

# The Force of the Better Argument: Americans Can Learn Something from Jürgen Habermas and “Deliberative Democracy”

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## Abstract

The 2016 American political season offers an opportunity to think about American “democracy” and compare it, in particular, to the “deliberative democracy” of the German philosopher and sociologist Jürgen Habermas, to see whether the somewhat smug belief in “American exceptionalism” holds up. Many Americans uncritically believe their system of government is the model for the world. However, a comparison of that system, which almost daily draws comment that it must have sunk to its historic low (Goldberg, 2016), suggests there may be a superior way. Habermas, widely considered to be one of the most important philosophers working in the world today (Bohman & Rehg, 2014), claims that *deliberative democracy* is a better way informed by communicative action theory and the principles of discourse ethics. This paper, an exercise in applied philosophy, will use these ideas as a prism to view contemporary American political discourse. If American citizens were to see a better way to conduct their democracy, perhaps they would also see they need to demand more of their politicians, and recognize the weakness of their own—too often uncritically held—beliefs, then they might opt for a political process that looks more like deliberative democracy, with public policy decisions made, not coercively, not on the basis of emotion and on uncritical assumptions, but on a willingness to seek understanding (instead of, say, deliberately imposing obstruction), on rationality, and on “the force of the better argument.”

## Keywords

Communicative Action Theory, Deliberative Democracy, Discourse Ethics, Argument and Persuasion, Instrumental Reason, Frankfurt School, Jürgen Habermas, Donald Trump, Ted Cruz, Marco Rubio, Paul Ryan, American Exceptionalism, Political Correctness, Carl Schmitt

## 1. Introduction: The Opportunity to Evaluate “American Exceptionalism”

The major problem for Jürgen Habermas is that few Americans have heard of him. The few that have tried to read him have often given up too soon because of the difficulty in understanding his complex presentation. We feel he needs to be known because his work on politics and sociology represents a rational answer to today’s increasingly irrational problems (For example, in developing the Affordable Care Act, or “Obamacare,” President Barack Obama reached out to Republicans who in their intent to cripple his administration ended up rejecting health care proposals their own party had originated (Ornstein, 2015)). The United States sees itself as an arbiter of the world’s problems. We wrap this notion in the concept of “American exceptionalism”, implying that American institutions—including our concept of “democracy”—are different and that international rules of conduct do not apply to us. What we fail to see is that this is not necessarily the conclusion of the entire people of the United States speaking democratically. Rather it is the conclusion of a small segment of society that has captured the political and governmental system of the nation and is operating in and for its own narrow interests and operating on what Habermas, a second-generation Frankfurt School thinker, calls “instrumental reason”. In Habermas’s analysis, society’s interests are divided into the realms of *system*, those organizations operating in and for their own narrow interests, and the *lifeworld*, the realm of social norms and cultural values. In Habermas’s critique of constitutional democracies, the danger is that the system, which is actually a part of the lifeworld, is, in Habermas’s colorful term, *colonizing* the lifeworld. As James Gordon Finlayson, a professor of philosophy at the University of York, says, “[T]he former tends to encroach upon, to displace and even destroy, the latter” (Finlayson, 2005: p. 56). Indeed, Finlayson spells out a series of “pathologies” that can result in a society in such a situation:

1. Decreases in shared meanings and mutual understanding (anomie),
2. Erosion of social bonds (disintegration),
3. Increase in people’s feelings of helplessness and lack of belonging (alienation),
4. Consequent unwillingness to take responsibility for their actions and for social phenomenon (demoralization),
5. Destabilization and breakdown in social order (social instability) (Finlayson, 2005: p. 57).

Arguably, all of these phenomena are observable in contemporary American political discourse. But American exceptionalism was supremely on display by the neoconservatives under the administration of President George W. Bush, especially in a document published by a group centered on then Vice President Dick Cheney. Coming to power under Bush, the group, which a decade earlier had developed what it called The Project for a New American Century, saw the opportunity for what might be called a benevolent world dominance. Perhaps the most articulate statement of this came in a report titled “Rebuilding America’s Defenses” (Project for a New American Century, 2000; hereafter PNAC). The document laid out how the United States should project itself into the world in order to establish a Pax Americana (that specific expression and its translation “American Peace” is used two dozen times in the 91-page document). In the world envisioned by this document, the U.S. assumes the role of “global guarantor” of peace and security (PNAC, 2000: p. 14) or, alternately, “guarantor of the current great-power peace” (PNAC, 2000: p. 5).

Two of the many prominent neoconservative participants listed at the end of the report were (George W. Bush administration) Deputy Secretary of Defense Paul Wolfowitz and William Kristol, neoconservative commentator and founder and editor of conservative magazine *The Weekly Standard* (PNAC, 2000: p. 78). The thrust of the argument of the document was that the United States should aggressively push itself out into the world and shape it in our interests. Under President Bush, that became U.S. foreign policy, and it led to a voluntary war in Iraq, with hundreds of thousands of people either dead or injured—all on the premise that there were weapons of mass destruction in Iraq, which proved to be not true. The neoconservatives are still around, and some even showed up as advisers for 2016 Republican presidential candidates, especially U.S. Sen. Marco Rubio, R-FL, (Johnson, 2014) and Jeb Bush, former Florida Governor (Bump, 2015). Jeb Bush ended his campaign after the Feb. 20 South Carolina primary (Taylor & Detrow, 2016; Martin, 2016).

It should be noted in passing that there is an eerie similarity in the notion of “American exceptionalism” and Nazi philosopher Carl Schmitt’s concept of the *sovereign* in his political philosophy. In his 1932 book titled *The Concept of the Political*, Schmitt argued that the sovereign was the entity capable of making life or death decisions regarding the existence of the state in situations which he called “the exception” (Schmitt, 1932, 2007: pp. 26, 27, 38). Arrival at this situation, at this juncture, is based on another important concept in Schmitt’s philosophy, “the friend-enemy” distinction, and especially the recognition of the “political enemy” and “whether

the adversary intends to negate the opponent's way of life and therefore must be repulsed or fought in order to preserve one's own form of existence" (Schmitt, 1932, 2007: p. 27). In fact, for Schmitt, "the high points of politics are simultaneously the moments in which the enemy is, in concrete clarity, recognized as the enemy" (Schmitt, 1932, 2007: p. 67). According to Susan Strong's "Foreword" in the new printing of *The Concept of the Political*, it is only with the "reality of death and conflict" that people accept the responsibility "for what they are" (Schmitt, 1932, 2007: xvii), referring to Schmitt's essay where he says that "[t]he friend, enemy, and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing" (Schmitt, 1932, 2007: p. 33). Strong says that Schmitt's concept of sovereignty was "the exercise of power by the state" and that "[i]t is to this central and 'tough' notion of sovereignty that conservatives respond" (Schmitt, 1932, 2007: xx). It is only the sovereign that is free of all other (read "moral") restraints who can deal with whatever enemy represents the exception by challenging the very existence of a community's way of life. The exception, therefore, represents an existential challenge to the state. Interestingly, Alan Wolfe, writing in 2004, noticed that the Republicans in their practice of politics against the Democrats seemed to be doing something very similar to what Schmitt described as the ultimate in terms of "the political" (Wolfe, 2004). But they are also employing similarly strong tactics against fellow Republicans in the 2016 presidential primary season, this being particularly evident in the campaign against Donald Trump, the New York business mogul and entertainer who declared his candidacy for the Republican Party presidential nomination in June 2015 (Wikipedia, 2016a; DelReal, 2015).

Many politicians brag that "we" are going to install "democracy" in the primitive dictatorships worldwide. Is this sincere but misguided paternalism or cynical hypocrisy? After all, we have been in a quasi-cultural revolution since the assassination of the Kennedys (as well as Martin Luther King Jr. and others). Each party has its agenda, and is unable to compromise with the other (Barr, 2010; James, 2010). The deadlock of democracy that Nixon's Southern strategy was supposed to explode seems to threaten to end with total Republican dominance, continued deadlock, and possible "strongman leadership," or even a drift into fascism.

But here we must pause and ask exactly who this "we" is, who the "our" refers to in the discussion of American exceptionalism. The writers argue, following Habermas, that it appears to be the operators of the *system* who have substituted themselves for "society," and their short-term values and norms for society's values and norms, ultimately to the detriment of all of society. Independent of that crippling problem, the way our politics is operating now leaves us far short of what we could have if citizens and voters would take a clear-eyed look at what is potentially available were they to adopt a genuine deliberative democracy and a deliberative politics.

Political debate is at all-time low, and starting with name-calling and degenerating from mudslinging and stooping even to references to male penis size (Kreig, 2016), backroom deals, and even frontroom deals as the "Stop Trump", or "Anti-Trump", movement gains momentum with the "Republican establishment" striving even before the primary was half over to prevent New York real estate mogul, promoter, and reality TV star Donald Trump from capturing the nomination before the July Convention in Cleveland, OH. The outrageous statements, name-calling and sexual insults, have been accompanied by violence, threatening to turn into riots during political gatherings (Stein, 2016; Mathis-Lilley, 2016). In one incident, a *Time* magazine photographer was "choke-slammed" to the floor by a Secret Service agent serving as security at a Trump rally (Nashrulla, 2016). The situation got so bad that Trump had to cancel a huge rally he planned for Chicago on March 11, when the confrontation between supporters and demonstrators turned violent (Davey & Bosman, 2016). We are in an American crisis, and what Jürgen Habermas can offer is a change of attitude. It comes under the name of discourse ethics, communicative action, and deliberative democracy.

