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DEFENDING DEWEY:
A PRAGMATIC CASE FOR HUMAN RIGHTS

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Abstract

In this paper, I explore John Dewey's philosophy and how it applies to human rights. First, I provide background information about the intellectual development of Dewey. Then, I summarize the relevant characteristics of his political and moral philosophy, focusing on his belief in democracy and evolutionary ethics. Next, I analyze Dewey's treatment of human rights, drawing from Joseph Betz's 1978 article on the same topic. After that, I explain Thelma Z. Lavine's metaphysical and foundational criticisms of Dewey's treatment of rights. Finally, I defend Dewey against these criticisms.

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Introduction

As a direct result of the atrocities in the Second World War, the United Nations General Assembly ratified a Universal Declaration of Human Rights in December 1948. The Declaration recognized that “all human beings are born free and equal in dignity and rights,” and “they are endowed with reason and conscience and should act towards one another in a spirit of brotherhood” (Assembly, 1948). It lists several of these inherent human rights, such as the rights to life, liberty, security of person, and recognition everywhere as a person of law.

Though the Declaration itself is straightforward, controversies still arise out of its application. For example, Amnesty International released a video in 2008 entitled “60 Years of Human Rights Failures,” which points out various human rights violations that have emerged in the six decades since the Declaration (News, 2008). Even in our own country, Americans debate about torture and the rights of prisoners in Guantanamo Bay, which culminated in a major Supreme Court case. Indeed, although most cultures universally agree upon the existence of human rights, there is still plenty of room for debate about specifics.

Such disagreements about human rights thrive in the realm of philosophy. While most philosophers agree that certain basic human rights exist, they differ on specific frameworks for those rights. For example, most Americans are familiar with John Locke’s doctrine for natural rights. Indeed, the Declaration of Independence echoes the view that rights are “endowed by our Creator” and thus embedded into every human person by virtue of her existence. Yet other philosophers disagree that rights are God-given. Instead, they may argue that the source of rights lies in nature or within man himself.

One philosopher has an interesting place in this debate: John Dewey. As a leading thinker behind American pragmatism in the early 20th century, Dewey wrote works on democracy, education, and liberalism. He was a unique philosopher because he was a prominent public

figure in American culture. The American people sought his opinion on policy issues from education reform to isolationism in World War II.

Yet among all of his works on democracy, Dewey never once described a framework for human rights. This absence is a bit odd – most political philosophers dedicate an entire portion of their work to legal and moral rights. This is especially important for 20th century philosophers, who lived through the worst era yet for human rights. Furthermore, as communism began to spread at the end of Dewey's life, some democracy enthusiasts argued that democratic government was the best safeguard against human rights violations. What did Dewey, America's darling philosopher, have to contribute to these debates?

To be sure, even if Dewey does not have an obvious positive doctrine for rights, one can draw certain principles from his philosophy. In his 1978 article, "John Dewey and Human Rights," Joseph Betz analyzed Dewey's works and found an evolution of his treatment of rights. He showed that Dewey's works in democracy and individualism reflect a belief in rights as a social task for a community. Furthermore, rights evolve with changing times. More insight comes from Dewey's ethical philosophy, specifically his evolutionary ethics, which suggest that human rights evolved as a social tool to cultivate a harmonious civilization.

Yet how do these principles apply to the human rights debates among philosophers? Have other philosophers criticized this perspective of human rights? What differences exist between Dewey and a natural rights theorist like John Locke? Is one system more useful than another is when it comes to topics like torture, gay marriage, and other human rights issues?

In this paper, I will explore John Dewey's philosophy in the context of human rights debates. In Chapter 1, I will summarize the intellectual development of John Dewey. In Chapter 2, I will provide a brief exposition of his political and moral philosophy, focusing on his faith in

democracy and evolutionary ethics. In Chapter 3, I will explore Dewey's treatment of human rights, drawing mainly from Joseph Betz's 1978 article. In doing so, I will offer a framework for human rights that is consistent with John Dewey's philosophy.

After extracting a Deweyan doctrine of human rights, I will weigh it against objections from other philosophers. In particular, I will use Chapter 4 to summarize Thelma Z. Lavine's metaphysical and foundational criticisms of Dewey's reconstruction of individualism. In Chapter 5, I will respond to these criticisms as I believe Dewey would have. Ultimately, I hope to extract a doctrine on human rights from John Dewey's works and to defend that doctrine against Lavine's critiques.

Chapter 1: Background Information

John Dewey was born on October 20, 1859 to a modest family in Burlington, Vermont. His father, Archibald Dewey, ran a local grocery business. His mother, Lucina, was a deeply devout woman, always inquiring into the state of her sons' souls (Westbrook, 1991, p. 3). Dewey would later reflect on his New England background with mixed feelings, citing an "inward laceration of the spirit" from its pious and repressive nature (Ryan, 1997, p. 43). Perhaps this repression contributed to his famously shy and introverted personality.

At the age of 16, Dewey enrolled in the University of Vermont. He took little interest in the required courses in his first three years, which he found rather boring (Ryan, 1997, p. 53). It was not until his fourth year, which required courses in moral philosophy, that Dewey felt stimulated by his coursework. In a senior capstone course, for example, he studied the teachings of G.H. Perkins and *Lessons in Elementary Physiology* by T.H. Huxley. Dewey describes this as a sort of philosophical beginning for him, as he dates this time an "awakening of a distinctive philosophical interest" (Dewey, 1930, p. 14). He graduated in 1879 with an uncertainty about his future career, eventually accepting a job offer as a high school teacher in Oil City, Pennsylvania (Ryan, 1997, p. 57).

After three years as a high school teacher, Dewey began his graduate studies at Johns Hopkins University. He never clarified why he decided to attend graduate school, although some suggest his reasons were financial (Ryan, 1997, p. 62). Soon after his enrollment, President Gilman actually tried to persuade him to switch to another field (Westbrook, 1991, p. 13). Apparently, the philosophy department was one of the weakest departments of the newly formed university, with all teaching duties handled by three young lecturers. Dewey was not persuaded, however, and gravitated towards George Sylvester Morris, the least scientific of the three lecturers (Westbrook, 1991, p. 13).

Dewey's work with George Morris had a lasting influence on his philosophical career.

Robert Westbrook writes,

Dewey was looking for a philosophy that would free him from the guilt-ridden pietism of his mother, satisfy his hunger for unification, and provide a rational underpinning for the feeling of oneness with the universe which he had experienced in Oil City (Westbrook, 1991).

According to Westbrook, Morris had suffered an "inward laceration" similar to Dewey, which made him more appealing than the other lecturers. Indeed, Dewey took all of Morris' courses and quickly became his favorite student.

Morris' neo-Hegelianism was particularly influential on Dewey. In fact, in his 1930 article, "From Absolutism to Experimentalism," Dewey claims that Hegelianism and German Idealism had a special appeal for him that extended beyond Dr. Morris' enthusiastic devotion. He explains that Hegelianism held a special attraction for him because Hegel's synthesis of subject and object was

no mere intellectual formula; it operated as an immense release, a liberation. Hegel's treatment of human culture, of institutions and the arts, involved the same dissolution of hard-and-fast dividing walls... (Dewey, 1930, p. 17)

Thus, Hegelianism satisfied Dewey's intellectual craving at the onset of his philosophical journey. Dewey was intoxicated by Hegel's thought precisely because it "supplied a demand for unification" (Dewey, 1930).

