Rawls, Dewey, and Constructivism
Continuum Studies in Political Philosophy

*Continuum Studies in Political Philosophy* presents cutting-edge scholarship in the field of political philosophy. Making available the latest high-quality research from an international range of scholars working on key topics and controversies in political philosophy and political science, this series is an important and stimulating resource for students and academics working in the area.

**Forthcoming:**

Perfecting Justice in Rawls, Habermas and Honneth – Miriam Bankovsky
Rawls, Dewey, and Constructivism
On the Epistemology of Justice

Eric Thomas Weber
## Contents

*Acknowledgments*  
vi  

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 1</td>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>Chapter 2</td>
<td>Social Contract Theory, Old and New</td>
<td>12</td>
</tr>
<tr>
<td>Chapter 3</td>
<td>Worlds Apart: On Moral Realism and Two Constructivisms</td>
<td>36</td>
</tr>
<tr>
<td>Chapter 4</td>
<td>Freedom and Phenomenal Persons</td>
<td>71</td>
</tr>
<tr>
<td>Chapter 5</td>
<td>Rawls’s Epistemological Tension: The Original Position, Reflective Equilibrium, and Objectivity</td>
<td>91</td>
</tr>
<tr>
<td>Chapter 6</td>
<td>Dewey and Rawls on Education</td>
<td>111</td>
</tr>
</tbody>
</table>

*Notes*  
139  
*Bibliography*  
154  
*Index*  
161
Acknowledgments

I am deeply indebted and grateful to a number of people who have offered me much needed encouragement as I completed this book. First, my wife, Annie Davis Weber, fills my days with love, friendship, and intellectual inspiration. Every day of my life is immeasurably better because of her. Second, my parents, Drs Collin and Dominique Weber, have been supportive of my passion for philosophy from the very beginning. They are role models for me as parents, professionals, and scholars. Third, Dr John Lachs, who encouraged me to publish this book, is an inspiration for me and for so many others in philosophy. Fourth, Dr Larry A. Hickman has been an ideal advisor for me and a constant source of support and inspiration. Fifth, I am grateful to the editors at Continuum Press, David Avital and Tom Crick, who believed in this project and who made it a reality. Finally, I am grateful to the editors at the Review Journal of Political Philosophy and Human Studies, who granted me permission to include in this book revised versions of papers I published with them (Chapters 2 and 6, respectively).
Chapter 1

Introduction

I. Introduction and Goals

In his recent book, *On Constructivist Epistemology*, Tom Rockmore reveals a tension in Kant’s work between representationalism and constructivism.¹ Rockmore claims that “those committed to a representationalist approach to knowledge all understand the problem of knowledge as requiring an analysis of the relation of a representation to an independent object, not as it subjectively appears to be, but as it objectively is.”² Representationalists include thinkers who hold to a correspondence theory of truth, such as Plato, G. E. Moore, and David Brink, to name a few. They hold that objectivity of truth refers to a special kind of independence of the world from what any of us thinkers have to say about it. Representationalists abound not only with regard to the physical world, but also in reference to the moral realm.

By contrast, a constructivist understanding of knowledge takes the objects of knowledge to be affected or conditioned by the knower, to a greater or lesser extent. There is a wide range of constructivist theories. They differ in the extent to which it is believed that we can control the objects of knowledge. Richard Rorty is an example of one who believes that the control over and freedom to construct objects of thought is great.³ Others, like Hilary Putnam and Larry A. Hickman, are more conservative regarding this issue.⁴

John Rawls, one of the most influential political philosophers of the second half of the twentieth century, was a self-described constructivist. In his work, however, we find traces of both constructivism and representationalism. By contrast, John Dewey’s constructivism provides a more robust political philosophy. Dewey does so by addressing the deep and fundamental ways we come to form
ourselves, our communities, and thereby also the problems that ensue for us. Dewey’s constructivism is focused on the construction of meaning generally, then of persons, education, and justice. The present work will examine some of the differences between Rawls’s and Dewey’s constructivisms and will argue that Dewey’s in-depth version resolves some of the problems that arise in Rawls’s. My focus will be primarily to offer a critique of Rawls’s incomplete acceptance of constructivism as an epistemological understanding of the formation of meaning. The further step of developing the various elements of an exhaustive account of Deweyan constructivism is beyond the scope of this book, though I will offer some initial suggestions about how this can be undertaken.

I first noted my dissatisfaction with Rawls’s constructivism while focusing on his theory of education. Specifically, Rawls’s liberalism leads him to depend upon a conception of persons as fully formed rational agents. What Dewey noted, long before Rawls, was the need to carefully consider the development of persons as objects, goals, or products of politics, not simply as actors. To invoke this notion might lead some to worry about brainwashed citizens and to clichés we know from science/fiction novels. As Dewey sees the matter, socialization is inevitable. The question is to what extent socialization is intelligently employed for the good of society.

Rawls’s limited theory of education and his inattention to construction’s relation to education demonstrate clearly that he did not see the project of helping to shape individuals as the broad and artful process that it can be. Rather, like all social contract thinkers, Rawls centers his thought on the fully rational, adult individual, un tarnished by the hands of cultural influence. This assumption in Rawls’s educational theory led me to examine his constructivism, a theory that human beings participate in creating facts about the world and themselves, including in the moral and political realm (depending on which version of his constructivism). Tom Rockmore’s recent books provide help in understanding Rawls’s epistemology through Kant’s.

Rockmore’s claim that there is a tension between constructivism and representationalism in Kant’s epistemology is pivotal for understanding the problems in Rawls’s work. It is arguable that during the
second half of the twentieth century, Rawls’s Kantian project revitalized the philosophical community’s interest in politics. Given the prominence of Rawls’s work in contemporary political debates, I believe it is important to recognize that Rockmore’s challenge for Kant also applies to Rawls. My principal aim is to show that Rawls’s writings exhibit a tension between representationalism and constructivism, even though his explicit claim was that he was a constructivist. One goal of my analysis of these forms of constructivism will be to demonstrate the advantages of Dewey’s philosophy of education. Rawls’s theory of education focuses on learning facts and developing basic abilities. Following the reasoning of the liberal tradition, Rawls wanted to minimize imposition on people, which I believe has troubling implications for the task of education.

There are three ways in which I intend to argue for my thesis. First, Rawls’s social contract theory (SCT) is problematic. SCT is a form of conceptual analysis whose truth is untestable and unempirical, even though it depends upon a form of representationalism. Rawls appeals to the sensibilities of persons like himself, but his counterfactual original position could easily result in support for both liberal and non-liberal political positions. It (SCT) is nevertheless an important component in the development of Rawls’s *A Theory of Justice*. Although it has been argued that Rawls can divorce SCT from defenses of his two principles of justice, the alternative he employs, reflective equilibrium, also maintains tension between representationalism and constructivism.

Second, Rawls’s conception of persons exhibits a problem which emerges from his representationalism. Rawls conceives theoretically of a noumenal self, a self that is not of the world of appearances, but a self in itself. This approach to speaking of persons is problematic because it is necessarily atomistic. Rawls’s notion of the person, more commonly referred to as the (autonomous) self, conflicts with his explicit allegiance to constructivism. For it is not just external objects that are constructed, according to most versions of constructivism, but persons as well. This problem for Rawls stems from the tension he inherited from Kant. In *Political Liberalism*, Rawls wants to be clear that we are talking about hypothetical persons, who are rational agents of political construction. We are to imagine that they
are theoretical entities whose imagined deliberations are to be a source of the truth about justice for real people. And, in *Political Liberalism*, Rawls still does not recognize the importance of the process of developing persons intelligently through education. By contrast, Dewey’s constructivism informs his social conception of the person as relational and constructed. Peirce’s transformation of Kant,\(^\text{15}\) furthermore, shows why constructivism must be based on selves that are social and relational in nature, even in theoretical constructions.

Third, Rawls employs the distinction between *concepts* and *conceptions*, first articulated in idea by H. L. A. Hart in *The Concept of Law*.\(^\text{16}\) The idea behind this distinction is that we each have our own conception of justice or of law, yet we also speak of *the* concept of justice. Rawls interprets Hart as claiming that concepts are “specified by the role which these different sets of principles, these different conceptions, have in common.”\(^\text{17}\) Even though this distinction is not fully developed in Hart’s work, Rawls nevertheless makes considerable use of it. I will argue that Rawls overstates the uniformity of the roles that varying conceptions of justice play.\(^\text{18}\)

II. Background

My motivation for focusing on a critique of Rawls’s SCT was in part guided by the work of Larry A. Hickman and Hilary Putnam. On several occasions, Hickman calls attention to the strange fact that Rawls returns to SCT without responding to the criticisms of the approach which Dewey previously raised. For example, Hickman writes,

Dewey rejected the social-contract theory in all its numerous manifestations. It was his view that social-contract theories neither provide what they have historically claimed to, that is, causal explanations, nor do they do any useful work when regarded, as they now most often are, as a hypothetical “limit.” Observation led him to conclude that the search for “state-forming forces” uniformly leads to myths that are at best unhelpful and at worst misleading. Inquiry into social and political activity, like inquiry of other sorts, must begin where human beings find themselves—*in media res*.\(^\text{19}\)
Dewey and Hickman are committed to historical inquiries that avoid reference to the intangible realms of Platonic forms, general wills, or fully rational ideal individuals.

In his recent book, *Ethics without Ontology*, Putnam identifies SCT as a problem at the core of contemporary political philosophy. Many have come to accept SCT, its implied notions of individuality, and the questions around which it centers as fundamental to political thought. Although there are communitarian critics of SCT, Dewey’s earlier criticisms do not seem to have played a role in the current debate. Putnam and Hickman treat SCT in passing, but they invite further consideration of a Deweyan analysis of Rawls’s SCT.

My critique will take its place among previous criticisms and defenses of Rawls’s SCT as well as of constructivism more generally. Daniel M. Savage’s *John Dewey’s Liberalism: Individual, Community, and Self-Development* offers one such contribution to Dewey scholarship that supports my reading of Dewey. Savage focuses on advancing Deweyan conceptions of autonomy, individuality, community, and self-development. My analysis will differ from Savage’s in several ways.

First, Savage’s scope is quite broad. By attempting to argue against an entire spectrum of thinkers engaged in the liberal/communitarian debate, Savage invites the criticisms of reviewers such as Robert Talisse and Gregory M. Fahy. Talisse charges Savage with failing to engage competing theorists. But although Savage does briefly discuss the views of other political philosophers, his book’s title is appropriate: It indicates his focus on Dewey. Savage’s critics present strong challenges to his mode of articulating Dewey’s views. I will set my sights more narrowly than did Savage. My purpose is a Deweyan critique of John Rawls’s constructivism.

A second important difference between Savage’s work and my own is my emphasis on returning the attention of political philosophy to the issue of education. His book offers an indication of areas that need more attention, such as the question of how conceptions are constructed. I will introduce this theme from a Deweyan perspective in opposition to both moral realist claims and Rawls’s underexplored constructivism. Savage only touches on constructivism and only abstractly states the reason we must understand it. He appears to be stuck in the game he criticizes. He justifies governments and
political authority rather than arguing for the best form of government in terms of the development of intelligent social inquiry, that is democracy. This, of course, was Dewey’s aim. Fahy rightly criticizes Savage on this very point. Given this challenge, I hope to illuminate the relation of constructivism to individuality, community, education, and democracy.

Aside from Putnam, Savage, and Dewey, I will also take important cues from Rawls himself, who brilliantly addresses criticisms of *A Theory of Justice*. In *Political Liberalism*, for example, he asks how we should address the fact that we are not a society composed of like-minded people. He also asks the important question of how it is people with different conceptions of justice come to share in a social concept of justice. Regrettably, Rawls never fully explains the distinction between concepts and conceptions, though he so thoroughly depends on it. He also neglects the importance of taking persons as objects or products of society’s constructions and efforts.

Two further books have recently been published, which deal with constructivism and social contract theory. In 2006, Paul Boghossian published *Fear of Knowledge: Against Relativism and Constructivism*. It is important for me to clarify that Boghossian’s challenge is not properly directed at the constructivism I will be arguing for in this book. He argues that constructivism and relativism share an adherence to what he calls a “doctrine of equal validity.” He succinctly states the doctrine in the following way: “There are many radically different, yet ‘equally valid’ ways of knowing the world, with science being just one of them.” While there may be constructivists who hold to such a theory, the idea that science is just another way of knowing the world is not a match for Dewey’s way of thinking. Public inquiry is the process whereby people with different points of view engage with one another in theorizing and putting their views into the public sphere for common critique and evaluation. That is, for a Deweyan, constructivism is not against a sense of objectivity. This is what Boghossian denies out of the gate. He assumes that a constructivist must let go of all notions of objectivity. I address this issue in several sections of the present book. For the most extended account I offer of a constructivist notion of objectivity, see Chapter 5, “Rawls’s Epistemological Tension: The Original Position, Reflective
Equilibrium, and Objectivity.” In sum, Boghossian’s critique of constructivism assumes a crucial premise with which I wholeheartedly disagree. For a more recent Deweyan account of objectivity consistent with my understanding of his constructivism, see Hilary Putnam’s *Ethics without Ontology*, in which Putnam includes a chapter that offers an account of “Objectivity without Objects.”

The most recent text that has come out on Rawls’s SCT and education is Mark E. Button’s *Contract, Culture, and Citizenship*, in which Button argues that “contract makes citizens,” contrary to the typical way of thinking of the social contract tradition. The common way of understanding SCT is to imagine fully formed individuals bargaining with one another over conditions that will become applicable to them upon entering the real world. We are to imagine people who can talk about what they want before they enter society. The typical challenge to this view, which I revisit in several passages of this book, is that to imagine people independently of their usual social encumbrances and identities is at least misleading and cannot answer the question of why it is such persons’ decisions would be applicable to you and me in the real world. Button argues that this common criticism of SCT does not take into account the many values that various thinkers imply in the way that contract shapes persons. The passage most relevant to the present project concerns Rawls’s “idea of public reason,” which demands social enculturation such that citizens “understand their political and moral relationships to others.” As I see it, Button hopes to alleviate some important concerns regarding SCT, but this project does not address the troubles that Dewey and Putnam find in searching for state forming principles. What I will say for now is that more can be said in defense of social contract theory than some critics will allow, such as that education in SCT could be more full-bodied than minimalist accounts imply.

Wherever scholars show a greater appreciation for the challenge of preparing persons intelligently to be good citizens than Rawls does, I applaud their efforts. Another example of a scholar who extends the scope of what could arguably be implied for an improved Rawlsian theory of education is Victoria Costa, whose work I discuss in Chapter 6, “Dewey and Rawls on Education.” The challenges I raise for Rawls’s SCT, as exhibiting a tension between representationalism
and constructivism, appear to be unaddressed in Button’s and Costa’s work, though of course their purposes are not to examine Rawls’s epistemology.

To summarize, the central conflict I see between my examination of Rawls’s work and Button’s examination of it concerns the difficulty I have in reconciling Rawls’s interest in fashioning “a climate within which . . . citizens acquire a sense of justice inclining them to meet their duty of civility”\textsuperscript{31} with his further goal of minimizing the content of education in liberal societies, which I describe in Chapter 6. Still, I appreciate Button’s attention to the intelligent and purposeful development of human beings’ capacities and sensibilities, a subject which Rawls relegates to the domain of psychology.

III. Structure

My argument for claiming that Rawls’s work exhibits the tension that Rockmore finds in Kant between representationalism and constructivism is best understood from the inside out. It moves from an examination of Rawls’s constructivism to his focus on the noumenal self, then to his SCT and reflective equilibrium. For, to understand the problems of SCT, one must recognize the problems inherent in conceiving of persons noumenally and atomistically. One must also understand the nature and function of conceptions. It is here that Rawls’s theory is thin and Dewey’s theory is robust. My critique thus leads to a challenge for SCT or any such theory that relies on a search for immutable principles of justice.\textsuperscript{32} This is because such theories neglect the historical, experimental, and precarious nature of social problems. It is not my aim to focus strictly on SCT. Rather, I hope that it will be clear why constructivist epistemology is an important feature of democratic political philosophy, especially as it pertains to education.

Before jumping into my critique of Rawls’s constructivism, I will establish the historical context of SCT and Rawls’s place in it in Chapter 2, “Social Contract Theory, Old and New,” originally published in \textit{The Review Journal of Political Philosophy}.\textsuperscript{33} It is important to situate Rawls in context. He explicitly sees his project in \textit{A Theory of
Justice as attempting to overcome the difficulties that previous forms of SCT encountered. The difference between Rawls’s Kantian form of SCT, which refers to a hypothetical contract, and other traditional forms of SCT is important for understanding some of the tradition’s challenges that he hoped to avoid. I will point out, however, Hickman’s and Putnam’s reminders of Dewey’s criticisms of SCT, which Rawls never fully addressed.

In Chapter 3, “Worlds Apart: On Moral Realism and Two Constructivisms,” I will focus on the role of and reasons for constructivism in opposition to representationalist alternatives. I will begin this chapter with an account of Rockmore’s interpretation of Kant. I will situate Rawls’s limited constructivism with respect to the views of David Brink, who is an important proponent of moral realism. Brink believes that truths about moral facts are independent of what anyone thinks about them. I offer arguments in favor of a constructivist alternative to Brink, even while admitting some level of moral objectivity. The version of constructivism that I will defend does not lean toward Rorty’s end of the objectivity spectrum, but rather toward what Putnam and Hickman understand to be Dewey’s intention. Dewey noted numerous objective aspects of ethics—but this is not the same as claiming moral facts to be “mind-independent” in the way that realists commonly define their views.

Following Kant, Rawls recognizes the need for a constructivist basis for epistemology, especially in moral theory. Nevertheless, in numerous places his theory is supported by representationalist methods. One of my reasons for examining theories of moral realism is to show how Rawls is on the fence between them and constructivist models. Given this analysis of Rawls’s constructivism, I develop briefly what Dewey’s richer theory entails. To this end, I will examine some work by Jim Garrison that presents elements of Dewey’s constructivism. My goal is not to develop a full account of Dewey’s constructivism, but just enough of it to demonstrate how we can begin to address the problems in Rawls’s constructivism.

I will also focus on Rawls’s dependence upon Hart’s distinction between concepts and conceptions. This distinction, based on Rawls’s dependence upon the difference between individual conceptions of justice and an external concept of justice, is crucial to understanding
his work. It is obvious that people construct processes and practices of justice socially, but this is not what Rawls means by constructivism, a fact that I will demonstrate in Chapter 3. A related issue involves Rawls’s relegation of the manner in which persons come to have conceptions to the domain of psychology. Kant, Peirce, and Dewey—among many others—thought this to be a deeply philosophical matter. The development of conceptions is social and instrumental for Peirce and Dewey. It can be informed through psychology, however, given an appropriate philosophical base of understanding. In particular, I will depend, as Dewey did, upon Peirce’s notion of meaning and truth and his reaction to Kant’s understanding of the development of conceptions (or ideas).

In Chapter 4, “Freedom and Phenomenal Persons,” I will expose the representationalism implicit in Rawls’s concept of the person. Although his views on personhood change over the life of his corpus, Rawls’s theoretical dependence on the idea of a noumenal self is explicit, and his focus on autonomy in one form or another is maintained throughout. As a consequence of this approach and of his SCT, his conception of the person is atomistic. This development will be crucial to an understanding of the problems that plague his SCT as well as his notion of reflective equilibrium.

In Chapter 5, “Rawls’s Epistemological Tension: The Original Position, Reflective Equilibrium, and Objectivity,” I will discuss the representationalist aspects of Rawls’s SCT and his reflective equilibrium. Of course, philosophers such as Hume, Hegel, and Dewey have criticized SCT. What is new in my thesis, however, is my attention to Rawls’s representationalism. Following Kant, Rawls holds to a social contract theory grounded on hypothetical conditions. His account rests on a representationalist foundation. He bases his SCT on what would be the case in special circumstances. He believes that he can defend his version of SCT without depending upon representationalism. I will argue that Rockmore’s challenge to Kant also challenges Rawls’s claim.