## 2. The Habermasian Optic: A Prism Through Which to View the American Political System

This paper builds on two other articles by these authors for the *Online Journal of Philosophy* that attempt to bring the ideas of Habermas from the abstract realm of philosophy to the world people live, work, and breathe in: "The Rectification of (Modern) Names" (Old & Ferrell, 2015a), and "The Rectification of (Political) Names" (Old & Ferrell, 2015b). The prism through which to view contemporary American political discourse, and particularly the Republican and Democratic presidential primaries, is deliberative democracy, especially two aspects of it: the key Habermasian notions of communicative action theory and discourse ethics. These ideas are central to how Habermas examines the way society works and explains how it could and should work. If politics

proceeds on the basis of these principles, not only the optics but the substance is remarkably different from what is currently on display in spectacular, though often disappointing, fashion, not only in Republican politics, but among Democrats, too. The comparison provides a viewer the ability to judge whether the smugness with respect to American exceptionalism, including the exercise of so-called American “democracy,” is justified. But Habermas’s scheme, if ever implemented, is also a way of preventing *system* elements from colonizing *lifeworld* on the basis of instrumental reason and displacing society’s cultural values and norms with *system*’s narrower and limited goals and self-interests.

## 2.1. Communicative Action Theory

Habermas’s critique of the Enlightenment, of course, is that it is an “unfinished project” because its chief project of modernity is an unfinished project (Habermas, 1997). He argues generally that the notion of “reason” promised through the Enlightenment is still inherent and implicit in communication, but that what came to be conceived of as a general notion of rationality that came out of the Enlightenment was a restricted form, essentially *instrumental reason*, and that while valid for nature is less applicable to human affairs, and in fact in the two centuries following the Enlightenment has been used to dominate, exploit, and objectify humans. The notion that communication is inherently rational is based on what is called “universal pragmatics”, sometimes “formal pragmatics”. As participants in society engage in the very act of communicating with each other, the communication itself implies what Habermas refers to as “validity claims”. These claims are four in number: comprehensibility, truth, truthfulness and correctness, and finally appropriateness (Holub, 1991: p. 13). Holub explains that comprehensibility is not technically part of universal pragmatics itself. The remaining three ideas are, though, and make communication rational in the three worlds human beings inhabit in Habermas’s scheme: the “external world of states of affairs and objects”, an “internal world of ideas, thoughts, [and] emotions,” and finally, a normative “world of intersubjectively determined norms and values” (Holub, 1991). Just spelling these ideas out provides a minimal set of standards by which one can compare the actual utterances in the 2016 election season to what could result if the system had a more solid foundation than America’s mythology about itself (specifically “American exceptionalism”) and the instrumental reason that is everywhere evident in pursuing it. Such a shortcoming, we argue, could be managed if not avoided under Habermas’s deliberative democracy.

## 2.2. Discourse Ethics

In a society operating as a deliberative democracy, people simply go about their business interacting with each other attempting to conduct the important business of their society until a difference arises about how something *should* be done, what the *norm* should be. At this point, action stops and, according to Habermas, “discourse” begins until consensus is reached, a bargain is struck, or agreement is postponed as the more tractable issues are dealt with. In Habermas’s idealized view, a society free of domination and exploitation proceeds on the basis of certain principles that are markedly different from how contemporary American society carries on its political (indeed almost all) of its discourse. American public communication is saturated with what Habermas calls “strategic communication”, which is everywhere in evidence, particularly in advertising and public relations. Strategic communication is a nearly perfect example of instrumental reason intended to manipulate or dominate humans. Inspired by his original work on the public sphere, *The Transformation of the Public Sphere*, which entailed studying how free agents meeting socially in coffee houses in the late 17<sup>th</sup> century and 18<sup>th</sup> century in England, and their salon and “table society” equivalents in France and Germany, freely discussed and criticized affairs of government, gradually developing notions of how members of society could in public critique their government and society and develop ideas about how each should operate (Habermas, 1993 [1962, German]: pp. 32-35). From this historical study, Habermas developed “idealized” ways of conducting discourse. University of York Prof. James Gordon Finlayson, has laid out the basic rules of Habermasian discourse as they are often stated today. These are as follows:

1. Every subject with a competence to speak and act is allowed to take part in the discourse.
2. a) Everyone is allowed to question any assertion whatsoever.  
b) Everyone is allowed to introduce any assertion whatsoever into the discourse.  
c) Everyone is allowed to express his attitudes, desires, and needs.
3. No speaker may be prevented, by internal or external coercion, from exercising rights as laid down in (1) and (2) above (Finlayson, 2005: p. 43).

Under such discourse, each competent speaker or participant advances whatever argument seems justified, and the authority that allows understanding and which legitimizes such argument is only “the force of the better argument” (Habermas, 1996: p. 103; Habermas, 2001: p. 89; Habermas, 1997: p. 103; Chambers, 1995: p. 238), which is to say that “the unforced force of the better argument” is the only coercion (Habermas, 1996: p. 306): there is no intimidation by social or economic status, no shouting down, no ridicule, no pressure from those whose voices are privileged by large quantities of “dark money” now allowed by the *Citizens United* decision (Deceptive debating tricks, clever rhetoric, unsupported assertions or claims can all be “handled”, or dealt with, under open discourse in which the above rules are followed).

### 3. Discourse Failures

In a society attempting to operate a “deliberative democracy,” the goal, *with participants seeking understanding in good faith*, is social integration, working together to achieve specific goals. A slight digression should make this point clearer: Superficially, this sounds like what is meant by the expression “bipartisan,” which both Democrats and Republicans use with an almost maddening frequency. However, the word has an *opposite* meaning from the perspectives of the two political parties. As it is used, it is the furthest thing from Habermasian communicative action or Habermasian discourse. Rather, the meaning seems to be that members from both parties will act together, but the subtext is always—from each speaker’s perspective—“but we will do it *my way*”. This is but one example of the many ways the results of contemporary American political discourse almost always fall short of those obtained through genuine communicative action.

But prior to the “bipartisan” game, there are strategic communication habits that the public is so used to that they routinely escape notice. We take them for granted, but they are not the communication habits of those intending understanding with each other or intending to reach consensus. Rather they are the methods of manipulation, domination, and exploitation, the very things the Frankfurt School has been struggling against from its founding in the 1920s. For a long time now, it has been a tradition of political candidates and public officials who don’t want to answer questions or deal with specific issues squarely, simply not to answer them or deal with them at all, and rather to say what they want or had planned to say, whether it is responsive or not. In this way, they avoid questions that are put to them by debate moderators, members of the news media, and even members of the public. Habermas calls this “strategic” communication, and its goal is manipulative rather than communicative. It is instrumental reason, and it takes several forms. Even in the rare event when it’s pointed out to such officials that an answer, or part of one, was not responsive, another similarly strategic answer is produced, often with the expression “that’s my answer” added. This phenomenon is so common that it can be observed on a daily basis in media interviews, particularly with someone seeking office. Something that makes such strategic responses a bit more difficult to detect is that they are mixed in with genuine communication that inevitably does occur, and if the questioner is a partisan of the speaker, the strategic aspect is likely to be missed anyhow or not recognized as such. Such strategic communication, incidentally, should be distinguished from what we might call “normal bias,” or the tendency to present our case in a way that makes our case, or ourselves, look good. Most people expect that, and owning up to it is just a part of honest communication. Almost the last thing a strategic communicator wants to do is admit that he or she is trying to manipulate you as opposed to communicate honestly with you. In strategic communication, there is no intent to reach any understanding or consensus, and the speech act engaged in is not even intended as “communicative”. Rather, operating on the basis of instrumental reason, the speech acts—from both parties—are often only strategic action, intended from the outset as manipulative and exploitive. One result, of course, is they end up turning individuals into objects, which is contrary to the sincerity and appropriateness and correctness aspects of universal pragmatics.

Strategic communicators all engage in these activities routinely in their “communications”, simply saying what they want to say, oblivious to whether they deal with the question posed. Similarly, they always take a “glass half-full” or “glass half-empty” approach when commenting on issues or candidates of the opposing party. It is rare indeed for a partisan to concede that the other side has a “good point,” and so the positions each takes almost always line up with the party line or the party ideology, no matter how egregiously a statement may vary from the truth or the facts.

Another example of the failure to work together in seeking understanding through good faith communication is this: In a society operating on Habermasian discourse, let’s say the President of the United States, with nine months left in his administration, exercises his constitutional duty to nominate a Supreme Court justice once a vacancy appears, as it did earlier this year in the case of the unexpected death of prominent conservative justice

Antonin Scalia. President Obama, indeed, nominated Merrick Garland, chief judge of the U.S. Court of Appeals for the District of Columbia Circuit, as Scalia's replacement. With nine months left, then, the Senate, is expected to do its constitutional duty to take up the nomination, *as a matter of routine it would be reasonable to expect*, and offer its advice and consent. One does not expect Senate Majority Leader Mitch McConnell (R-KY) specifically, to invent principles for the Senate's *not* doing its constitutional duty. And one certainly does not expect him to announce, "within hours" of hearing that Scalia had died, that not only would the Senate not hold hearings on the nomination but that it would not even meet with the nominee (Bresnahan & Everett, 2016). McConnell said appointing a Supreme Court justice in the last year of a lame-duck presidency during an election year would deprive "the American people" of a right to a say in the appointment (Kelly, 2016; Davis, 2016). Still other senators said such appointments had never been made before.

