

Pragmatism and moral progress: John Dewey's theory of social inquiry

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Abstract

John Dewey developed a pragmatic theory of inquiry to provide intelligent methods for social progress. He believed that the logic and attitude of successful scientific inquiries, properly conceived, could be fruitfully applied to morals and politics. Unfortunately, his project has been poorly understood and his logic of inquiry neglected as a resource. Contemporary pragmatists, like Richard Rorty, for example, dismiss his emphasis on method and avoid judgments of moral progress that are in any way independent of the biases of particular cultures. In this article, I argue that Dewey's theory of inquiry indeed provides intelligent methods and intellectual criteria for engaging moral and political matters. Inquiry, as Dewey conceives it, issues in judgments that are increasingly objective, reliable and refined in application. These judgments are rooted in particular times and places, in actual 'situations', but are not entirely hostage to specific cultures. I then apply Dewey's theory to two standard moral problems to demonstrate how it works. The conclusion is that Dewey's theory of inquiry gets it just right: it provides solid ground for criticism and moral progress while remaining acutely sensitive to cultural differences and changing circumstances.

Keywords

Criticism, female genital cutting (FGC), inquiry, logic, moral progress, objectivity, pragmatism

I Introduction

John Dewey believed that the task of philosophy is to provide intelligent methods for social progress. He thought that the logic of experimental inquiry, already abundantly successful in the sciences, could be fruitfully applied to moral and political problems that have long been

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subject to public disagreement. As Dewey writes: ‘The domain of opinion is one of conflict; its rule is arbitrary and costly. Only intellectual method affords a substitute for opinion. A general logic of experience alone can do for social qualities and aims what the natural sciences after centuries of struggle are doing for activity in the physical realm’ (Dewey, 2008a: 314). Application of intelligent method, Dewey believed, would steadily provide increasingly reliable, refined and inclusive judgments regarding intractable social problems.

Richard Rorty, the most influential pragmatist since Dewey and deeply indebted to his writings, thought this project entirely mistaken. According to Rorty, ‘The notion of “method” is stretched too thin if we try to make it cover both what Galileo did and what Darwin did, much less what both did and what Martin Luther King did, or what all three did together with what Dewey was doing in all those political polemics reprinted in *Character and Events*’ (Rorty, 1985: 44). Rorty endorsed an experimental and fallible attitude in his writings, but thought it difficult to identify any ‘method’ that embodies it, and therefore dispensed with the idea of method altogether (Rorty, 1991: 65–8).

Rorty’s disagreement with Dewey, however, was surely a dispute over means, not purpose. Like Dewey, Rorty was anxious to overcome the division between nature and culture, between science and human values. He rejected Dewey’s experimental logic but nonetheless defended a form of pragmatism that he thought ‘puts natural science on all fours with politics and art’ (Rorty, 2007: 917). As Rorty explained in one of his last efforts to describe his view (an invited paper at the University of Chicago Law School, posthumously published), pragmatism ‘levels down’ science so that it ceases to tower over morality (ibid.: 920). It sees science as proceeding in much the same way as political and moral inquiry, and Rorty adheres to a Kuhnian model, insisting that *all* inquiries – scientific, moral and political – are judged by criteria rooted in the culture in which claims are made (ibid.: 921). So rather than mark off science from morals in terms of method, or try to infuse morals with science (as Rorty saw in Dewey), Rorty urged we settle for merely ascertaining ‘which descriptions of the human situation are most useful for which human practices’ (ibid.: 917). Discarding questions about which practices tells us how the world ‘really’ is allows us to get on with finding better descriptions for improving actual conditions. Rorty thus continued Dewey’s social project by other means, seeking to close the divide between nature and culture, and for the same reason: amelioration of social conflict.

In a pointed response to Rorty, Brian Leiter argued that Rorty’s pragmatism utterly fails precisely because there *is* a fundamental difference between science and other forms of inquiry. The central norm of science, according to Leiter, is that we rely only on the best causal explanation of what we perceive, and we embrace this norm for explicitly practical reasons: it is predictively successful, it helps us cope with the world, it enables us to enact human purposes (Leiter, 2007: 932). By comparison, moral and political inquirers do not have access to the kind of causal explanations available to science. Their subject matters, borrowing a phrase from Richard A. Posner (whom Leiter defends), are ‘epistemically feeble’, wholly hostage to particular interests of the culture in which they are embedded (ibid.: 935; Posner, 1999: 60). This not only explains why moral problems remain interminable, but suggests that the very notion of moral progress is illusory. Again following Posner, to say that another culture or practice is immoral is merely to say that it is not ‘adaptive’. In a highly provocative statement, Posner suggests that had Hitler or Stalin been *successful*, and their moral codes played a part in that success, then we would praise those codes; with reference

to their moral values, ‘We would go around saying things like “You can’t make an omelette without breaking eggs”’ (ibid.: 25).

