more foundational possibility of establishing and maintaining cooperation. Democracy is no magic potion capable of spontaneously creating cooperation and values where none previously existed. Rather, the natural needs and aims of people working together are the grounds for the possibility of cooperation. Democracy is the experimental method applied to a subsequent question: How can a community preserve and expand the shared experience of cooperation in the face of inevitable difficulties and conflicts? If done intelligently, social goods and values will be tested and revised according to such a standard. Theories of limited democracy ignore the fact that shared experience and cooperation can loosen up our fundamental values, making them more flexible and adaptable for real use. We do not live for our values: we live for social goods, and our values are our adjustable tools for achieving them. Democracy for Dewey should not try to protect our deep value disagreements from public scrutiny and deliberation. Cultural and moral isolation is not a type of freedom worth having.

If Dewey is correct in his claim that social goods, and the norms of cooperation which sustain them, are the proper subject-matter of practical deliberation, then his opposition to Habermas can be clearly understood. Practical deliberation is always for Dewey inherently social — it makes no sense to hold that deliberation on social goods and norms could possibly be private. It might seem that Habermas could agree, since he also wants to portray democracy as a social conversation about what should be done. However, according to Habermas, it remains the responsibility of each person to decide on their own whether some proposed norm is in their own best interest, apart from whatever social goods he or she actually values, and somehow argue the matter accordingly with others. This social discussion of private interests is very different from Dewey's model of social intelligence. On Dewey's picture of social intelligence, there simply are very few genuinely private interests that could possibly be appealed to in public discussion. What is in each person's interests is largely determined by what social goods are actually valued by people. Therefore, according to Dewey what must be discussed directly by democratic discourse is the social goods and norms actually pursued by people, and not something else.

Habermas believes that if people were allowed to include in discussion some appeals to their actually held ethical values and norms, then that discussion would be irredeemably distorted away from genuinely rational and morally acceptable discourse. But from Dewey's perspective, democratic deliberation should primarily concern the diversity of respected and pursued social goods and norms. Dewey would obviously agree with Habermas that democratic discourse should be free from coercion and violence. But Habermas, like

Rawls, goes too far in seeking a democratic forum that requires a person to suspend or ignore her genuine values and norms. Nothing is more deserving of public deliberation than our most cherished values.

NOTES

1. Habermas, *Justification and Application: Remarks on Discourse Ethics*, trans. Ciaran Cronin (Cambridge, Mass.: MIT Press, 1994), p. 151.
2. Habermas, *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicholsen (Cambridge, Mass.: MIT Press, 1992), p. 65.
3. Habermas, "Law and Morality," in *The Tanner Lectures on Human Values*, vol. 8, ed. Sterling M. McMurrin (Salt Lake City: University of Utah Press, 1988), p. 230.
4. Habermas, *Between Facts and Norms*, trans. William Rehg (Cambridge, Mass.: MIT Press, 1998), p. 110.
5. *Ibid.*, p. 304.