In fact, as practiced today, American political discourse is little more (some might justifiably say *nothing less*) than total obstructionism and is little changed from the beginning of the Obama administration when powerful Republican operatives met *on inauguration day* in 2009 to strategize how to cripple the Obama administration (MacAskill, 2012). McConnell did not attend the obstructionist meeting on inauguration day (Stein, 2012; updated 2014). Later, however, on October 27, 2010, McConnell called for making Obama "a one-term president" (Memoli, 2012). McConnell, now majority leader in the Senate, continues the same obstructionism in his announcement about Garland. The statement that such an appointment has never been made and confirmed in the last year of a president's term is patently not the case according to *Politifact*. The "tradition" cited by the Republicans is "not consistent with judicial history": "In the time frame Republicans are suggesting, only three presidents have had the chance to fill a seat on the Supreme Court bench in an election year, and all of them took it" (Qiu, 2016b). Such Republican statements as this fail on the "truth" criteria of universal pragmatics, but might be said to rise to the level of "lies" on the moral schemes the speakers claim to espouse (Here, again, there are faint echoes of Carl Schmitt, as we can almost envision McConnell, on his high perch, savoring one of the "high points" of politics as he explicitly, repeatedly, singles out Obama and his administration as the "political enemy").

There is an interesting irony afoot concerning Republican presidential primary candidate Donald Trump and discourse ethics, particularly with the "Stop Trump" or "Dump Trump" movement being waged by the so-called "establishment", which thinks Trump's high negatives and liberal stances will hurt the party's chances of prevailing in the November elections. While Trump had not by the April 5 Wisconsin primary garnered the necessary 1,237 delegates (one half of those available plus one) to put away the nomination on the first round of balloting at the July party convention in Cleveland, he had accumulated (as of April 9) by far the most delegates, some 758 versus 533 for Sen. Ted Cruz, though he has a path to the nomination (Bycoffe & Wasserman, 2016).

While the Republican establishment has mounted an aggressive campaign to derail the Trump candidacy (Parton, 2016; *Against Trump*, 2016), that very act itself is contrary to the Habermasian discourse principles laid out above, and, in fact, is tantamount to trying to shout Trump down or silence him. On the other hand, the "rules" the Republican Party has for conducting its convention are public and very flexible, and they will indeed be re-written before the convention by those attending the rules committee meetings and will reflect their views. So, in one sense, Trump has no complaint, as he should have been intimately familiar with the rules. Both the Republican and the Democratic parties have rules concerning their delegates that are "non-democratic", and therefore are intended to "silence" other voices should they get out of hand. This is all contrary to the very spirit of Habermasian discourse. And in the case of Trump versus the Republican establishment, each side simply repeats its position, and there appears to be no attempt to communicate at all, though the decibel level remains high. Trump claims the establishment is "corrupt" and undemocratic in letting Sen. Ted Cruz "steal" delegates from states, like Louisiana, that Trump had "won" (Savransky, 2016b). Meanwhile, Reince Preibus, Republican National Committee maintains the rules are the rules set by the delegates, they are public and they haven't been changed, implying Trump should have known them (Pfeiffer, 2016).

On the other hand, under Habermasian discourse, Trump qualifies as a "competent speaker" and therefore has a right to "say"—through his actual speech acts and his actions—whatever he wants. And so far, the focus of the response by the media and others has been on the outrageous and the scandalous. Two efforts to drive Trump off the stage and silence him have been Mitt Romney's March 3 attack on Trump calling him a "fraud" and a "phony" (Mitt Romney Attacks, 2016) and the *National Review's* January 21 issue titled "Against Trump" that featured 22 prominent conservatives speaking out against Trump. The opening editorial called Trump "a philosophically unmoored political opportunist who would trash the broad conservative ideological consensus within the GOP in favor of a free-floating populism with strong-man overtones" (*Against Trump*, 2016).

Where, though, has it been aired out—and who has done it?—that Trump’s *claims*, with his vast business background and authorship of his 1987 best-selling book *The Art of the Deal*, that he is or is not in fact a better negotiator than the government diplomatic and trade officials he routinely derides? Trump has made a long list of “validity claims,” and in a deliberative democracy both communicative action and discourse theory would allow those claims to be challenged and be either redeemed or denied. For example, several times he has named businessmen he claimed would be able to negotiate better trade deals than government negotiators. He told CNN in 2015, for example, that “Carl Icahn, you know, is a great negotiator and I have many other great negotiators and they are dying to get involved” (Cuomo, 2015). In the same interview he added this: “In fact, I’d give him China, I’d give him Japan. He can handle both of them believe me. But I have others. These are the greatest—we have the smartest, the greatest negotiators in the world. We have the greatest business people in the world. We don’t use them”. But have these claims ever been discussed seriously and explored deeply?

While there may be a crippling mismatch in Trump’s concept of how Trump’s claims might work were he to become president (being president of the United States does not often entail the president himself sitting at the negotiating table as it might with a corporate CEO), he may indeed have skills or access to the skills through potential appointees (better conceived in a different setting from the Oval Office) that would have different and even more positive outcomes, but none of this seems to have been worked over in discourse attempting to see whether his claims are feasible, conceivable, plausible, or even debatable. This is never explored by critics or others hearing his claims, perhaps because they either believe him uncritically (his followers) or they don’t see how he could personally ensure the outcomes he boasts as president, or someone (media? opponents? scholars? public?) is not doing his or her due diligence. (Trump has talked about negotiating trade deals, deals to get various American hostages back, the nuclear deal with Iran, and stopping illegal immigration from Mexico. While questions have been raised about each of these issues, those raising the questions are either incredulous or suspicious, and the Trump claims get explored superficially at best, say a one-time mention in the press. This, perhaps, is more than anything else a major media failure and could be treated there as well.)

Yet another irony regarding Trump is that he has brought out “millions” of followers to his packed rallies—often white, uneducated working class citizens many of whom have not participated in the political process at all or dropped out a long time ago. Their well documented anger seems to stem from the fact that establishment Republicans have over the years not helped them economically, in effect ignoring their voices, while Republican policies have mostly benefitted the economy’s top two percent. His presence as a candidate gives voice to those people although it is not known whether they will turn out at the polls in the November elections—and the same is true of the new voters the Sanders campaign has claimed to mobilize. As of March 19, 2016, Clinton had 8.7 million votes; Trump, 7.6 million; Sanders, 6.1 million; Cruz, 5.5 million; and Kasich, 2.7 million (Montanaro, 2016). Whether these are real voters who will stick around for the general election or they are at Trump rallies merely to observe or participate in the spectacle is an open question. The same question also applies to all the supposedly new voters that Democratic presidential aspirant Bernie Sanders has brought to his popular and enthusiastic rallies.

Below is a brief survey of some of the most egregious failings of political discourse during the 2016 election season, and as long as it is, it merely scratches the surface. Reality TV show star and real estate mogul Donald Trump is featured so prominently because he has in many ways been at the center of so much dysfunctional discourse.

### 3.1. Discourse Failures Concerning Donald Trump

By far the most volatile, flamboyant, and incendiary candidate, Trump, who hosted the TV reality show “The Apprentice” for 14 years on NBC, has engaged in attacks on the country’s leaders, repeatedly calling them “stupid” (Cruz, 2015); insulted Mexicans in his announcement speech calling people crossing the border illegally from Mexico “rapists” and saying Mexicans were “bringing drugs” with them (Moreno, 2015); consistently picked on Jeb Bush during Republican candidate debates, calling him “weak” (Fox, 2016) and constantly, saying he was a “low energy” candidate (Parker, 2015); insulted Muslims by calling for a “complete shutdown of Muslims entering the United States until our country’s representatives can figure out what is going on” (Diamond, 2015); seemed to incite his large crowds to violence against protesters by shouting such things as “get’ em out” and saying of one he wanted to “punch him in the face” (Schreckinger, 2016)—and one audience member actually did “sucker punch” a protestor who was being led from a Trump rally (Diamond, 2016a), for which Trump said from the podium he would consider paying the puncher’s legal fees, his tone and words also tending to incite violence rather than condemn it.

As we examine contemporary American political discourse, it is immediately striking that the level is so low that concerns that could be raised in the pragmatics of communicative action theory are never really reached, or are broached sporadically and intermittently by different actors, the result being clear that the actors are hardly engaged in genuine communication. Rather, what is on display, is name-calling, wild assertions, failure to listen (much less respond in substantive ways) to the points made by the other side. Says one astute commentator from the online magazine *Slate*: “One accomplishment of Donald Trump’s campaign for president has been to reveal that American politics had not previously been as degraded as some of us thought” (Goldberg, 2016). This came after Trump tweeted an unflattering picture of U.S. Sen. Ted Cruz’s wife Heidi and threatened to “spill the beans” on her, giving Trump’s followers the needed go-ahead to publicize Heidi Cruz’s depression and mental health problems that were not that deeply buried in the media (Goldberg, 2016). Whether a claim is comprehensible, factually true, or whether it is morally right or whether it is appropriate to expose its substance, and whether the speaker is sincere—this is hardly asked by candidates, commentators in the media, the public or other observers now. Beyond that, however, the numerous Republican debates have been marked by a failure to even reach policy issues.

Democratic candidates Hillary Clinton and U.S. Sen. Bernie Sanders (D-VT) were, in the first part of the campaign season, at least, civil to each other and tended to talk more about issues. However, as the number of Democratic debates has grown, Sanders and Clinton have gone after each other in harsher terms, with Sanders being particularly hard on Clinton for her vote for the Iraq war and for taking money from Wall Street.

Trump has insulted women on numerous occasions, including Republican Candidate Carly Fiorina (Uchimiya, 2015) and Fox News reporter and commentator Megyn Kelly, especially during the first Republican debate on August 6, 2015, when he seemed to refer to her menstrual cycle (Chavez & Stracqualursi, 2016), as well as Cruz’s wife Heidi, discussed immediately above (Logan, 2016). Adding fuel to the fire is the controversy over Breitbart News reporter Michelle Fields, who filed assault charges against Trump’s campaign manager Corey Lewandowski after the Trump campaign manager grabbed her arm bruising her, then denied the whole incident occurred and the campaign demeaned her reporting (Phelps & Delmoro, 2016). The complaint was later dismissed.