Posner and Leiter therefore sharply mark off science, relegating morals and politics to the non-cognitive, to ‘intuitions’ that are merely private and not susceptible to public evaluation. As Posner writes: ‘There are no “crucial experiments,” and no statistical regularities, by which to validate a moral argument’ (1999: 60). Justification of moral views inevitably rests on intuitively plausible principles, such as ‘unnecessary suffering is morally wrong’ (Leiter, 2007: 931). What is more, public discussion regarding deep disagreements, contrary to what many academic theorists suppose or would like to think, tends only to entrench, not resolve, moral and political disagreement (Posner, 1999: 64).

If persuasive, Leiter’s and Posner’s argument devastates Rorty’s effort to put science on all fours with morals and politics. It also severely impugns Dewey’s logical project, for it is precisely this gaping divide between natural science and social inquiry that Dewey seeks to overcome through application of experimental logic. What is more, the ameliorative vision of intelligent moral and social improvement, widely held by pragmatists of diverse stripes, becomes a merely academic (and perhaps pernicious) pipe dream. Fortunately, Dewey’s pragmatism is more subtle, and more far-reaching, than Rorty and others realized. As I show below, it offers significant resources for moral evaluation that not only are acutely sensitive to cultural differences, but also provide solid ground for judgments of moral progress that are not merely limited to specific cultures. While there may not be a single method common to all inquiries, there is, *contra* Rorty, a general logic of experience that, once applied to social inquiry, provides for intelligent *methods* for moral and political issues. *Contra* Posner and Leiter, these methods provide reliable intellectual *criteria* for resolving social issues and identifying moral progress that is not wholly hostage to particular cultures. If this is correct, then pragmatism indeed provides the vital resource for social amelioration that Dewey imagined.

II Pragmatic moral inquiry

Like Posner and Leiter, Dewey very sensibly recognizes real differences between current scientific practice and inquiry concerning morals and politics, which he defines as ‘common sense’ inquiry. Common sense is primarily concerned with everyday use and enjoyment. It refers to ongoing adjustments individuals and groups make to the world around them. Inquiry in these areas is, or at least has been, rooted in personal preference and bias, and ‘These personal traits cook the evidence and determine the result that is reached’ (Dewey, 2008e: 50). Matters of common sense are also deeply enmeshed in the culture of the group in which persons live. The sets of meanings, or symbols, used by groups to perform any inquiry are constituted by specific traditions, customs and institutions:

It is a commonplace that every cultural group possesses a set of meanings which are so deeply embedded in its customs, occupations, traditions and ways of interpreting its physical environment and group-life, that they form the basic categories of the language-system by which details are interpreted. Hence they are regulative and ‘normative’ of specific beliefs and judgments. (2008e: 68)

This cultural background both provides standards for judgment and limits its scope. As Dewey recognizes, judgment is bound within, only justified by, the culture of the persons producing it.

Science, on the other hand, eliminates individual and group interests from direct consideration. This allows scientific judgment to reach levels of generality and objectivity not *wholly* circumscribed by culture. Even though conclusions may not be universal – applying across all times and places – they are not merely particular either. The question then becomes how general are the facts, descriptions and laws revealed through particular inquiries, a question that can only be determined through further investigation seeking to extend prior conclusions to new contexts. This is a matter of abstraction and further generalization, a matter fraught with risk, but a potentially invaluable source of understanding and control. As Dewey writes in *Reconstruction in Philosophy*:

Abstraction and generalization have always been recognized as close kin. It may be said that they are the negative and positive sides of the same function. Abstraction sets free some factor so that it may be used. Generalization is the use. It carries over and extends. It is always in some sense a leap in the dark. It is an adventure. There can be no assurance in advance that what is extracted from one concrete can be fruitfully extended to another individual case . . . It transfers, extends, applies, a result of some former experience to the reception and interpretation of a new one. (Dewey, 2008c: 166–7)

Through ongoing inquiry, science continually imports the results of prior inquiry (facts, laws, methods) into new situations, thereby testing, extending and delimiting these findings. Again, this provides for results that, while rooted in specific times and places, give rise to judgments that extend beyond these limiting conditions.

Given this distinction between common sense and scientific inquiry, Dewey then both identifies the specific methods science uses to achieve generality and shows how these methods may be carried over into matters of morals and politics. According to Dewey, the success of science lies, first, in its *logic of inquiry*. In science, ‘meanings are related to one another on the ground of their character as meanings, freed from direct reference to the concerns of a limited group’ (Dewey, 2008e: 119). Both secondary and tertiary qualities are eliminated from direct consideration. Secondary qualities are those qualities identified since the rise of modern philosophy, such as color and taste. Tertiary quality refers to the unique, pervasive quality characteristic of any given situation, such as ‘distressing’, ‘perplexing’, or ‘anxious’, that makes a situation just what it is. ‘The pervasively qualitative is not only that which binds all constituents into a whole but it is also unique; it constitutes in each situation an individual situation, indivisible and unduplicable’ (ibid.: 73). These qualities, which are often the most gripping or palpable aspect of particular experiences, are displaced to the background. They direct and inform inquiry (indicating need, conflict, sometimes possible solution), but are not allowed to directly influence the results. For example, when a doctor examines a patient in severe pain, the situation is inherently distressing, perhaps verging on panic, but the doctor ignores this aspect, foregrounding instead indicative symptoms and signs for useful treatment. The background is suggestive of remedy, and eventually re-emerges to test the

solution, but does not tell the doctor what to do or determine whether her act will constitute successful response.