The final chapter, “Dewey and Rawls on Education,” was originally published in *Human Studies* in December of 2008. In this chapter, I will conclude with an explanation of my dissatisfaction with Rawls’s theory of education. I offer my critique of Rawls’s educational theory
from a Deweyan perspective. I will also discuss some of the persistent criticisms of Dewey’s theory in order to show how one might reply to them. I depend on Larry A. Hickman’s work on Dewey’s *Democracy and Education* to clarify Dewey’s position in response to critics. In this final chapter, I present what I take to be a clear area of concrete application of the study of constructivism—its implications for educational policy as a crucial matter of political consideration.

This last chapter is intended especially to show that Rawls does not recognize the tie between education and the role of both concept formation and self-development in political philosophy. He conceives of persons as preformed, or as atoms who should be free from externally biasing influence, perhaps the effect of liberal political theory taken too far. In this spirit, he does not attend to what we must do to influence persons positively, beyond minimal, practical considerations. The insights derived from Peirce on the role of conceptions in unifying experience, which I discuss in Chapter 3, contribute to an understanding of Dewey’s more complex examinations of social constructions (and reconstructions) of concepts and practices. Dewey’s focus on both psychology and education is especially supportive of his political approach, which is, of course, constructivist. Rawls advocates a thin educational curriculum that rests upon mistaken notions of constructivism and atomism. Dewey’s alternative addresses the demand for the social construction of concepts, practices, and persons. His constructivism is stronger than recent “social constructivist” views found in postmodern theories and some sociological work. Dewey’s theory of education is not without its critics. I will discuss some of these in this chapter as well. Rawls’s alternative to Dewey’s approach, however, is inattentive to the need for the intelligent development of persons. Concluding the chapter and the book, I will discuss Larry Hickman’s essay, “Socialization, Social Efficiency, and Social Control,” to show how we might focus a renewed advocacy of Dewey’s educational theory, as well as to explain the sense in which Dewey’s understanding of socialization is open-ended, and not the scary dream of indoctrination which some liberals fear.41
Chapter 2

Social Contract Theory, Old and New

I. Introduction

In *A Theory of Justice*, John Rawls presented a new version of social contract theory (SCT) that he believed could withstand traditional criticisms of it. Rawls explained in *Political Liberalism* that in *Theory* he “wanted to show that [SCT] was not open to the more obvious objections often thought fatal to it.” In this chapter, I will argue that Rawls was unsuccessful at addressing a number of the central concerns that critics have raised for SCT, particularly those coming from Hume, Hegel, and Dewey.

In Section II, I will offer a general characterization of SCT so that I may contrast Rawls’s version with earlier ones. I will examine two of its commonly held tenets, which are closely related in the various versions of SCT: the notions of consent and authority. Because Rawls did not deal extensively with theories of human nature that have often played a major role in SCT, in this chapter I will only touch on the way Rawls thinks about human beings in his Kantian fashion. After distinguishing traditional forms of SCT from Rawls’s, I will present the criticisms Hume, Hegel, and Dewey have leveled against SCT in order to reveal several persistent flaws in the social contract tradition.

II. The Social Contract Tradition

Michael Lessnoff’s *Social Contract Theory* credits Manegold of Lautenbach as the first systematic social contract theorist. Manegold was an Alsatian monk who wrote in the second half of eleventh
century. His goal, according to Lessnoff, was to analyze political authority between “ruler” and “people.” While Lessnoff explains that there are classical roots to SCT, his book focuses on excerpts from Johannes Althusius, Thomas Hobbes, Samuel Pufendorf, John Locke, Jean-Jacques Rousseau, and Immanuel Kant. Beyond these key figures, Lessnoff includes writings from Rawls and other recent authors. In situating Rawls’s social contract theory, I will focus especially on Hobbes, Locke, Rousseau, and Kant as dominant theorists.

II. A. Consent

In various ways, social contract theorists employ the notion of consensual agreement, which is continuous with more recent concepts of political legitimacy. In his essay, “Social Contract: Interpretation and Misinterpretation,” Peter McCormick states succinctly the basic argument that social contract theorists offer regarding consent:

(a) a man can be bound only by his own (freely given) consent
(b) this man has consented
(c) therefore, this man is bound (obligated) to obey.

The challenge to this argument, as McCormick explains it, is that

The quasi-historical approach to the logic of the contract, the attempt to isolate a concrete act of consent, leads to the normal and very obvious critiques leveled against contractarianism as such—namely the questions of how and when a [person] could be said to have consented, and what sort of a being it is that consents.

Theorists deal with these challenges in a number of ways. McCormick offers another version of the syllogism that some have used to avoid these challenges:

(a) a man can be bound only by his own consent
(b) social form x is such that we know a man is obligated (or, more weakly, “should be obligated”)
(c) therefore, being rational, he must have consented (or, more weakly, “should consent”)\textsuperscript{8}

On the one hand, the language commonly used regarding pacts, compacts, contracts, and agreements can be thought of historically. Most defenders of SCT harshly criticized this approach,\textsuperscript{9} although Locke fits this characterization well.\textsuperscript{10} Other theorists propose alternative notions of consent. I will characterize these various positions with four names: \textit{historical} consent, \textit{prudential} consent, \textit{grateful} consent, and \textit{structural} consent. By characterizing four senses of consent, even if these categories are not rigid, we can distinguish the views of competing social contract theorists. It should be noted that aside from \textit{historical} consent, all other forms can be called hypothetical. To characterize consent only as actual or hypothetical, however, does not sufficiently distinguish its many forms.\textsuperscript{11}

The \textit{historical} understanding of consent can be understood as stemming from an actual agreement. While there may be other ways of speaking of Locke’s notion, certainly there are passages that point toward this interpretation. It is familiar that Locke speaks of people in the state of nature. In Locke’s time, there were critics who claimed that there never was a state of nature in which people came to an agreement. Locke responds in this way:

To those that say there were never any men in the state of nature, I will not only oppose the authority of [such a critic] where he says “The laws which have been hitherto mentioned,” \textit{i.e.}, the laws of nature, “do bind men absolutely, even as they are men, although they have never any settled fellowship, and never any solemn agreement amongst themselves what to do or not to do; but forasmuch as we are not by ourselves sufficient to furnish ourselves with competent store of things needful for such a life as our nature doth desire . . . we are naturally induced to seek communion and fellowship with others; this was the cause of men’s uniting themselves at first in politic societies,” but I moreover affirm that all men are naturally in that state, and remain so, till by their own consents they make themselves members of some politic society; and I doubt not, in the sequel of this discourse, to make it very clear.\textsuperscript{12}
For Locke, no positing of a prior state of nature is necessary. There are people currently in that state. There must be, furthermore, the free giving of consent, otherwise we would have no legitimate governments.

Today, the notion of historical consent is primarily discussed as a variant in SCT’s development. This is because Locke’s approach invites harsh criticisms, such as Jeremy Bentham’s. Bentham claimed that “Locke has speculated so deeply, and reasoned so ingeniously, as to have forgot that he was not of age when he came into the world.”13 McCormick summarizes the worry about Locke’s historical consent as follows:

The objection is to the liberal myth of the autonomous non-socialized individual who enters the contract as a full moral agent. It is difficult to escape the fact that most members of a society enter that society as infants and are subjected to its influence for an extensive period, including the most formative and influential years of development, before being admitted to full membership.14

When defending SCT from traditional critics, then, Rawls was certainly aiming to avoid any historical understanding of consent.

Hobbes’s version of consent resembles a threat more than a description. It is the sort that warns people against the awful nature of humankind.15 I call this version prudential consent. We consent to political authority, according to Hobbes, insofar as we seek to enjoy stability and security from the terrors of the state of nature. The natural state of humankind, he claims, is one of war. Given this miserable natural condition, he writes, “It is a precept, or general rule of reason, that every man, ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of war.”16 For Hobbes, therefore, we consent in order to achieve peace according to the principles of reason. Given that we abhor the state of war and that we are rational, we must consent to political authority.

It is worth noting that Hobbes and other social contract theorists often employ language that is situational, or historical. The critics who charge SCT of historical absurdity emphasize this language.
While Hobbes’s version of the social contract is understood as hypothetical, his language admits the temporality of consent. He writes, “As long as every man holdeth this right, of doing any thing he liketh; so long are all men in the condition of war.” Hobbes attributes the state of war to the conditions in which people act. This is not historical consent that has already been given, and after which it remained constantly. Rather, it is a condition that can rise and fall with the stability or instability of ruling power. In this way, Hobbes is not entirely different from Locke on the notion of consent. Hobbes’s form of consent, nevertheless, is most aptly understood as one “imputed to the individual,” according to McCormick.

To be clear regarding Locke, we must note a tension in the claim that individuals consent to their governments, something that either does or does not happen in countless cases, yet legitimate governments are established in which consent is already assumed for subsequent generations. Locke’s test for whether a government remains legitimate rests on natural law. If a government fails to respect natural law, then it must be overthrown. Despite tensions in Locke’s language regarding kinds of consent, he remains the strongest example of an adherent of historical consent.

By contrast to Locke’s, Rousseau’s is a complex SCT, not as easily characterized. His conception of consent borders on several of my categories. We can distinguish one aspect that is less prominent in the work of other theorists, however. Rousseau presents a lighter picture of humankind than does Hobbes. One factor of his theory concerns gratitude. Grateful consent is the name I give to the sense of consent that is taken to be implicit in one’s actions insofar as we gain benefits from political associations beyond mere security. When I go to the bank and withdraw funds to buy lunch, for example, I enjoy not only security, which is Hobbes’s point, but also other benefits as well. Laws, institutions, and relationships often benefit me. These factors are taken to imply that through the enjoyment of the fruits of association, I consent to its basis.

Rousseau touches on a grateful consent when he writes that each man, in giving himself to all, gives himself to nobody; and as there is no associate over which he does not acquire the same
right as he yields others over himself, he gains an equivalent for everything he loses, and an increase of force for the preservation of what he has.20

Rousseau appeals to a political ideal with roots in Aristotle’s work. Aristotle believed that a thing or a person flourishes inasmuch as it follows its nature. Since he believed that humans are rational and political animals, political association is necessary for humans to flourish. Of course, Aristotle believed that the state arises by our very nature. In various ways, social contract theorists have agreed and disagreed with this view. When people aim to flourish, when they seek their happiness, social contract theorists impute grateful consent. It is consent in part for security, but also for more than that.

By contrast to other social contract theorists, Kant most clearly offers a structural understanding of consent. There are varying kinds of structural consent. I will focus on Rawls’s version of hypothetical consent, and Kant’s possible consent. They are generally claims that because of the kind of rational beings we are, we would consent to political authority. Structural consent resembles prudential consent, except that the former is broader. Structural consent differs in its avoidance of depending upon any or at least some desires or passions. According to Kant, one would consent to political obligation, given the structural requirements of acting freely as a moral agent—at least insofar as the idea of an “original contract” for Kant is an “idea of reason.”21 Kant’s and Rawls’s understandings of consent diverge. On the one hand, Kant continues talk of consent, while on the other hand, Rawls focuses on legitimacy. Given Rawls’s Kantian influence, I will discuss the work of a Kantian critic of Rawls, Onora O’Neill, after a brief exposition of Kant’s SCT.

Kant’s picture of human nature is closer to Hobbes’s than Locke’s. Kant writes “Experience teaches us the maxim that human beings act in a violent and malevolent manner, and that they tend to fight among themselves until an external coercive legislation supervenes.”22 But, Kant’s views regarding political legitimacy are closer to Rousseau’s. Kant writes that “only the unanimous and combined will of everyone whereby each decides the same for all and all decide the same for each—in other words, the general united will of the people—can
Kant’s politics, like his ethics, is deeply rooted in universality and in this way differs from Rousseau. Rather than follow Rousseau’s notion of the general will, therefore, Kant searches for a way to speak of universal acceptance as political consent. Since such an idea sounds out of place in the real world of politics, in which unanimity is incredibly rare, Kant concerns himself with possible consent, consent that could be willed universally. The people need not actually have consented, according to Kant, for the contract that he imputes is an idea of reason. He writes,

> The act by which the people constitutes a state for itself, or more precisely, the mere idea of such an act (which alone enables us to consider it valid in terms of right), is the original contract. By this contract, all members of the people give up their external freedom in order to receive it back at once as members of a commonwealth, i.e. of the people regarded as a state.

Clearly, Kant’s notion of the original contract does not allude to historical consent. The idea of an original contract derives consent from reason, which itself is given by our humanity. We consent because we are rational creatures who could only find political power legitimate if we understand what follows “necessarily from the general idea of a state.” To further understand Kant’s views on the social contract, it will help to contrast them with Rawls’s, which I will explore with the help of Onora O’Neill.

O’Neill distinguishes between kinds of consent (though her focus is on Kant’s ethics). After discussing three problems regarding the notion of what she calls actual consent (not strictly referring to SCT), she gives reasons for defending hypothetical consent. Defense of hypothetical consent, she claims, generally involves the view that

> at least sometimes actual consent is not morally decisive, even if well informed. Hence it allows for our strong intuitions that even a consensus may be iniquitous or irrelevant (perhaps it reflects false consciousness), and that not everything done between consenting adults treats the other as a person.
Given O’Neill’s aim of defending her interpretation of Kantian ethics, the return to the ideal of treating others as persons is central. In order to defend her approach to Kant, she discusses challenges to hypothetical consent. She writes,

If treating others as persons requires only hypothetical rational consent, we may, as Berlin long ago pointed out, find ourselves overriding the actual dissent of others, coercing them in the name of higher and more rational selves who would consent to what is proposed.29

The concern that O’Neill raises here is well founded. In Theory, for example, Rawls makes the uncomfortable claim that

the consistent application of the principle of fair opportunity requires us to view persons independently from the influences of their social position. But how far should this tendency be carried? It seems that even when fair opportunity (as it has been defined) is satisfied, the family will lead to unequal chances between individuals (§46). Is the family to be abolished then? Taken by itself and given a certain primacy, the idea of equal opportunity inclines in this direction. But within the context of the theory of justice as a whole, there is much less urgency to take this course.30

What if one were to disagree with Rawls’s last statement here? Justice, then, would be sought in a way that would inspire great dissent. Defenders of hypothetical consent, however, believe that actual people’s consent or dissent may be irrelevant. What is of greatest importance, according to the kind of consent O’Neill characterizes as hypothetical, is “whether the fully rational would consent.”31 Rawls addresses some of these concerns. His response is that when we consider the original position, we must imagine real people in deliberation. If it is not imaginable, therefore, that they would choose to abolish the family, then he can avoid this problem.

O’Neill offers this criticism of hypothetical consent (such as Rawls’s) in order to distinguish it from what she calls possible consent.32
While there may be cases in which there appears to be consent, *possible* consent must be free of coercive features. In Kantian fashion, it must avoid dependence upon passions and desires. O’Neill’s interpretation of Kant suggests that the desires of individuals must not be a basis for legitimacy. She writes,

> When we see morally required actions as those to which others either actually or hypothetically consent, we implicitly view morality as partly contingent on desires. Another’s actual consent will usually reflect his or her wants or preferences. . . . Yet it seems implausible that treating others as persons can be of *prime* moral importance if it amounts only to avoiding what they do not want or would not rationally want.\(^{33}\)

In this passage, we see an important way in which Kant and Rawls differ. Diverging from pure Kantianism, Rawls’s approach to SCT offers a middle ground between utilitarians and deontologists.\(^{34}\) Rawls first takes up a Kantian theme. According to John Christman,

> In Kant . . . the legitimating force of the idea of a social contract is now no longer grounded in the actual consent or participation of the citizens. Rather, political power is justified if (and only if) it conforms to the universal standards of morality—that is, if it is just.\(^{35}\)

Rawls’s move is to focus on legitimacy grounded in justice. Rather than remain only in the Kantian tradition, however, Rawls attempts to account for varying motivations. He incorporates into his version of SCT, therefore, both utilitarian and deontological concerns.

Although Rawls incorporates more than Kantian ethics in his theory, he nevertheless is firmly rooted in Kant’s work. In *Theory*, he writes, “To act from the principles of justice is to act from categorical imperatives in the sense that they apply to us whatever in particular our aims are. This simply reflects the fact that no such contingencies appear as premises in their derivation.”\(^{36}\) Despite this strongly Kantian move, Rawls wants to take into account a variety of motivations people have for judging between moral principles. He does so,
However, from a standpoint that is hypothetical, insofar as it is based on a thought-experiment. At the same time, he allows some personal motivations to enter into consideration.

Whereas Kant occasionally focuses on consent, Rawls shifts his attention to the subject of legitimacy. Kant refers to a possible “original contract by means of which a civil and thus completely lawful constitution and commonwealth can alone be established.” He summarizes his views regarding political legitimacy as follows: The “original contract” is an “idea of reason.” He claims that it is the test of the rightfulness of every public law. For if the law is such that a whole people could not possibly agree to it (for example, if it stated that a certain class of subjects must be privileged as a hereditary ruling class), it is unjust; but if it is at least possible that a people could agree to it, it is our duty to consider the law as just, even if the people is at present in such a position or attitude of mind that it would probably refuse its consent if it were consulted.

Although Kant does not employ the word “consent” widely, it features prominently, nonetheless, in his theory.

By contrast, Rawls rarely uses the term “consent,” shifting to focus instead on political legitimacy. Christman summarizes Rawls’s shift as follows:

Rawls’s view picks up on the Kantian claim that justice is a matter of what rational individuals would choose for themselves when not swayed by factors that would bias their choices, such as their own narrow self-interest; justice amounts to those principles chosen in this manner for a well-ordered society in which these choosers would be citizens.

In this way, Rawls’s SCT avoids the problematic concern of “demanding that citizens actually express their acceptance of the political authority under which they live.” Rawls, therefore, offers a structural notion of consent.

Rawls’s version of consent differs from Kant’s by being stronger. He does not ask only what people could possibly agree to as fully
rational beings. He asks *what they would* agree to in circumstances of deliberation that are fair. We see, therefore, that the outcome of Rawls’s positing of the “original position,” the name for his thought experiment aiming at fair deliberation, is more specific than that of Kant’s “original contract.” For, there could be a range of “original contracts” for Kant, in terms of what could possibly be agreed upon on his account. In recognition of this fact, Rawls comes to see his theory of justice as particularly liberal, in contrast with non-liberal ones. He addresses this concern most explicitly in *The Law of Peoples*. Over the course of his writings, Rawls’s shift is clearly from the claim that what he finds are the general principles of justice, to the view that they are liberal principles. Nevertheless, he maintains the goal of offering a universal standard for any principle of justice, with which he classifies “decent” and “indecent” societies.

II. B. God and other traditional sources of authority

There are most generally three categories of authority found in the social contract tradition. The first is God and natural law. The second is Rousseau’s vague “general will.” The third is reason, or rationality.

Hobbes and Locke both give God a central role in their understandings of SCT. According to Hobbes, “The multitude so united in one person” generates a “Leviathan or rather . . . [a] Mortal God, to which we owe under the Immortal God, our peace and defence.” The sovereign is not characterized by justice or injustice. Rather, he or she is the source of both. Without the rule of a sovereign, for Hobbes, there is no law, no right or wrong. Hobbes writes,

> To this war of every man against every man, this also is consequent; that nothing can be unjust. The notions of right and wrong, justice and injustice have there no place. Where there is no common power, there is no law: where no law, no injustice. Force, and fraud, are in war the two cardinal virtues.