After graduating from Johns Hopkins in 1884, Dewey joined his mentor at the University of Michigan as an instructor. Throughout their time there, Morris and Dewey made Ann Arbor an important center for idealist philosophy (Westbrook, 1991, p. 21). As absolute idealists, they

“hoped to successfully arbitrate the conflict between science and religion without sacrificing the essential interests of either” (Westbrook, 1991, p. 23). Specifically, Dewey tried to incorporate the “new psychology” from Germany into the metaphysics he learned from Morris. He was astonishingly productive, going from an instructor to professor to head of the department in ten years (Ryan, 1997, p. 78).

During his first year at Michigan, Dewey fell in love with a student named Alice Chipman. After her graduation in 1886, the two got married (Ryan, 1997, p. 80). They would have several children together, including a son named Morris, after Dewey’s mentor. Mrs. Dewey’s most profound influence on her husband was that she counteracted the repressive effects from his pious mother (Ryan, 1997, p. 80). In fact, when they moved to Chicago in 1894, John Dewey did not join a church or send his children to Sunday school, causing a bitter conflict with his mother (Westbrook, 1991, p. 36). Alice, however, supported John in his drift away from organized religion.

In 1888, Dewey left Ann Arbor to chair the philosophy department at the University of Minnesota. His departure was short-lived, however, as he returned to Michigan when George Morris died suddenly at age 49 (Ryan, 1997, p. 79). After Morris’ death, Dewey accepted the position as chair of the philosophy department. During these years, his work shifted from metaphysics to ethics (Westbrook, 1991, p. 33). He remained in Ann Arbor for another six years.

According to Westbrook, Dewey’s social theory during this period drew from British idealism. Specifically, Dewey drew heavily from the two fundamental concepts:

the neo-Hegelian understanding of society as a peculiar kind of moral organism and the related notion of individual freedom within this organic society as the positive freedom to

make the best of oneself as a social being and not merely the negative freedom from external restraint or compulsion (Westbrook, 1991, p. 38)

This influence is evident in Dewey's essay, "The Ethics of Democracy" (1888), where he defends democracy as an ethical ideal. This assertion is especially relevant to our discussion of rights and it will be discussed in further detail later in this paper.

In 1894, Dewey followed his colleague J.H. Tufts to the newly founded University of Chicago. At this time, there were already signs of Dewey drifting away from absolute idealism (Ryan, 1997). Westbrook writes that Dewey was dissatisfied with "the remoteness of absolute idealism from the concrete particulars of human experience," and that he instead searched for "a philosophy that would provide greater leverage on practical problems" (Westbrook, 1991, p. 60). Although it is hard to date a specific departure, this shift from Hegelian absolutism to pragmatic naturalism eventually defined Dewey as a philosopher.

Dewey's time at the University of Chicago transformed him into one of the leading figures of pragmatism. By the time he left for Columbia in 1904 (where he would stay until he retired), he had already developed the foundations for his instrumentalist philosophy that solidified him as an influential public philosopher. This instrumentalism provides insight into Dewey's beliefs about human rights.

Chapter 2: Dewey's Views on Democracy and Ethics

One of the most distinguishing aspects of John Dewey was his role as a conjunctive philosopher. That is, he tried to bring together what other philosophers and cultures had previously disagreed on (Colapietro, 2009). He was also anti-dualistic. Dewey writes,

...as my study and thinking progressed, I became more and more troubled by the intellectual scandal that seemed to me involved in the current (and traditional) dualism in logical standpoint and method between something called "science" on the one hand and something called "morals" on the other. (Dewey, 1930, p. 19)

Because of this tension, Dewey reconstructed several philosophical concepts, including philosophy, experience, reality, and intelligence. As we will see later, his reconstruction of individualism is especially important in his treatment of human rights.

Dewey also believed that traditional philosophy was rendering itself meaningless with its search for transcendental ideals. He discusses these ideas in "The Need for Recovery of Philosophy," "From Absolutism to Experimentalism," and "Philosophy's Search for the Immutable." Ultimately, he calls for philosophers to "get rid of the useless lumber that blocks our highways of thought, and strive to make straight and open the paths that lead to the future" (Dewey, 1930, p. 21). Accordingly, Dewey rejected the drive to find absolute truths and absolute realities in a world that was constantly changing.

John Dewey's political philosophy revolves around his confidence in democracy. Indeed, democracy is a central theme in virtually all of his political works. His first explicit essay on democracy was "The Ethics of Democracy" (1888), which he wrote as a 29-year-old professor in Michigan. The essay responds to Sir Henry Maine's critique of democracy in *Popular Government*, which accuses democracy of being nothing more than rule by the masses. According to Dewey, Maine's conception of democracy consists of three basic points:

“democracy is only a form of government,” “government is simply that which has to do with the relation of subject to sovereign, of political superior to inferior,” and “democracy is that form of government in which the sovereign is the multitude of individuals” (Bernstein, 2010). Dewey objects to all three of these points.

Dewey argues that Maine’s conception of democracy is limited to a government by “a numerical aggregate, a conglomeration of units.” (Dewey, "The Ethics of Democracy", 1888). The “natural and inevitable” outcome of this definition, according to Dewey, is the idea that democracy is a theory of Social Contract. He writes, “[t]he essence of the ‘Social Contract’ theory is not the idea of the formulation of a contract; it is the idea that men are mere individuals, without any social relations *until* they form a contract” (Dewey, "The Ethics of Democracy", 1888). According to Dewey, this is the assumption that Maine makes in his arguments.

Yet Dewey profoundly rejects this notion of a pre-social individual. On the contrary, he argues that any theory of human beings that fails to acknowledge men as inherently social fails. He writes,

The fact is, however, that the theory of the "social organism," that theory that men are not isolated non-social atoms, but are men only when in intrinsic relations to men, has wholly superseded the theory of men as an aggregate, as a heap of grains of sand needing some factitious mortar to put them into semblance of order. (Dewey, "The Ethics of Democracy", 1888)

If we accepted democracy as a form of social contract theory, Dewey argues, then democracy would be simply an account of anarchy.

Upon establishing the descriptive and normative significance of the sociality of human beings, Dewey concludes that democracy is not simply “a form of government” where the

majority rules. Instead, it is in the process by which the majority is formed (Dewey, "The Ethics of Democracy", 1888). He then emphasizes two points that characterize his approach to democracy (Bernstein, 2010). The first is that democratic sovereignty does not consist of simply the numerical aggregate of individuals. Rather, the individual and society are internally related, and "the individual embodies and realizes within himself the spirit and the will of the whole organism" (Dewey, "The Ethics of Democracy", 1888). Therefore, Maine is wrong to suggest that democracy consists of merely the governors and the governed. Instead, it consists of *every member in its political society* (Bernstein, 2010). In short, in a democracy, every individual is a sovereign citizen.