Discounting secondary and tertiary aspects allows for investigation of the causal conditions and consequences involved, for identification of kinds and existential patterns that have appeared on prior occasions and *may* manifest themselves in the current situation. This characterization of actual situations in which inquiry unfolds allows Dewey both to recognize the unique aspect of every individual situation and to show how inquiry gives rise to judgment that is increasingly general, objective, refined and useful over time. As Ralph Sleeper, perhaps Dewey's best expositor, writes:

Every problematic situation is particular and unique, its resolution specific. Offsetting this intolerably piecemeal character of inquiry, however, is the fact that some inquiries reach objects of kinds that are generally recurrent, objects that turn up with such frequency that we are led to speak of 'laws of nature' and of 'causal laws'. (Sleeper, 2001: 155)

Laws and facts emerge from inquiry that limits its subject matter to primary qualities of experience. Inquiry gives rise to generalizations that, while they must present themselves at some time or place, are thereby not restricted to particular times and places (Dewey, 2008e: 121). As James vividly writes in his lectures (and Dewey would agree), 'Once we know that whatever is of a kind is also of that kind's kind, we can travel through the universe as if with seven-league boots' (James, 1977: 423). Facts, kinds, laws are all intellectual tools for developing increasingly objective, reliable and comprehensive accounts secured by progressive inquiry.

Successful science also requires specific norms of inquirers, the *scientific attitude*. All inquiry, whether scientific, moral, or political, requires an operative system of meaning. The scientific attitude begins with inquirers regarding beliefs as hypothetical, as a conclusion intrinsically related to other statements, rather than a judgment that is self-evident, given, or established by custom and habit (Dewey, 2008b: 3). The logical meaning of a statement is then considered in terms of premises and further conclusions. The statement requires other statements as support (its premises), and if it is accepted the statement becomes a conclusion which in turn serves as a premise for other judgment(s). According to Dewey, the scientific attitude requires us to look in both 'directions' in order to support, refine, clarify and extend the statement presented as hypothesis. To the extent inquirers adopt this method, setting aside personal preference, custom and authority, they embody the scientific attitude (*ibid.*: 4).

To engage in this kind of inquiry, that is, to establish and develop a distinctly scientific order of meaning, inquirers must be committed to free, open, collaborative and mutually critical processes of inquiry. No genuine conclusions can be reached without confirmation from others. Conclusions that are merely individual, or circumscribed within a predetermined group (accidentally or deliberately), remain mere hypotheses for further testing. They may be true, or they may merely reflect the biases of the group insulating judgment from broader criticism (Dewey, 2008e: 484).

These two features of science, its logic of inquiry and the scientific attitude, Dewey then carries into other forms of inquiry. Indeed, he believes it is *already manifest*, in varying degrees, in many aspects of life and needs only further, deliberate cultivation (as both aspects are indicated here):

In short, the scientific attitude as here conceived is a quality that is manifested in any walk of life. What, then, is it? On its negative side, it is freedom from control by routine, prejudice, dogma, unexamined tradition, sheer self-interest. Positively, it is the will to inquire, to examine, to discriminate, to draw conclusions only on the basis of evidence after taking pains to gather all available evidence. It is the intention to reach beliefs, and to test those that are entertained, on the basis of observed fact, recognizing also that facts are without meaning save as they point to ideas. It is, in turn, the experimental attitude which recognizes that while ideas are necessary to deal with facts, yet they are working hypotheses to be tested by the consequences they produce. (Dewey, 2008g: 273)

Dewey proposes the term ‘social inquiry’ to address precisely those existential matters that have previously been left to common sense, especially morals and politics. It is not, as Posner and Leiter suggest, that there is too little to go on in social inquiry (a matter of being ‘epistemically feeble’), but *more* – additional facts, laws, types of consideration – and these additional factors have been long left out of analysis, insulated from intelligent judgment. The real difficulty, Dewey believes, is not that existential matters are not susceptible to scientific inquiry, but that it has not been adequately tried yet. The so-called social sciences (at the time Dewey writes about them), for example, remain embedded in judgments based on moral preconceptions that reflect and impose cultural preferences on judgment, rendering genuine inquiry impossible (Dewey, 2008e: 489). Once adequate methods are established, however, social inquiry may develop just as successfully as physical science (*ibid.*: 487). The proposed change in procedure is radical, and the results (Dewey believes) will be equally dramatic. As he wrote in *Experience and Nature*: ‘Let us admit the case of the conservative; if we once start thinking no one can guarantee where we shall come out, except that many objects, ends and institutions are surely doomed’ (Dewey, 2008d: 172).