By contrast to Hobbes, Locke is an optimistic natural law theorist. He believes that the laws of nature are God-given. Authority, for
Locke, is determined through the accordance of practices with natural law. He writes that “God hath certainly appointed government to restrain the partiality and violence of men.” The source of authority for Locke, then, is really God and His natural law.

It is worth noting that Rawls admits of influence from H. L. A. Hart, who himself defends natural law theory. Natural law has long been a standard conceptual basis for theories of political authority and legitimacy. Hart’s essay, “Are There Any Natural Rights?” serves as a clear example. Rawls associates his moral ideal of “justice as fairness” with the natural rights tradition. He writes, “The moral ideal of justice as fairness is more deeply embedded in the first principles of the ethical theory [than utilitarianism]. This is characteristic of natural rights views (the contractarian tradition) in comparison with the theory of utility.” However, it would not be accurate to set Rawls’s basis for legitimate political authority too firmly in the tradition of natural rights, except insofar as he does delineate justice in terms of the kinds of beings we are.

Rousseau’s understanding of the social contract is more naturalistic than Hobbes’s and Locke’s. He focuses on human beings’ animal nature, and on the ways that we come to associate with one another. While there are many individual wills in the state of nature, the source of true political legitimacy is the general will, he claims. According to Rousseau, “Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole.” The general will is not simply an average of all the independent wills. Rather, it is a new will. It is a whole made up of the wills of the many, willing on its own, independently of any particular will. Rousseau elaborates,

At once, in place of the individual personality of each contracting party, this act of association creates a corporate and collective body, composed of as many members as the assembly contains voters, and receiving from this act its unity, its common identity, its life, and its will. This public person . . . is called by its members State when passive, Sovereign when active, and Power when compared with others like itself.
Rousseau’s notion of the general will is distinct from previous and later notions of authority. He still depends upon God, however. He writes, “That which is good, and in conformity with order, is such by the nature of things, independently of human convention. All justice comes from God; he alone is its source.” Authority for Rousseau, therefore, is not simply given by the demands of reason. His locus of authority is more mysterious.

Finally, Rawls and Kant rest their SCT’s on the authority of reason. As I said above, SCT generally attempts to justify political authority. The claim that reason is a source of authority, then, must be distinguished from the notion that we have reason to believe authority justified. Kant claims that SCT is an “idea of reason.” He depends upon a priori principles of reason to show political legitimacy and the demands of justice. He writes,

The legislator may indeed err in judging whether or not the measures he adopts are prudent, but not in deciding whether or not the law harmonises with the principle of right. For he has ready to hand as an infallible a priori standard the idea of an original contract, and he need not wait for experience to show whether the means are suitable, as would be necessary if they were based on the principle of happiness. The a priori standard Kant proclaims here is not without cousins. We might say that nowhere in the world is there a perfect circle. Yet, the idea of a perfect circle is clear and allows us to act in ways that are directed by this idea. With the idea of a perfect circle, I can work to avoid drawing ovals. Similarly, Kant believes that we can posit a priori ideas that can then be used to guide our deliberations about justice.

As early as his essay, “Outline of a Decision Procedure for Ethics,” Rawls offers a methodological approach to ethics, which is his way of working on the problem of legitimacy. For, if we can discern the proper decision procedure for ethics, the procedure will provide the authority needed for political justification. He writes,

The question with which we shall be concerned can be stated as follows: Does there exist a reasonable decision procedure which is
sufficiently strong, at least in some cases, to determine the manner in which competing interests should be adjudicated, and, in instances of conflict, one interest given preference over another; and, further, can the existence of this procedure, as well as its reasonableness, be established by rational methods of inquiry?54

On its surface, Rawls’s question appears pragmatic and scientific. Rawls’s basis in reason is similar to Kant’s, yet sympathetic to Dewey’s emphasis on inquiry. The difference between Rawls and Dewey on this score is that for the latter, inquiry is social and empirical. Rawls speaks of rational methods of inquiry and of social contexts, but both of these are notions that an individual can consider in the comfort of his or her armchair. Recall that for Rawls, “The principles of justice are . . . analogous to categorical imperatives. For by a categorical imperative Kant understands a principle of conduct that applies to a person in virtue of his nature as a free and equal rational being.”55

In this way, Rawls offers up his contribution to the concern about what kind of being enters into the contract. Rawls does not address the matter of human nature generally. He believes that narrow portions of human subjectivity in strictly ethical matters can be isolated for the purpose of deciding issues of justice. In this way, he does not need to weigh in on the selfish or cooperative nature of mankind.

III. Traditional Criticisms of SCT:
Hume, Hegel, and Dewey

In what follows, I will focus on three traditional critics of SCT. The goal of this section is to outline the challenges they present in order to show the ways in which Rawls does and does not address them. First, I will begin with a discussion of Hume and Hegel. Then, I will clarify Dewey’s criticisms of SCT.

III. A. Hume and Hegel

In his essay, “From Hume to Hegel: The Case of the Social Contract,” Christopher Berry analyses Hume’s and Hegel’s critiques of SCT.
He explains that although “both Hume and Hegel reject contractarianism, there is a profound gulf between their arguments.” In their own ways, Hume and Hegel accept elements that were taken up in the social contract tradition. Berry explains,

Hume, while rejecting the idea of an original social contract, nevertheless says originally, submission must be understood as a form of contract or voluntary consent and that when it occurs it is the “best” foundation. When Hegel mentions the origins of a state he locates it in “imperious lordship on the one hand, instinctive submission on the other. But even obedience . . . in itself implies some degree of voluntary consent.” Though these two positions seem similar, to Hegel, this argument only shows that since the State must be seen as a totality, as an organic whole, it cannot be understood by abstracting a part and considering it in isolation. Hence, in obedience it is not the isolated individual wills that prevail, but the “general will,” the concrete cultural complex.

For reasons that arise in the analysis of Hume here, some authors have categorized him as a social contract theorist. For my purposes, however, I will focus on the sense in which Hume was a critic of SCT. Hume’s critique of SCT was focused primarily on the historical understanding of consent, although not exclusively. According to Berry, Hume’s argument is two-pronged: historical and philosophical. Historically, he rejects the idea of the social contract as the source of government because it just does not bear up under scrutiny—“first rudiments of government arise from quarrels”—and the history of all societies testifies to the role of force and usurpation.

While Hume’s critique begins with a historical emphasis, a deeper philosophical concern is worth noting. Hume recognizes the importance of conflict and problems as the origin of intelligent social action. This point foreshadows Deweyan concerns regarding SCT. It is simple to dismiss Humean critiques that are based on historical consent, insofar as there are social contract theorists who have
abandoned the approach. The challenge regarding the initiation of government, however, still carries weight. I will return to this concern in laying out Dewey’s critique of SCT. Dewey’s critique is less focused on the historical elements of SCT. Hume’s analysis, even if it can be interpreted otherwise, is steeped in historical interpretation. Berry explains Hume’s view that “given the facility inherent in human nature to contract habits, even the rule of usurpers acquires the attributes of authority.”

Properly understood, Hume’s historical critique is not without merit. A historical critique of SCT need not only focus on historical consent. Instead, it can challenge the relevance of a hypothesized consent to real, historical circumstances. If one were to say that the conflict in the Middle East can be alleviated if we simply conceive of society there as it would be agreed upon if there had been a social contract, we would encounter difficulties. Whether or not one agrees to the beauty of the thought-experiment, how that affects the lives of people who have been in conflict for a long time is still unclear. Are people simply to forget their fallen brothers and sisters because of what an outsider suggests would be decided upon by people in ideal circumstances? Hume’s point about the origins of society is not simply a challenge to the idea that a social contract occurred. We can interpret his challenge as especially strong if we demand of SCT an account of the relevance of hypothetical consent to real-life situations. On this count, Rawls misses this challenge in Theory, but makes strides to address something like it in Political Liberalism.

A further Humean criticism of SCT involves human nature. Hume holds to a static view of human nature. Berry writes that Hume’s attack on SCT exhibited the “general eighteenth-century characteristic of removing human nature from mutability and understanding historical phenomena through the universal constancy of human traits.” It is due to claims such as this that theorists have categorized Hume as belonging in the social contract tradition. For some approach SCT with the strategy of deriving principles of prudential, grateful, or structural consent from static conceptions of human nature. In his own way, Rawls does this without the language of human nature. He focuses instead on the immutable features of human subjects who aim to be fair and moral (or later political). The trouble
with focusing on Hume’s views of human nature is that they offer ample room for opposing interpretations. One theorist, Frederick Whelan, explains Hume’s views as “less thoroughly individualistic (and voluntaristic),” yet Whelan further claims that “less familiarly, but equally important, [Hume’s views are] also less statist than [others].” Clearly, there is room for a variety of interpretations of Hume on people’s relation to their government. Nevertheless, we may summarize central Humean critiques of SCT with the help of Whelan. He writes,

Hume regarded the theory of the original contract as both philosophically inadequate as a theory of legitimate government and practically dangerous in its excessive and one-sided emphasis on the right of resistance. Hume endorses resistance to government in certain situations (such as “grievous tyranny”) and rejects the opposing ideology of “passive obedience.” Nevertheless, he holds that an acceptable political theory must not only justify obedience as well as resistance in terms of the same ethical principle (utility), but must also demonstrate the usual desirability of authority and allegiance in most situations, thereby making the permissibility of resistance an exception.

In his own way, then, Hume was concerned with the matter of political stability. He thought it important to discern tyrannical governments from those that were more equitable, yet we must beware of political theory that might lend itself to the continual suppression and revolutionary attempts we might find in a Hobbesian picture.

Rawls is sympathetic to Hume’s point here. In Theory, he clearly sets limits to civil disobedience that are complex and consistent with the effort to promote political stability. According to Rawls, legitimate civil disobedience is “a public, nonviolent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government.” For Rawls, therefore, civil disobedience does not aim at government overthrow, so much as reform.

Hegel’s concerns regarding the social contract are more worrisome for Rawls. Berry summarizes a central challenge which Hegel offers.
Berry writes, “Hegel believes that this concept [the social contract] has cogency only if it separates the individual from the State thus making membership of the State optional, a matter of voluntary choice.” It is not at all clear that those who would not wish to participate in Rawls’s deliberation in the original position have that option. Kant was right that there are those who are unwilling to let reasoned deliberation decide their political institutions, or who believe that law should be enforced on others, but not on themselves. He writes that

the problem of organizing a state, however hard it may seem, can be solved even for a race of devils, if only they are intelligent. The problem is this: “Given a multitude of rational beings requiring universal laws for their preservation, but each of whom is secretly inclined to exempt himself from them, to establish a constitution in such a way that, although their private intentions conflict, they check each other, with the result that their public conduct is the same as if they had no such intentions.”

Hegel’s challenge is strengthened by Kant’s point. Do people have the option not to accept the State? If they do not, then it appears they are not entirely free to contract with one another. Their hands are forced. Whereas, if the opposite case is made, we must explain in what sense persons are not obliged to partake in the society that reared them. Hegel’s further claim arises correspondingly, then, that “it is only as one of [the State’s] members that the individual himself [or herself] has objectivity, genuine individuality and an ethical life.” There are two aspects of Hegel’s critique here that must be distinguished.

On the one hand, Hegel criticizes those historical elements of SCT that seek to explain agreement or contract in terms of isolated individuals. On the other hand, he is pointing out the trouble with attempting to split elements of personhood in political theory. With respect to the first challenge, Rawls is prepared to answer with his structural consent. But with respect to the second, Rawls has no ready answer. Even though he moves from a strongly ahistorical project in Theory to one that recognizes the contingencies and realities of
“reasonable pluralism” in *Political Liberalism*, Rawls maintains what Hegel would see as a great difficulty. In the latter work, Rawls seeks to split off from consideration in political matters those elements of reason, which pertain to ethical comprehensive doctrines personally held, to those which he claims to be reasonably acceptable for public use.

Rawls explains the ideal of public reason as demanding that citizens are to conduct their public political discussions of constitutional essentials and matters of basic justice within the framework of what each sincerely regards as a reasonable political conception of justice, a conception that expresses political values that others as free and equal also might reasonably be expected reasonably to endorse.\(^7\)

The process that Rawls describes, despite what might be claimed to be a distancing from SCT, nevertheless is explicitly applied to his discussion of the original position. Rawls writes, “In justice as fairness... the parties in the original position, in adopting principles of justice for the basic structure, must also adopt guidelines and criteria of public reasons for applying those norms.”\(^7\) Hegel would be deeply concerned with the hard divisions Rawls draws between elements of personhood that are to be relevant in political matters. For these elements of personal or private reason are not arrived at in isolation. They are developed in a thoroughly social and organic way.

Berry summarizes Hegel's criticisms of traditional SCT as follows:

For Hegel, the contractarians operate with an abstract notion of man, who is comprehended outside his cultural complex and who, in addition, presumes to judge it. The social contract theory manifests an ahistorical abstract individualism... Hegel’s rejection [of SCT] is closely connected with his espousal of the theory of man as a historical creation.\(^7\)

Rawls answers a portion of this challenge, but not its entirety. In Rawls’s discussion of the original position,\(^7\) he posits deliberation as
among real people in an ideal circumstance. At the same time, therefore, Rawls aims to overcome the ahistorical nature of SCT by claiming that real people from society are to be considered as entering into the original position, yet he specifies their conditions in a way that divorces important historical considerations of who they are and idealizes them in this strange condition. Who would a religious fundamentalist (or a fervent representative of other comprehensive doctrines) be if he or she could not use his or her most firmly held values for political consideration?

The central concerns that we find in Hume and Hegel about the social contract have to do with relevance of this ideal theory to real historically contextualized situations, and with theories of human nature. Hume and Hegel are opposed in the latter. Whereas Hume believes human nature to be at least partly static, Hegel views humans as “a historical creation.” Humans, for Hegel, are historical creations, contextual, changing, and organically whole. They are not isolable from the State in which they developed. They are their culture. The criticisms which Dewey raised for SCT that I will discuss next bear some overlap with Hegel’s, especially concerning variation in human nature.

III. B. Dewey

There is a gap in the literature of SCT regarding the critiques that Dewey offered. The contributions of Larry Hickman and Hilary Putnam to the subject are among the most substantial to be found. In *Ethics without Ontology*, Putnam offers an overview of Dewey’s general response to SCT. Hickman’s discussion of the matter is more specific. Both authors make plain Dewey’s general claim that SCT is misguided and misleading. There are four principal problems that Dewey sees in SCT.

Laying out Dewey’s general criticisms of SCT, Putnam notes, “Certainly, Dewey (or James, or Mead, or any other of the classical pragmatists) would not wish to challenge the idea that a legitimate state must have the consent of those whom it governs.” The first great mistake of SCT, however, is that “it derived sociability as well as morality from an idealized image of the law of contracts, from *property*
law. And Dewey, like Hegel, thinks that this is ridiculous.”

One might be inclined to say that Rawls is concerned with rights, not property, by contrast to Hobbes, Locke, and Rousseau. But Rawls focuses a great deal of his attention on property. The very idea of the least advantaged and most favored in society is founded on the notion of wealth and poverty, thus fundamentally connected with the notion of property. While these are very important political concerns, Dewey would challenge the notion that people’s consent can be derived from notions of property as a starting point. Property is a social phenomenon developed through interaction in the first place.

The notion of property as a starting point for SCT is troubling for Dewey, since he argued extensively for focusing philosophy, as Hickman explains, “where human beings find themselves—in media res.”

We cannot assume that political problems are simply “out there” for the picking. They are the products of inquiry. If not, they are only ideology or misleading assumptions. This trouble of starting political theory from abstraction is the second main problem Dewey saw in SCT. Hickman summarizes Dewey’s challenge:

Dewey rejected the social-contract theory in all its numerous manifestations. It was his view that social-contract theories neither provide what they have historically claimed to, that is, causal explanations, nor do they do any useful work when regarded, as they now most often are, as a hypothetical “limit.” Observation led him to conclude that the search for “state-forming forces” uniformly leads to myths that are at best unhelpful and at worst misleading.

Where Hickman speaks of “state-forming forces,” he refers to those who were Dewey’s target for critique. When we apply this challenge to a more contemporary SCT, such as Rawls’s, we can read Dewey’s critique as concerning “state-legitimating forces.” Hickman explains, “The highly abstract reconstruction of the social-contract theory advanced by John Rawls, for example, reveals the same fault lines that Dewey thought weakened the social-contract theories of Locke and Rousseau.” Among these are the third and fourth problems of SCT that we can see as Dewey’s challenges.
The third problem has to do with will. On the one hand, Hickman explains that “Dewey’s critique . . . sought to avoid the absolutism present in many versions of Marxism, as well as the atomism present in most political theories in the West.” Rawls walks a thin line between the two of these alternatives, one that is far more formalistic than what Dewey sought. On the one hand, Rawls avoids Rousseau’s absolute “general will,” for Rawls relates political legitimacy to the decisions of citizens in idealized deliberation. On the other hand, Rawls attempts to avoid atomism of wills by the very same move. The deciding factor for Rawls’s theorizing about justice and the limits of political legitimacy, however, are delineated through an analysis of what persons would have to agree to as the reasonable principles to be selected in the original position. Jean Hampton, a commentator on Rawls, claims that “there is not theoretical reason to posit more than one party in the original position.” Samuel Freeman contests this interpretation of Rawls. The fact that this view is contested is testimony of the difficulty Rawls faced in addressing this challenge to SCT. He was struggling between absolutism and atomism. For, even if we agree with commentators like Freeman, who claim that Rawls’s notion of agreement in the original position is of great importance, Rawls nevertheless conceives of persons as isolated individuals in rational deliberation who are not allowed to know their places in society when they deliberate. In effect, Rawls tries to preserve a social element in the original position while undercutting its very possibility, trying to dice persons into parts when they are organic, related wholes.

Dewey’s concern about absolutism and atomism is closely related to the fourth challenge I wish to mention. Individualism has long been a cornerstone of liberalism. Dewey believed it to be a problematic notion, however, in its common use. At the close of Individualism, Old and New, Dewey summarizes his worry about abstractions of individualism. He writes,

The future is always unpredictable. Ideals, including that of a new and effective individuality, must themselves be framed out of the possibilities of existing conditions, even if these be the conditions that constitute a corporate and industrial age . . . We may, in order
to have continuity of direction, plan a program of action in anticipation of occasions as they emerge. But a program of ends and ideals if kept apart from sensitive and flexible method becomes an encumbrance. For its hard and rigid character assumes a fixed world and a static individual; and neither of these things exists. It implies that we can prophesy the future—an attempt which terminates, as someone has said, in prophesying the past or in its reduplication.84

Dewey admonishes excessive faith in static individualism. This is a large part of his criticism of deontological ethical philosophies, such as the one Rawls offers. Even in Political Liberalism, when Rawls deals with the experienced fact of “reasonable pluralism,” he aims again to split up personhood into parts. He puts aside ethical and religious considerations (at least those which are comprehensive), in order to derive the principles of a legitimate society from only political matters. The problem we face so often, however, is just how to resolve conflicts between people who hold firmly to such comprehensive doctrines. To separate these features out from the realm of the political, therefore, is absurd. Hickman clarifies Dewey’s concern:

An individual may be divided within him- or herself in terms of conflicting memberships, roles, and obligations. But to take these facts as grounds for hypostatizing “the individual” and “the social” as fundamentally opposed entities is to create what Dewey calls an unreal problem.85

When we view Dewey’s critiques as a whole, we see the program he advances and the difficulties that have not yet been taken seriously. Rawls does indeed aim to address a number of the challenges to earlier forms of SCT, but the concerns mentioned here are only addressed in ways that are themselves troubling.