Trump’s comments on women have helped ensure low ratings for him among Republican and Democratic women, particularly the week before the primary in Wisconsin in early April, when Trump created another firestorm in trying to explain his pro-life stance in the abortion debate and called for “some kind of punishment” for women who sought abortions, but he recanted the next day (Flegenheimer & Haberman, 2016). On April 1, four days before the Wisconsin primary, NPR reported that Trump had a “huge” problem with women for many of the reasons just mentioned (McCammon & Booker, 2016). The story also reported his saying, “I respect women. I love women. I cherish women!” a set of claims he often repeats, as in a recent interview with Chris Matthews: “Nobody respects women more than I do,” Trump told Matthews. Women, however, are increasingly speaking out against Trump and playing a prominent part in the anti-Trump movement (Abrams, 2016). It’s hard to not notice the trace of objectification of women that accompanies this language, expressions that parallel other terms when he says he has “always had a great relationship with the blacks” (Parham, 2015) or “the Hispanics,” where the language sounds even more patronizing.

The most puzzling thing about Trump is his widespread appeal, particularly among white working class Republicans. Part of the appeal appears to be populist and nativistic. He often says that he is tired of being “politically correct,” tired of seeing the country beaten down (and, as always, resolving to “Make America Great Again”), thus playing to their pent-up prejudices, biases, and resentments. But his tough talk, strongly stated resentment against the Republican establishment, whose economic policies have helped the top two percent of the country’s elite and done little in the way of providing jobs for those at the bottom or the middle of the economic scale, seemingly makes them overlook the shallowness of his command of issues. So, while Habermas appeals to political and philosophical ideas to legitimize how he structures his approach, Trump “legitimizes” his positions by appealing to emotions related to pent-up anger and frustration. A recent report by the AFL-CIO affiliate Working America, which surveyed 1689 of those workers, who are likely voters outside Cleveland and Pittsburgh in what they call “front porch” focus groups, bears this out. The report states that Trump was more popular among such voters than all the other Republican candidates “combined”, and that neither party loyalty nor stance on policy issues mattered as much to them as “personality” and that “he speaks his mind” or “tells it like it is” (Working America, 2016).

His trouble with women over abortion stemmed from the fact that he appeared not to know the pro-life “line” that only doctors who perform abortions, and not the women who seek them, should be punished. He, likewise,



showed little understanding of U.S. policy by stating openly that he would not “take nuclear weapons off the table” with respect to the Middle East or Europe—and would even consider giving nuclear arms to Japan, South Korea, and Saudi Arabia. He did not seem to know the long-standing U.S. bipartisan policy of limiting the spread of nuclear weapons (Landler, 2016). As the campaign develops, it seems clear to more and more observers, that he is so often winging it without really understanding the issues. It’s not clear why that is the case, but he is roundly criticized by prominent members of his own party for his ignorance when pressed on issues.

Part of the explanation may lie in his enormous ego and self-confidence, but much of it may be his personalized concept of what his role will be once he assumes the presidency and his seeming belief that the business methods of his best-selling book *The Art of the Deal* will be all he needs to handle the biggest crises the country has to face, clearly a misunderstanding of the role of the modern presidency. This personalized conception of the office of the president as being like that of a CEO who does and can make deals in the private sector seems to have led Trump to some curious reversals. For example, he said he would *not* order U.S. troops to commit international crimes by killing the families of terrorists and using techniques worse than waterboarding (Paletta & Timiraos, 2016; Shane, 2016), after saying of U.S. forces the day before, “They won’t refuse. They’re not going to refuse me. If I say do it, they’re going to do it” (Morton, 2016). At campaign rallies, he rarely has to explain how he will “make America great again”; he merely spews out a list of assertions in areas where he says he plans to make changes. This point is illustrated by the 30-second TV ad that ran in Iowa and New Hampshire in January. The ad, released January 15, 2016, featured him speaking to great cheers at an earlier rally attended by more than 10,000 people in Lowell, MA, saying the following:

“I’m Donald Trump and I approve this message.

“We are going to take our country and we’re going to fix it; we’re going to make it great again.

“We are going to fix our health care, we are going to take care of our vets, we are going to fix our military, we are going to strengthen our borders.

“We’re going to build the wall, but we are going to strengthen our borders.

“We are going to make it great again. We’re going to make it greater than ever before” [cheers]. Thank you.” (Democracy in Action, 2016).

The pattern of his discourse is similar when he simply ticks off his criticisms of the status quo: He often merely asserts his claims to wild cheers from the audience. If he is challenged, he offers his off-the-cuff reasoning—oblivious, say, to the fact that ordering U.S. soldiers to kill the families of terrorists and engage in torture are international crimes—then he simply adds to his narrative that he wouldn’t violate any laws and moves on, seemingly unfazed that he has little policy understanding (Savransky, 2016a). One clear pattern of Trump’s discourse in handling *negative* criticism involves always moving toward the *positive* as a description of himself. First, he very often says that this is the first he has heard of such a criticism or knows nothing of the matter at all (which may not be *true*, as in the case of his relationship with former Ku Klux Klan leader David Duke: he *did* have knowledge of Duke from the past after first denying he knew who Duke was) (Qiu, 2016a). Then, he denies the negative and claims the positive as one of his personal characteristics or attributes. Thus he is always pushing toward a positive image of himself or furbishing one. Among Trump’s wild claims are these: Our leaders are stupid, Obamacare is a disaster and will be repealed and replaced, the Iranian nuclear agreement is bad policy, and that President Obama and former Secretary of State Hillary Clinton are the worst in history to have held their offices.

### 3.2. Discourse Failures with Other Candidates

Trump is not alone in dragging political discourse into the gutter, but he is probably the most prominent politician to do it. There are examples from other candidates, as well. One of the most striking examples is U.S. Sen. Marco Rubio (R-FL), who seems to have intended to make a joke implying that Trump had a small penis (Sebastian, 2016). This, of course, was a comment Trump couldn’t let pass, and during the Fox News debate on March 3, he felt it necessary to ensure the audience that the implied charge was false: “And he referred to my hands, if they are small, something else must be small”, Trump said. “I guarantee you there’s no problem, I guarantee you” (Resnick, 2016; Krieg, 2016). Rubio later said that if he had it to do all over again he wouldn’t say it, noting that it had embarrassed his children (Kamisar, 2016), an irony, on the one hand, and a commentary on how childish the campaign discourse had become: more embarrassing to children than adults.

While Trump is known for his resistance to “political correctness,” for his willingness to say outrageous

things, including statements that could be read as incitement to violence, U.S. Sen. Ted Cruz (R-TX) has a much smoother public presentation. However, discourse failures have occurred throughout his political career and some have contributed to his reputation of being “the most hated man in Washington” (Ball, 2016b; Bankoff, 2015). His colleague in the senate, John McCain, called him and other senators “wacko birds” (Weiner, 2013). According to Molly Ball writing for *The Atlantic*, Cruz is only interested in “burnishing his own brand.” He has betrayed Senate colleagues—such as his best friend Sen. Mike Lee from Utah—without warning, for instance, at a hearing over a bipartisan criminal justice reform bill, and he has violated Senate norms for decorum, for example, when he called Senate Majority Leader Mitch McConnell (R-KY) a “liar” on the floor on the Senate (Ball, 2016b). One result was that Lee, who otherwise might have endorsed Cruz’s presidential run has not done so, which left Cruz without any senatorial endorsements, almost until the Wisconsin primary in April. Sen. Lindsey Graham (R-SC), who dropped out of the primary in December because his campaign didn’t gain any traction, tweeted that “If you killed Ted Cruz on floor of Senate no one would convict you” (SpinDoctor, 2016).

Another antic, to use a rather light term considering the weighty outcome that engendered disruption, led to a partial government shutdown, damaged the Republican Party, cost the nation \$24 billion, nearly led to a national default because of the debt ceiling, and incurred the wrath of his Senate colleagues was the 2013 attempt to defund the Affordable Health Care Act. This was led solely by Cruz and his 21-hour “pseudo-filibuster” against Obama care (Grieder, 2014). After the crisis had passed and the debt default averted, “Cruz remained, in most quarters, a pariah, ...” Grieder wrote. But not with his extreme right wing base, which considered him a hero. One of Cruz’s goals in his brief time in the Senate was to set himself against the Washington “establishment”, align himself with the hard-right Republican base, with himself as the leader of the most hard-right conservatives. Ball Said: “If Cruz succeeds in riding them to the nomination, it will mean more than one man’s candidacy; it will mean the right wing has succeeded in completing its hostile takeover of the Republican Party” (Ball, 2016a).

Nor is Trump alone in his insult to Muslims. Following the terrorist attacks in Brussels on March 22, “Ted Cruz suggested that the United States ‘empower law enforcement to patrol and secure Muslim neighborhoods before they become radicalized’”, seemingly oblivious to the American value, or norm, of not stigmatizing whole peoples (Levy, 2016). He showed similar misunderstanding of both military concept and policy when he advocated “carpet bombing” of ISIS, not realizing the informal military term meant leveling urban areas rather than attacking troops (Jacobson, 2015). His tough and colorful talk about making the sands “glow” following such a bombing (Megerian, 2015), shows his desire to have strong rhetoric, but reveals little understanding of the world he seeks to lead as president of the United States.