Dewey’s elaboration of social inquiry focuses on the institution of problems, the determination of facts and the formation of conceptual matter for judgment (Dewey, 2008e: 492–9). His central concern is not to eliminate values from social inquiry (an impossible and even undesirable goal), but rather to relocate them within the process of inquiry, to render them part of the objective conditions subject to scrutiny. As Dewey writes:

Evaluative judgments, judgments of better and worse about the means to be employed, material and procedural, are required. The evils in current social judgments of ends and policies arise, as has been said, from importations of judgments of value from outside of inquiry. The evils spring from the fact that the values employed are not determined in and by the process of inquiry: for it is assumed that certain ends have an inherent value so unquestionable that they regulate and validate the means employed, instead of ends being determined on the basis of existing conditions as obstacles-resources. Social inquiry, in order to satisfy the conditions of scientific method, must judge certain objective consequences to be the end which is *worth* attaining under the given conditions. (2008e: 496)

In social matters, prior judgments encasing value, preferences and prejudice have remained fixed and are frequently imposed on inquiry from without, thereby foreclosing possibilities of alternative formulations of what is problematic and removing potential solutions that

might otherwise be available. Moreover, in some cases not only may pre-established social judgments short-circuit inquiry, these very constellations of judgment may *be* the problem itself. Dewey was keenly aware that conditions often change faster than custom, rendering custom a liability. Values, methods and judgments that developed as salutary response to a set of conditions ossify over time, become increasingly difficult to change and present obstacles to developing new forms of response to changed circumstance.

However, once located within inquiry, values, methods and previously established judgments become part of the 'situation' and acquire operational significance. They become part of the facts – publicly identifiable obstacles and resources – and may also be probed as possible solutions. In the process, prior judgment receives explicit formulation, is tested against the new situation and thereby may receive reinforcement, refinement, or qualification in light of new conditions and foreseeable consequences. That is to say that the *meaning* of these prior judgments is logically reconstituted (not just supplemented) to reflect evaluation resulting from collaborative inquiry. When values are subjected to criticism in light of objective conditions and consequences – the facts and laws that identify effects, obstacles, resources – this allows individuals and groups to evaluate value, to determine whether what is valued is indeed *valuable*. Inquiry into matters moral and political is thus nothing less than a reevaluation, or transvaluation, of received values. Values earn their place not merely by past performance or inherited prestige, but in light of capacity for response to current circumstances and future problems.

The judgment that results from inquiry (e.g. in the form of a social policy) also issues in subsequent action, and is similarly subject to further test, thus rendering the entire process experimental. Dewey insists that this is the only way to carry ideas beyond mere opinion and control by custom:

For only explicit formulation stimulates examination of their meanings in terms of the consequences to which they lead and promotes critical comparison of alternative hypotheses. Without systematic formulation of ruling ideas, inquiry is kept in the domain of opinion and action in the realm of conflict. For ultimately the only logical alternative to open and above-board propositional formulation of conceptual alternatives (as many as possible) is formation of controlling ideas on the ground of either custom and tradition or some special interest. (Dewey, 2008e: 501)

Subjecting ruling ideas to judgment brings social inquiry into conformity with the same logical conditions with which scientific inquiry conforms. These are: '(1) the status of theoretical conceptions as hypotheses which (2) have a directive function in control of observation and ultimate practical transformation of antecedent phenomena, and which (3) are tested and continually revised on the ground of the consequences they produce in existential application' (2008e: 499). Conforming to these logical requirements frees social inquiry from prevailing custom and renders it both continuous with the physical sciences and capable of greater generality in judgment across situations. Moreover, resultant judgments may then be used as reliable tools for further inquiry. These judgments are themselves not fixed, and they have no independent authority beyond their potential ability to direct and resolve current situations, but *the whole point* of

developing them is that, over time, they prove immensely reliable guides for conduct, and inquiry need not start from scratch every time (or fall back on custom). They are precedents that in application accrue weight through success, indicating that inquirers should depart from their holdings cautiously, tentatively, and with good, well-developed reasons.

In this formulation, social inquiry develops its own methods and criteria for evaluation. Moral judgment, for example, 'has a distinctive aim of its own: it is engaged with judging a subject-matter, a definitive element in whose determination is the attitude or disposition which leads to the act of judging' (Dewey, 2008b: 23). In moral judgment, the motives, impulses and habits of the person making the judgment are also at issue. These elements become part of the problematic situation, part of what a person must consider in making judgment. They are 'facts' because transformation of morally problematic situations involves both change in surrounding conditions and modification of habits constitutive of self. The latter modification is for Dewey the more significant, because more far-reaching, consideration. Today's choice is inscribed in the individual, disposing her or him toward similar choices in the future. The ethical significance is obvious, but for Dewey it is even more a logical issue, that is, it is indicative of a transformation of meaning: 'It shows that we are dealing, from the strictly logical point of view, with a characteristic type of judgment – that in which the conditions of judging activity are themselves to be objectively determined. The judger is engaged in judging himself; and thereby in so far is fixing the conditions of all further judgments of any type whatsoever' (*ibid.*).