In 1990, Hickman pointed out that “Dewey’s program has still not been widely accepted as a critique of either his predecessors or his (or our) contemporaries.”86 This is still true of Dewey’s critique
of SCT today. To recognize Dewey’s challenges to SCT is to note a shift in focus for political philosophy. Putnam makes this clear:

For Dewey, the problem is not to justify the existence of communities, or to show that people ought to make the interests of others their own; the problem is to justify the claim that morally decent communities should be democratically organized. This Dewey does by appealing to the need to deal intelligently rather than unintelligently with the ethical and practical problems that we confront.87

Rawls sought to reinvigorate the field of political philosophy in the second half of the twentieth century, claiming that traditional approaches to SCT were not as flawed as had been thought. It seems, however, that Rawls failed to address a number of criticisms leveled against SCT. These pages have aimed to outline those criticisms that have been raised in an effort to better understand Rawls and the tradition in which his project was rooted.

SCT lies at the foundation of Rawls’s work. As I will argue in the chapters to come, the elements of the social contract tradition that are problematic here complicate the epistemological problems for Rawls, like those Rockmore saw in Kant between representationalism and constructivism. By exploring the consequences of a robust constructivist epistemology, we can approach political philosophy without the tensions that Rawls maintains. The next chapter will explore constructivist epistemology, distinguishing both Rawls’s and Dewey’s forms from a moral realist account.
Chapter 3

Worlds Apart: On Moral Realism and Two Constructivisms

I. Introduction

The traditions of realism and of its opponents, such as constructivism, remain in conflict in the realm of value as well as in metaphysics generally. For this reason, I will place in context David Brink’s account of moral realism, as found in his Moral Realism and the Foundations of Ethics, in contrast with Rawlsian and Deweyan constructivisms. The purpose of this chapter is essentially (1) to situate Dewey and Rawls in the history of ethics, as affected by metaphysical debates, (2) to outline clearly the fundamental differences between Dewey’s and Rawls’s constructivisms, and (3) to defend a Deweyan constructivism, which I will show to depend on the insights of Charles S. Peirce.

For our present purposes, the central differences between Dewey and Rawls are that Rawls (a) follows Kant more closely than does Dewey regarding the rigidity of concepts and of the categories of experience—although both Dewey and Rawls aim to shed Kant’s dualisms, Rawls preserves them in fundamental ways, primarily by remaining a social contract theorist, like Kant; (b) prioritizes the right over the good; and (c) adopts Kant’s atomistic notion of the autonomous individual in his social contract approach. If we sufficiently grasp Dewey’s challenge to (a), (b), and (c), we must then follow the pragmatic turn of constructivism. As such, we can no longer continue the talk for which Rawls is so famous, of the requirements of the concept of justice. We must rethink the ways in which we come to have concepts and use them. We must recognize the sociality of conceptions and the ways in which they evolve.
Constructivism is a position about the real that can be understood either metaphysically or epistemologically, since it believes that the objects we come to know are themselves formed through a process of inquiry or deliberation. Most broadly, constructivisms claim that some or all of the objects, concepts, or truths of the world are determined to at least some extent by minds that experience them. Dewey sees all objects of experience as constructions, whereas Rawls sees only moral or political truths as products of construction. The basic idea of construction in either case is that indefinite or inchoate matter of experience is shaped through our interaction with it, and through this interaction, experiences grow more definite and concrete. Without construction, there would be no objects to speak of, since objects of experience themselves are formed by our distinctions employed in construction. When thinkers push the thesis of constructivism far enough, furthermore, we see that we must account for how it is persons come to be, since they too are experienced and are considered conceptually. This is an area, as I have discussed and will examine further in the next chapters, in which Rawls and Dewey differ. Rawls does not consider the extent to which persons are both subjects and objects of construction. In Kantian fashion, Rawls focuses on persons as subjects. Dewey’s constructivism examines both aspects of construction.

The simplest way to state the question regarding the debate between realists and constructivists is this: How big a role do the thought and action of human beings play in determining or making what is real? There are those who would answer “none” on one extreme, and others who would say “it’s everything.” Although this question is abstract, the results of taking a given stance with regard to it are significant to all areas of philosophy. Like most philosophers, Dewey and Rawls find themselves between these extremes. The import of looking into this problem will be substantial, however, when it comes to the questions of “What kind of thing is justice?” or “How do we come to have a conception of justice?”

To help in examining the various outlooks on the realism/constructivism debate, I will discuss Tom Rockmore’s book, *On Constructivist Epistemology*, in which he offers a clear account of the current debate between metaphysical realism and its opponents.
The history of philosophy has been dominated by metaphysical realism, he claims, and has been stuck in its problems all along. Rockmore begins his book by explaining realism as broadly as it can be conceived. At its base, any realism is said to offer a conception or classification of what is real. This very broad characterization of realism is helpful, because even those considered “antirealists” today nevertheless are theorizing about what is real, and how it is so. The word “realism” has come to characterize particular views about what is real. There are those who believe the real is utterly independent of what we have to say or think about it. On the other end of the spectrum, there are those who would claim we are entirely free to “make” our world(s) as we wish and intend. I borrow the language of “worldmaking,” to which my title for this chapter alludes, from Nelson Goodman’s work on the subject. Most thinkers reside somewhere between these extremes of the continuum regarding at least some matters. And, the tradition known as analytic philosophy, including the majority of contemporary philosophers in America, leans toward the side of the independence of the real. In what follows, except where explicitly stated otherwise, I will refer to realism not simply as any view regarding what is real, but as a view that offers some account of the independence of the real from thinkers and doers—currently the dominant sense of the term.

One may wish to challenge constructivists or pragmatists on the grounds that there are so many versions of their theories. Well-known critic of pragmatists, Arthur Lovejoy, chided American philosophers (pragmatists) for lacking a singular or cohesive theory. There are certainly 13 or more pragmatisms, and if this is a problem, then there must certainly be an even greater problem with pragmatism’s alternative—contemporary realism. To ask Lovejoy’s question of realists is more appropriate, furthermore, since contemporary realists commonly believe in the singularity of ideal entities, and in the effort to get at the “correct” one, such as by consensus. Debate about different approaches to realism will come up again in Section IV on Brink’s moral realism.

After defending further the importance of studying constructivism in Section II, I will examine Rockmore’s discussion of this development as it applies to moral and political thought in Section III.
His work will help to set in context the tacit disagreements between Dewey and Rawls. Next, I will present the views of David Brink in Section IV. Brink is a defender of the moral version of what Kant called the noumenal. For Kant, the noumenal is what is behind the appearances of the phenomenal world. It refers to the realm of things in themselves, of reality independent of our experience of it. Brink claims that moral facts reside in the noumenal as well, disagreeing with some materialist realists who argue that the noumenal realm only encompasses facts about the material world. Brink avoids the language of the noumenal, opting instead for the term “objective” in ethics. Of course, this very choice of terms may trouble Brink’s critics, if they reject moral realism while allowing for certain objective conditions or elements in moral consideration. For Dewey, for example, there are objective elements to any moral situation. My point here is only to show that critics of Brink need not reject all notions of objectivity in ethics. And, this is an important point that Brink’s account misses.

Against moral realism, in Section V, I will show the flaw that Peirce exposes in Kant’s discussion of the noumenal. In one sense, Peirce follows Kant more closely than realists, insofar as Kant claims we must “posit” the external independent world. As such, Kant believes, we must intuit the external world, which we believe in on faith. Peirce shows that there is great difficulty in recognizing the difference between intuitions and beliefs that we hold through the habituation of other beliefs and actions. As such, the foundation of moral realist claims, so often based on intuition as a special faculty that has access to independent moral truth, must respond to Peirce’s devastating critique. In this Section V, one of the important differences between Dewey and Rawls will be found. For, Dewey follows Peirce, and Rawls finds himself leaning on intuition, sensibilities and an ordinary language philosophy that he believes gets him far greater epistemological warrant than he can maintain. Finally, in Section VI, I will explore the similarities and differences between Dewey’s and Rawls’s constructivisms, which we will see are consequences of their views about the real. I follow Rockmore, Dewey, and Rawls in rejecting Brink’s moral realism. And, however much I admire Rawls’s openness to constructivism, the extent to which he believes in the structural
requirements of conceptions is excessive. We must approach political philosophy with appropriate humility and goals.

II. Why Focus on Constructivism?

John Rawls has had a profound impact on contemporary political theory. He claims to be a constructivist, though it seems this feature of his theory is little understood. There are many critics of his work, but very little has been said regarding his claims on constructivism. As such, the contrast between two (of many) constructivisms, those of Dewey and Rawls, should serve to clarify the views of both, and to situate the importance of such theories in the contemporary debates on political philosophy. What follows is a justification for the importance of understanding constructivism in the moral realm, primarily drawn from Rawls’s own claims.

In an article called “The Independence of Moral Theory,” Rawls claims that hierarchical orderings of the various domains of philosophy is unnecessary for the study of moral theory. Some believe that without an understanding of the justification of knowledge, following Descartes, or of the theory of meaning, following Frege, subsequent philosophy is unfounded. For, how can we understand what persons ought to do morally without knowing what a person is, or what knowledge is, and so on? Rawls claims that “much of moral theory is independent from other parts of philosophy,” and that

preoccupation with the problems that define these subjects [theory of meaning and epistemology, metaphysics and the philosophy of mind] may get in the way and block the path to advance . . . [The] study of substantive moral conceptions and their relation to our moral sensibility has its own distinctive problems and subject matter that requires to be investigated for its own sake.

Here, Rawls seems to sympathize with pragmatists and existentialists who set aside merely hypothetical concerns in favor of addressing those that are relevant to what we deem important. Zeno’s paradoxes, for example, need not be addressed in an inquiry into justice.
Pragmatism avoids venturing into matters for which we can find no conceivable practical consequences. It involves something of an agnosticism about such concerns on the one hand, or a questioning of some of the basic assumptions of those who establish problematic dichotomies on the other. It seems that Rawls here is being pragmatic in at least the weaker sense. He does not want to get bogged down in disputes that are not necessarily connected to moral and political theory. Although I may not have a complete explanation of my persistence conditions, for example, I can still do moral or political theory. I agree with Rawls on this point. As such, it may appear strange on the surface to dedicate so much time to conceptions of constructivism. But, constructivism, if it is to be employed in moral and political theory, must be understood, since it is the basis from which concepts can be drawn and used. And, Rawls himself gives considerable attention to constructivism, as in his essay, “Kantian Constructivism in Moral Theory.”

Despite his argument in “The Independence of Moral Theory,” Rawls believes that other areas of philosophy are important for moral theory in a fashion. He explains that

the philosophy of logic and mathematics was of necessity crude and primitive before the underlying structures of the propositional calculus and predicate logic and the foundations of mathematics in set theory were understood. The present situation in moral philosophy calls for a similar strengthening of our grasp of the structure of moral conceptions, and in many respects, this inquiry, like the development of logic and the foundations of mathematics, can proceed independently.
that there is something which we call a concept, or a conception, which bears certain structures in certain ways.\textsuperscript{14} This point is both abstract and general. But, it demands explanation if it is to be a source of insight for moral theory. What sorts of things are these conceptions? Are they singular? Is there one right or correct conception of the good or of the just? Rawls takes a stance on such questions that demonstrates his independence from moral realist claims. He writes, “I suggest that for the time being we put aside the idea of constructing a correct theory of right and wrong, that is, a systematic account of what we regard as objective moral truths.”\textsuperscript{15} Whatever moral conceptions are, he claims, one thing is certain—people are affected by them. This view and bracketing of questions regarding mind-independence of moral facts appears to be both pragmatic and psychological. Rawls affirms the latter explicitly. He writes,

\begin{quote}
Since the history of moral philosophy shows that the notion of moral truth is problematical, we can suspend consideration of it until we have a deeper understanding of moral conceptions. . . . The independence of moral theory from epistemology arises from the fact that the procedure of reflective equilibrium does not assume that there is one correct moral conception. It is, if you wish, a kind of psychology and does not presuppose the existence of objective moral truths.\textsuperscript{16}
\end{quote}

Rawls here exhibits a sort of consequentialism, insofar as he is concerned with the effects of beliefs (he often refers to beliefs as people’s conceptions). It is certain, he explains, that people “profess and appear to be influenced” by them.\textsuperscript{17} As such, Rawls takes it as his task to uncover the structures of these conceptions so that we can refine our understandings of them and fine-tune what we claim to be the best versions. The best versions would be those which best match our moral sensibilities. He claims that as the philosophy of mathematics is related to “logic and the foundations of mathematics . . . moral philosophy is related to moral theory, that is, to the account of moral structures and their basis in moral psychology.”\textsuperscript{18}

Nowhere does Rawls demonstrate his divergence from the moral realist tradition more than in his essay “Kantian Constructivism
in Moral Theory.” In this essay, we see the import for Rawls of constructivism in moral and political theory. He claims that the search for reasonable grounds for reaching agreement rooted in our conception of ourselves and in our relation to society replaces the search for moral truth interpreted as fixed by a prior and independent order of objects and relations, whether natural or divine, an order apart and distinct from how we conceive of ourselves. . . . What justifies a conception of justice is not its being true to an order antecedent to and given to us, but its congruence with our deeper understanding of ourselves and our aspirations, and our realization that, given our history and the traditions embedded in our public life, it is the most reasonable doctrine for us. We can find no better basic charter for our social world.

Kantian constructivism according to Rawls must move us away from theories about moral realism toward a less presumptive theory of how it is we can come to social decisions and orderings, which are consistent with the requirements of moral beings in social engagement. It is important to note, however, that there are those who challenge Rawls on his interpretations of Kant. Among them are Onora O’Neill and Larry Krasnoff. Krasnoff confronts Rawls boldly in his essay, “How Kantian is Constructivism?” Much can be said regarding Rawls’s interpretations of Kant and his ascription of constructivism to Kant’s ethics. At the very least, these authors show that Rawls’s interpretations are controversial.

To foreshadow some of the matters to come, Dewey’s constructivism would similarly reject the moral realist undertaking, but would be skeptical of some features of Rawls’s project. Among them, he would question the sense in which Rawls’s Kantian questions are hypothetical idealizations. For example, Rawls in Kantian fashion asks which traditionally recognized principles of freedom and equality, or which natural variations thereof, would free and equal moral persons themselves agree upon, if they were fairly represented solely as such persons and thought of themselves as citizens living a complete life in an ongoing society?
Dewey would hesitate to follow Rawls in depending upon “traditionally recognized principles,” or on the commonality of conceptions. It is one thing to speak of objective features in scientific studies, in which two or two thousand people can witness the same results from an experiment conducted along specific, constant parameters. It is quite another to believe that the concept of justice is the same for all, or that it even could be by agreement. In social endeavors, each person brings to the public forum his or her history, community, education, and interests. Justice, if it is to be common, is primarily a practice, something constituted by behaviors, not a conception agreed upon under ideal circumstances.

Consider court cases. Most often, judges make decisions on the basis of precedents. But, how are precedents set? Is it by some communal gathering in which people in ideal circumstances come to an agreement? If so, why must we have Supreme Court votes, and not unanimity? Unanimity regarding certain issues may be possible, but this is achieved through the counting of votes, which is itself the deciding factor. The example of court decisions helps to illustrate also the sense in which we formulate principles in the process of judging, or as a consequence of judging, not prior to doing so. This is an insight of Deweyan instrumentalism.

I hope what I have said thus far makes at least two things clear. First, constructivism and its place in the history of moral and political philosophy bear great consequences for what we must consider the most beneficial course of study in these fields. Second, important differences are to be found between Dewey and Rawls, which must inform political theory. If the development of conceptions and principles of justice cannot occur in the way in which Rawls’s Kantian system purports, then we must look into some alternative, such as Dewey’s constructivism.

III. Rockmore’s History of Realism and the Epistemological Turn

Rockmore’s discussion of the development of constructivist epistemologies places Kant at the fork in the road between several divergent
metaphysical paths. One of these involves an epistemological turn—constructivist epistemology. My aim in the present section is to show, following Rockmore, that much of the rift between different strains of philosophy is due to a troubling Kantian contradiction, believing knowledge to be both representational and constructed.

While Pragmatists are known for their divergence from certain elements of the Kantian tradition, Rawls’s distancing from Kant is less recognized. Whatever philosophical direction one travels in the Western world, furthermore, Kant’s influence cannot be ignored. Rockmore explains the divergences from Kant in terms of Kant’s own indecision. He writes,

Perhaps because he sees so many alternatives, Kant, who often has difficulty making up his mind, is committed to discernibly different, incompatible epistemological views. The critical philosophy is situated at a crossroads between representational and constructivist, or postrepresentationalist approaches to knowledge. Not enough attention has been directed to Kant’s simultaneous adherence to representationalist and constructivist strategies for knowledge.

For reasons such as this, it is clear how one could depart from Kant to become an epistemological correspondence theorist. This view sees knowledge as justified true belief and holds that beliefs are true only when they correspond to the way the external, mind-independent real world is. Correspondence theorists are often realists by consequence, or vice versa. Brink, on the other hand, explores coherentism as an epistemological theory. In such a theory, one must be a fallibilist about knowledge, but can believe that the success of one’s coherent theories is guided or conditioned by the real (mind-independent) facts of the matter.

On the other hand, Kant’s adherence to the constructive element in epistemology offers another path out of his philosophy. We can imagine a spectrum from this side of Kant’s epistemology, stretching from those who believe the control we exert over our constructions is great, to those who believe it is minimal. Rawls and Dewey would find themselves following this attribute of Kant’s epistemology, but at
different places on the spectrum. Rawls’s beliefs in the extent to which we can control our constructions, the extent to which they can be shaped as we please, are not uniform. But, in most cases, Rawls claims that our constructions closely follow necessary conceptual structures. But, how does Rawls know about these?

Despite what Rorty has led many to believe, Dewey is not to be found on the opposite extreme of this spectrum. Rorty’s influence has been to lead philosophers to think that for Dewey, any avenue of inquiry or of discourse is just that—another avenue of discourse.25 This is to say that for Rorty there is no priority of a scientific inquiry over a literary one. While there can be good literary inquiry for Dewey, as well as bad scientific inquiry, this does not mean that Dewey sees no difference. A person whose appendix has burst does not need to read *A Catcher in the Rye*, at least not until after scientific inquiry and procedures are performed. It is worth noting the sense in which objectivity is important for Dewey. There is something not to be missed regarding the objectivity of water’s boiling points at varying altitudes, for example, that is not found in works of literature alone.26

Rockmore’s analysis of this divide within Kant’s own work between representation and construction will prove helpful for our purposes. He writes,

[Those] committed to a representationalist approach to knowledge all understand the problem of knowledge as requiring an analysis of the relation of a representation to an independent object, not as it subjectively appears to be, but as it objectively is . . .

Yet Kant also criticizes and rejects any representationalist approach to knowledge. In the *Critique*, Kant famously remarks that modern students of nature understand that ‘reason has insight only into what it itself produces [herstellt] according to its own design.’ This important suggestion points to epistemological constructivism, or the view that we know only what we in some sense construct, make, produce, or otherwise bring into being as a necessary condition of knowledge.

Kant’s constructivism is not well known but certainly crucial for understanding his own position. . . . Representationalism
presupposes a preexisting, mind-independent external world with which, under specified conditions, the mind can be brought into contact. Constructivism denies the mind can ever be brought into cognitive contact with a preexisting, mind-independent external world it does not presuppose in restricting cognitive claims to what we ourselves construct as a condition of knowing.27

Given Rockmore’s analysis, we can foreshadow what later become Rawls’s difficulties regarding constructivism. If Rawls wishes to follow Kant, he must choose one path from the two epistemological options. The trouble with Rawls’s approach is that he claims to take the path of constructivism, but he hopes to preserve the rigidity of conceptual requirements, or necessary conditions that are more common with representationalism. In other words, like Kant, Rawls wants both sides of the dilemma.