His second point is that democracy is not simply a form of governance; it is an ethical way of life. To say otherwise is like saying that a home is "more or less geometrical arrangement of bricks and mortar," or that a church is "a building with pews, pulpit, and spire." While these descriptions are true, they do not paint complete pictures. Dewey writes,

Democracy, in a word is social, that is to say, an ethical conception and upon its ethical significance is based its significance as governmental. Democracy is a form of government only because it is a form of moral and spiritual association. (Dewey, "The Ethics of Democracy", 1888)

According to Richard J. Bernstein, Dewey draws upon the Hegelian understanding of *Sittlichkeit* and the Greek understanding of *ethos* when he discusses democracy as an ethical ideal (Bernstein, 2010).

The important point in "The Ethics of Democracy" is that democracy is based on the conviction that *every* human being is capable of personal responsibility and individual initiative (Bernstein, 2010). This is opposed to an aristocracy, where only the few are believed to have this

privilege. Dewey writes, “[t]here is an individualism in democracy which there is not in aristocracy, but it is an ethical, not a numerical individualism; it is an individualism of freedom, of initiative to and for the ethical ideal, not an individualism of lawlessness” (Dewey, "The Ethics of Democracy", 1888). In short, democracy is an ethical ideal because it asserts that citizens matter, therefore their voices matter.

Although “The Ethics of Democracy” is one of Dewey’s earlier works, his arguments from the article followed him throughout his career. He never lost his faith in democracy, both as an ethical ideal and as a practical type of government. For example, in a later essay, “Democracy is Radical,” Dewey defends democracy as a radical ideal, but not an impossible or utopian ideal. He claims that the fundamental principle of democracy is “that ends of freedom and individuality for all can be attained only by the means that accord with those ends” (Bernstein, 2010). Indeed, one of the appeals of Dewey was that he did not speak of a distant goal, but something attainable by America in the 20th century (Ryan, 1997).

Dewey’s conception of democracy also emphasizes the importance of education. He argues that democracy is more than simply achieving a consensus; rather, it is the process of educating a community to recognize the needs of everyone. He writes, “[t]he method of democracy – inasfar as it is that of organized intelligence – is to bring these conflicts out into the open where their special claims can be discussed and judged in the light of more inclusive interests than are represented by either of them separately” (Dewey, *Liberalism and Social Action*, 1935). In other words, democracy is not simply a medium for factions to assert their interests. Instead, it is an activity of mutual education, in which we aim to understand ourselves and our collective experience.

As far as Dewey’s position on ethics, one work in particular is worth noting. In “Three

Independent Factors in Morals,” Dewey addresses three independent sources of evidence in making a moral decision: goods, rights, and virtues. He argues that theological, deontological, and virtue theories each draw from an independent source of evidence in deciding what one ought to do. Because none of these sources carries conclusive authority, the tension among the three types of moral consideration is “permanent and cannot be resolved by reducing one to another or insisting that one automatically overrides the other” (Anderson, 2010). In other words, he is attacking single principle and reductionist moral theories.

One interesting aspect of John Dewey’s moral theory is his belief in natural selection and evolution. Although Ludwig Wittgenstein once remarked that Charles Darwin’s theory of evolution “has no more to do with philosophy than any other hypothesis in natural science,” Dewey could not disagree more (Rachels, 1990, p. 2). He derived several philosophical implications from Darwinism, many of which are relevant to a discussion of human rights.

In *The Influence of Darwinism on Philosophy*, Dewey outlines important consequences stemming from evolution and natural selection. For example, before Darwin, species were looked at as final, immutable, ahistorical, and carried a sense of purpose and perfection. Moreover, everyone had thought that the world always was and always will be as it is today. Indeed, this was how philosophers had approached the world -- searching for unchanging, universal, pristine, and observer independent truths and realities.

However, Dewey observes, Darwin changed all of that. Evolutionary theory suggests a world of change and mutation – that is, it is not so much that things have a history, but that they *are* a history (Colapietro, 2009). Therefore, there is no timeless being that undergoes change and is not significantly altered by it. To Dewey, then, the influence of Darwin on philosophy resides in “his having conquered the phenomena of life for the principle of transition,” freeing the new

logic for application to minds, morals, and life (Dewey, 1909, p. 41).

Dewey also saw anthropological implications from Darwinism. For most of history, humans labeled all other animals as primitive, yet themselves as rational beings made in God's image. However, evolutionary biology presumes a continuum suggesting we are not absolutely different from all other species of animal. Instead of being a Divine Spark, intelligence is continuous. Hence, Dewey argues that we ought to be able to explain human activity from a purely naturalistic perspective (Dewey, *The Evolutionary Method as Applied to Morality*, 1902). This is important when considering the criticism from many philosophers that evolution weakens the case for human rights.

In his article "Evolution and Ethics," Dewey elaborates on the ethical implications of Darwinism and responds directly to T.H. Huxley's lecture on the same topic. While he agrees with Huxley on several points, he disagrees that evolution and ethics are opposing forces. As a conjunctive thinker, Dewey does not see the two as mutually exclusive. Indeed, he rejects this notion that ethics and evolution are incompatible, arguing that the "struggle against nature" concept is based on an inaccurate dualistic view of man vs. nature (Dewey, *Evolution and Ethics*, 1898).

To Dewey, we do not struggle with nature, as it gave rise to our existence. In fact, he does not see the struggle for existence as anything more than living itself (Dewey, *Evolution and Ethics*, 1898). Consequently, to condemn self-assertion in nature is to actually condemn life. Dewey explains, "[s]elf-assertion in this sense carries with it no immoral connotation, unless life by itself is immoral" (Dewey, *Evolution and Ethics*, 1898). Therefore, he rejects Huxley's idea that evolution and ethics are contrary, opening up room for an evolutionary view of ethics to exist.

If ethics and evolution are not antagonistic processes, then is Social Darwinism justified? Dewey says no, because Social Darwinists have a limited interpretation of the term “fit.” Social Darwinists associate “fitness” with strength, toughness, and even brutality when they describe survival of the fittest. Dewey, however, sees other qualities that play a vital role in survival – namely social qualities. That is, our ability to function harmoniously in a social environment contributes to our survival as well. For example, a lion cub may have all the genetic and physical advantages in the world, but without interactions with its mother and its pride, it will surely die at an early age (Teehan, 2002, p. 232). While Huxley and Social Darwinists view human beings as naturally selfish and asocial, Dewey denies that natural selection would advantage the amoral.

Dewey also disagrees with Huxley about the normative implications of evolution (Teehan, 2002, p. 234). Based on the naturalistic fallacy, Huxley concluded that an evolutionary account of morality cannot play a role in moral judgments. Evolution can give us an historical account of where morals come from, he said, but we cannot derive an “ought” statement from an “is” statement. Yet Dewey believes an evolutionary account of morality *does* influence our understanding of morals and beliefs because anything that affects our understanding of morality also affects our normative judgments. Evolution creates conditions for morality to form, and understanding those conditions will consequently shape the ethical process. In other words, Dewey disagrees with the fact/value dichotomy (Dewey, *The Evolutionary Method as Applied to Morality*, 1902).