Judgment of particular situations invites scrutiny of the self making the judgment; the inquirer sees herself as the person deciding on a course of conduct, as determining what sort of agent she is committing herself to being, now and in the future (2008b: 33). This involves making individual decisions in particular instances, but also the development of refined principles that accrue weight through application in experience over time. It is to have one eye on the immediate result of the act, and a second on how it influences both other values and the sort of person one is in process of becoming. Determining conduct of course requires standards, principles, to guide conduct. Such principles are not based on custom and habit, but on the results of previous inquiry. A given principle, such as 'Do not lie', along with a number of exceptions sensitive to particular circumstances, is observed not because of custom or authority but in light of the successes and failures of prior individual and communal experience.

Moreover, Dewey's method of logical reconstruction through experimental inquiry reaches well beyond mere self-criticism and individual development. It has practical social importance because it provides a critical apparatus for judging social practices. Prior judgments may be shown to reflect not the good of all immersed in a practice, but only the good of groups or special classes within society. These practices are held in place by authority, by obdurate habit and possibly force, rather than as the enjoyed good of all those involved. Thus exposed, the meaning of these practices is reconstituted. Previously secure practices that enjoyed recognition as a common good of the community are abruptly transformed: they are revealed as exploitative, pernicious, parasitic, held in place by arbitrary force and social privilege. This significantly erodes their support and provides a condition for possible change. As Dewey writes:

Suppose, for example, that it be ascertained that a particular set of current valuations have, as their antecedent historical conditions, the interest of a small group or special class in maintaining certain exclusive privileges and advantages, and that this maintenance has the effect of limiting both the range of the desires of others and their capacity to actualize them. Is it not obvious that this knowledge of conditions and consequences would surely lead to reevaluation of the desires and ends that had been assumed to be authoritative sources of valuation? (Dewey, 2008f: 244)

Exploration of conditions and consequences reveals these restrictions, revises the meaning of these practices and points to specific problems calling out for further inquiry and change. Elimination of these sorts of practices marks one form of moral progress, progress that may be objectively identified across time and place through ongoing inquiry and deliberate reconstruction of social practices.

Viewed positively, inquiry regarding social participation in sustained values also provides a criterion of, and support for, inherited values that prove under scrutiny to have genuine worth:

If, on the other hand, investigation shows that a given set of existing valuations, including the rules for their enforcement, be such as to release individual potentialities of desire and interest, and does so in a way that contributes to mutual reinforcement of the desires and interests of all members of a group, it is impossible for this knowledge not to serve as a bulwark of the particular set of valuations in question, and to induce intensified effort to sustain them in existence. (Dewey, 2008f: 244)

This is to say that we may well continue a past practice, a particular way of doing things, such as how we educate children or organize the workplace, but for intrinsically different reasons. Whereas it may previously have reflected inherited religious doctrine, it is now cultivated in light of conditions and consequences established through inquiry. The *meaning* of the practice has been logically reconstructed. Rendered positively, moral progress lies precisely in cultivating these sorts of practices. As Dewey writes in *Reconstruction in Philosophy*, ‘all social institutions have a meaning, a purpose. That purpose is to set free and to develop the capacities of human individuals without respect to race, sex, class or economic status. And this is all one with saying that the test of their value is the extent to which they educate every individual into the full stature of his possibility’ (Dewey, 2008c: 186).

Pragmatic inquiry provides tools for this sort of moral criticism in essentially two ways. First, as already discussed, inquiry is inherently social. Adequate judgment requires that all affected by the practice weigh in; otherwise, judgment remains mere hypothesis. This is of course particularly important given that persons are differently, and sometimes multiply, situated in social practices. The same practice may have, indeed its purpose may be to have, widely different effects on persons differently situated. Collaborative inquiry is therefore even more imperative in sorting out social practices than it is in scientific inquiries.

Second, Dewey emphasizes the extensive role dramatic (or imaginative) rehearsal plays within moral deliberation. Inquirers imaginatively experience and explore various

courses of conduct to discern potential consequences of possible actions. Agents can consider what present conditions afford as means of development, what they might realize at what costs, how their acts may affect others and how they may respond. Moral inquiry demands evaluation of present enjoyment of foreseen goods for oneself and, at the same time, sympathetic understanding of others, that is, imaginatively standing in the shoes of other persons and experiencing how they might feel as a result of one's acts.¹ The process of shared social inquiry, including imaginative participation in the lives of others, allows for application of Dewey's inclusive criterion. Practices exposed as one-sided lose at least part of their support, while those found to provide value genuinely shared by all become justified by inquiry, and not just custom or habit. This, combined with intelligent effort to transform situations, makes moral progress both possible and recognizable when accomplished.