Another dimension, entirely, to communicative action that may not be obvious to the casual observer of the Cruz campaign is what, exactly, he is communicating when he names an individual as head of one of his coalitions. Understanding, as Habermas does, that speech acts have both a literal meaning and that the utterance itself can “do” something, it is legitimate to seek the deeper implications of Cruz’s having appointed Troy Newman as one of the co-chairs of Pro-Lifers for Cruz, an anti-abortion coalition that Cruz praised as championing “every child, born and unborn”. Newman, who is president of Operation Rescue, one of the most extreme anti-abortion organizations in the nation and one with direct links to the assassination of Dr. George Tiller in Wichita, Kansas, in 2009, is also “a board member of the Center for Medical Progress, the group behind the debunked Planned Parenthood videos, whose founder David Daleiden was recently indicted for alleged crimes in connection to the videos” (Liss-Schultz, 2016). Cruz praised Newman’s group as “one of the leading pro-life Christian activist organizations in the nation.” According to Nina Liss-Schultz’s article in the magazine *Mother Jones* on the announcement,

Newman has been involved in anti-abortion organizing for decades, and in 1999 he became the president of Operation Rescue, a group with a long history devoted to shuttering abortion clinics. In 2000 he published the book *Their Blood Cries Out*, in which he calls abortion doctors “blood-guilty”. In a passage of the book, which is now out of print, Newman wrote that “the United States government has abrogated its responsibility to properly deal with the blood-guilty. This responsibility rightly involves executing convicted murderers, including abortionists, for their crimes in order to expunge bloodguilt [sic] from the land and people.”

Such information is not widely discussed in the media and is perhaps even overlooked in the froth of rhetoric surrounding the abortion issue in the United States. But shouldn’t an electorate committed to democratic values know about such facts and the values they represent? In appointing and endorsing Newman and Operation Rescue and praising him as he does, Cruz is putting his imprimatur on Newman’s previous actions. Cruz was one of

the three remaining candidates in the Republican presidential primary in April, and in spite of being reviled by so many in Washington, it looked as though he might well have emerged as the standard-bearer for the Republican Party in the November elections with at least a chance of becoming president of the United States. However, Cruz withdrew from the race after being handily defeated by Trump in Indiana's primary in early May.

Other potentially important information that should be part of any political discussion or discourse striving to establish, negotiate, or clarify norms relates to the extent various participants are influenced by other thinkers, particularly fringe thinkers. Our article titled "The Rectification of (Political) Names," dealt with the influence the novelist Ayn Rand has on two significant contemporary political actors, former Federal Reserve Chairman Alan Greenspan, on the one hand, and Wisconsin Congressman Paul Ryan, chair of the House Budget Committee from 2011 to 2015, on the other hand. Ryan ran with Mitt Romney as the Republican Vice Presidential nominee in 2012, and was later tapped to become Speaker of the House of Representatives. For a while, as the anti-Trump movement picked up steam, Ryan was widely talked about as "the" candidate that the Republicans might run for President of the United States. Ryan, speaking before the Atlas Society in 2005, an organization devoted to promoting "objectivism," the thinking of Ayn Rand, said that "the reason I got involved in public service, by and large, if I had to credit one thinker, one person, it would be Ayn Rand" (Paul Ryan and Ayn Rand's Ideas, 2012). He also told the society that he required his staff to read Ayn Rand's work. "I grew up reading Ayn Rand and it taught me quite a bit about who I am and what my value systems are, and what my beliefs are," Ryan said. He later made the startling statement that "I always go back to... Francisco d'Anconia's speech [in *Atlas Shrugged*] on money when I think about monetary policy".

Responding to Ryan's statement about Francisco d'Anconia's economic ideas, Nobel Prize winning Princeton University economist Paul Krugman, columnist for *The New York Times*, had this to say:

Who? Never mind. That speech (which clocks in at a mere 23 paragraphs) is a case of hard-money obsession gone ballistic. Not only does the character in question, a [John] Galt sidekick [in *Atlas Shrugged*], call for a return to the gold standard, he denounces the notion of paper money and demands a return to gold coins.

For the record, the U.S. currency supply has consisted overwhelmingly of paper money, not gold and silver coins, since the early 1800s. So if Mr. Ryan really thinks that Francisco d'Anconia had it right, he wants to turn the clock back not one but two centuries (Krugman, 2012).

Sen. Cruz also recently confessed an interest in the work of Ayn Rand, telling Erica Grieder of *Texas Monthly* that his favorite novel was *Atlas Shrugged*. It is difficult to determine influence from such curt information, but a survey of Republican political candidates related to "what 'books and thinkers have inspired' the presidential hopefuls", Cruz told *Politico* that as for historical figures, Ayn Rand [was] "one of my all-time heroes." Kentucky Sen. Rand Paul also confessed to liking Ayn Rand, saying that he had "read all of her novels" (Benen, 2015). The possibility of influences such as Ayn Rand on political leaders would seem to be important, particularly in light of how much Greenspan said Rand influenced him, and not always in a positive way (Greenspan, 2010; Graham, 2010), an influence that does not seem to have been very deeply explored either by the media or through scholarly inquiry.

### 3.3. Discourse Failures of the Media

Perhaps the most disappointing aspect of political discourse during the 2016 presidential primary season was the media because its main function ostensibly is communication. The media's failure to thoroughly take Trump's candidacy seriously and vet his outrageous claims from the beginning amount to a colossal failure—which is still going on at the time of publication in spite of US Sen. Bernie Sanders's trenchant critique of media coverage discussed below. First, the candidacy of Donald Trump was greeted in June 2015 with near amusement (Troy, 2015). David Remnick, editor of the prestigious magazine *The New Yorker*, in the July 8, 2015, issue of that magazine, called Trump "the P.T. Barnum of his generation," referred to him as "joke", and said his run for the presidential nomination might be little more than an exercise in promoting the Trump brand (Remnick, 2015). Remnick continued:

His moment will pass, the experts say. And it probably will—or, at least, the current moment will. ... Trump's political and ideological forays have generally been promotional brand extensions, lasting only as long as they were, in his view, good for business; the whole con might end well before the first snows in Sioux City and Manchester (Remnick, 2015).

Remnick did deplore Trump's bullying, his mistreatment of women, Mexicans, and other groups, and sug-

gested that “[h]is platform appears, in the early stages, to be a smelly soup of billionaire populism and yahoo nationalism—all flavored with a tangy dollop of old-timey racism” (Remnick, 2015). At the time of Remnick’s piece, Trump was polling second against the other Republican candidates in New Hampshire, Iowa, and across the nation, but he soon began to out poll the rest of the field, which eventually grew to seventeen, and he maintained a plurality in the polls at the 30 percent level from July until early 2016 (Wang, 2016). A second early media preoccupation became whether Trump would hit some sort of “ceiling,” noting that while he had a plurality in the 30s, some 60 percent of the electorate disliked him (Newport, 2016), suggesting that it would be hard to win the presidency.

The media continued with speculation about whether Trump had a ceiling he couldn’t get beyond somewhere in the 30- to 35-percent range. In its Feb. 25, 2016, issue, *The Atlantic* noted that the “conventional wisdom” that guided coverage of the campaign was that Trump had a ceiling (Beinart, 2016). *The Atlantic* quoted both Marco Rubio and Ted Cruz to that effect. Cruz: “Donald Trump ... has a passionate, committed base of supporters, but he’s got a ceiling—between 60 and 70 percent of Republican primary voters” (Beinart, 2016). There was speculation about whether the conventional wisdom was true (Hohmann, 2016). Meanwhile Trump was making more and more outrageous claims about such things as banning Muslims from entering the country, on the one hand, to building a wall along the Southern U.S. border to keep out illegal aliens from Mexico and Central and South America, on the other hand, adding at each mention that he would make Mexico pay for it, often causing foreign diplomats to complain to U.S. officials about Trump (Hosenball, Mohammad, & Setalnick, 2016). The press duly reported these complaints.

There seemed to be little Trump could do or say that would cause him to lose supporters, prompting him in one speech to claim that “I could stand in the middle of Fifth Avenue and shoot somebody, and still I wouldn’t lose voters” (Diamond, 2016b). The media continued to eye the Trump campaign with curiosity and fascination. In fact, before Trump had arrived at a planned rally, the media would post its cameras at the venue and simply wait, seemingly unwilling to let anything related to Trump out of its gaze, fearing it would miss something sensational or spectacular. The practice contributed to the *Tyndall Report*’s claim that Trump learned to manipulate the press so effectively that he was “the king of all earned media,” that is, coverage he didn’t have to pay for because of effective publicity and promotion (Tyndall, 2016).

Indeed, this phenomenon represents a weakness in media coverage: Instead of aggressively finding news to show the public or delving into substantive issues, it simply waited for Trump to “act out”—and then report that. To a certain extent, simply waiting passively for news to happen at a Trump rally is not totally unreasonable. Trump’s rallies have become scenes of violence, and it often appears that he is encouraging the violence. When the *Tyndall Report* called Trump “the king of all earned media,” it said that data through the end of March 11, 2016, showed that “Trump has attracted more airtime (175 mins) than all other candidates combined (Hillary Rodham Clinton 60 [mins]; Bernie Sanders 44; Ted Cruz 32; Marco Rubio 14 and so on...)” (Tyndall, 2016). The press often keeps its gaze focused on Trump rallies waiting for something spectacular to happen (Boehlert, 2015).

One of the most trenchant criticisms of the media came from Democratic candidate Bernie Sanders. In a March 21 interview with Chris Hayes, the moderator of MSNBC’s *All In with Chris Hayes*, toward the end of their conversation, Hayes asked whether there was one question Sanders wished he had been asked by the media but hadn’t been during the campaign. Sanders replied with a powerful and insightful criticism: “Look, it’s not just a question. For the media, 90 percent of the coverage is process, is soap opera, is polls, is raising money.” He invited Hayes to “go to the rallies that I have and listen to the people coming up to me” and talk to them about their various issues. He then went on to say:

I’m running for president of the United States because we have a disappearing middle class, [we’ve] got 47 million people living in poverty. The amount of time that the media pays to those issues is minimal. ... That is my critique, Chris. That the media has got to look at the pain in American today, and then look at how the candidates are responding to that pain. Campaigns and elections are not a game. They are not a game. They are about trying to change America. We are the wealthiest country in the history of the world. We should not be having Flint Michigans or African American communities all over this country where schools are failing. Those are the issues we’ve got to pay attention to and not look at this as some kind of silly game, and that is the critique that bothers me. That’s what bothers me about media coverage (Sanders, 2016).