To Dewey, then, ethics is not about a Platonic search for some transcendental ideals like the ‘Good’ and ‘Just,’ but a pragmatic evaluation of norms, values, and behaviors in terms of their functionality in terms of social progress (Teehan, 2002, p. 235). He writes,

norms and ideals... arose out of certain situations, in response to the demands of those situations; and that once in existence they operated with a less or greater meed of success (to be determined by study of the concrete case). (Dewey, 1902, p. 23)

Thus, morality is not something that exists outside the human mind or even outside of nature; it is not something we need to search for with philosophy or religion as our flashlight. Instead, a social contract already exists as a key to the survival of the human species. Virtues have a natural pragmatic nature, rather than a spiritual or pious one.

Dewey says that morals arose out of a joint struggle for existence and a natural propensity to survive as a species. That is, morality is a product of evolution because, as social animals, we survive as a group, not as individuals (Teehan, 2002). And for a group to survive, cooperation is an obvious advantage. For example, a famous rock band is clearly more likely to stay together if the members cooperate and have mutual respect for one another. If not, then inevitably they will break up. In the same way, a moral species is more likely to survive than an amoral one because sympathy and benevolence are mutually beneficial to everyone. Indeed, there has been no successful civilization in human history that has condoned moral anarchy because it just does not work.

In short, the philosophy of John Dewey was conjunctive in both political and moral realms. He redefined many philosophical concepts by grounding them in experience rather than absolute ideals. His political philosophy revolved around his faith in democracy as an ethical ideal and his view that society functioned as a unified organism. His moral theory was naturalistic and grounded in the practical consequences of certain actions. In particular, Dewey's evolutionary ethics noted that human beings were not fallen angels, and virtues arose out of a

propensity to survive as a species. All of these major philosophical ideas will be important when we turn to Dewey's conception of human rights.

Chapter 3: A Deweyan Doctrine of Rights

Now that I have provided a background of Dewey's life and general philosophy, what can one say about his beliefs on human rights? As I said earlier, Dewey rarely addresses rights in his most famous works. In fact, none of the major anthologies for John Dewey contains the words "right" or "rights" in their indices (Betz, 1978). This absence is unusual given Dewey's extensive discussion of democracy and political philosophy.

Even if Dewey does not make rights a central theme in his works, a concentrated look at his writings shows an evolution of his treatment of the topic. Joseph Betz offers such an analysis in his excellent 1978 article, "John Dewey and Human Rights." He shows that Dewey actually offered a positive doctrine of rights in an earlier edition of his 1908 *Ethics* with James Tuft. However, Dewey abandoned this doctrine later in his career and actually cut out those excerpts from the textbook. Instead, he becomes more concerned with refuting others' doctrines on human rights. Dewey, then, moves from a positive to a negative attitude of rights (Betz, 1978). Before I dive into my own extrapolation of a Deweyan doctrine of rights, I will first summarize this evolution as explained by Betz.

Betz' Description of Dewey's Rights Philosophy

According to Betz, there are three pre-Depression works that illustrate Dewey's positive doctrine of rights: his 1891 *Outlines of a Critical Theory of Ethics*, his and Tufts' 1908 *Ethics*, and his *Lectures in China, 1919-20* (Betz, 1978). In the *Outlines of a Critical Theory of Ethics*, Dewey was still an absolute idealist, as he argued that freedom is concrete because it is the "assured rights, or powers of action which one gets as such a member [of a community]:— powers which are not mere claims, nor simply claims recognized as valid by others, but claims reinforced by the will of the whole community." (Dewey, *Outlines of a Critical Theory of Ethics*, 1891). Betz notes that even in this objective idealism, there are still hints of Dewey's later

philosophical beliefs, such as his assumption that rights are in the social situation, not the solitary individual (Betz, 1978).

Dewey's most extensive positive doctrine for rights, however, was in his 1908 edition of *Ethics* with James Tuft. Part III of the Book begins with two chapters by Dewey. Both these chapters discuss the individual in society and society in the state. Dewey combines the negative responsibility and positive freedom to define a right as

that which, taken at large or in a lump, is called freedom breaks up in detail into a number of specific, concrete abilities to act in particular ways. These are termed rights. Any right includes within itself in intimate unity the individual and social aspects of activity upon which we have been insisting. (Dewey & Tufts, *Ethics*, 1932)

Dewey then splits the types of rights into two categories: individual and social rights. Individual rights may be physical, such as the right to life, or mental, such as free speech. Meanwhile, social rights can be civil, such as the right to form contracts and use the courts, or political, such as the right to vote (Betz, 1978). Betz points out that Dewey holds the political rights as the highest class of rights. Indeed, Dewey's faith in democracy includes an individual right to a voice.

Finally, in the *Lectures in China*, Dewey discusses rights in terms of the law, not freedom or responsibility. He argues that the law has two functions: to grant rights and impose obligations. He defines rights as "the individual power granted to a man by the power of the whole society, which stands behind and supports the law" (Dewey, *Lectures in China*, 1919-1920, 1973). He then classifies three types of rights: personal, civil, and political. These are similar to the classifications of rights in *Ethics*, except that he combined physical and mental rights into personal rights. Again, Dewey asserts that "political rights are the most basic of all

rights; they constitute the guarantee of enjoyment of other rights” (Dewey, *Lectures in China*, 1919-1920, 1973). Betz again emphasizes how important suffrage is to Dewey in terms of political rights.

However, Dewey abandoned his positive doctrine of rights in his later works. Instead, he focused on criticizing natural rights and individualism, or a “theory which endowed singular persons in isolation from any associations” (Betz, 1978). In *Ethics*, Dewey discusses Lockean individualism as a combination of several ideas (Dewey & Tufts, *Ethics*, 1932). For example, individualism is associated with natural rights, which exist outside society and the government. Moreover, the Lockean purpose of government is “the protection of individuals in the rights which were theirs by nature” (Dewey, *The Public and Its Problems*, 1954). Besides this protection of natural rights, government should leave individuals to be as free as possible, according to Dewey’s characterization of Lockean individualism.

Dewey disagrees with this definition of individualism and reconstructs it in his later works. For example, recall from “*Ethics and Democracy*” that Dewey believes individuals are social beings by nature. Therefore, he argues that to pin individual interests against societal interests is a false opposition (Bernstein, 2010). As Betz explains, “individuals cannot be opposed to society any more than the individual letter can be opposed to the alphabet” (Betz, 1978). In other words, Lockean individualism assumes that individuals and their rights are isolated from society, while Dewey holds that any individuals separate from society are “monstrosities” (Dewey, *Individualism: Old and New*, 1930).

Similarly, Dewey criticizes the idea that government exists solely to protect individual rights. Because of his faith in democracy, Dewey sees no reason why a government cannot both promote welfare and protect individuals. Instead of seeing government as a division between

rulers and the ruled, Dewey's vision of democracy shows that the ruled are also the rulers. This concept of self-rule means that there should be no reason to fear a democratic government (Betz, 1978).

Betz discusses several other criticisms from Dewey's work, but the most important is his criticism of the doctrine of natural rights. Because natural rights are, by definition, rights prior to society and the state, they presuppose an isolated notion of individuality. That is, "just as individuals are thought to exist apart from and prior to society, so do these rights" (Betz, 1978). Dewey thinks that this idea of rights is outdated and does not function well in current times. Again, he believes that human beings are social by nature and cannot oppose society because they are part of its organism.