III Putting pragmatic social inquiry to work

With this sketch of pragmatic social inquiry in hand, specific issues may be addressed to see more clearly how pragmatic inquiry works and how it secures a basis for moral criticism and progress. As the discussion of Rorty, Posner and Leiter in the introduction indicates, there is considerable skepticism regarding our capacity to make moral judgments across time and cultures, and this leads many to conclude that we cannot sustain a coherent notion of moral progress. The concerns are related and essentially turn on the issue of incommensurability. Where there is significant disagreement, and disagreement is embedded in cultural difference, there appears to be no neutral way in which moral beliefs can be criticized without reflecting the bias or arbitrary preference of the culture from which judgment is made. Richard Posner's example of the Nazi, who insists on harming others he sees as less human, or objections to practices like female genital cutting ('FGC') are typical examples in the literature. However much we may abhor these practices, they are deeply rooted in cultural understandings, identities, values, ways of life. They cannot be criticized from outside the culture, or at least can be criticized only with a severely disappointing qualification: 'wrong – *by our lights*'. The concern, as Cheryl Misak aptly puts it, is that even if we cannot convince others they are wrong, we seek grounds for confidence in our judgments that they *are* wrong, and not just because their practice does not fit with our current culture (Misak, 2000: 16). We also want to be able to say that we have made genuine moral progress when we no longer do the sort of thing we see others doing (currently or in the past). For example, FGC was used in the United States until the 1950s to 'cure' such 'ailments' as lesbianism, female hysteria and masturbation (Olayinka, 1987: 57). That we no longer do so would appear to be genuine moral progress (*ceteris paribus*), and not just because believed so 'by our lights' or because (as Posner says) it is no longer 'adaptive'.

For his part, Rorty notoriously accepted that no such ground is available, embracing a self-described 'ethnocentric' view in which all we can say is that they are wrong by our own current lights, those lights being the values, habits, customs and traditions of our western culture. We can be open to other cultures – that is, avoid the negative connotation of 'ethnocentrism' – but cannot twist free of our culture to make neutral (truly objective) judgments of others. The problem with Rorty's position, as Misak suggests, is that

... all it seems that Rorty can say is that the neo-Nazi believes one contingent, cultural-laden theory and we believe another. . . . We can of course, rehearse the reasons we have for our stance, reasons having to do with individual equality and equal respect. But we will then have to admit that they are merely historically conditioned reasons, no different in status or worth from the neo-Nazi's reasons based on inequality and hatred of those who are foreign.²

Despite Rorty's suggesting otherwise, Dewey's pragmatic moral approach provides powerful resources and guidance for addressing this concern and developing, experimentally, real confidence in our judgments regarding such values and practices. First, in terms of method, pragmatism precludes participants from merely evoking authority or past practice, as it imposes a far more rigorous test: it asks: What justifies this practice *now*, in light of current conditions and consequences, for all those involved? Asking this question provokes further observation: the development of demonstrably public facts relevant to the situation, including critical examination of past custom. For example, does FGC cause severe immediate and/or long-term physical harm? Do those who undergo it do so freely or are they coerced? Does the practice serve an important health purpose? What social purposes does it serve? These are facts of the case, open to public scrutiny and contest, not only by 'us', but by others situated in their or other cultures. What is at stake here is the pragmatic reconstruction of the meaning of a moral practice. The judgment expressing a cultural value is considered a conclusion, and inquirers look in both directions – at conditions as premises, at further consequences for which the judgment in question serves as premise – to ascertain the full *meaning* of the practice. This is the use of experimental logic, and the experimental attitude, to carry moral evaluation beyond merely individual or cultural preference into a realm that is not only intersubjective, but woven into existing conditions and consequences.

For example, although there has been real debate about the health effects of FGC, recent studies by the World Health Organization strongly support findings that physical harms result, including infection, cysts, infertility, and need for later surgery.³ These harms are not culturally specific. Conversely, while there may be social rewards attached to undergoing FGC, there are no known health benefits (again a non-culturally specific fact). While these observed facts do not alone determine ultimate judgment, they do significantly constrain appeal to evidence (or claims to lack thereof) as warrant in favor of FGC. The point is one shared not only by pragmatists but others concerned with exploitative social practices. As the feminist moral theorist Margaret Walker suggests, 'there is almost always a considerable mass of manifestly factually disconfirmable beliefs supporting particularly unjust and/or brutal social orders, especially beliefs about the ways those treated unjustly or brutally are "different" from those whom one could not get away with treating so' (Walker, 1998: 205). This is not to say that vicious practices are reducible to errors of fact, but that vicious practices draw on mistakes or deliberate misrepresentations for support. Removing that support, where errors indeed exist, is one good step toward exposing and transforming a harmful practice.

Second, pragmatic inquiry also invokes the criterion identified above for assisting with judgment: does the practice 'release individual potentialities of desire and interest, and does so in a way that contributes to mutual reinforcement of the desires and interests

of all members of a group'? Answering this question also requires further inquiry, the development of facts based on the experience and accounts of those directly and indirectly involved in the practice. Should those we perceive as victims of a practice sincerely endorse it in light of the goods it secures them, there is insofar grounds for caution and perhaps tolerance; however, if there is disagreement, and more precisely disagreement along lines that reflect group interests and/or power differences, then there is some basis for judging the practice morally problematic, possibly pernicious.