Interestingly, the posted segment of the *All In with Chris Hayes* interview with Sen. Bernie Sanders on March

21 stops just before Sanders launches his strong and insightful criticism (Hayes, 2016). While the critique of the media ran full in the live broadcast, it did not make the “segment” cut posted on the MSNBC website, though early on, the Google description of the segment *did* contain a reference to Sanders’s criticism of the media. However, the Sanders criticism of the media was put on YouTube the same day, apparently by a private citizen (Sanders, 2016).

The media did not take Sanders up on the suggestion to deepen its coverage.

Fox News’s coverage of the campaign obviously needs mentioning, particularly all of the criticism of Fox as an extension of the Republican Party and as representing anything other than its motto “fair and balanced.” A wide variety of the controversies related to whether Fox News is detailed—in a seemingly fair and balanced manner: the controversies are aired out and Fox News is given the chance to respond, all sources cited—in the Wikipedia article titled “Fox News Channel Controversies” (Wikipedia, 2016b). Fox has long been derided as an “echo chamber,” and Googling “‘Fox News’ + ‘echo chamber’” will turn up 75,000 plus hits. One defense of Fox’s alleged bias toward Republican candidates came up after PoliPundit, a branch of PolitiFact.com, in January 2015 published a study of claims made on Fox News by “pundits and talking heads” (as opposed to claims made by elected leaders, declared candidates, or party officials). PoliPundit’s conclusion was that “about 60 percent of the claims checked have been rated Mostly False or worse” (Sharockman, 2015). In writing for the *National Review* six months earlier, Kevin Williamson, answering other articles about Fox bias, offered this general defense:

Fox News is a personalities-driven opinion network with occasional news reports; it is inevitable that its broadcast hours will be more rapidly punctuated by controversial statements than those of, for example, ABC. Unsurprisingly, the opinion-heavy Fox News and MSNBC both have relatively high falsehood scores on the PolitiFact report card, while CNN doesn’t (Williamson, 2014).

In terms of discourse, of course, this would hardly seem to be a defense, as Habermas’s discourse ethics strives both to elide the impact of personalities in public will-making and to get to the truth as a basis for developing consensus and understanding, so it’s legitimate to identify the distortion wherever it is coming from. A scorecard showing 60 percent of the claims made by the experts produced on a network, does not bode well for either aspect of the discourse. “MSNBC, for example, which some might call Fox’s liberal counterpart, is just as guilty of misleading its viewers. However, they also tell the truth more than they lie”, wrote PunditFact’s Amanda Froelich, “and their ‘Pants on Fire’ percentage is half of what Fox scored (Froelich, 2015).

Another disturbing communicative failure—or at least distortion—is personal bias, something that is often difficult to discern, though it sometimes occurs accidentally as with a “hot mic” incident involving MSNBC co-host Mika Brzezinski on *Morning Joe*. Here is how CNN Money related the incident:

At one point, Brzezinski tells Trump that she had “a wow moment” when he brought two men up on stage after they had removed a protester from a rally. Trump responds: “I saw it, I watched your show this morning. You had me almost as a legendary figure”.

The audio, which was obtained by comedian and radio show host Harry Shearer, offered the latest evidence that the “Morning Joe” co-hosts are too friendly toward Trump, which has become a source of discomfort at NBC. Network insiders have chafed at what they described as Scarborough’s “over the top” and “unseemly” admiration for the real estate magnate who is leading the GOP field (Byers, 2016).

#### 4. Civilized Politics: Habermas in Philosophical Context

The politics of a civilized population calls for compromise, something doctrinal Republicans have simply ruled out (Barr, 2010). Without compromise, as every thinker has realized, the holders of the majority normative opinion hold a minority in virtual slavery. Hegel realized this in the beginning of the 19<sup>th</sup> century and felt that the end result of the progressive development of the philosophy of consciousness would amount to a process of developing recognition by the opposing parties: master and slave. The resulting reciprocal development could eventually resolve the opposing differences. According to their analysis, Hall and Ames saw this in Confucius, who lived twenty-two hundred years before Hegel (Hall & Ames, 1987: pp. 180-182, 286-296; Hall & Ames, 1998: pp. 48-59, 172-180).

What Habermas offers is an alternative way to deal with social problems compared to what has prevailed in the Western world. Rational understanding has been considered from the model of linear, formal, mathematical style preferred by the analytic school. This works fairly well for science but presents some problematic cases in

natural science with regard to organic naturalism and vitalism, not to mention the non-locality problem with regard to quantum physics. At least “science” is self-directed when it comes to theory, though there are many problems when it comes to appropriate allocation. The difference from natural science to social sciences is that for natural science the linguistic logic is “I-it,” whereas in social science it is “I-Thou”. Thus the approach of instrumental reason is a strategy of dominance beginning with nature and ultimately extending to other areas, that is, to humans.

In order to ensure stability and “progress,” the instrumental reasoners must rely upon strategy. Consensus is not pursued but instead dominance. This extends to steering through media, wealth, and other forms of power, particularly administrative power. According to Habermas, alternate voices are marginalized or otherwise silenced as we are seeing in the 2016 presidential election season today, particularly in the Trump rallies, but there are numerous other examples (The *Citizens United* decision is a clear attempt to give a stronger voice to big moneyed interests, which then easily overrides those voices with no money. It also comes in another form, as when a political candidate jumps early and succeeds in defining the other candidate in such a way that he or she is in a box that it’s impossible to get out of, often repeatedly hammering the description until it has hardened. Trump used this tactic over and over against his original sixteen opponents). Ultimately, when the Supreme Court determines the winner of the national election, and the determination along strict party lines in the makeup (party loyalty) of the Supreme Court determines the future of the nation, we must realize that what we have is in no sense a democracy. Yet we are waging wars demanding that third-world countries with no experience of democracy be just like us (and perhaps give us their oil or other resources). What Habermas offers is emancipation through meaningful democracy, i.e., through deliberative democracy. The emancipation that Marx offered for the industrial working class failed largely because the workers never developed a self-reflective attitude that would result in a solidarity which would give them power.

The Frankfurt School that nurtured Habermas became pessimistic that the reason which the Enlightenment promised would end with totalized selves as the result of instrumental reason with mass culture determining their lives and only avant-garde art as a possibility for resistance to mind control. The postmodern thinkers, following Nietzsche, were ultimately left waiting for the new kind of man who could think the unthought and who would perhaps populate a “democracy to come.” Habermas deals with *people at hand today* to govern themselves rationally with the problems of *today*. For him, instrumental reason with its strategy of manipulation would lead, if it is relied on exclusively in the world as it is lived, to manipulation, exploitation, and domination.

What Habermas offers is emancipation through meaningful democracy, bolstered by communicative reason, discourse ethics, and ultimately deliberative democracy. We assume communication and understanding when we talk. As the postmodernists point out, there are alternate meanings for every utterance. Yet we can and do take for granted, truth, sincerity, accuracy, appropriateness in ordinary speech. We can change understanding if and when we encounter difference. Fact checking accuracy is sometimes difficult, but in most cases we end up, or should be able to end up, with informed agreement. Even, or especially, in the case of issues such as racism or wage slavery, continued discussion and exposure to the problem seems to lead to ethical progress.

To assist in this, Habermas offers discourse ethics in which public decisions are only made after everyone affected has had an opportunity to be heard from. The ones making the decisions must abide by the same rules (unlike Congress on healthcare). Decisions about public policy are only to be made after an open discourse that is as wide as possible and that is uncoerced and informed. Every effort should be taken to ensure that “the force of the better argument” determines the decision. In this way, the emancipation promised by the Enlightenment thinking of the 18<sup>th</sup> century could be finally tried.

Ultimately, Habermas’s most prominent antagonist, poststructuralist Jacques Derrida (1930-2004) became his close friend and though a hold-out for “people-to-come” in ontology, as well as in philosophy and politics with respect to “democracy”, found common cause in the resistance to American imperialism, particularly the Project for a New American Century, mentioned above, in which the neoconservatives offered a proposal to push American power out into the world so that the United States would be the dominant power across the globe, thus ensuring that U.S. interests would be protected under a Pax Americana for any foreseeable future.

Habermas’s earliest writing dealt with the salons and spheres of discourse that led to Enlightenment thinking and to the public sphere. While he found in his *habilitationsschrift*, titled *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, that a “bourgeois public sphere” had emerged in the coffee houses and salons of England, France, and Germany, of the early 18<sup>th</sup> century, this has come to be lost over time. Now his thinking is trying to return to, to create, an environment that can lead to progress. In fact, Habermas has written that “the Enlightenment is an unfinished project”. His recent thinking goes from

normative and legal justice, and even more recently, how a pluralistic, multicultural society is going to deal with radical difference that such societies often develop, for example, societies that find themselves, often because of immigration, with large fundamentalist religious groups, which are often antagonistic to the host populations advocating “secular humanism.” There are difficult societal problems in each of these areas, but the tools Habermas provides are sophisticated.

This is where deliberative democracy becomes so important.

From the survey of communication and discourse failures above, it is clear that business-as-usual “American democracy” has a lot of work to do, and by the standards of deliberative democracy, fails in many places. On the other hand, as long as the Habermasian ideas explored in this paper remain solely in the hands of the philosophers, even deliberative democracy won’t get an opportunity to demonstrate its worth. Therefore, these writers conclude that it’s time to attempt a real, substantive, and concrete attempt to implement Habermas’s ideas. The first step, we believe, is to show its benefits by comparing contemporary American political discourse with communicative action and discourse ethics, the hallmarks of a society operating as a “deliberative democracy”—at least measuring them by the norms of those concepts, which this paper has tried to suggest. At some point, some society—some association—it doesn’t matter how small—needs to formally attempt to operate such a society. Our three papers published for the *Online Journal of Philosophy* are attempts to provoke someone, somewhere, in particular a political party, into attempting that project.