Kant clearly does make the constructivist claims that Rockmore attributes to him. Of transcendental objects, Kant writes,

This transcendental object can serve only, as a correlate of the unity of apperception, for the unity in sensible intuition’s manifold by means of which the understanding unites that manifold in the concept of an object. This transcendental object cannot be separated at all from the sensible data, for then there remains nothing through which it would be thought. It is, therefore, not in itself an object of cognition, but is only the presentation of appearances under the concept of an object as such—a concept determinable through the manifold of these appearances.28

To be sure, this passage does not tell us to what extent our constructions are constrained. But, the notion of constraints can nevertheless arise in terms of the limits of what we are able to do in our phenomenal world. When I flap my arms, I do not fly. The fresh tree does not make good firewood for this evening. Given the facts of experience like these, Rawls and Dewey acknowledge constraints on their constructions. And, although Rawls leaves open the possibility of defending moral realism, he appears to contradict such claims elsewhere. For any who might want to take Rawls in a realist direction, given the
Kantian moral philosophy in the background, the following must be noted. In his essay, “Themes in Kant’s Moral Philosophy,” Rawls writes, “The roots of constructivism lie deep in Kant’s transcendental idealism; but these parallels I cannot discuss here.” It is unfortunate that Rawls never chooses to explore these roots, since it appears that if he were to, he would need to reevaluate the rigidity of his constructivism in moral theory. I will make this argument explicit in discussing Dewey’s constructivism in Section VI.

IV. The Noumenal, or Mind-Independent, in Ethics: Brink’s Moral Realism

The purpose of the present section is primarily to critique a view which contrasts with both Dewey’s and Rawls’s constructivisms—moral realism. It will serve also as a brief argument for constructivism in ethics. I will begin by explaining what moral realism is for Brink. Then, I will present two challenges to Brink’s account, one on his lack of clarity about the notion of independence and another on his claims about evidence. Next, I will discuss what moral view Brink believes is plausibly compatible with his defense of moral realism—Objective Utilitarianism. Finally, I will offer a critique of Brink’s Objective Utilitarianism in order to point out some flaws in the very motivation for moral realism.

Early on, Brink explains that

a moral realist thinks that moral claims should be construed literally; there are moral facts and true moral propositions, and moral judgments purport to state these facts and express these propositions. Ethics is objective, then, insofar as it concerns matters of fact and insofar as moral claims can be true or false (some of them being true). But moral realism claims that ethics is objective in another sense, which is not always distinguished from this first kind of objectivity. Not only does ethics concern matters of fact; it concerns facts that hold independently of anyone’s beliefs about what is right or wrong.
Brink’s second notion of objectivity here is important, since without it, he could be describing a moral constructivist view, he claims. So, it seems that the burden of defending such a view would rest primarily on a defense of this latter notion. But, as Brink rightly states, “How one motivates and defends a philosophical view or set of views usually depends on whom one takes to be relevant opposition.” And, the author takes as his “relevant opposition” both metaphysical realists who believe moral realism to be strange and antirealists.

Of antirealists and moral realism, Brink explains,

As I said, some people find realism about anything naïve. Global antirealists often think that talk of an external world that is independent of the way in which we conceive of it makes no sense. I will address some of these global antirealist worries; I will argue that there are general considerations about the nature of belief and justification that support a general realist metaphysical view.

But moral realism is also regarded as a black sheep within the realist metaphysical Family. Doubts about moral realism remain even among those who accept a general realist metaphysical picture.32

Brink’s point about his fellow realists is interesting. Why, if one is committed to some sort of realism, would one be opposed to moral realism? A physical realist might indeed be willing to believe that physical facts could be the way they are independent of what I think about them. But, if morality has anything to do with what I think is right and wrong, or with what people choose to do rationally, what could persuade this physical realist to believe these moral facts are mind-independent?33 As is always true of realist positions, the answer follows from what is meant by independence. If moral choices have to do with thinking, and hence mind, then in what sense are facts about them independent of mind? Are not the facts determined by something about moral agents’ minds?

Surely, one interested in defending any version of realism must account for what he or she means by “independence” of mind. It is surprising, therefore, that Brink’s only indexical reference to
“independence” refers to the debated independence of normative theory from metaethical debates. This debate, while interesting, bears no explanation of what could be meant by the notion of independence upon which any realism must be based. There are two possible reasons for this lack. Either Brink assumes that the notion of independence in realist theories has been sufficiently explored and agreed upon by realists already in the literature—an empirically false claim—or he does not sufficiently recognize the challenge that such matters raise against his view. The way in which we conceive of independence of material objects is difficult enough. But, once we introduce the notion of mind-independence to a subject matter that regards people’s actions, the difficulty grows.

Let us consider carefully Brink’s definition of moral realism. He writes, “MR: (1) There are moral facts or truths, and (2) these facts or truths are independent of the evidence for them.” In what sense is a fact independent of the evidence for it? Certainly, we must be realists in the first place to make sense of this view. But, if we were, what would it mean for the two to be independent? Can I be independent of my child if my child is dependent on me? This notion of independence does not seem appropriate. One might say instead that the Celsius-based thermometer is dependent upon the boiling point of water, while the boiling point of water is not dependent upon the Celsius-based thermometer. But, the Celsius-based thermometer is not the only sort of evidence for the boiling point of water. Would it make sense to say that the boiling point of water is not dependent upon the point at which bubbling begins? Is the bubbling not evidence?

A realist would answer that the evidence referred to is the measurement or the seeing of the water boil. But, if we return to our court case as a standard, which is the evidence? The seeing of the gun, or the gun? Are not the fingerprints the evidence, or the gun the evidence in the trial? If evidence includes things that render something evident, which demonstrate truth, then how can it be independent of what they show? If it were independent, how could it be evidence?

When Moore offers his famous proof for the existence of the external world, what does he offer as evidence? Does he offer the
seeing of a hand, the phenomenon as something that is independent of the object, or does he believe he is offering up a hand?\(^3^7\) It seems clear in this case that the *hand* is the evidence. As a final example, let us take a claim that can be justified. I say to a child, “There are blue cars and red cars.” What serves as evidence of this claim? Evidence would have to include at least one blue car and one red one. In the very experience of evidence, surely there is a seeing, a perceiving, and so on. But, are the murder weapon or the bubbling water not evidence if I have not seen them? Surely, this does not seem right. The evidence is there in the sense that if I were to inquire into the situation, I would see the water boil when it is bubbling. The bubbling is not independent of the water’s boiling. Therefore, the evidence at least in some cases *cannot* be independent of moral facts.

In this last example, an important issue is raised. Can it be that evidence is independent of mind? Surely, evidence can be independent of my mind, and yours. But, can evidence be independent of every mind? Can evidence be what it is without being the sort of thing that would show something to minds? Evidence itself seems intrinsically to be constituted by the fact that *if* an experiencer were to see, feel, smell, or grasp it, certain other experiences would follow. Thus, the very notion of evidence seems inextricably dependent upon mind. It is not dependent upon any particular mind perhaps, but dependent on some mind nonetheless. How can this conclusion be avoided?

Distinguishing between various opponents to moral realism in an effort to clarify his own account, Brink admits, “If this makes for a somewhat fuzzy account of moral realism, it is, I submit, unavoidable fuzziness, or at least it is fuzziness I do not know how to avoid.”\(^3^8\) There are many times when clear philosophers must be “fuzzy.” Indeed, when Peirce or Dewey speaks of primary or brute experience, firstness for Peirce, the subject matter is inchoate. But, there is a world of difference between “fuzzy” philosophy and “fuzzy” subject matter.

Despite these flaws in Brink’s account, his ethical proposal is worth noting. For, as we note with Rawls and others, such as T. M. Scanlon,\(^3^9\) the Kantian tradition commonly follows constructivist lines. So, it is of little surprise, then, that Brink offers Utilitarianism as an
alternative moral theory to support his metaethical views. Brink calls his proposal for a Utilitarianism that would best suit his moral realism, Objective Utilitarianism. He writes,

Traditional forms of utilitarianism (e.g. hedonistic utilitarianism or desire-satisfaction utilitarianism) rely on subjective theories of value, according to which human happiness or welfare consists in, or depends importantly on, contingent psychological facts about an agent, such as what he desires or takes pleasure in. By contrast, objective theories of value construe happiness or welfare in largely nonsubjective terms; they claim that a valuable life consists in the possession of certain capacities, and the possession of certain relationships to others and the world, and that the value of these things is independent of the pleasure they produce or of their being the object of desire. Despite their apparent appeal, subjective theories of value are, I argue, much less plausible than objective theories . . .

If we construe utilitarianism as providing a standard of rightness, rather than a decision procedure, and we provide an objective construal of the nature of welfare, we can respond persuasively to standard objections to utilitarianism.\textsuperscript{40}

The first thing to note about Brink’s distinction in value is its false dichotomy. Where is value? Is it in the object or in the subject? Dewey’s transactional constructivism recognizes that this old, dualistic way of thinking was a large source of trouble for moral philosophy. Rawls avoids these troubles for similar reasons.

Now, there are two particular concerns we can derive from Kant regarding Brink’s account of Objective Utilitarianism. The first pertains to the noumenal/phenomenal divide. Are the objects that Brink is referring to in the noumenal realm of things in themselves? Surely not, if we are referring to persons we encounter and their welfare, which we can see flourish or deteriorate. As such, the objectivity of which Brink speaks is a very different sort of independence from that of other realists. Many realists are referring to the sort of independence that the noumenal object has of my thoughts about it.\textsuperscript{41} The objectivity to which Brink refers must be of a sort that
is independent of one’s thoughts about one’s own happiness. But, this is a different and complex issue. I may believe that eating pizza will help me lose weight, but it will not. I can be wrong about what will succeed in my efforts to achieve goals. This does not mean that value is only objective.

The second critique of Brink’s Objective Utilitarianism is plainly raised in Kant’s political writings. I cite the following extended quote to make two points. In section II of Kant’s “Theory and Practice,” Kant rightly argues that

no one can compel me to be happy in accordance with his conception of the welfare of others, for each may seek his happiness in whatever way he sees fit, so long as he does not infringe upon the freedom of others to pursue a similar end which can be reconciled with the freedom of everyone else within a workable general law—i.e. he must accord to others the same right as he enjoys himself. A government might be established on the principle of benevolence towards the people, like that of a father towards his children. Under such a *paternal government*, the subjects, as immature children who cannot distinguish what is truly useful or harmful to themselves, would be obliged to behave purely passively and to rely upon the judgment of the head of state as to how they *ought* to be happy, and upon his kindness in willing their happiness at all. Such a government is the greatest conceivable despotism, i.e. a constitution which suspends the entire freedom of its subjects, who thenceforth have no rights whatsoever.42

First, I believe that Kant is right about the notion that we cannot be compelled to be happy through even a benevolent observer’s constraints. Certainly, if I am engaging in activities that will not lead to what I want, I can be helped. But, this is different from being told what would make me happier than my own ultimate aims. The former is true of building bridges, and of any human endeavor. The latter is authoritarian.

Second, following this notion of authoritarianism, would it not follow that if certain objective conditions would lead to greater happiness or well-being, we *ought* morally to institute a government
that aims to realign people’s efforts to be happy, according to Brink? If not, then what possible weight does Brink’s analysis bear, and how can it be at all helpful in the larger ethical realm of politics? If so, then how does Brink answer Kant’s next point in the present passage? Would people not lose all rights whatsoever? It seems that in order to have any rights at all, thus, bound up in the establishment of any rights, we must allow for what Brink would call “subjectivity” of value. This is not to say that values are only subjective. But, how can my ultimate views about my own happiness not bear a fundamental relation to my welfare? If Brink aims to support moral realism, then how does he respond the challenge of implementation? He answers that whether or not metaethical theories or ethical ones are practical is not essential. He claims that

[It] probably begs the question against a realist view of ethics to assume that only practical implications could be evidence for a metaethical view. Only if we assumed that morality was essentially a system of practices, rather than, say, a set of beliefs or a body of knowledge, would the practical implications of a metaethical theory be all that mattered to its truth.43

I believe that Brink is wrong. For, following Peirce, what is a set of beliefs but rules for action? What does it mean to believe X? What does it mean to know X? If asked about it, I would say that I believe it. Or, if a decision had to be made with respect to it, I would follow the implications of my belief or knowledge. All of these are practices. As such, Brink creates a false dichotomy between sets of practices and beliefs or a body of knowledge. Peirce’s insights must not be overlooked on this score.

V. Peirce’s Insights for Dewey

Peirce has often been called the father of pragmatism.44 But, it is less commonly noted that Peirce’s Pragmatism, and later Pragmaticism, originally arose out of his responses to difficulties in Kant’s first Critique. In what follows, I intend to offer a brief sketch of the ways
On Moral Realism and Two Constructivisms

in which Peirce advances Kant’s theories out of dualisms and dead ends, the contradictions that Rockmore discloses.

The story of exactly how and to what extent Peirce influenced Dewey is undoubtedly complex and interesting. It is not my focus, however. Rather, I aim to show the elements in Peirce’s essay, “On a New List of Categories,” that we later find in Dewey’s constructivism. Peirce begins this essay by recalling insights from Kant’s first *Critique*. He explains according to Kant, “that the function of conceptions is to reduce the manifold of sensuous impressions to unity, and that the validity of a conception consists in the impossibility of reducing the content of consciousness to unity without the introduction of it.”

So, a conception has a clear purpose for Kant and for Peirce. That purpose is to deal with the amorphous, the brute stuff of experience that is undifferentiated, indefinite, and prior to cognition.

I use the word “stuff” here purposefully. If I say that brute experience is of *things*, then brute experience is already differentiated. This is surely not what Kant believes, and Peirce follows him in this view. A *thing* is an object, something differentiated. Stuff, on the other hand, bears that fuzziness of subject matter I referred to in the section regarding Brink. If what we are to analyze philosophically is fuzzy, then we must not deny the matter. And, we must be clear about its fuzziness. As such, I use the word “stuff” for good reason.

In the third section of Peirce’s paper, he writes,

That universal conception which is nearest to sense is that of the *present, in general*. This is a conception, because it is universal. But as the act of *attention* has no connotation at all, but is the pure denotative power of the mind, that is to say, the power which directs the mind to an object, in contradistinction to the power of thinking any predicate of that object, so the conception of *what is present in general*, which is nothing but the general recognition of what is contained in attention, has no connotation, and therefore no proper unity.

In these two passages by Peirce, we can see certain elements of his thought unfolding. First, primary experience is brute, indefinite, and undifferentiated. Second, conceptions have functions. In a broad
sense, they are both purposive and instrumental. They are tools with which we make sense of the world. And, third, the most basic ones are not ones we have thought about. For, in order to fashion a tool consciously and carefully, one must already have things and thus differentiation.

Furthermore, if this is the purpose and functioning of conceptions, then how can any idea or reasoning be truly a priori—before or prior to experience? In one sense, a priori can mean “in principle,” or “independent of experience,” but the latter is not a literal meaning. Indeed, we cannot mean “independent of experience,” since whatever we might think about or argue for in a priori fashion must itself involve conceptions. These are always bound up, as we see here, in our experiences of the manifold sense impressions. Or, they are based on such experiences. So, a priori reasoning must be referred to with care, if we are to avoid misuse. Peirce does not reject all notions of the a priori. He refers to a priori reasoning as one of the methods we use for solidifying belief, although one inferior to the method of science.47 But, by this, Peirce does not believe that we are getting at transcendental truths. Rather, the a priori is a method of fixing beliefs that does not seek experimental justification. For him, the scientific method of inquiry is the best form.

Following this small taste of Peirce’s essay, we can see that any object that we can think of, any thing we that we can speak of, must be framed, conditioned, made distinct, and delineated, however one cares to say it, by experience. In experience, conceptions are formed or made in order to bring unity to the sensuous manifold. Therefore, to speak of anything independent of our experience of it, of our evidence of it, or of our seeing or thinking about it makes little sense. For the question then arises “What is it?” As soon as we try to think about it, to conceive of it, we have framed what it is. Without our cognizing, the sensuous world can make no sense. So, to say that we can achieve any knowledge of real, mind-independent objects must assume that the objects are not formed following this Kantian description. But, as John Post has argued, you cannot “use language to get out of language.”48 You cannot employ the conceptions formed in Kantian fashion to get past themselves, into the noumenal world, beyond complex, constructivist formations.
VI. Two Constructivisms

Both John Dewey and John Rawls consider themselves constructivists. This apparent similarity in the thought of these two philosophers is deceptive, however. In what follows, I will outline the various meanings of constructivism in order to distinguish Dewey from Rawls.

As I said in Section I, there are three main differences between Dewey’s and Rawls’s constructivisms, and the way that they apply to moral theory. Discussing these three differences will help to bring to light what each means by the term. I will lay out these three differences in terms of how Rawls differs from Dewey. In light of these three central differences, others will emerge. I will end this section with an emphasis on some of the important similarities between Dewey and Rawls, which point to strengths for political philosophies that moral realists and other critics should consider.

Before noting the differences between their theories, here are some characterizations of the constructivisms of Dewey and Rawls.

In an article by Jim Garrison, called “Deweyan Pragmatism and Social Constructivism,” the author notes four pivotal senses in which Dewey’s Pragmatism serves social constructivism. He claims that the “four commonalities between these two positions” include:

(a) the pivotal role played by language, or what Dewey called the “tool of tools” in meaning construction; (b) the role of tools in constructing meaning with special emphases on Dewey’s “instrumentalism”—that is, his treatment of logic as a tool of purposeful action; (c) social acts of meaning construction, or what Dewey often called “labor”; (d) the emergent social construction of the mind and the self through the interaction of a culture’s language, tools and patterns of behavior.

So, for Dewey, what is constructed is (a) meaning, (b) purposeful action, (c) cooperative labors, and (d) the mind and the self. Out of what are these constructed? Recall that for Dewey and Peirce, brute experience is indefinite and unarticulated. Constructions indeed occur at the most basic level in the way that Kant and Peirce describe, for Dewey. But, such basic constructions are solidified early in life.
through habituation. Through the rough conceptions, patterns of behavior emerge and harden. These habits begin as basic and bodily, and slowly grow more complex, into purposeful behavior, as Garrison implies in (b). It must be noted that the indeterminateness of the world does lessen as our habituations classify experience according to our past. But, as happens so often, our habits cannot always handle new situations, however small or large, and we must stop and inquire frequently into problematic situations. The problems we encounter are breaks in the successful use of our habits. And, our inquiry is both informative and formative of the results it produces.

Note preliminary similarities and differences between certain elements of Dewey’s and Rawls’s political philosophies. Rawls claims that

the aim of political philosophy, when it presents itself in the public culture of a democratic society, is to articulate and to make explicit those shared notions and principles thought to be latent in common sense; or, as is often the case, if common sense is hesitant and uncertain, and doesn’t know what to think, to propose to it certain conceptions and principles congenial to its most essential convictions and historical traditions.50

The similarity between Dewey and Rawls can be seen in the sense in which political philosophy can be of help to society when it encounters problematic situations that make inquirers “hesitant and uncertain.” Of course, Dewey would believe that this sort of thing happens far more than Rawls appears to imply here. There are certainly some situations that are not utterly hesitant and uncertain, but these are ones that usually follow inquiry and deliberation into the matter at hand. And, new conflicts never cease to arise. Furthermore, despite the fact that Rawls seems to believe justice involves agreement, Dewey would say that conflict is necessary for democracy and progress. For otherwise, citizens’ beliefs can grow dogmatic and people can lose track of the importance of social inquiry.

Dewey would not say that the purpose of political philosophy is to uncover similarities of common sense. But, he might say that in situations of conflict, philosophers can contribute to social efforts by
offering alternatives that mediate between the competing interests involved in such a way as to be inclusive and engaging, rather than seeking agreement or victory for one side.

Constructivism is far more pervasive for Dewey than for Rawls. Or, perhaps the difficulty is that Rawls never made nearly as explicit all the elements of philosophy that underlie his political theories. Indeed, he aimed to avoid much of these tasks in his essay, “The Independence of Moral Theory.”