In short, Betz shows that Dewey began with a positive doctrine of rights then later turned his focus to criticizing individualism. Indeed, he reconstructs individuality in several of his later works, from *Individualism Old and New* to *Liberalism and Social Action* to *The Public and Its Problems*. However, he never replaced his old positive doctrine of rights after his attack on individualism. The purpose of the rest of this section is to fill that void.

A Closer Look at Deweyan Rights

Can one produce a framework of human rights from Dewey's later works that would be consistent with his criticism of natural rights? Betz offers his interpretation in his article, which I will refer to throughout this section. I will also refer to Michael Sullivan's discussion in *Legal Pragmatism: Community, Rights, and Democracy*. Finally, I will present my own analysis drawing upon Dewey's criticisms of individualism as well as his general political and moral philosophy. Ultimately, it seems that Deweyan rights derive from experience and act as an ideal to encourage the development of individual citizens.

First, it is clear that Dewey did not view human rights as a fixed, timeless doctrine. This viewpoint becomes apparent in his criticisms of individualism. In *Individualism Old and New*, for example, Dewey argues that it is inaccurate to conceive individualism as static because “it ignores the fact that the mental and moral structure of individuals...change with every great change in social constitution” (Dewey, *Individualism: Old and New*, 1930). Instead, it is more accurate to conceive of individualism as evolving standards that change with the context they serve to regulate (Betz, 1978).

Dewey, then, would see human rights as an achievement rather than a metaphysical fact (Ryan, 1997). Dewey said the purpose of government is “to set free and to develop the capacities of human individuals without respect to race, sex, class, or economic status” (Dewey, *Reconstruction in Philosophy*, 1920). The key here is that Dewey believes government should promote the growth and potential of its citizens; individuality becomes a continuing process of self-realization. Therefore, individual rights facilitate self-actualization of individuals (Sullivan, 2007).

Dewey departs from natural rights theory in another way: he does not believe that rights are derived from a God. As he says in *Freedom and Culture*, inalienable rights are “not located in the clouds but are backed by something deep and indestructible in the needs and demands of humankind” (Dewey, *Freedom and Culture*, 1989). This is similar to Dewey’s point in “The Need for a Recovery of Philosophy” that the Platonic search for transcendental ideals is outdated. Furthermore, because there is no such thing as a pre-social individual, there is no such thing as pre-social individual rights. Thus, rights cannot be derived from a transcendent source.

Yet if human rights do not come from God or some other absolute ideal, then where do they come from? Dewey would argue that rights arise from our experience, which is always

changing and in motion. Indeed, a major part of his instrumentalism and pragmatism is his treatment of social problems as bound up in the meanings attached from the current time. According to Dewey, it is the duty of philosophy to take stock of the current times and analyze the context they create for society (Dewey, *From Absolutism to Experimentalism*, 1930).

This emphasis on experience is why Dewey was particularly critical of the emphasis of precedent in the judicial system (Sullivan, 2007). He wrote in *Ethics*, for example, “Law is usually more backward than public opinion. Especially is this true in the decisions of the courts, because these are based in part upon custom which in turn reflects past opinion and past habits of thought” (Dewey & Tufts, *Ethics*, 1932). Again, Dewey viewed rights and morals as principles that arise from and are bound to human experience. Thus, timeless ideals and a stern dedication to precedent from different times have no place in his philosophy.

Further evidence for this view comes from Dewey’s discussion of evolutionary ethics. Recall that he thought that Dewey believed morals arose out of a joint struggle for existence and a natural propensity to survive as a species (Dewey, *The Evolutionary Method as Applied to Morality*, 1902). On a similar note, Dewey would say that human rights are a result of what, over the course of history, we have empirically discovered to be the minimal requirements for communal existence, in which the flourishing of individuals as individuals is made possible.

To put this in perspective, one can apply Dewey’s theory to specific individual rights. For example, according to Dewey, the “right to life” is not a universal truth-value that exists outside humanity, but has evolved as a pragmatic mean to survive peacefully. In other words, we are advanced animals that learned to survive by living communally and peacefully. Again, it is a social instinct rather than some transcendental ideal. As the context and times change, however, so too may the nature of the right to life and how it applies to certain situations. In either case, it

is the purpose of a democratic government to protect and promote this right such that it facilitates self-realization and the growth of its citizens.

Dewey's philosophy on rights, then, has several major characteristics. First, individual rights do not exist prior to the society because the individual cannot exist prior to society. Second, rights are neither timeless nor fixed as natural rights theorists suggest. Rather, they arise out of human experience and the context of the current time. Rights may also be evolutionary in that they arose out of a joint struggle to exist and allowed the human race to flourish. It is a purpose of government to promote and protect these rights so that its individual citizens will flourish. Human rights, then, are instruments that encourage the development of individualism. In short, I wholeheartedly agree with Michael Sullivan's characterization of Deweyan rights as "a social tool oriented toward the cultivation of conditions conducive to individual growth" (Sullivan, 2007).

Chapter 4: Lavine's Critique of Dewey

Now that we have a Deweyan conception of rights, how does it fare in the philosophical realm of debate? Dr. Thelma Z. Lavine (1915-2011) criticized John Dewey in several of her works. Specifically, she focused on his discussion of rights in terms of the American Constitution and the culture of modernity. She recognizes that Dewey has “no philosophy of human rights” and “no contribution to the global discourse on human rights,” but still cites problems with his general philosophical discussion of rights (Lavine, *The Contemporary Significance of the American Philosophic Tradition: Lockean and Redemptive*, 1997). In this section, I will describe her twofold criticism of John Dewey: 1) a metaphysical objection about the loss of an individual unified self, and 2) a foundational objection about the loss of an adequate basis of rights.

Metaphysical Objection

Lavine wrote several pieces criticizing Dewey's conception of a social self. In *Individuation and Unification in Dewey and Sartre*, for example, Lavine discusses rights as a relationship between the individual and the group, and whose interests are emphasized. Individuation focuses on the individual, while unification focuses on the good of the community. She discusses Sartre as a proponent for the former, while Dewey is a proponent for the latter.

First, Lavine explains implications from Dewey's post-Darwinian naturalism and belief in unification with nature. For example, Dewey's conception of a human being is one who is “continuous with, unified with, interacting with, having emerged from, the physical processes of nature....within the social organism” (Lavine, *Individuation and Unification in Dewey and Sartre*, 1998). She notes that Dewey's focus on human beings as inherently social creatures means that there is no such thing as a non-social self.

Lavine asserts that Dewey's reconstructive philosophy supports unification. Democracy,

for example, is a means by which society unifies all individuals in participation toward the common good. She points to a line from Dewey's *Ethics*, "the genuinely moral person is one, then, in whom the habit of regarding all capacities and habits of self from the social standpoint is formed and active" (Lavine, Individuation and Unification in Dewey and Sartre, 1998). This is where her criticism of Dewey begins.

According to Lavine, it follows from Dewey's naturalistic unification thesis that "there is no autonomous self, no independent or substantial self" (Lavine, Individuation and Unification in Dewey and Sartre, 1998). In other words, if the self is purely social, then what happens to the individual? Lavine is concerned about the individual person fading away into society. Indeed, rights exist for that very purpose – to protect the individuality of a person. For example, civil liberties protect an individual from a larger government interest because of an acknowledged value in individuality. However, according to Lavine, Dewey denies such a robust sense of individuality.