## 5. Conclusion

*Between Facts and Norms* is Jürgen Habermas’s “mature work on law and democracy”, published in 1996 (the United States)-1992 in Germany (Bohman & Rehg, 2014). Chapter 7 of that work is titled “Deliberative Politics: A Procedural Concept of Democracy”. There, Habermas examines the various aspects of different models of democracy and provides an idea of why such a society might come about:

The notion of a deliberative democracy is rooted in the intuitive ideal of a democratic association in which the justification of the terms and conditions of association proceeds through public argument and reasoning among equal citizens. Citizens in such an order share a commitment to the resolution of problems of collective choice through public reasoning, and regard their basic institutions as legitimate in so far as they establish the framework for free public deliberation (Habermas, 1996: p. 305).

Then, a few pages later after having discussed “the meaning, role, and status of democratic procedures”, he observes that “we are [now] better equipped to deal with the question of where and how these procedures can find a place in the life of a complex society” (Habermas, 1996: p. 315). And here we are, some twenty years later, and we do not seem to have done so, and the philosophers are still struggling with his ideas *at the philosophical level*.

This paper and two preceding it by the same authors, are dedicated to bringing Habermas’s scheme down from the philosophical level to the practical level, via applied philosophy, where his insights can benefit real people where they live, breathe, and work. We have chosen to do this by depicting the problems with contemporary American politics and government when compared with the standards called for by deliberative democracy.

The intuitive reason for opting for a democratic system at all is so that members of a society can control their own affairs, resolve their own problems, and set their own norms free of manipulation and domination. And in terms of the diagnosis that Habermas has made of the problems with the West’s constitutional democracies, there is in 2016 a very real problem our democracy faces as it goes through the nearly year-long process of determining who will serve as nominees of our two major political parties for the positions of president, vice president, and various other national and local offices that come open on a two- to four-year basis: The problem, increasingly problematical, is what Habermas calls the *colonization* of the *lifeworld* (the cultural realm where our cultural values and norms of our society are stored) by what he calls the forces of the *system* (that part of lifeworld that operates for its own narrow and short-term interests and does not care about society’s interests at all). Operating on *instrumental reason*, the short-sightedness of the system puts the lifeworld at risk of destruction. Our second paper, “The Rectification of (Political) Names”, dealt almost exclusively with this issue. The current paper attempts to show how the ideas of *communicative action* and *discourse ethics* represent a better approach to discourse: *deliberative democracy*. Underlying it all is the notion that enlightened citizens

seeking to genuinely understand each other can work together inter subjectively on the basis of reason—an *a priori* reason extant in communication itself—and achieve their goals, and have peace and justice in their society.

By looking closely at the way American citizens operate their democracy in this 2016 political season and comparing that to how a deliberative democracy might work as Habermas has spelled it out in his various writings, we can see whether our democracy is operating at the optimum and whether there is something we might learn about democracy from our failures and from our shortcomings.

Habermas points out that there are two tracks on which his ideas operate in a deliberative democracy: the formal constitutional or parliamentary one, and the informal one. Both are necessary, Habermas says, and the benefit of the processes of communicative action theory and discourse ethics is that they go a long way toward ensuring that the democratic procedures we follow are free of domination and exploitation and that collective decisions are arrived at based only on “the compelling force of the better argument based on the relevant information” (Habermas, 1996: p. 103). This is sometimes put as “the unforced force of the better argument” (Habermas, 1996: p. 306).

Setting aside the obvious benefits of following Habermas’s procedures at the formal, institutionalized level, we can look closer at the benefits of doing so at the informal level, the public sphere of free and open discourse. Habermas says that such communication, say over politics,

has the advantage of a medium of unrestricted communication. Here new problem situations can be perceived more sensitively, discourses aimed at achieving self-understanding can be conducted more widely and expressively, collective identities and need interpretations can be articulated with fewer compulsions than is the case in procedurally regulated public spheres (Habermas, 1996: p. 308).

Almost anyone can recognize that the level of political discourse in the contemporary America is at a historic low, even someone in the Republican leadership such as Speaker of the U.S. House of Representatives Paul Ryan (R-WI), who recently gave a speech to a group of interns at the Capitol saying the following:

Our political discourse—both the kind we see on TV and the kind we experience among each other—did not use to be this bad and it does not have to be this way. Now, a little skepticism is healthy. But when people distrust politics, they come to distrust institutions. They lose faith in their government, and the future too. We can acknowledge this. But we don’t have to accept it. And we cannot enable it either (Ryan, 2016).

Ryan also said in the same breath that this message was “not just a lesson for young minds, but a message for all Americans”. However, Ryan himself has been a major contributor to the problem of obstructionism. For example, he attended the inauguration night dinner to plan the obstructionism that has plagued the Obama administration (MacAskill, 2012). He also announced that the House of Representatives would not take up immigration reform while Obama is in office (Graham, 2015). It should be noted, however, that with Ryan, so far, such language has been only nominal and rhetorical; he has not shown that he has changed in terms of either his policies or his behavior. As recently as the November 3, 2015, issue of *USA Today*, Ryan published an opinion piece affirming his announcement about not taking up immigration reform because of his opposition to Obama: “And the reason is simple: The American people can’t trust him to uphold the law” (Ryan, 2015). If that last line doesn’t “enable” distrust of the institution of the office of the President of the United States, it would be hard to imagine what would.

One problem, therefore, is that while almost everyone can see that there is a problem, few people are willing to consider that they may indeed be part of it—which means that at some point they have to turn a critical gaze on their own activities as well as the activities of their opponents. But it is necessary to do just that in assessing the merits of Habermasian deliberative democracy compared to the “democracy” of “American exceptionalism”.

To provide an opening perspective from the very important level of the franchise, which lies at the core of any democracy, let’s look for a moment in detail at efforts to suppress the vote rather than expand it. That very goal itself raises questions of the *sincerity* parameter of universal pragmatics, but is also impaled on the *truth* parameter, as apparently, fraudulent claims about voter fraud, which justify voter ID and voter suppression laws to control election turnout, have been coupled with tendentious redistricting; the result: out and out gerrymandering (Bandler, 2014). But even at the normative level, where we lay down our beliefs in “democracy” at all, there would seem to be a point where red flags would be waving by someone or at least some true patriot whispering, “Have we moved across the line from Jefferson to Schmitt?”



It is difficult to believe that in a country whose political values have historically tracked in the direction of a broadening franchise, citizens and voters calling themselves enlightened would consciously choose to renegotiate the norms for the society, for the lifeworld, *backwards* in a nativistic direction, as many on the right have chosen to do. The burden of credulity, however, is lifted when one realizes that often our elected representatives are captured by system interests which are operating our political and governmental machinery on the basis of instrumental reason for the narrower ends and in the interests of the *system* rather than the *lifeworld*. (In “The Rectification of (Political) Names”, we located those interests primarily in the area of corporate power, with a powerful critique of corporate influence in our society lodged by Associate Justice John Paul Stevens in his dissent in *Citizens United*.)

But placing restrictions on voting rights is a perfect example of controlling election turnout, i.e., manipulating, dominating, and exploiting the electorate.

Beverly Bandler points out that following extensive gerrymandering in 2010—a process she says in which “lawmakers choose voters, not voters choose lawmakers”—state legislatures turned to voter ID and voter suppression laws to keep down turnout and secure the fruits of gerrymandering.

In this way, Americans are given the optical illusion of a democratic process. Elections are held; votes are counted; victors are declared. But the contest is essentially rigged at the start by meticulously crafting the congressional or other district (Bandler, 2014).

With these practices, according to Bandler, Republicans ended up gaining control of 12 state legislatures and 675 legislative seats (Bandler, 2014). How can an electorate, a public, that calls itself “sovereign” be content with practices such as this? Is it even aware that they are underway?

In an article published by *Think Progress* titled “Voter Suppression Battles To Watch in 2016,” political reporter Kira Lerner opens with this statement: “Republican-controlled state houses and lawmakers across the country are doing everything they can to suppress votes and to swing elections in their favor” (Lerner, 2016). What this means is that the restrictions apply mostly to those who would tend to vote for the Democrats, i.e., minorities, students, blacks. Says Lerner: “Already, discriminatory voting laws have prevented low-income people, minorities, and students from voting during midterm and local elections. While voter fraud is exceedingly rare, more than 500 ballots were thrown out in Texas alone in 2014 and hundreds more were disenfranchised because of voter ID requirements.”

Lerner summarizes the restrictions under the following categories:

1. *Voter ID Laws*: As of January, 2016, 36 states have passed laws requiring voters to show some form of photo ID at the polling place. Some have curious restrictions on these photo IDs. In Texas, for example, a handgun registration is acceptable but a college ID is not.
2. *Efforts to make getting an ID even harder*: This involves various efforts such as putting state restrictions on spending for supplies and equipment for producing photo IDs, and other restrictions on using IDs from cities or villages for voting. In Alabama, the state closed 31 rural drivers license offices in predominantly poor black rural counties.
3. *Limited voting and registration hours*: In some states, same-day registration has been eliminated and the number of early voting hours has been reduced.
4. *Proof of citizenship*: In Kansas, proof of citizenship is required for voting in state elections, something that is not required at the federal level. Says Lerner: “Kansas Secretary of State Kris Kobach has been leading his state’s crusade against virtually non-existent voter fraud for years, but this year, a judge will hear arguments in a lawsuit against his proof of citizenship law” (Lerner, 2016).

Just whose values are being normalized here?