Fortunately, he did make explicit his views about constructivism in ethics. He writes,

Kantian constructivism holds that moral objectivity is to be understood in terms of a suitably constructed social point of view that all can accept. . . . Whether certain facts are to be recognized as reasons of right and justice, or how much they are to count, can be ascertained only from within the constructive procedure, that is, from the undertakings of rational agents of construction when suitably represented as free and equal moral persons.51

For Rawls, then, we see that constructivism is not nearly as pervasive as we find it in Dewey’s work. Rawls claims that his constructivism serves to determine whether given facts are to be considered right and just. This emphasis on the right over the good in ethics will be discussed in Section VI. B. later. But, we can see here nonetheless that Rawls offers no account for how it is these “free and equal moral persons” come to be what they are. From where do they get their conceptions? All Rawls can say, as I have noted above, is that these involve the realm of psychology. As such, then, we are not dealing with philosophical concerns, but rather with ones that another field of study should examine.

Perhaps Rawls would have been interested in the question of what I would call concept formation. By concept here, I mean what Rawls would call a conception. Given that Rawls admits the centrality of certain notions of the person to political philosophy, the philosophy of psychology is vital. How it is we come to our conceptions is of paramount importance. And because of this, we can understand clearly why Dewey was so engaged in studying both psychology and
education. Dewey realized that the conflicts that arise politically can be addressed for the future in terms of education, the greatest political tool for progress.

So, what is constructivism for Rawls? It is not entirely clear. But, to distinguish constructivism from his Kantian constructivism would be helpful. I will let the reader decide whether or not Rawls succeeds. He writes,

What distinguishes the Kantian form of constructivism is essentially this: it specifies a particular conception of the person as an element in a reasonable procedure of construction, the outcome of which determines the content of the first principles of justice. Expressed another way: this kind of view sets up a certain procedure of construction which answers to certain reasonable requirements, and within this procedure persons characterized as rational agents of construction specify, through their agreements, the first principles of justice.52

I believe that a more accurate description of what Rawls is trying to do is to insert Kant’s ethics into his constructivism without noting Kant’s troubling representationalism. Whereas for Peirce and Dewey, even in the most basic of constructions out of brute experience, construction is social, Rawls’s construction is built by facts and hypothetical conceptions rather than by people. Rawls does claim that the notion of the person is important for his constructivism, but it is an ideal person. It is presented at times as an impersonal person, one who meets certain conceptual requirements of autonomy,53 freedom, equality, and reasonableness. At other times, Rawls’s notion of the person is fuller. He writes,

The search for reasonable grounds for reaching agreement rooted in our conception of ourselves and in our relation to society replaces the search for moral truth interpreted as fixed by a prior and independent order of objects and relations, whether natural or divine, an order apart and distinct from how we conceive of ourselves.54
Although Rawls sits on the fence at times, there are other places where he is explicit regarding the abstractness of the notion of the person operating in his theory. A good example is found in *Theory*, in which his original position is a social contract theory. Such theories cannot help but generalize to a great extent about what kind of human being engages in the contract. And, as I point out in Section VI. C., Dewey rejects the social contract approach to political philosophy for good reason.

While much more can be said of the constructivisms of Dewey and Rawls, I move now to a discussion of the differences between their views.

**VI. A. Rigidity of concepts and categories of experience**

In *A Theory of Justice*, Rawls adopts a distinction introduced by H. L. A. Hart. Hart distinguishes between concepts and conceptions. Through this distinction, we will see the sense in which Rawls’s understanding of concepts is far more rigid than Dewey’s. Rawls notes, “It seems natural to think of the concept of justice as distinct from the various conceptions of justice and as being specified by the role which these different sets of principles, these different conceptions, have in common.” Rawls here shows his early inclination to link what people think about justice, their conceptions, to the concept itself. If Rawls were a realist, he would say that the conceptions are better or worse approximations of the true concept. But, this is not what he claims. Rather, the concept is “specified by the role” our conceptions have in common. It seems, then, that if we have dramatically different conceptions of justice, such as might be found between a secular American liberal and a religious Iranian conservative, then the concept of justice must be incredibly vague and limited in scope.

The concept, if it is to be specified by the roles our various conceptions have in common, must say very little. So, what might a concept of include? It would have to involve human beings in some respect, though it is not necessarily to involve humans exclusively (it could involve plants, animals, mountains, etc.). And, it would involve normativity if it is derived from conceptions of justice.
But where do these concepts live? I know that conceptions can be embodied in my actions, in my beliefs, in my writings, and in my laws. The concept of justice, on the other hand, seems to live in society in some sense. If a concept is a thing specified by the roles of conceptions, what exactly is it? It is not a thought. It is not a platonic form. It is not law. In fact, it may not be too far from a form, given a subsequent passage in *A Theory of Justice*. Rawls writes,

> I have distinguished the concept of justice as meaning a proper balance between competing claims from a conception of justice as a set of related principles for identifying the relevant considerations which determine this balance. . . . This theory is not offered as a description of ordinary meanings but as an account of certain distributive principles for the basic structure of society. . . . The concept of justice I take to be defined, then, by the role of its principles in assigning rights and duties and in defining the appropriate division of social advantages. A conception of justice is an interpretation of this role.\(^58\)

In this passage, I have highlighted two conflicting words that seem innocent at first. On the one hand, Rawls speaks of *a* proper balance between competing conceptions of justice, and on the other hand, he refers to *the* appropriate “division of social advantages.” Of course, the difference between these two terms is the difference between seeking a *correct* theory of justice and a *good* one. This tension occurs often in Rawls’s work. Also in this passage, we learn additional features of what concepts are. They are things within which we find principles. This seems strange. I can see how a conception can involve principles if a conception is something embodied in my actions and in my thoughts. But, Dewey would caution Rawls about a fallacy that often occurs among philosophers. There are indeed conceptions, habits of behavior, and principles that we derive. The mistake, however, is to think both that we can always successfully universalize from specific conditions or conceptions, and that the principles were *already there*, in the concept prior to inquiry. He calls such mistakes the philosopher’s fallacy.
Dewey describes this fallacy in a few ways. In *Experience and Nature*, he explains the first mistake as follows. He writes, “The commonest of all philosophical fallacies is the fallacy of converting eventual outcomes into antecedent conditions thereby escaping the need (and salutary effect) of taking into account the operations and processes that condition the eventual subject-matter.”\(^5\) Thus, the question that we must ask Rawlsians is whether concepts bear the principles Rawls believes they do before we inquire into them.

Dewey explains the second mistake in his famous work, *Human Nature and Conduct*. He writes,

> The fallacy in these versions of the same idea is perhaps the most pervasive of all fallacies in philosophy. So common is it that one questions whether it might not be called the philosophical fallacy. It consists in the supposition that whatever is found true under certain conditions may forthwith be asserted universally or without limits and conditions.\(^6\)

Rawls may be safe from this challenge to an extent, since in *Political Liberalism*, he comes to note such challenges to *A Theory of Justice*. Indeed, in *The Law of Peoples*, Rawls comes to grips with the fact that *Theory* and *Political Liberalism* really support only liberal conceptions of justice, not all legitimate ones. In this sense, then, it seems that Rawls had to deal with the problem that Dewey warned against so many years before.

When I say that Rawls differs from Dewey in terms of the rigidity of concepts, I do not mean that Rawls is rigid in terms of conceptions, according to his terminology, but in terms of concepts. The following passage from Rawls’s essay on “Kantian Constructivism” may shed light on the rigidity to which I am referring. He explains that

> the original position is not an axiomatic (or deductive) basis from which principles are derived but a procedure for singling out principles most fitting to the conception of the person most likely to be held, at least implicitly, in a modern democratic society.
To exaggerate, we compute via the deliberations of the parties and in this way hope to achieve sufficient rigor and clarity in moral theory.61

So, what is rigid about Rawls’s explanation of the original position here? Even with a charitable reading of his notion of “computing,” Rawls nonetheless believes that we can derive the principles of justice on the basis of an imagined deliberation between people who implicitly have a largely shared conception of the person. And, recall that the principles of justice, at least according to Theory, are constitutive elements of the concept of justice, which itself is derived from the role of real conceptions of people.

There is an important disconnect here. In one sense, the concept of justice is derived from people. It is “specified,” according to Theory, by the roles that people’s conceptions of justice play. In the case of the original position, we are talking about people in a hypothetical situation, and Rawls’s intuitions, or his sense of what people are most likely to believe, are to guide the inquiry into what are the constitutive structures of the concept of justice. To simplify these strange features of Rawls’s claims about concepts and conceptions, I would say that he believes both to be far more rigid than is warranted, especially if such abstract derivations are even to be entertained. In fairness to Rawls, the sense in which “All the main conceptions in the tradition of moral philosophy must be continually renewed,”62 for him, does a nice job of approaching Dewey’s perspective. Rawls wants both features for moral philosophy, but cannot maintain them. We are either talking about a proper balance between competing conceptions of justice, or the proper balance. And, given much of what Rawls says elsewhere, he ought to follow Dewey in preferring the former.

It is important to note that for Peirce and Dewey, there are certain concepts and categories that are more rigid than others. In “On a New List of Categories,” Peirce explains that the Kantian theory

gives rise to a conception of gradation among those conceptions which are universal. For one such conception may unite the
manifold of sense and yet another may be required to unite the conception and the manifold to which it is applied; and so on.63

Certain basic conceptions, such as being, among others, must be so basic that we cannot conceive of the manifold without them. But, as conceptions build upon conceptions, the structures yielded do not seem to be so evidently constant. The constancy of the most fundamental conceptions would seem to be the strongest, and the higher, more complex ones, consequently, would have to be far less. As such, then, justice, a remarkably complex concept built on innumerable others, must be flexible.

VI. B. The right and the good

Regarding which notion is to be prioritized in ethical consideration, we find divergent approaches to moral philosophy. There are those in the study of ethics who believe that the normative notion of right is reducible to the good. Such thinkers might include G. E. Moore, for example. Others see the good as properly definable in terms of the right. Those following Kantian moral philosophy usually fall under such lines. Given this, it is of no surprise, then, that Rawls agrees with Kant in prioritizing the right over the good in ethics. According to Rawls,

The unity of practical reason is expressed by defining the Reasonable to frame the Rational and to subordinate it absolutely; that is, the principles of justice that are agreed to are lexically prior in their application in a well-ordered society to claims of the good. This means, among other things, that the principles of justice and the rights and liberties they define cannot, in such a society, be overridden by considerations of efficiency and a greater net balance of social well-being . . . This priority of the right over the good is characteristic of Kantian constructivism.64

Surely, a political theory in which a tyrant gets to decide on whim whether or not to uphold a citizen’s rights is no friend to democracy.
But, the *reason* we want rights to be upheld may be explained in terms of the good fundamentally.

I am not defending the ethical priority of the good over the right. Rather, I am trying to show what Dewey might reply to such a Kantian argument. For, according to Dewey,

> We have used right and good as though they might be used interchangeably in speaking of conduct. Perhaps this may in the end prove to be true. If an act is right, then the hero or the saint may believe that it is also good; if an act is good in the fullest sense, then it will commend itself as right. But right and good evidently approach conduct from two different points of view. . . . In so far as impulses are directed by ideals the thoroughly good man will be straightforward, “sincere”: that is, he will not be moved to do the good act by fear of punishment, or by bribery, just as the upright man will be “governed by a sense of duty,” of “respect for principles.”

All this is to say that for Dewey, the division of the right and the good is a helpful one for understanding two of many possible ways in which people can approach an ethical situation. Outside of this and other uses of the distinction, Dewey would say that there is no conceptual priority of one over the other for all cases. Again, we must avoid the philosopher’s fallacy of universalizing the use of a conception that might only apply in certain specific cases.

**VI. C. Atomic persons and communities of individuals**

As I have said, Rawls’s original position is introduced in the guise of a social contract theory. The social contract that he proposes is one in which persons agreeing to enter into social relations do so without knowing what their lot in life will be. As such, the notion of the person that Rawls needs for his original position is one that does not know whether he or she has a family, is male or female, works with people or alone at home, and more. Indeed, more than any other political ground, the social contract theory is inherently atomistic. Why do I decide not to kill you? I do so in order to gain
protection for myself. It is not because we are friends, family, lovers, or coworkers. Locke’s answer is a bit different. He would say that you are primarily God’s to take, not mine. As such, *property* is the central notion that grounds our obligations not to harm each other. But, even for Locke, that initial relation is still between each *individual* and God. Community arises only after certain principles are agreed upon hypothetically.

Those who know Dewey can predict the problem I would raise here. For Peirce, James, and Dewey, *the self is not atomic*. Feral children do not acquire language with anywhere near the capacity of other children, if at all. To Rawlsians, I propose a hypothetical counter-exercise. Imagine who you are in any meaningful sense without language. Images of mothers and fathers, friends, projects, games, memories, places visited, these can all be recalled visually. But, *what* they are has been conditioned by language and the social formation of conceptions to a degree that anyone who believes they can imagine themselves without language does not understand it.

According to Larry Hickman, in his book, *Philosophical Tools for Technological Culture: Putting Pragmatism to Work*, Dewey “thought it absurd that anyone would think that individuality and self-conscious personhood could arise in the absence of social interaction.” According to Hickman, Dewey thought that most versions of the “social contract” worked out by political and social philosophers were faulty. Some proponents of this view argued that there had been an actual historical moment in which individuals must have come together to form such a contract. . . . Still others attempted to support their view by listing the specific rules that must have been agreed upon and then followed by all the parties to the new social contract. But Dewey thought that such lists of rules were fictions at best. . . . Human communities develop rules on the basis of practice, and their practice is developed on the basis of rules as those rules indicate and serve as solutions to common difficulties.66

If Dewey rejects the social contract theory, then, how are we to proceed? Elsewhere, Hickman explains that for Dewey, we must
Rawls, Dewey, and Constructivism

begin “where human beings find themselves—\textit{in media res}.”\textsuperscript{67} Dewey clearly argues against taking the atomistic notion of persons, and in favor of the individual as a product of the social. On taking individuals as prior to society, Hickman explains that

this is a position against which Dewey argued forcefully more than half a century earlier by identifying it as an example of the unacceptably naive realism consequent upon the commission of the philosophic fallacy . . . [such political approaches] proceed as if the ends of political inquiry could be fixed once and for all, as if it were simply a matter of finding the proper means to reach those ends.\textsuperscript{68}

For Dewey, the individual must be understood in terms of community, not isolated from it, not removed historically and ideally, but entrenched, formed by and formative of society.

\textbf{VI. D. Fallibilism and reconstruction: similarities between Dewey and Rawls}

In what I have said thus far, there have been numerous ways in which Rawls’s thought has exemplified some Deweyan ideals. I would like to note one central way in which Dewey and Rawls share a view that does not appeal to realist sensibilities. Moral realists often hold the positions they do because some features of moral situations seem to be so clearly wrong, according to them, that the \textit{fact} that they are wrong must be true independently of any mind, or be one which does not depend on any particular point of view, \textit{or} would be wrong from \textit{any} point of view, regardless. The latter two versions of moral realism do not explicitly refer to mind-independent facts of the matter, but these formulations can be cashed out as true \textit{due to the mind-independence} of the facts. Such views sometimes claim that knowledge of the good, right, or wrong of a situation can come to through intuition—a view we find in G. E. Moore’s \textit{Principia Ethica}.\textsuperscript{69} As such, the notion that our ethical intuitions and knowledge claims are fallible appears to conflict with the strength of justification called for by such intuitionist accounts. So, moral realists might not appreciate this agreement between Dewey and Rawls.
Nevertheless, Rawls is explicit about his Fallibilism. On his notion of reflective equilibrium, he writes,

One tries to see how people would fit their various convictions into one coherent scheme, each considered conviction whatever its level having a certain initial credibility. By dropping and revising some, by reformulating and expanding others, one supposes that a systematic organization can be found. Although in order to get started various judgments are viewed as firm enough to be taken provisionally as fixed points, there are no judgments on any level of generality that are in principle immune to revision.70

Here, Rawls’s Fallibilism resembles Dewey’s experimentalism. It is precisely the openness to revision that allows social progress. And, as cited above, Rawls believes that we must continually renew our moral conceptions, or in Dewey’s language, we must reconstruct them.

VII. Conclusion

I believe what makes Rawls so popular a thinker is the breadth of his study. Rawls is able to bridge many gaps by being a philosopher who is not only well read in the analytic tradition, but who also has studied Hegel, Schopenhauer, and Dewey, to mention only a few neglected giants. While Rawls certainly remains close to Kant’s moral philosophy in many respects, he forcefully attacks the dominant trend in analytic philosophy of taking the task of philosophy to be correct description of reality. Dewey certainly beat him to that punch, but Dewey’s influence waned from the growing analytic tradition. Bringing back to center stage insights that Dewey took to be central, according to Kant scholar, Christine Korsgaard, Rawls revitalized the idea that philosophy can be deeply practical. Korsgaard explains, “The moral realist thinks of practical philosophy as an essentially theoretical subject.” She continues,

for the constructivist practical philosophy is a practical subject. Its business is to work out solutions to practical problems. For much
of the twentieth century . . . philosophers remained in thrall to the view that the function of all human concepts, and perhaps all conceptual inquiry, is to describe the world. This, in my view, amounts to thinking that the function of human life is to describe the world, and if that’s right, it is clear enough what is wrong with realism . . . it is in [the constructivist’s] practical conception of moral and political philosophy that both our significant historical achievements and our hopes for making progress in the future can be found.  

Rawls was right in some respects, then, when we said that he and Dewey shared certain convictions. Although there is much to be debated regarding Dewey’s and Rawls’s philosophical approaches to justice, the move from thinking of philosophy as merely theoretical, as merely after the truth, to reasons why we might do so, to practical concerns, would certainly please Dewey.

What is so rich in Dewey’s account is the range of his understanding of how persons and meaning develop. Dewey began his career with studies in psychology, at a time when psychology and philosophy had not yet been so fragmented. There is a great need for philosophers to return to psychology, to recall the connection between the ways in which we form conceptions, tools, language, and senses of the self. Dewey was deeply concerned with the ways in which we form conceptions. His approach to politics would invert Rawls’s, recommending that we focus on the best ways to form social conceptions through education that can be employed socially, not hypothetically, when real political conflicts arise. How we should approach this task will depend on the ways we understand the nature of persons. This matter is the subject of the next chapter, “Freedom and Phenomenal Persons.”
Chapter 4
Freedom and Phenomenal Persons

A word about the term “person.” This expression is to be construed variously depending on the circumstances. On some occasions it will mean human individuals, but in others it may refer to nations, provinces, business firms, churches, teams, and so on. The principles of justice apply to conflicting claims made by persons of all these separate kinds. . . . As I shall use the term “person,” then, it will be ambiguous in the manner indicated.

John Rawls in “Justice as Reciprocity,” 1971.¹

The central place of the conception of the person in these lectures prompts me to conclude with a note of warning, addressed as much to me as to anyone else: ever since the notion of the person assumed a central place in moral philosophy in the latter part of the eighteenth century, as seen in Rousseau and Kant and the philosophy of idealism, its use has suffered from excessive vagueness and ambiguity. And so it is essential to devise an approach that disciplines our thought and suitably limits these defects.

