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Rawls, Dewey, and Constructivism: On the Epistemology of Justice

by Eric Thomas Weber (review)

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NOTES

1. To be sure, following Dewey's suggestion in *A Common Faith*, many residual ideas from these traditions could remain as moral ideals for a world *to be* created (rather than metaphysical reports on a world already completed). The downside of such Jamesian and Deweyan reconstructions of religion is that the surviving religious notions are vague. Consider, for example, James' own religious hypothesis that there is some kind of higher power in the universe that in some sense embodies, eternally, the higher values. It is not clear how much traditional religious belief—thick conceptions that offer non-empirical metaphysical ideas—could survive pragmatist reconstruction.

2. Rosenbaum (p. 72) does recognize this fact.



ERIC THOMAS WEBER

Rawls, Dewey, and Constructivism: On the Epistemology of Justice

London: Continuum, 2010. 168 pp. Index.

In *Rawls, Dewey and Constructivism* Eric Thomas Weber focuses on the epistemological basis of John Rawls' political philosophy and discusses such basis through two different lenses. Firstly, relying on Tom Rockmore's recent interpretation of Kant, Weber qualifies Rawls' work against the background of Kant's epistemology and its tensions between constructivism and representationalism. While the term "constructivism" here applies broadly to epistemological positions holding 'the objects of knowledge to be affected or conditioned by the knower', "representationalism" covers any epistemological approach taken as 'requiring an analysis of the relation of a representation to an independent object ... as it objectively is' in the moral as well as in the physical realm (p. 1). Despite Rawls' commitment to constructivism (most distinctively in *Political Liberalism*), Weber takes pains to

identify tensions between constructivism and representationalism in Rawls' epistemology. Secondly, Weber launches a criticism of Rawls' lingering representationalism by drawing on John Dewey's philosophy which Weber sees as containing a more consistent and thoroughgoing constructivism. The aim of the book is thus to offer 'a Deweyan criticism of John Rawls' constructivism' (p. 5). Before assessing some selected strains of this criticism I give a brief overview of the various chapters of the book.

After an introductory chapter on the overall structure of the arguments in the book, the second chapter considers Social Contract Theory as an historical and philosophical background for Rawls' *Theory of Justice*, taking account also of Hume's, Hegel's and Dewey's criticisms of Social Contract Theory. The third chapter compares Rawls' and Dewey's forms of constructivism and distinguishes both from David Brink's recent form of moral realism. Although Weber takes both Rawls and Dewey as rejecting that we can have moral knowledge of mind-independent objects, he sees Rawls as preserving certain rigid conceptual requirements and priorities (such as that of the right over the good) that are foreign to Dewey and other pragmatists, and that on Weber's interpretation are due to a lingering Kantian representationalism. The fourth chapter provides a Deweyan criticism of Rawls' Kantian prioritization of freedom in conceptualizing and defining personhood. Taking the latter as a mark of Rawls' dependence on (though not overt commitment to) a noumenal theory of persons, Weber proposes a Deweyan constructivist alternative centering on 'phenomenal persons' and on 'the intelligent development of persons as a crucial political endeavor' (p. 89). In the fifth chapter Weber explores how tensions between constructivism and representationalism in Rawls' basic concepts of The Original Position and of Reflective Equilibrium bear on standards of objectivity in Rawls' political philosophy. In response to such perceived tensions, and inspired by Dewey's notion of inquiry, Weber sketches a more thorough-going constructivist notion of objectivity. The sixth and last chapter distinguishes Dewey's theory of education as a more profound constructivist alternative to Rawls' account of education, stressing the centrality of education in Dewey's political philosophy.

In assessing Weber's critical Deweyan strategy I concentrate on two of his applications of the latter. In chapter four Weber uses Dewey's text "Philosophies of Freedom" to criticize Rawls' Kantian approach of taking freedom as a defining concept for understanding moral responsibility as well as personhood. As Weber shows, Dewey accounts for moral responsibility without leaning on a Kantian notion of freedom. Rather than providing an abstract philosophical analysis of antecedent conditions of action Dewey focuses on future consequences of actual moral and legal practices of *holding*

people responsible. Through being held responsible by others one may change one's future conduct through developing habits more responsive to a variety of conditions and to the needs and claims of others. Hence, Weber rightly stresses, Dewey's ethics focuses on the moral development and educability of the self, not on freedom as 'antecedent to moral situations ... [and] to moral experience' (p. 76). Such account of human selves has implications for political philosophy: selves involved in lifelong process of education become the centrepiece of a reconstruction of legal and democratic institutions, rather than idealized persons to which freedom (and equality) and moral capacities are abstractly and hypothetically attributed, as in Rawls. However, Weber here tends to forget that freedom does not play a less important role in Dewey's work, but Dewey defines freedom in a rather comprehensive way: not only as freedom of choice but as what he calls "growth".