As Lerner states in her opening paragraph, these efforts are clearly partisan actions by *Republican-controlled statehouses*, and in terms of democratic values, these efforts are not entered into by participants who are seeking understanding and consensus—in spite of the ostensible goal of preventing “voter fraud.” According to the Brennan Center for Justice, however, most of the claims related to voter fraud are either “myth” or can be traced to some “mistake”:

The Brennan Center’s ongoing examination of voter fraud claims reveal that voter fraud is very rare, voter impersonation is nearly non-existent, and much [sic] of the problems associated with alleged fraud in elections relates to unintentional mistakes by voters or election administrators. Our report “The Truth

About Voter Fraud” reveals most allegations of fraud turn out to be baseless—and that of the few allegations remaining, most reveal election irregularities and other forms of election misconduct (Brennan Center for Justice, 2016).

It should be pointed out, too, that this effort at suppressing the Democratic vote comes quick on the heels of the U.S. Supreme Court decision on June 25, 2013, to gut much of the Voting Rights Act of 1965. Chief Justice John Roberts wrote the opinion but he was joined by conservative justices Scalia, Kennedy, Thomas, and Alito.

On the face of it, if the whole effort of voter suppression is representative of “American democracy” at work, it would seem on a number of points to fail when measured by the standard of “deliberative democracy”. It has already been noted that nothing in this effort speaks to understanding or building consensus. Rather, the Republican majorities in states across the country are using their power and their reason strategically to manipulate their political opponents. One could explore more deeply to find out just whose interests are best served by those majorities, but common knowledge reveals Republican interests are a mix of right wing, economic-conservative, social-conservative, nativistic, racist, and corporate interests, depending on the location, but all the result of various coalitions the Republican Party has entered into since the late 1970s and the “revolution” instituted by President Ronald Reagan’s election and inauguration on Jan. 20, 1981.

A second failure would simply be the notion of “truth” under the concept of “universal pragmatics”: Those backing the various voter suppression measures doggedly stick to the myth of “voter fraud” and pass restrictive policies for a problem that essentially doesn’t exist in any way that is an existential challenge to the country—and surely an enlightened citizenry can see through such pretexes. Incidentally, there is a reason for and an underlying logic beneath the gerrymandering and voter ID and voter suppression measures: The instrumental reason of those controlling the system and intending to secure control for the future. The communication at work is “strategic communication”. There is little about consensus and understanding at work in the process described above.

But there are real issues the sovereign and its elected representatives need to get to serious work on: Issues related to economic inequality, health care, climate change, and the environment that need to be dealt with instead of tying up governmental resources with nonexistent (better: pseudo-) voter fraud problems. A similar waste of resources is evident when the House of Representatives has voted at least 60 times to defund the Affordable Health Care Act (Walsh, 2016), a measure which has no chance of passing in any case.

Other issues by which the voter fraud issue fails also come under the heading of universal pragmatics: If there is no real problem for which this massive solution has been devised, the value of *sincerity* of the participants bringing the fix as well as the *appropriateness* and more *rightness* of what they are doing falls (and fails) there. That latter point breaks into two logical pieces: First, their solution is not appropriate, and secondly, the solution they do devise is morally deceptive because of what it attempts to do: disenfranchise voters in the opposing party under the pretext of going after voter fraud.

Another perfectly parallel practice, that also fails under the almost identical criteria of universal pragmatics—also perpetrated by Republican-controlled statehouses across the country—is the system of “TRAP laws” devised to impede Planned Parenthood’s operation:

The anti-choice movement has undertaken a campaign to impose unnecessary and burdensome regulations on abortion providers—but not other medical professionals—in an obvious attempt to drive doctors out of practice and make abortion care more expensive and difficult to obtain. Such proposals are known as TRAP laws: Targeted Regulation of Abortion Providers. Common TRAP regulations include those that: limit the provision of care only to physicians; force practices to convert needlessly into mini-hospitals at great expense; require abortion providers to get admitting privileges; and require facilities to have a transfer agreement with a local hospital (with nothing requiring hospitals to grant such privileges). Further, in many states abortion care is limited to hospitals or other specialized facilities, rather than physicians’ offices. Anti-choice supporters of TRAP laws assert these are necessary requirements to ensure patient health and safety, [but] these claims are specious (NARAL, 2016).

Defending such actions often entails distorting claims about the number of abortions performed, the amount of regular health care provided the women who visit Planned Parenthood centers, and the creation of fraudulent media in the pursuit of their manipulative aims. Moreover, that Sen. Ted Cruz can use Troy Newman of Operation Rescue with his extremist history, his links to the murder of Dr. George Tiller through Operation Rescue, and his belief that “doctors who perform abortions should be executed by the government ‘in order to

expunge bloodguilt from the land and people” and praise him as “one of the leading pro-life Christian activist organizations in the nation”—all of that would fail under universal pragmatics with respect to moral *appropriateness* and *correctness*. So too would Newman’s activities leading up to Tiller’s death (Wikipedia, 2016c). One could, perhaps, argue that the Pro-Choice/Pro-Life issue has not been settled and that the moral appropriateness criteria is at least debatable. While that is true, the actions that Newman both advocates and calls for—death to abortion providers—is certainly outside of any consensus moral code operating in the country today, and Cruz should be called to account for his high praise of Newman and for even using him in his campaign—and the facts of Newman’s life and work with Operation Rescue should be as widely known as his name.

It is obvious that much of this argument depends on the participants seeking to join the discourse in a democracy. In a section titled “Romancing the Sovereign” of “The Rectification of (Political) Names”, the authors dealt extensively with problems related to the sovereign in our democracy. We found numerous “irrationalities” associated with the sovereign, the individual voter, the citizen, particularly with respect to education. One major conclusion was this: “The bottom line: in Habermasian democracy marked by discourse ethics, the sovereign must be educated enough to avoid being manipulated and to be able itself to manipulate the subtleties of the system and the problems that are brought before it” (Old & Ferrell, 2015: p. 433). That would apply in this discussion, and it would apply to every issue that falls under the sovereign’s consideration. It would also apply, without question, to any “press” worthy of that name.

That same article took up other “deep irrationalities” running through our society today. If we were to ex-

American Exceptionalism’s “Democracy”	vs.	Habermas’s “Deliberative Democracy”
Establishing gerrymandered districts that clearly reflect partisan bias in apportioning the electorate into voting districts	OR	Having a neutral commission establish “fairly apportioned voting districts”
Paying subsidies to rich corporations (such as oil companies)	OR	Using these subsidies for other entities that genuinely need them
Turning a blind eye to voter suppression efforts	OR	Enacting laws to guarantee and extend the franchise
Accepting institutionalized racism’s obvious codes	OR	Eliminating institutionalized racism’s obvious codes
Accepting limitations on women’s pay	OR	Genuinely implementing equal pay for equal work
Having the gun lobby control gun legislation and intimidate lawmakers	OR	Allowing the government to pass common sense gun laws (assault rifle bans, military-sized clips, etc.)
Having a society that is uniformly authorized to exercise the concealed carrying of firearms	OR	Questioning whether the “concealed carrying” of firearms is a genuine social value or the value of a small segment of society with narrow and vested interests
Accepting racist prison incarceration rates	OR	Eliminating the basis for prison incarceration rates that are racist
Accepting candidates who engage in racist slurs or who propose policies against Hispanics, Muslims, and others	OR	Rejecting out of hand candidates who make slurs or who propose policies against Hispanics, Muslims, and other minorities
Rounding up and deporting 11 million “illegal immigrants”	OR	Allowing 11 million illegal immigrants legal status
Accepting the results of junk-science and/or science tied to corporate interests on environmental issues	OR	Rejecting the claims of those who accept junk science and/or science tied to corporate interest on environmental issues
Accepting the irrational stripping of earth’s (and the ocean’s) environmental resources	OR	Protecting the earth’s (and the ocean’s) environmental resources
Allowing lobbyists to write legislation	OR	Ensuring lobbyists don’t have final say in writing legislation
Having society’s norms set by corporate interests	OR	Having society’s norms set by society’s participants (as opposed to those representing corporate interests)
Accepting social violence against members of the LGBT community	OR	Rejecting social violence against members of the LGBT community
Having unlimited amounts of “dark money” influencing our campaign financing	OR	Taking excess money out of campaign financing
Accepting American “democracy” as it is now practiced, and allowing overweening corporate influence	OR	Adopting a “deliberative democracy” with communicative action theory and discourse ethics while systematically limiting corporate influence
Accepting the colonization of the <i>lifeworld</i> by <i>system</i> forces	OR	Rejecting the colonization of <i>lifeworld</i> by <i>system</i> forces

mine each issue along with issues explored in the present article with the question of how it fares under the criteria of Habermasian discourse ethics compared to the business-as-usual notion of “American democracy” under “American exceptionalism”, it would be clear that the outcome is better for the polity as a whole under deliberative democracy. In fact, it calls for a simple and direct choice in the list of comparisons below:

Which is the better situation for the polity (keeping Habermasian discourse ethics and universal pragmatics in mind)?

But perhaps these questions are an exercise in putting the cart before the horse. Perhaps the most basic question is whether participants in society—citizens, voters, residents—are in fact committed to social integration and whether they are willing to seek understanding and work toward consensus with their fellow-citizens, particularly those from opposing political parties. Until that gets worked out, perhaps the other questions are moot issues. It is the belief of the authors that citizens who genuinely seek a just and fair society, who genuinely want understanding with their fellow citizens and who seek consensus on controversial issues so people can somehow accommodate each other and live together in society will overwhelmingly opt for the choices on the right side of the table above. If they do, that means they prefer a deliberative democracy to the one we have now... If we do ever get to a deliberative democracy, we will be striving to make our biggest decisions on the basis of communication with each other that relies on nothing more than “the unforced force of the better argument”.

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