Rawls in “Kantian Constructivism in Moral Theory,” 1980.²

I. Introduction

Immanuel Kant famously argued that to understand the moral law requires certain posits. He believed that the phenomenal world is determined. So, if we are to hold persons accountable for what they do, we must believe that their wills are free and hence independent of the physical, phenomenal world. Kant called this kind of will noumenal, in contrast with what is phenomenal. The noumenal self, not determined by the phenomenal world, can legislate for itself, and thus can be held responsible for what it does.
As I have said in previous chapters, in *On Constructivist Epistemology*, Tom Rockmore argues that Kant’s epistemology vacillates between constructivism and representationalism. Both of these tendencies in epistemology have inspired conflicting traditions of thought about knowledge and the nature of what we know. In this analysis, I have defined constructivism as the view that the objects of knowledge themselves are what they are, at least in part, because of the knower’s engagement with them. In contrast, representationalism is the belief that knowledge involves a representation that relates to an independent object and is thus inconsistent with constructivism. This debate about epistemology bears important implications for how philosophers think about metaphysics, and in this chapter, I will focus on the subject of personhood as John Rawls and John Dewey have approached it.

Rawls has explicitly called his own view a “Kantian constructivism.” At the same time, Rawls has taken the notion of freedom as a central, defining concept for understanding persons. This reliance on freedom contributes to the persistent tension that I see in Rawls’s work between constructivism and representationalism. I will offer a solution to the problem inspired by Dewey’s deviation from Kant regarding the nature of personhood. In the early part of the twentieth century, John Dewey presented some critiques of Kant’s philosophy, one regarding his epistemology and another concerning his “philosophy of freedom.” Dewey showed how one could respond to Kant’s demands regarding moral theory without the need to take freedom as a foundational concept for understanding personhood. While Rawls does not commit to a theory of noumenal persons, neither does he think of persons phenomenologically as Dewey does. Instead, he follows Kant in adopting what Dewey calls a philosophy of freedom. He also leaves open the possibility of representationalism, despite his explicit appeal to Kant’s transcendental idealism and to constructivism, a conflict he never fully resolves.

In Section II, I will explain Dewey’s challenge to philosophies of freedom and how he avoids them. In Section III, I will lay out Rawls’s conceptions of personhood to show how he perpetuates Kant’s philosophy of freedom and thereby inherits a tension between representationalism and constructivism.
II. Dewey on Philosophies of Freedom and Personhood

I will begin here with an explanation of Dewey’s critique of “Philosophies of Freedom.” Next, I will show how Dewey follows Hegel’s adaptation of Kant and moves to a phenomenal and constructivist theory of personhood.

In “Philosophies of Freedom,” Dewey articulates the postulates of a number of philosophies that are based fundamentally on the notions of freedom and choice. For if a person has no choice but to act in one way, how can he or she be held responsible for the consequences of his or her actions? The trouble, according to Dewey, rests in the fact that we believe so pervasively in the notion of determinism. He explains,

The idea of a reign of law, of the inclusion of all events under law, has become almost omnipresent. No freedom seems to be left save by alleging that man is somehow supra-natural in his make-up—an idea of which Kant’s noumenal and transcendental man is hardly more than a translation into a more impressive phraseology.

Dewey points out Kant’s similarities to older notions of the soul or of the Cartesian ego. Kant’s noumenal self, Dewey claims, is just a new term for an old idea.

Within this dichotomy between the phenomenal, determined world and the noumenal realm resides a divide that Dewey tries to overcome, that between inclination and reason. For Kant, inclination is associated with desire and bias. Dewey shows us that the alternative to inclination, which we might term reason or inquiry, is itself a sort of inclination or development from preferences. Dewey summarizes this point, writing,

In short, while men do not think and gain freedom in conduct unless they run during action against conditions that resist their original impulses, the secret of education consists in having that blend of check and favor which influences thought and foresight, and that takes effect in outward action through this modification of disposition and outlook.
It is clear here why education is so important for Dewey’s political philosophy.

If we follow Dewey in rejecting the centrality of freedom as a defining feature of personhood, then how are we to understand responsibility? Dewey’s answer is to consider responsibility and the origins of its utility as a concept. He claims that responsibility is fundamental to praise and blame, which are themselves deeply important regarding the law. For law to be just, it must be justifiable. So, responsibility, freedom, and choice are key to conceiving of what we ought or ought not to do, at least insofar as punishments are to be administered.

Dewey’s two challenges to the claims regarding supranatural, noumenal beings are first that they are not the ones held responsible. Indeed, this challenge is relevant to Rawls’s parties in the original position. Why must real people consent to what ideally conceived persons would decide in the original position? Concrete individuals are the ones affected or held responsible. The second challenge, Dewey explains, is that the noumenal self’s will appears as a force outside of the individual person as he [or she] actually is, a force which is the real ultimate cause of the act. Its freedom to make a choice arbitrarily thus appears no ground for holding the human person as a concrete being responsible for a choice.11

The problem that comes up again for Dewey is in these questions: How else can we hold people responsible for their actions—to punish wrong acts and to praise good ones? How can we be justified in responding to a person’s actions if he or she was not free in performing them?

Dewey’s answer is simple. He explains,

When the question is looked at in the face of facts rather than in a dialectic of concepts it turns out not to have any terrors. Holding [persons] to responsibility may make a decided difference in their future behavior; holding a stone or tree to responsibility is a meaningless performance; it has no consequence; it makes no difference. If we locate the ground of liability in future consequences
rather than in antecedent causal conditions, we moreover find ourselves in accord with actual practice.¹²

Thus, Dewey’s response to philosophies of freedom is that we can focus on the future, on the positive consequences of treating persons as responsible beings. Supranatural freedom is not therefore a necessary condition for justifiable praise or blame.

In avoiding the pitfalls of “Philosophies of Freedom,” Dewey helps to explain the ways in which we treat children, the mentally ill persons, and other relevant groups, writing,

Infants, idiots, the insane, those completely upset, are not held to liability; the reason is that it is absurd—meaningless to do so, for it has no effect on their further actions. A child as he [or she] grows older finds responsibilities thrust upon him [or her]. This is surely not because freedom of the will has suddenly been inserted in him, but because his assumption of them is a necessary factor in his further growth and movement.¹³

Also in Dewey’s approach to ethics, we see an answer for those who seek to defend animals. Clearly, nonhuman animals can be praised and blamed for their behavior. This is evident in any dog trainer’s experience. For those who seek it, then, we can consider the effects of treating animals in ways that are unacceptable, such as in animal cruelty. The consequences for future behavior of mistreating a dog, for example, can be severe. Poorly treated animals are more likely to perform acts that hurt others than those treated and trained properly.¹⁴

The challenge to Dewey that remains involves the relationship between inclination and responsibility. In Kantian moral philosophy, such as Rawls’s, inclination or preference is treated as the great danger to justice and proper deliberation. Dewey’s claim is that the distinction between preference and reason is unfounded. When we teach logic, for example, we start with students’ inclinations of what sounds right. This difficulty is not foreign to Kant’s epistemological project. He notes the troubling circularity of attempting a critique of reason—one must employ reason in order to critique it. If this is true, why not recognize with Dewey that in order to develop reason
we must see its continuity with inclinations and that the former develops out of experiences of the latter. On inclinations, Dewey explains that “the fact that all things show bias, preference or selectivity of reaction, while not itself freedom, is an indispensable condition of any human freedom.”\(^\text{15}\) He continues,

What [people] actually cherish under the name of freedom is that power of varied and flexible growth, of change of disposition and character, that springs from intelligent choice, so there is a sound basis for the common-sense practical belief in freedom.\(^\text{16}\)

Thus, Dewey shares Kant’s attention to practical reason, the value of considering persons as free and intelligent agents of choice. He simply rejects the notion that such freedom is antecedent to moral situations. Rather, the freedom of moral reasoning is a conceptual outgrowth of inquiry into how we can improve the future conditions and behaviors of people.

For Dewey, freedom is not antecedent to moral experience. As Hans Joas has put it,

the world is not held to be mere material at the disposal of human intentionality. Quite the contrary, pragmatism maintains that we find our ends in the world, and that prior to any setting of ends we are already, through our praxis, embedded in various situations. There is an interplay between the manifold impulses of the actor and the possibilities of a given situation, which can be interpreted in various ways.\(^\text{17}\)

Dewey would agree with Joas here that experience is not simply of inert matter. It involves all the richness of our values as well. This implication is not strange if we recall that subjects and objects both emerge from experience. Freedom, therefore, is a concept that we employ for purposes of addressing these morally rich situations.

Dewey’s treatment of the notion of freedom inspires clear consequences for theories of education. He explains,

Freedom is a growth, an attainment, not an original possession, and it is attained by idealization of institutions and law and the
active participation of individuals in their loyal maintenance, not by their abolition or reduction in the interests of personal judgments and wants.\textsuperscript{18}

It is clear for Dewey, then, why education is so fundamental a political practice. It must be flexible and open to the adaptations necessary to allow persons to develop and flourish as citizens. Citizens must be able to relate social goods to their learned inclinations. Showing his concern for the development of intelligent habits, Dewey writes,

Even our deliberate education, our schools are conducted so as to indoctrinate certain beliefs rather than to produce habits of thought. If that is true of them, what is not true of the other social institutions as to their effect upon thought?

This state of things accounts, to my mind, for the current indifference to what is the very heart of actual freedom: freedom of thought. It is considered to be enough to have certain legal guarantees of its possibility . . . I shall begin to believe that we care more for freedom than we do for imposing our own beliefs upon others in order to subject them to our will, when I see that the main purpose of our schools and other institutions is to develop powers of unremitting and discriminating observation and judgment.\textsuperscript{19}

We see here in Dewey the continuity of his thought as it culminates in a political theory of education. Freedom is clearly a central value for moral deliberation and judgment. It must not be considered antecedent to moral situations, however, or as the fundamental priority of the concept of responsibility. Rather, if we are to be sincerely democratic, we must foster in people freedom of thought and inquiry, according to intelligent, practical endeavors. We should also note that inclination must not be divorced so thoroughly from public deliberations. Positing persons who only consider the inclinations acceptable on the Kantian ideal of public reason, furthermore, is no substitute for the real task of fostering in people the proper inclinations for democracy.

If we are to avoid Kant’s difficulties in depending on freedom as a fundamental political concept, we must understand how Dewey diverges from Kant. Dewey’s underappreciated essay, “Kant and
Philosophic Method,” will be helpful here.\textsuperscript{20} Dewey poses the following questions. He writes,

> Is the state of the case as Kant supposes? Must we say that Reason is synthetic only upon condition that material be given it to act upon, or, may it be, that while we must say that for the individual the material, nay, the form as indissolubly connected with the material, is given, yet, to Reason itself, nothing is given in the sense of being foreign to it?\textsuperscript{21}

We see here Dewey’s struggle with the tension in Kant between representationalism and constructivism. In answer, he explains,

> A slight examination will show us that, at least as far as Kant is concerned, the former supposition is but an arbitrary limitation or assumption, which Kant imposed upon himself, or received without question from previous philosophy. On one side, he had learned that pure thought is analytic; on the other, that the individual is affected with sensations impressed upon it by external objects. At the same time that he corrects both of these doctrines with his own deduction of the categories, he formally retains both errors.\textsuperscript{22}

Dewey sums up the central difficulty in Kant’s epistemological project, as follows:

> [Kant] perceives, what all admit, that an individual organized in a certain specific way with certain senses, and external things acting upon these senses, are conditions to our knowledge, and then proceeds to identify respectively this individual with the subject, and these things with the object, in the process of knowledge. But here it is that we ask with what right does he make this identification. If it is made, then surely the case stands with Reason as he says it does—it acts only upon material foreign to it. Yet this individual and these things are but known objects already constituted by the categories, and existing only for the synthetic unity of apperception or self-consciousness. This, then is the real subject,
and the so-called subject and object are but the forms in which it expresses its own activity.\textsuperscript{23}

In these passages, Dewey shows his great debt to Kant in laying the supports for epistemology, but he critiques Kant in light of both a Spinozistic and Hegelian challenge. That is, Dewey sees Kant’s dualism as similar to that of Descartes’s and Hume’s. The problem Dewey identifies lies in Kant’s retention of the subject/object distinction as a fundamental way of understanding his epistemological project. Yet, experience, what Dewey calls the “real subject,” itself constitutes what Kant calls the subject as well as its objects. Experience is the locus of both subjects and objects, and neither is foreign to one another in this regard. Objects and subjects are coconstituted in experience, interrelated in the formation and implementations of the categories of the understanding.

A central difference that defenders of Kant maintain is the separation of theoretical and practical reason. For Dewey, the practical and the theoretical are continuous insofar as he has given up the conception of a world independent of experience. The objects in experience are already categorized when we experience them as objects. Prior to their categorization and distinctions, Dewey prefers to call what we might be talking about “stuff” or “subject matter.”\textsuperscript{24} Stuff and matter are better terms since they do not describe a quantity of objects, but rather indefiniteness. This is as important for Dewey as it was for Peirce, since experience is the process of rendering the indefinite definite. In this process, the conceptions of subject and object emerge naturally, not as inherently or primordially distinct, but as products of experience. This examination of Dewey’s response to Kant’s epistemology, therefore, raises challenges to what Dewey calls “Philosophies of Freedom.” For if we are not to conceive of persons as noumenal selves, since the notion of the noumenal itself is problematic, then how are we to understand the freedom requisite for responsibility in the moral and practical realm? Dewey’s answer is that one way of doing so is to be forward-looking. What it means to be a person and to be free, for Dewey, must be considered on the basis of experience. Dewey shows us how we can think about both freedom and responsibility without representationalism.
III. Rawls on Persons, Freedom, and Constructivism

In this section, I will argue that Rawls’s theories of personhood lead him to follow Kant in setting up a philosophy of freedom and to a tension with his commitment to constructivism.

There are at least three extensive treatments of personhood in Rawls’s corpus. The first is distinctly described in *A Theory of Justice*, the second in “Kantian Constructivism in Moral Theory,” and the third in *Political Liberalism*.

In *Theory*, Rawls adopts Josiah Royce’s notion of a person as a “human life lived according to a plan.” Rawls writes,

For Royce an individual says who he is by describing his purposes and causes, what he intends to do in his life. If this plan is a rational one, then I shall say that the person’s conception of his good is likewise rational. In his case the real and apparent good coincide. Similarly his interests and aims are rational, and it is appropriate to take them as stages of the definition.

Thus far, it may seem that Rawls approaches the concept of the person with an outlook that is not clearly representationalist. To be sure, Royce’s understanding of personhood is idealistic and relationalist. But, Rawls does not leave his discussion of personhood in Roycean terms. He gives the following explanations of the person and his or her rational life plan.

Rawls goes on to tell us that a life plan is rational if, and only if, (1) it is one of the plans that is consistent with the principles of rational choice when these are applied to all relevant features of his situation, and (2) it is that plan among those meeting this condition which would be chosen by him with full deliberative rationality, that is with full awareness of the relevant facts and after a careful consideration of the consequences. 

In (1) and (2), we find what Gilbert Harman called “ideal observer theory.” Such a theory is representationalist insofar as it understands the truth of ethical propositions as only determinable by a
hypothetical judge who is placed under ideal circumstances—and therefore does not depend on any actual person or thinker. It is believed that these circumstances put the ideal observer in the right conditions to accurately determine the truth or falsity of a claim. One version of this outlook conflicts with constructivism insofar as it is open to the possibility that the ideal circumstances are not what make the proposition true or false. They could simply be what get us a clearer picture of the independently true moral facts on this account. By contrast, in his later work, Rawls does claim that the ideal circumstances are what produce the rightness of their results, rather than reflecting it.\textsuperscript{30} Even this approach to the problem, however, falls prey to the \textit{Euthyphro} dilemma that as Russ Shafer-Landau has pointed out.\textsuperscript{31} In short, Shafer-Landau explains that either the principles of justice are established on the basis of reasons or they are chosen arbitrarily.

The third element of personhood for Rawls in \textit{Theory} that betrays his rationalism and representationalism especially comes in his account of the “Unity of the Self.” Rawls writes,

Now in justice as fairness a complete reversal of perspective [from Utilitarianism] is brought about by the priority of right and the Kantian interpretation. To see this we have only to recall the features of the original position and the nature of the principles that are chosen. The parties . . . do not know what final aims persons have . . . [and] think of themselves as beings who can and do choose their final ends (always plural in number). . . . The principles of justice and their realization in social forms define the bounds within which our deliberations take place. The essential unity of the self is already provided by the conception of right.\textsuperscript{32}

It is important to note the way Rawls departs from Royce’s notion of the person. Rawls understands the person and his or her unity in terms of the notion of right, which he takes to be the more fundamental ethical concept.\textsuperscript{33} This notion is representationalist insofar as there is for Rawls a conception of right that is philosophically prior to the unity of the self. By contrast, on a constructivist account, the unity of the self is what unites parts of the sensuous manifold under
conceptions. If this is so, how could “right” be conceptually prior to the self?

In “Kantian Constructivism in Moral Theory,” we get a different picture of Rawls’s notion of the person. First, he is especially determined to show his constructivist colors. For instance, he writes, “Apart from the procedure of constructing the principles of justice, there are no moral facts.”\(^3\) Rawls admits elsewhere, furthermore, that “the roots of constructivism lie deep in Kant’s transcendental idealism,” but unfortunately “these parallels I cannot discuss here.”\(^3\) I believe that if Rawls were to have explored in depth the parallels he runs in applying constructivism to moral theory, he would have seen the lingering difficulties in basing a constructivist philosophy on what is in fact only a hypothetical construction. For as bold a statement as Rawls makes in “Kantian Constructivism in Moral Theory,” he is unclear about construction.

Rawls explains that the parties in the original position perform the construction so central to his view. He writes, “. . . the use of pure procedural justice implies that the principles of justice themselves are to be constructed by a process of deliberation, a process visualized as being carried out by the parties in the original position.”\(^3\) So, the constructivism that Rawls appeals to is one that points to a construction within a construction—in other words, a construction in a thought experiment. This is to say that it is neither you, nor I, nor society that constructs concepts together in shared experiences. The principles of justice will be constructed by agents of construction whom we imagine to deliberate under ideal circumstances. Seen in this way, how can we make sense of Rawls’s constructivism?

The persons involved in Rawls’s final process of the construction of principles of justice, therefore, are not actual people, but rather the imagined agents of an idealized construction. This outlook on construction places priority not on Rawls’s construction, but on the findings of what he conceives his ideal observers themselves to construct, which again leaves open the potential for representationalism. This is because in other idealized constructions, the test for the validity of a concept is in its practical use. The test for the concept is in application of it to solving problems, to rendering more ordered what was troubling or disordered. Rawls does claim that the validity
of the principles of justice is grounded instead on procedure itself, not on anything external to the construction. This is at odds with an understanding of constructivism as an epistemological notion that arises in Kant’s first *Critique*. At this point, it might seem wise to divorce Rawls from Kant’s commitments. Rawls suggested the opposite quite strongly, however, in his claim that the roots of constructivism are found in Kant’s transcendental idealism.\(^{37}\)

Rawls is clear about the conception of personhood he wants to specify in “Kantian Constructivism in Moral Theory.” At this stage, he calls his notion of the person a “model-conception.”\(^{38}\) He readily admits that our notions of personhood are generally “amorphous,”\(^{39}\) and the process of “model-conception” allows us to “identify with sufficient sharpness the appropriate characterization of free and equal moral personality.”\(^{40}\) In this essay, Rawls moves closer to the understanding of personhood he develops in *Political Liberalism*. The Kantian attention to autonomy is important in each of his works. In *Theory*, however, there is at least a certain amount of attention paid to the life plans of people in moral consideration, an approach consistent with a constructivist, phenomenological theory. By the time we get to *Political Liberalism*, this notion is far less important. What is offered there involves a greater dependence on the Kantian ideal of free and rational agents.

In “Kantian Constructivism in Moral Theory,” Rawls writes,

> People are self-originating sources of claims in the sense that their claims carry weight on their own without being derived from prior duties or obligations owed to society or to other persons, or, finally, as derived from, or assigned to, their particular social role.\(^{41}\)

This statement regarding persons is interesting, since it acknowledges the place of real persons in matters of justice. It remains isolating and atomistic, however, in its attitude regarding justice and responsibility. The real atom of political concern becomes claims, not people. People are important politically insofar as they are the source of claims.