In the fifth chapter Weber criticizes the lingering representationalism in the standards of objectivity assumed for Rawls' Original Position and his Reflective Equilibrium. Even if idealized procedures of deliberation and hypothetical agreements emerging through the latter define measures of objectivity in Rawls, Weber finds marks of representationalism in standards of *correctness* assumed for "considered judgements" in the original position (p. 97–98) and indirectly for *erroneous* judgements (pp. 103–104). Although noting Rawls' efforts in *Political Liberalism* to avoid realist and representationalist language and to affirm his constructivist commitments, Weber goes on to suggest a more thorough-going constructivist account of objectivity inspired by Dewey's notion of inquiry. In moral contexts objectivity of inquiry could be qualified as 'an objective' (p. 106): in moral conflicts our objective is to avoid biases as unwarranted subjective contingencies, given the moral issue at hand. Yet, such construal of objectivity as an objective, Weber stresses, does not involve appeal to some abstract or ahistorical moral ideal. He quotes Larry Hickman pointing out that, to Dewey, 'objectivity is a function of experimentation within a community of candid and committed inquiry' (p. 107). Weber goes on to qualify the temporal and historical continuity of inquiry where outcomes of social inquiries in the past are taken as viable starting points for further inquiries. For example, for Americans, as members of a particular political and legal community, the objectivity of the moral claim that slavery is not a viable option emerges out of an historical process involving deep social and political conflicts and 'can be understood as a development toward an objective of avoiding the consequences of undemocratic tyranny' (p. 107). Yet, it is crucial for Weber's constructivist proposal that *inquiry* is defined rather broadly. It not only encompasses ordinary people's moral experiences but it would blur a distinction between what Dewey calls "common sense

inquiries” and “scientific” or specialized inquiries, say, legal inquiries. Whether such broad construal of inquiry is an attractive resource for constructivism in political philosophy I will leave to other readers of Weber’s book to decide. Yet, I will close by offering a more general critical consideration of Weber’s use of Dewey.

Using Dewey in proposing a more far-reaching constructivism than found in Rawls Weber adopts the established parlance of talking about human selves as “socially constructed” (see in particular p. 4, 7, 68). This leaves two issues undecided: firstly, would such constructivist approach accord or conflict with what Dewey calls “growth”, involving processes of individuation as well as socialization, and based on biological and bio-physical as well as social conditions? Secondly, how should pragmatists understand or define the very category of the social (in terms of which selves or other entities are said to be “socially constructed”)? To start with the latter, we should observe that the late Dewey left the typical 19th century imaginary of viewing society as an organism (an imaginary Dewey entertained in his earlier years and to which Weber appeals on p. 134); Dewey developed an “inclusive categorization” running counter to a conceptualization of the social as *sui generis*. On Dewey’s account the social encompasses physical and technological infrastructures needed in modern industrial societies (natural resources, roads, buildings, electricity supply, technologies of production, transportation, and communication), but also biological and bio-physical processes that sustain human organisms (and families) and that are necessary for humans to develop and flourish. Such “inclusive categorisation” bears on our understanding of growth: living in bio-physical and technological, as well as social environments, sets requirements for how and to what extent individuals may achieve their developmental potentials. Conceiving humans as organic and habitual creatures, and as dependent on both material and social environments, enables sustained focus on vulnerabilities that emerge through participation in industrial and economic activities. In so far, Dewey’s inclusive conceptualization bears on an assessment of how vulnerabilities and opportunities are effectively distributed in industrial and technological societies, an issue to which Dewey devotes attention in *The Public and Its Problems*, his most important work in political philosophy (but not even mentioned by Weber). To use Dewey’s own examples from early 20th century USA: child labour, failing insurance against illness, failing old age pensions, failing guaranteed minimum wage or protection of women workers’ reproductive health, are issues of public concern because they are instances of undue hampering of individuals’ biologically conditioned developmental potentials and would further involve lost opportunities for social and political participation. Following Dewey, Weber’s proposed constructivist

approach would thus have to be significantly complemented or corrected in order to understand what *equality of opportunity* would require under different circumstances, a topic which is discussed in the last chapter of Weber's book.

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