Dewey's unification thesis, then, is only possible at a cost – a "cost of excluding, by rejecting, or by denying, forgetting, blanking out, dissociating, all those aspects of reality that threaten the unification thesis" (Lavine, Individuation and Unification in Dewey and Sartre, 1998). This means that Dewey rejects subjectivity, isolation, alienation, dissent, privatism – all concepts that necessitate the separation of an individual. Indeed, his philosophy requires a repudiation of a "private self" that can distance itself sufficiently society.

Lavine reiterates her criticism in *The Contemporary Significance of the American Philosophic Tradition: Lockean and Redemptive*. She writes that community, or "communication and the sharing of meanings, interests, values, and goods" is the unifying concept in Dewey. He uses this concept to oppose Enlightenment Individualism. Therefore, within the Deweyan

community,

the rational autonomous individual of the Enlightenment, endowed by this creator with inalienable rights, becomes a social self whose rights are endowed by his or her community and for whom the self-realization and redemption is achieved by surrendering self-interest to the shared interests of the community (Lavine, *The Contemporary Significance of the American Philosophic Tradition: Lockean and Redemptive*, 1997).

Again, Lavine questions a community-based concept of rights because it risks society swallowing up the individual.

Lavine's metaphysical objection echoes in a third article, *Pragmatism and the Constitution in the Culture of Modernism*. While the Founding Fathers promoted natural rights in the Declaration of Independence and the binding legal and moral authority of the Constitution, Dewey rejects this fundamentalism. According to Lavine, the Constitution appears to Dewey as "a fixity protecting the individual rights of the wealthy who control corporate America" (Lavine, *Pragmatism and the Constitution in the Culture of Modernism*, 1984). As a pragmatist, Dewey believes that the Constitution must prove its functionality in changing times.

When he challenges the functionality of the Constitution, Lavine notes, Dewey does not identify freedom with a written constitution of individual rights. Instead, in his attack on Constitutionalism in America, he

explicitly rejects, in this regard, "the doctrine of liberty as a full-fledged ready-made possession of individuals independent of social institutions and arrangements" – whereas from the time of the Stoics, the Western tradition had recognized this doctrine as essential to the protection of the individual person from political persecution or from discrimination. (Lavine, *Pragmatism and the Constitution in the Culture of Modernism*,

1984)

Lavine adds that Dewey fails to address basic questions or propose a replacement for the Constitutional presence in America. Therefore, she concludes, he was either misguided by his ideology or implicitly leaning on the Constitution despite his rhetoric.

In short, Lavine's metaphysical criticism concerns rights as a relationship between an individual and the group. According to Lavine, Dewey's discussion of community-granted rights risks the individual being swallowed up by society. With Dewey's conception of rights, then, we lose an individual self that can distance itself from society. Consequently, we lose a robust sense of individuality that rights serve to protect.

Foundational Objection

Lavine's second criticism of Dewey's discussion of rights is about his moral foundations. That is, if we are dependent on society for rights, then we have nothing external to appeal to for morality. Although other philosophies can appeal to God, the intrinsic nature of the person, or other bases, Dewey has no such foundation. Indeed, if we are dependent for our rights on society, as Dewey suggests, then what do we appeal to in moral judgments? Lavine sees this as a major flaw in Dewey's treatment of rights.

In *Pragmatism and the Constitution in the Culture of Modernism*, Lavine compares Dewey to other philosophers to illustrate his lack of an adequate foundation. She shows that Dewey is "left without such fixities as ground Marx's social theory," or without "fixities of Enlightenment Modernism's epistemological and methodological principles," or even "Romantic Modernism's necessity" (Lavine, *Pragmatism and the Constitution in the Culture of Modernism*, 1984). A major flaw in Dewey's philosophy is that he has no such foundational bases as these other philosophies. Accordingly, he is on "the slippery slope of anti-foundationalism."

This anti-foundationalism leaves Dewey with significant problems, according to Lavine. In fact, Lavine asserts that what threatens Dewey's unification thesis is "morally anathema" (Lavine, *Individuation and Unification in Dewey and Sartre*, 1998). Because Dewey rejects claims of absolute truth, he has no basis for absolute prohibitions. He cannot say that genocide, murder, or rape is always wrong. Yet many people appeal to God or human nature as a foundation for human rights *because* they provide solid foundations for absolute prohibitions. According to Lavine, this relativism is a major flaw in Dewey's work.

In short, Lavine's second criticism of Dewey is about his foundations for morality. To have an adequate sense of morality, we ought to have the basis for absolute prohibitions. That is, we ought to have the resources to say that some practices are absolutely wrong – genocide, torturing innocent people, rape, etc – because of the existence of human rights. Other conceptions of human rights appeal to God or the intrinsic nature of a person, but Lavine argues that Dewey forfeits a foundation with his understanding of rights. Therefore, if we accept Dewey's philosophy, we risk the important loss of an adequate basis of rights.

Chapter 5: A Deweyan Response

Although Dewey and Lavine lived in different times, it is worth considering how Dewey would have responded to her criticisms. In this section, I will draw upon Dewey's philosophy to construct a response to both of Lavine's objections. First, I will argue that Lavine's metaphysical critique assumes a Lockean individualism, which is precisely what Dewey opposes. Moreover, Dewey's individualism does not lead to a loss of an independent, autonomous self. Second, I will argue that Dewey would reject the need for absolute moral prohibitions, making Lavine's foundational criticism meaningless. Furthermore, even if one desired absolute moral foundations, alternative bases for human rights do not provide them either. In fact, when comparing Dewey's philosophy to these alternatives, his faith in democracy and unique evolutionary ethics provide the strongest foundation for rights.

Response to Metaphysical Objection

Lavine's first objection is essentially a criticism of Dewey's reconstruction of individualism. According to old individualism, individuals have a natural state and it is the purpose of the government to protect this state. This is similar to John Locke's view of individualism, which the Declaration of Independence draws from. Dewey's reconstruction, however, rejected the notion of the pre-social individual. Instead, every man is part of the social organism. Therefore, his individuality is derived from society.

Interestingly, Dewey admitted that his new individualism was somewhat problematic. Alan Ryan writes,

The problem [with Dewey's liberalism] was to attach that thought to Dewey's ultra social conception of individuality. A few years later Dewey said he feared he had not properly emphasized the role of the individual in social affairs, and this suggests that the "new" individualism" had problems even in Dewey's own eyes (Ryan, 1997, p. 319).

Thus, even Dewey saw that his new individualism had weaknesses in its emphasis on the social self.

With that said, Lavine's metaphysical objection seems to ignore Dewey's case for new individualism. In *Individualism: Old and New*, Dewey argued that America had become corporate and collectively oriented. Therefore, a collective mentality was most appropriate for the current environment. Furthermore, rights are contextual, varying with the social circumstances of the time. Old individualism, on the other hand, "ignores" this fact that individuals "change with every great change in the social constitution" (Dewey, *Individualism: Old and New*, 1930). Any argument for old individualism, then, was outdated given the current times.