Determining these sorts of facts can, of course, be incredibly difficult. People do not always know much about the conditions and consequences of what they are doing. Their experience may be too limited, too rooted in personal bias and cultural meanings to see much beyond the immediacies of their existential circumstances (Walker, 1998: 215). For example, those who support FGC, the men and women who not only approve but participate in the ritual, genuinely may not be aware of the severity of the harm imposed. It is also obviously difficult for oppressed participants in a practice to give candid, sincere answers to perceived outsiders, given potential social repercussions. And participants may well judge a practice acceptable, or worthwhile, or 'good' because of the extrinsic social benefits it confers. It is notoriously difficult to separate out various strands of a practice, and those subject to it may even resent interference or criticism because it effectively isolates them or prevents them from enjoying basic goods in the culture (e.g. marriage, children). This, however, is not a reason to concede inquiry, but a call to refine it, render it more inclusive, more cautious and more acutely sensitive to circumstances. However fallible, continual inquiry that is both inclusive and closely tracks fault-lines of authority and various forms of bias (racism, sexism, etc.) provides context along with potential extension, correction and refinement of meaning of statements made by participants. Inquiry must proceed tentatively, and warrant comes only by degrees, but it comes nonetheless and its advent ineluctably transforms the meaning of received social practices.

Finally, pragmatic moral inquiry provides a basis for relative *consensus*, which itself gives grounds for measured confidence in judgment. The moral quandary identified above is commonly depicted diadically, as a conflict between two opposing groups rooted in two divergent cultures. But social inquiry is always inclusively collaborative, involving persons from multiple cultures or diversely situated within cultures, giving rise to triadic relations. This allows us not only to compare descriptions from variously situated participants, but also to move into grounded solidarity with some in opposition to others. We may side with the victims of neo-Nazi violence, who are very differently situated from us, against the perpetrators (who occupy a third position). This is not merely judging one culture from another, but rather through inquiry carving out grounds for unforced agreement. Unfortunately, this sort of agreement may be weak, given that we may agree on moral judgments, but for very different reasons (for example, ours based on pragmatic inquiry, theirs on a religious conception of justice that happens to coincide).⁴ Notably, we cannot compel those we agree with to use the same criteria for judgment any more than we can compel those with whom we disagree. Nevertheless, when this kind of consensus emerges, it provides further support for particular moral claims. Rorty was surely right to reach for solidarity in support of moral judgment, but Dewey's approach offers a better account of how that solidarity may be achieved and recognizes it as only one part of how judgments may be formed, supported and qualified.

It is with regard to consensus that the two examples we have been considering, the Nazi/neo-Nazi and practitioners of FGC, interestingly diverge. Regarding the neo-Nazi, the failure or refusal to participate in inquiry or exchange of reasons does nothing to erode whatever warrant has accrued to the inquiry, and in this case that warrant is rather significant. The harms are obvious, there is no shared participation in the activity, and consensus at least between us and the victims is firm. In principle, this warrant could be called into question by changed circumstances, though what that change could be is extremely difficult to imagine. It is worth noting, however, that warrant could be altered – we might like to think increased, but cannot say ahead of time – should the neo-Nazi decide to challenge our view and participate in exchange of reasons.

On the other hand, it seems that judgment regarding FGC is less clear. The evidence of physical harms inflicted on human bodies, the lack of apparent health benefit, the limits it imposes on personal freedom, and the power relations it reflects, all strongly support condemnation of the practice. However, consensus remains a significant issue. There are many within the several cultures in which this practice is honored who oppose it, but also many (and many of these are women who have experienced the ritual) who embrace it and desire to retain the tradition.⁵ This fact calls for genuine caution in judgment, further inquiry and perhaps qualified tolerance under certain conditions, even where we strongly suspect that consent or approval is not freely given. This provisional conclusion may be disappointing to some, especially those who expect definite answers from theory for practice, but is in fact a strength of the method: it provides increasing warrant for judgment where warrant is available, but counsels caution and solicitous care where it is lacking. Application of this kind of tentative and measured approach is *itself* a hallmark of moral progress, constraining impulse and emotion from action that may prove no less damaging than the practice itself.

Moreover, pragmatic moral inquiry encourages other, less directly invasive responses for addressing practices that appear problematic but for which available warrant is less than we would like. Emphasizing degrees of warrant, rather than binary (black/white, yes/no) judgments, provokes consideration of alternative measures. The task is one of fitting the response to available warrant. Consider again the practice of FGC. First, as already emphasized, there may well be difference of opinion that pivots on fact. We often do not know the full consequences of our actions. Therefore, dissemination of information may be a useful response for limiting the practice. It also may have a great deal to do with bias toward the status quo, or what William James described as ‘the enormous fly-wheel of society’, habit (James, 1977: 16). It appears that one of the most prevalent reasons given for continuing the practice of FGC is that it upholds prior custom and tradition (rather than to preserve cleanliness, virginity, or observe a religious requirement).⁶ Given these factors, education of facts and rational argument may not be enough. We may also have to develop imaginative accounts, dramatic rehearsals, or what Rorty sometimes described as sentimental stories, that encourage participants to experience imaginatively (sympathetically) how those subject to the practice feel, as well as cultivate other, less damaging alternatives (such as symbolic substitutions within the ritual).⁷

These suggestions may be far more salutary and less invasive responses than, for example, bluntly outlawing the practice with criminal sanctions. Due to enacted laws against FGC, practitioners in some countries are now subject to prison terms if they insist on implementing the practice.⁸ While we may conclude that FGC is morally problematic and

should not receive positive sanction from law, this amounts (I suggest) to nothing less than imposing Sophoclean tragedy on the unsuspecting: persons must choose between the written law of the state and the unwritten law of their families, customs, religion; they must choose between state prison and social ostracism. Given the lack of consensus surrounding it, alternative suggestions for limiting the practice seem not only humane, but more morally responsible under the circumstances (at least for the time being).