Lavine, however, seems to be arguing *for* an old individualism. She refers back to the "Western tradition" that viewed rights as essential to the protection of the individual person from persecutions or discrimination. She also criticizes Dewey's philosophy as contrary to the American Constitution, which endorses a Lockean notion of individualism. By criticizing Dewey in light of these notions of an autonomous individual, she is subtly defending old individualism. However, this is exactly the assumption that Dewey attacked.

Moreover, Lavine suggests that Dewey's rejection of a non-social self makes it impossible to separate an individual's interests from the whole of society. To be sure, Dewey does assert that individuals not bound together in associations are "monstrosities" and that it is absurd to suggest that the ties that hold us together are merely external (Dewey, *Individualism: Old and New*, 1930). Therefore, it may seem that his conception of individuality forfeits any idea of a private or autonomous self.

However, an acknowledgement of internal associations does not erase the autonomous

self. Just as one cell is ultimately connected to the whole of the human body, each individual person is internally connected to his greater community. This does not mean that it is impossible to separate one cell from the whole. Rather, it recognizes that the connection to other cells is part of its intrinsic makeup. Similarly, one citizen is ultimately connected to the rest of his community. If he is not, then he is indeed like a tumor.

For all of these reasons, Lavine's suggestion that a Deweyan individual loses his autonomous self is exaggerated. By rejecting a non-social person, Dewey does not open the floodgates for an entirely public society where everything is shared by everyone. Philip Schuyler Bishop explains, "neither the 'individual' nor the collective as a whole are taken as logically prior; rather, the individual is a part of society and society exists as more than merely a collection of individuals" (Bishop, 2007). Therefore, the autonomous individual does not completely fade away in a Deweyan community.

This metaphysical objection to Dewey's treatment of rights, then, does not hold. By asserting that individuals are interconnected to a greater social organism, Dewey is not erasing individual boundaries altogether. Rather, he is putting forth an insight into the nature of citizens and their role in society. Moreover, Lavine's discussion of individualism parallels a more Lockean notion of individuality. Underneath all of her sophistication and rhetoric, Lavine is actually arguing for old individualism. This is precisely what Dewey suggests we should pull away from in light of new social circumstances.

Response to Foundational Objection

Lavine's second criticism addresses Dewey's lack of a foundation for rights and absolute moral prohibitions. First, it is worth pointing out that Dewey was not fond of absolute truths to begin with. Recall how he criticized the traditional role of philosophy to search for immutable and universal truths. Rather, he argued philosophy should concern itself with experience and

what works in current times (Dewey, *From Absolutism to Experimentalism*, 1930). Therefore, if one were to criticize Dewey for a lack of absolute prohibitions, his reaction might be, “So what?”

Even if Dewey wanted to provide a foundation for ultimate moral judgments, one response could invoke his faith in democracy. That is, Dewey could respond to Lavine’s claims by referring back to the ethical ideal of democracy. One could say that Dewey’s democratic ideal for a form of life promoting harmonious co-existence without fostering violence justifies absolute prohibitions. Instead of saying “we should never support genocide because it’s absolutely wrong,” one can say, “we should never support genocide because it does not promote a harmonious democratic society.” In that sense, the nature of democracy allows a sort of check to promote peace.

Furthermore, Dewey’s conception of individualism emphasizes the connection between an individual and society. In a democracy, that means that one person is connected to every other sovereign citizen. Accordingly, it is the nature of a democratic society for its citizens to care about the health of the group. To go against what is good for society, then, is to go against what is good for yourself. Therefore, his new individualism could also serve as his ultimate moral foundation for prohibitions.

Similarly, an evolutionary preference for peace and harmony allows the basis to make normative judgments. Earlier, I explained Dewey’s belief that morals arose out of a joint struggle for existence and a natural propensity to survive as a species (Teehan, 2002). Because we have an instinctual desire to peacefully co-exist with our species, we dedicate ourselves to morals that promote this sense of harmony. To slightly modify the previous paragraph, instead of “we should never support genocide because it’s morally wrong,” one can say, “we should never support genocide because it does not promote a peaceful co-existence of the human species.”

However, one may respond by asking for an ultimate moral foundation for these claims as well. That is, what basis does Dewey have to say that a peaceful form of life should be chosen over a violent form of life? Although a rational argument might illustrate that one form of life is more ideal than another, it requires an absolute definition of ideal, which cannot be found in nature or in every human mind. Ultimately, then, one must reach an absolute moral foundation to stand on and say “this form of life is ideal,” especially if one wants to rationally persuade others to satisfy this ideal. This may be difficult for a Deweyan.

With that said, this weakness is not unique to Dewey’s philosophy. If one assumes that an adequate system for human rights requires a basis for absolute prohibitions, other frameworks fall short as well. In fact, Alan Dershowitz discusses these problems in his 2002 book, *Shouting Fire: Civil Liberties in a Turbulent Age*. He asks, what is the source of rights? He discusses three main sources: God, nature, and mankind. A closer look at these sources illustrates that Lavine’s foundational criticism is not unique to Dewey.

One source is, predictably, God. The argument goes that God created human beings in His image, thus they are sacred. Accordingly, a natural rights theorist might argue that God is the ultimate source of human rights and morality. At first glance, this seems like a legitimate appeal to make absolute moral prohibitions. For example, it follows that murder is always wrong because God says so. However, that appeal gets complicated when nobody can prove what God believes. Indeed, the massive spectrum of religions shows that no interpretation of God is universally accepted. Thus, when a Christian appeals to his God as the source of human rights, a Pagan may disagree. This epistemological struggle ultimately boils down to different sides arguing that *they* have the true interpretation of God.

One other source for human rights is nature. That is, one could say that it is natural for us

to oppose meaningless violence and cruelty. Therefore, one could appeal to this natural preference for harmony and justice. However, a closer look at nature does not support this preference. An excerpt from Annie Dillard's *Pilgrim at Tinker Creek* explains the problem with a natural source for human rights:

Evolution loves death more than it loves you and me or anyone...Look, Cock-Robin may die the most gruesome of slow deaths, and nature is no less pleased. The sun comes up, the creek rolls on, the survivors still sing. But I cannot feel that way about your death, nor you about mine, nor either of us about the Robin's. We value the individual supremely; nature values the individual not a whit. It looks as though I might have to reject this creek life unless I want to be utterly brutalized. (Dillard, 1998)

Following Dillard's logic, it seems that nature often contradicts the desire to protect human rights. Dershowitz makes a similar argument in his book (Dershowitz, 2002).

Another possibility is that it we create human rights ourselves. That is, legislators codify positive law to protect an agreed-upon value in human life. However, as Dershowitz argues, if this is a source of human rights, one cannot make absolute prohibitions either. For example, it follows that genocide is only wrong because legislators say it is. Therefore, if 51% of the population voted to take the rights away from others, one would have no absolute basis to say that they are wrong. Yet the whole point of human rights is that it enables us to turn to the majority (the strong) and insist that they honor the interests of the minority or individuals (the weak). Thus, a society that can create human rights can also destroy them, and, Dershowitz observes, this does not provide an absolute foundation for morality (Dershowitz, 2002).