Second, we may seek practical means of mitigating the practice. For example, FGC may be modified by use of default strategies. Rather than outlawing the practice, practitioners may be merely required to take actual steps to initiate the ceremony. For example, they may be required to reserve facilities, observe a waiting period, and perhaps obtain a health report. These sorts of modest impositions may significantly affect the practice without subjecting anyone to severe penalty (such as incarceration). This is of course a restriction on freedom, but is closer to what Richard Thaler and Cass Sunstein, in their work on choice economics, describe as a *nudge*, an alteration in choice architecture ‘that alters people’s behavior in a predictable way without forbidding any options or significantly changing their economic incentives’ (Thaler and Sunstein, 2009: 6). Imposing requirements on implementing the practice is undoubtedly an intrusion, but a fairly minimal one, and one that is amply justified by warranted judgment that the practice is morally problematic (if not conclusively so).

Third, transformation of harmful practices may be better addressed wholly indirectly, by reconstruction of material social conditions, than by direct assault (condemning a group as immoral). For example, with FGC there are strong correlations between women approving FGC and other social factors, including whether a woman is urban, is employed and has received an education.⁹ Women living in cities, having work outside the home, and having received at least some education, are less likely to approve the practice. It may therefore be far more effective to modify existing conditions than morally condemn the practice. This sort of intervention amounts to providing more of what women actually want, rather than trying to convince them to give up a practice they may value in opposition to the culture that sustains and cares for them. However onerous, one must often address the conditions in which actors are entangled in order to secure moral progress, and this means genuine commitment of resources (time, money, etc.) to produce genuine change in social practice. Again, given that warrant for critical judgment is limited, this may be a more morally adequate course of response than outright condemnation.

IV Conclusion

Which judgments are formed, which problem-solutions work in a way that satisfies the need of actual situations, what actions should ultimately be taken – these must all emerge from collaborative inquiry and be subject to continual revision in light of experience. Nevertheless, Dewey’s experimental approach develops and makes continual use of increasingly reliable judgments in an effort to respond to and transform the demands of existence. It amounts to far more than a fallible attitude (as Rorty suggests), far more than playing out intuitions (as Posner indicates). Pragmatic moral inquiry provides a reliable method for exploring and resolving moral problems in a way that drives toward

increasing generality, objectivity and refinement in application in particular situations. It generates confidence in judgment, cultivates acute sensitivity to changed circumstances and encourages creative response to complex situations. Just as Dewey suggested, it not only provides criteria for identifying moral progress when it occurs, but concrete tools (intellectual methods) for actually bringing it about.

Notes

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1. Dewey's view of dramatic rehearsal is buttressed by recent work in neuroscience. See Lakoff (2008: 39–40).
2. Misak (2000: 16). Misak offers her own response to this problem by developing a distinctive view of belief in light of the work of Charles Peirce and David Wiggins. For criticism of this approach, see Sorrell (2011: 270–8).
3. See the WHO health report accessible @: <http://www.who.int/mediacentre/factsheets/fs241/en/index.html>. This is entirely consistent with my own work with victims of FGC seeking US asylum, including one applicant who explained that the wound she received was afterwards tightly packed with dirt and leaves to prevent bleeding. Not surprisingly, her recovery was long and painful.
4. These are known as 'incompletely theorized agreements'. See Mansbridge *et al.* (2010: 70).
5. Schweder (2000) provides a compelling account of the divergence between the overwhelming consensus conveyed by the vast western literature that FGC is a brutal practice and the self-understanding of at least some persons who have experienced the ritual. Schweder's own experience in Kenya indicates that girls often look forward to the ritual, seeing it not only as a test of courage, but a celebration that is civilized, dignified and beautiful. Moreover, men often have rather little to do with the ceremony. It is controlled, performed and upheld by woman; men often know little about it and may not feel it appropriate to interfere (*ibid.*: 221–2). Schweder's claims are of course not dispositive, but at least indicate a genuine lack of consensus regarding this issue.
6. See: http://www.path.org/files/CP_fgm_combnd_rpt.pdf, 15.
7. There have already been some successful efforts along these lines in Ghana and Kenya. See: <http://www.fgmnetwork.org/intro/fgmintro.php>.
8. See: http://www.fgmnetwork.org/gonews.php?subaction=showfull&id=1324067577&archive=&start_from=&ucat=1&.
9. See: <http://www.path.org/files/FGM-The-Facts.htm>

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