Clearly, then, there is no perfect system for rights that can provide foundations for absolute moral prohibitions. With that said, I would argue that Dewey's philosophy actually

provides a more solid foundation than God, nature, or the majority. First, he avoids the epistemological problems that natural law theorists face because he does not believe that morals derive from a God. Rather, they evolve with our experience. Therefore, instead of trying to understand the mind of God, Dewey suggests that we use our experience to make decisions.

Dewey also avoids the problems for those who appeal to nature for human rights. Recall that Dewey's vision of evolutionary ethics redefines "fitness" to include an instinctive set of morality. This is opposed to Social Darwinists, who believe that fitness includes strength and brutality. Therefore, when Dewey discusses evolutionary ethics, he does not believe we need to struggle with nature. Instead, he sees survival is an activity that requires adaptations to social conditions as well as physical ones. This avoids the problem of viewing human beings as naturally selfish, immoral creatures.

Finally, it would seem that the problems with the third source apply to Dewey as well. After all, he suggests that rights derive from the community, which means the community can take them away as well. However, Dewey's conception of democracy avoids this problem. Recall that democracy for Dewey is not a mere political institution; it's a way of life where citizens are engaged in an outgoing process of mutual education. That is, everyone who is affected by a decision has the capacity to voice his or her view regarding that decision. The process of consensus, then, is not simply a matter of counting votes. Rather, it is the process of educating a community to recognize the needs of everyone.

With this definition of democracy, it seems less likely that positive law would deny rights to a group in society. Before legislators could vote to legalize genocide, for example, they would have to first educate themselves about the concerns of others. During that process of educating, they are forced to consider the voices of other groups, even in the minority. This serves as a far

greater check on human rights violations than a more numerical view of democratic process and consensus.

In short, a Deweyan could respond to Lavine's criticisms by rejecting the need for absolute moral foundations in the first place. Instead, one should focus on the context of problems at a given point in time. Furthermore, even if absolute moral authority were important, no system of rights can provide a perfect basis. As I illustrated, Lavine's criticism also applies to alternative bases of morality. With that said, Dewey's philosophy is actually a stronger base than these alternatives because of his conception of a social human nature and democracy as a process of mutual education. Therefore, a closer look at Lavine's foundational objection actually reveals a strength in Dewey's philosophy, not a weakness.

Conclusion

R.G. Collingwood once said, “The chief business of twentieth century philosophy is to reckon it with twentieth century history.” The 20th century was a century of human rights violations – from the Armenian Genocide to the Holocaust to the Rwandan Genocide. Adding to the bloodshed was World War I and World War II. By the turn of the new millennium, the 20th century was among the worst centuries for human rights in our history.

In an attempt to confront this history, John Dewey responded with a new brand of philosophy. He reconstructed our notions of philosophy, experience, reality, and intelligence. Although he did not offer a total reconstruction of rights, he did criticize previous doctrines. In doing so, Dewey never settled on his own positive framework to replace them. Yet how can one confront the human rights atrocities of the 20th century without a clear doctrine from one of its most influential philosophers?

This paper shows that a Deweyan discussion of human rights is still possible despite a void in Dewey’s work. After acquainting oneself with Dewey’s background, general philosophy, and specific references to human rights, one can develop a system that is consistent with his works. As evident from his political philosophy, Dewey saw rights as an internal connection between an individual and his community. As evident from his ethical philosophy, Dewey saw rights as evolving social instruments that help the human species flourish. Therefore, his framework for human rights would place heavy emphasis on one’s relationship to his community, as well as his own achievement of personal growth.

Yet how does this stack up against other human rights philosophies? Do other philosophers provide perspective? Thelma Z. Lavine criticized Dewey’s treatment of individualism and human rights on two levels. First, she criticized his rejection of a private, autonomous self. Second, she had a foundational concern about using Dewey’s system to ground

moral prohibitions. As I showed in my response, the first objection falls short in its subtle assumption about old individualism, which is precisely what Dewey suggested was outdated. Furthermore, it exaggerates the consequences of a non-social self. The second criticism falls short too, as Dewey would not endorse absolute moral prohibitions in an evolving world. Furthermore, even if an absolute foundation was necessary, Dewey's doctrine of rights proves stronger than alternative doctrines.

Dewey said that as social circumstances change, so too should our philosophical responses to them. As we turn towards a new century of human history, should we use Dewey's philosophy to confront new events? Or have the social circumstances changed by now? Although a lot has happened since Dewey's lifetime, his insights are still relevant to our lives today. As we approach contemporary human rights issues, such as treatment of prisoners of war and gay marriage, the pragmatist approach to human rights helps address our concerns. If we remember that the purpose of rights is to cultivate individual growth, then we can approach these issues with a new goal of self-actualization. Scholars such as Michael Sullivan have also endorsed legal pragmatism, specifically Dewey's views, concerning concepts such as judicial review (Sullivan, 2007).

John Dewey will always have a unique place in American philosophy. His enthusiasm for democracy, education, and the community shine through his various works. Even though it has been decades since his death, his legacy lives on through the continued scholarly debates about his reconstructions for philosophy. As we continue into a new century of human rights questions, we must be sure to remember that wisdom of John Dewey and everything we can learn from his philosophy.

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Westbrook, R. B. (1991). *John Dewey and American Democracy*. Cornell University Press.

Academic Vita for Pamela Eve Dorian

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Education

The Pennsylvania State University

Majors: Philosophy, Communication Arts and Sciences, Political Science

Minors: Classics and Ancient Mediterranean Studies, International Studies

Honors in Philosophy

Work Experience

Notes-taker, Penn State Office for Disability Services, University Park PA, Fall 2010.

Server, Bellingham Senior Living, West Chester PA, 2006-2011.

Scholarships and Grants

Schreyer Ambassador Grant, 2012.

Liberal Arts Enrichment Funds (Paterno Fellows Program), 2012.

Summer Discovery Grant, Penn State University, 2011.

Ray H. Dotterer Scholarship for Philosophy, College of Liberal Arts, 2011.

Tracy Winfree McCourtney Scholarship, College of Liberal Arts, 2010-2011, 2011-2012.

Benjamin Cantwell Memorial Scholarship, College of Liberal Arts, 2009.

Awards and Honors

Eugene N. Borza Athens Study Abroad Award, 2012.

The College of Liberal Arts Communication Excellence Certificate, 2011.

Deans List, 2008-2012.

Academic/Professional Memberships

The Phi Beta Kappa Society, Invited and Accepted Senior Year

Golden Key International Honour Society, Invited and Accepted Senior Year

The National Society of Collegiate Scholars, Invited and Accepted Sophomore Year.

Presentations

“Teaching and Learning in Digital Dialogue,” 2010 Symposium for Teaching and Learning with Technology, University Park, PA.

Volunteer Experience

Penn State Dance Marathon, Rules and Regulations Committee, University Park, 2009-2011.

Volunteer for Pregnancy Resource Clinic, State College, 2008-2012.

International Experience

Semester Abroad in Athens, Greece. Spring 2012.

Language Proficiency

Spanish, Intermediate Reading, Writing, Oral and Conversational Skills

Greek, Beginner Reading and Writing Skills, Basic Oral and Conversational Skills