What we get in *Political Liberalism* is a further push away from the centrality of actual people in real deliberation. This is strange, given
that Rawls sought to be more realistic in *Political Liberalism*, having assumed too excessive a uniformity of personal ideologies in *Theory*. In *Political Liberalism*, he offers us more specifics about what elements of personality are not allowed in public deliberation and considerations of justice. In explaining that “justice as fairness” is but one form of political liberalism, he claims that all versions agree that citizens share in political power as free and equal, and that as reasonable and rational they have a duty of civility to appeal to public reason. . . . The point of the ideal of public reason is that citizens are to conduct their fundamental discussions within the framework of what each regards as a political conception of justice based on values that the others can reasonably be expected to endorse and each is, in good faith, prepared to defend that conception so understood. This means that each of us must have, and be ready to explain, a criterion of what principles and guidelines we think other citizens (who are also free and equal) may reasonably be expected to endorse along with us.

Rawls pushes his notion of free and equal citizens to even stricter limitations than he had adopted in *A Theory of Justice*. In *Political Liberalism*, Rawls works to address the more realistic conflict of greater differences among people. He explains that “as used in *Theory*, the idea of a well-ordered society of justice as fairness is unrealistic.” He argues that people holding different and incompatible, though “reasonable,” comprehensive religious or moral doctrines need not be in conflict with the “essentials of a democratic regime.” His goal, therefore, in *Political Liberalism* is to find a way to limit the resources of public argumentation and deliberation to those views that rest on an overlapping consensus. His corresponding notion of the person, therefore, is accordingly a “political conception.”

In Rawls’s defense, he is *not* claiming that what a person is can be summed up by a political conception. On the contrary, persons are more than what the political conception encompasses, clearly. The decisive feature of his view about personality, however, is that elements of persons’ comprehensive doctrines that do not factor into his account of the realm of overlapping consensus are illegitimate.
politically as sources of reasons for others. For those who are politically liberal, this claim might be perfectly acceptable. To those holding to comprehensive moral or religious doctrines, this claim would be an affront. The problem is precisely the justification for such an exclusion, thus it must not be assumed. The person involved in political construction is deemed to hold to an unreasonable comprehensive doctrine if he or she does not accept the limitations of public reason regarding comprehensive views.\textsuperscript{46} Thus, Rawls is stuck with the problem with which he began, of resolving the conflict of justification in the public sphere of the exclusion or domination of particular moral or religious comprehensive doctrines. People in Rawls’s picture are simply not allowed, as a matter of political legitimacy, the values that fall outside the limits of public reason. Public reason and political legitimacy for Rawls in \textit{Political Liberalism} are based upon what it means to be a free and equal citizen in a democratic society.

Once more, the problem of Rawls’s constructivism returns. For, the persons in the process of construction for Rawls remain the idealized agents whom we posit to deliberate in the original position. He writes,

\begin{quote}
In justice as fairness . . . the parties in the original position, in adopting principles of justice for the basic structure, must also adopt guidelines and criteria of public reason for applying those norms. The argument for those guidelines, and for the principle of legitimacy, is much the same as, and as strong as, the argument for the principles of justice themselves.\textsuperscript{47}
\end{quote}

Thus, the parties in the ideal position for choosing principles of justice are those who perform the essential construction. The problem here is primarily that we are given no clear reason why the principles selected are ones which must be followed.

To be clear, I do not suggest that we challenge the value of thought experiments or ideal constructions. One example of a common, ideal construction is the perfect circle. The perfect circle may be impossible in real life, yet the idea itself helps us achieve geometric goals and theorize about how the world works. In this example,
we see the pragmatic usefulness of idealizations. Where a thorough-going constructivist would avoid Rawls’s and Kant’s tensions, however, is in rejecting the representationalism of the mind-independent perfect circle. The pragmatic force and real value of ideas in the phenomenal world are all the view requires. When we are constructivists about persons, the same idea applies.

A recent challenge to Rawls’s social contract theory (SCT) is worth noting here regarding certain kinds of persons. In her recent book, *Frontiers of Justice: Disability, Nationality, Species Membership*, Martha Nussbaum points out the serious flaw in theories that establish justice on the basis of an agreement between equal members of a contract, who can participate fully as citizens. She explains that there are many who do not fit this mold. Among them are the persons with mental disability, foreigners, and nonhuman animals.

In some ways, Rawls tries to address shortcomings such as these by referring to the notion of representatives in the original position, who can speak for certain people and relevant parties. In *Theory*, however, Nussbaum points out that each of the parties is a “fully cooperating member of society over a full life.” Rawls models this feature of the tradition by the assumption that the parties in the Original Position have no interest in one another’s interests. They are not necessarily egoists, but they are concerned to advance their own conceptions of the good, not those of others.

Nussbaum’s aim in her critique is to contrast SCT with her “capabilities approach.” She does indeed reveal a significant limitation to SCT.

One way to categorize the representationalism in Rawls’s conceptions of the person is to note the rationalistic search for an Archimedean point or basis for justice. Some philosophers have conceived of a most basic concept for value theory, as with intuitionists and their conceptions of the good as a basic, nonnatural property. Rawls does not accept this particular approach for a number of reasons and instead prioritizes the right over the good. Here again, we see the concern that Shafer-Landau raised regarding the *Euthyphro* problem. So, either such theories must hold to a realist conception in ethics...
and hence a representationalist epistemology or they must explain why and how the ideal observer’s condition renders the statements that would be made from his or her ideal position true. In places, Rawls is clear that he aims to avoid representationalism. He writes, for example, that “the essential feature of pure procedural justice, as opposed to perfect procedural justice, is that there exists no independent criterion of justice; what is just is defined by the outcome of the procedure itself.” Yet at the same time, Rawls continually centers his views of personhood on the notion of freedom and autonomy, be it moral or political, and ignores the more fundamental implication of constructivism’s phenomenal conception of personhood.

Rawls employs a notion of the person in a fashion that is similar to Kant’s understanding of the self. Kant’s approach depends on a noumenal self, independent of the phenomenal world. Rawls writes,

My suggestion is that we think of the original position as in important ways similar to the point of view from which noumenal selves see the world. The parties qua noumenal selves have complete freedom to choose whatever principles they wish. . . . The description of the original position resembles the point of view of noumenal selves, of what it means to be a free and equal rational being.

This noumenal self is important for Kantian moral theory because for Kant, the phenomenal world is determined. He posits the idea of the noumenal self as a condition of freedom and hence autonomy. While Rawls is not strictly committed to the noumenal sense of persons, he does depend on an atomistic understanding of self, necessary for his philosophy of freedom.

Why must Rawls’s construction occur hypothetically? It is because only the appropriately free and rational beings of the original position can be free from the determining, biasing inclinations of the phenomenal world. Rawls’s original position, therefore, falls under the category of political theory that Dewey would call a “philosophy of freedom,” taking free choice to be the paramount political value. Rawls also speaks of the capacities and senses that persons have, such as a sense of justice. Persons must be thought of in his political theorizing as making judgments in certain special conditions that are
those least open to error. The notion of erroneous judgments in the moral sphere is important for noting the representationalism in Rawls’s work. Meanings and conceptions in morality or politics for him may be constructed. But, he believes that these constructions must be arranged or considered in such a fashion to make them most likely correct. In Theory, Rawls describes “considered judgments” as those judgments in which our moral capacities are most likely to be displayed without distortion. Thus in deciding which of our judgments to take into account we may reasonably select some and exclude others. For example, we can discard those judgments made with hesitation, or in which we have little confidence. Similarly, those given when we are upset or frightened, or when we stand to gain one way or the other can be left aside. All these judgments are likely to be erroneous or to be influenced by an excessive attention to our own interests. Considered judgments are simply those rendered under conditions favorable to the exercise of the sense of justice, and therefore in circumstances where the more common excuses and explanations for making a mistake do not obtain.57

The notions of correctness and error in Rawls’s work imply an independent realm of truth to which our constructions more or less adequately correlate. Certainly, the language of distortion points to an outlook of an appearance/reality dichotomy.58 This outlook is counter to the constructivist picture that I believe we can formulate consistently from a Deweyan perspective.

In concluding my analysis of Rawls’s theories of personhood and constructivism, I will boil down the four senses in which his constructivism is in tension with certain lingering forms of Kantian representationalism. The first point is that constructivism is generally a theory about how ideas are constructed. In this sense, constructivism is a sort of historicism, a way of thinking that takes the origins and contexts of ideas as important. Dewey’s “Construction of Good” in The Quest for Certainty is an example of a constructivist theory that attends to the ways in which concepts arise and are shaped.59 By contrast, Rawls’s constructions are derived from the facts about the nature of idealized free and equal citizens.
Second, while constructivism certainly can make use of idealized constructions, as in my example of the perfect circle, the value and validity of these ideas are evident in their application to the real world. Pragmatists commonly pay great attention to this element of construction. For Rawls, however, the principles and justifications that the parties use in the original position are not to be judged by merits and applications from outside of the process of construction. This feature of Rawls’s view is perhaps the most susceptible to Shafer-Landau’s critique of the *Euthyphro* problem.

The third tension between constructivism and representationalism in Rawls’s work concerns the desire to avoid talking about truth, most evident in *Political Liberalism*. He commits to constructivism, yet he wants to avoid commitments regarding the status of mind-independent truths about justice or ethics. While his goal of seeking overlapping consensus is admirable, his method of looking for reasonableness rather than truth is itself more properly a pragmatist and constructivist outlook. That view is appropriate for Rawls precisely, given the fact that mind-independent truth is at best inaccessible and at worst contradictory to the way in which constructivists understand persons and experience.

Finally, the fourth tension in Rawls’s epistemology is the central point of this chapter. Rawls maintains Kant’s dualism between subjects and objects, focusing fundamentally on freedom as a concept on which all else appears to hinge. Certainly, Rawls was in many ways a constructivist. The point I hope to have made is rather that there are some lingering tensions that his theory can shed with benefit. The strongest consequence of doing so is to see the intelligent development of persons as a crucial political endeavor.

IV. Conclusion

Dewey’s conception of the person avoids the troubles of philosophies of freedom. He commits fully to attending to the phenomena of personhood as both subjects and objects of experience, not things to be deduced. He conceives of persons as adaptable and intelligent, which is the motivation for his rich theory of education. He shows us
a way to avoid the dualisms that plague Kant’s moral philosophy as well as the several versions of Rawls’s conception of personhood. Rawls is steeped in “philosophies of freedom,” trying at all costs to avoid dealing with biasing interests. He hopes to formulate a thought experiment involving certain kinds of persons who are capable of leaving aside their greatest differences to consider only those sources of reasons that all others can accept. There is value in Rawls’s acceptance of reasonable pluralism and the notion of overlapping consensus, but his approach retains the atomized notion of personhood evidenced by the original position. Freedom and equality, Rawls’s two central values throughout his work, lead him to return to Kant again and again. At the same time, he does not sufficiently deal with the roots of constructivism in Kant’s transcendental idealism, though he notes their importance for his work. If we avoid the dualism of subject and object in the way that Dewey suggests, we can recognize the interconnectedness of value and objects. The fact/value dichotomy disappears, as does the claim that inclinations must be avoided by rational, free, and equal beings. We can focus instead on forward-looking, problem-centered political theory that considers persons phenomenally and as free. Following this examination of the constructivist’s understanding of personhood, I will in the next chapter move on to critique the problems for persons that Rawls presents with his theories of reflective equilibrium, the original position, and the idea of objectivity in moral and political theory.
In this chapter, I aim to expose the tensions between representationalism and constructivism that can be found in John Rawls’s two ways of arriving at his two principles of justice. The first way is through the choice of following the social contract tradition generally. The second is through his use of the notion of reflective equilibrium.¹

When I refer to representationalism and constructivism, I continue to take my cue from Tom Rockmore’s On Constructivist Epistemology.² As I have said, Rockmore shows that Kant was torn between representationalism and constructivism. He explains that thinkers “committed to a representationalist approach to knowledge all understand the problem of knowledge as requiring an analysis of the relation of a representation to an independent object, not as it subjectively appears to be, but as it objectively is.” He continues, explaining that “constructivism denies the mind can ever be brought into cognitive contact with a preexisting, mind-independent external world it does not presuppose in restricting cognitive claims to what we ourselves construct as a condition of knowing.”³ This chapter was also inspired by the conflict that Rockmore noted in Kant’s work between these two opposing approaches to knowledge.

The central unifying difficulty in Rawls’s understanding of constructivism is this: Rawls believes that the constructions or equilibriums of his theories will result in singular and objective results. The only way for him to claim that a single answer will come as a result
of deliberation (even if ideal) is for him to retain the notion that we are getting closer and closer to the right kind of deliberation, the one which yields the closest correspondence to what is true of matters of justice, regardless of what various people think of them.\(^4\) In this sense, then, I am sympathetic with Russ Shafer-Landau’s claim that Rawls’s political theory retains a Euthyphro dilemma. On Rawls’s account, despite his explicit claims to the contrary, it seems that we are unsure whether his idealizations of public deliberation themselves come to what is true about justice because they are the right kinds of deliberation, or whether they are the right kind of deliberation because they arrive at the right principles of fairness.\(^5\)

Shafer-Landau’s demonstration of a tension is the challenge for Rawls’s justificatory method found in the original position. A further tension must be distinguished, however, in examining Rawls’s reflective equilibrium. Through that justificatory method, we may be simply describing social facts, which would clearly be socially and culturally contingent and conflicting with Rawls’s ideal of objectivity, or it could be seen as drawing on correct intuitions about independently existing moral facts.\(^6\)

Although Shafer-Landau and I will diverge in our next steps after coming to this interpretive conclusion about Rawls, I believe that Rawls would want to continue on the route to a robust constructivism, not harboring representationalist tendencies. His aim, it seems, is to find objective results that all can agree to, following intelligent principles of fairness. The central trouble, then, is to explain from a constructivist standpoint what the possibilities are for objectivity in the moral sphere. In this chapter, therefore, I will follow my critiques of Rawls’s social contract theory (SCT) and reflective equilibrium with a statement about objectivity for constructivists.

In brief, objectivity is to be understood as an objective. Objectivity is a notion that arises in the context of purposes. We want our scientific endeavors to follow objective criteria, for instance, where we seek a certain reliability and repeatability of results. When it comes to moral concerns, objectivity is a notion that becomes important through exposure to unwarranted bias. In response to such difficulties, theorists devise strategies for decision-making. In this light, we can understand objectivity from a constructivist’s point of view as
an objective. On the one hand, there are objective features of moral issues, such as what will or will not work in saving or ending a person’s life. On the other hand, there are features that will necessarily vary according to the subjective contingencies of the agents in question. The objective qualities of the former are those over which personal contingencies are not to be taken as priorities. This does not mean, however, that representationalism is a necessary epistemological view for objectivity. Freedom from the desires and biases of particular minds is not the same as utter mind-independence. I will return to this issue in concluding this chapter.

II. Rawls’s *Euthyphro* Problem

In his recent book, *Moral Realism: A Defense*, Russ Shafer-Landau offers an account of moral realism that challenges constructivism in moral theory. While his critique of Rawls and many other recent constructivists is reasonable, his focus is on thin constructivisms—theories that do not take constructivism to be a theory of meaning, but to be a theory of the special way in which moral facts are constituted through idealization. Shafer-Landau is helpful for the present critique since he exposes clearly a dilemma for constructivists like Rawls—the *Euthyphro* problem.

Shafer-Landau characterizes two kinds of moral theorists, cognitivists and non-cognitivists. He explains that cognitivism, “allows for a central class of judgements [sic] within a domain to count as beliefs, capable of being true or false in virtue of their more or less accurate representation of the facts within the domain.” Shafer-Landau then proceeds to classify constructivism as a kind of cognitivism. He claims that there are two kinds of cognitivism, one objectivist and the other subjectivist. Subjectivist cognitivism, he claims, is exemplified in the work of Gilbert Harman and David Wong in defense of moral relativism. Shafer-Landau, in his preference for moral realism, holds greater appreciation for objectivist cognitivism. Objectivisms, according to Shafer-Landau, have three virtues: “They capture the impartiality of the moral perspective, preserve the categorical nature of moral demands, and provide a plausible view of the nature of moral
error.” While Shafer-Landau allows for the possibility of subjectivist constructivisms, he dismisses them for lacking these virtues.

A strong constructivist response to Shafer-Landau’s three virtues would be (1) that the sense of impartiality that he invokes is possible for constructivists, but it is explained differently (without the representationalism), (2) the “categorical nature of moral demands” may be a misleading requirement if it is to describe all moral circumstances (consider Levinas’s views on obligations to the particular other), and (3) moral error can be referred to without the representationalism if called poor or unintelligent judgment, uninformed by historical practices and developments. Certain language can bear representationalist leanings, such as correctness, error, and distortion.

Objectivist constructivisms, which Shafer-Landau associates with Rawls, Scanlon, Korsgaard, and others, encounter a significant problem. Shafer-Landau explains that such theories consider the results of idealized deliberation, based on ideal circumstances, rationality, fairness, and full information. He then challenges them and writes, “If the responses of idealized agents justified ethnic cleansing, or a policy that entirely discounted the needs of the vulnerable, then there is something wrong with the idealization.” What we see in Shafer-Landau’s critique is what he calls an underlying Euthyphro problem. The author summarizes his critique as follows:

If the attitudes of idealized agents are worthy to fix moral truth—if the agents are good in the relevant respect—then these attitudes must be developed in response to reasons. But then the reasons come first. So if constructivism is to avoid dignifying the arbitrary choices of idealized agents, and if it is to avoid lapsing into realism, then it must insist that these choices are exemplary because of having been formed through exceptional attentiveness to non-moral reasons. But if the reasons that are constraining the choices of the favoured [sic] agents are not moral reasons, it is hard to see why the outcomes of the initial conditions should be definitive of morality.

In brief, Shafer-Landau’s challenge can be stated as follows. Rawls’s original position either picks out the right principles of justice
because the principles are right independently of the original position, or because idealized persons in the original position picked them as the principles. Following the former route, we have a theory that is sympathetic (if not synonymous) with moral realism. Following the latter route, we encounter Plato’s *Euthyphro* problem since we must answer *why* we ought to follow the principles of the given authority. If an answer cannot be given, the authority appears arbitrary. If answers are given, then clearly the *reason* we must accept the idealized agents’ principles can be seen as independent of the agents themselves.

Although I believe that Shafer-Landau has uncovered a challenge for Rawls, his criticism does not apply to robust forms of constructivism, and Rawls can be defended from at least one concern. Three problems can be found in Shafer-Landau’s critique. First, the principles of inquiry and deliberation that the persons in the original position employ need not be justified by representationalist reasons. Rather than saying that the principles of deliberation are what they are from closer and closer approximation of independent truth, we can say that our methods have gotten better and better at solving problems historically. Or, we can follow Peirce in saying that we need not believe in any fixed point as *actually* determinate for the end of inquiry, the point toward which theories and inquiry converge. Peirce took such points as ideal ends and even conceived of convergence without fixed points. Indeed, there are many ways to talk about deliberation without invoking representationalism, even if Rawls’s language was ambiguous in places, as I show in this chapter. If Shafer-Landau were to reply that this constructivist response bears no moral truth, because it does not pick out independent, objective facts, one might respond simply along the lines of ought-implies-can. If there are no independent, objective moral facts of the kind that Shafer-Landau takes as crucial, then surely normativity cannot depend upon them. Thus, we are left with the task of pursuing the most intelligent inquiry into moral and political matters, a pragmatic or constructivist approach.

Second, when Shafer-Landau describes cognitivism, it is easy to see his own representationalism in the definition cited above. Recall, for example, the element of cognitivism that pertains to what is a
“more or less accurate representation of the facts within the domain.”¹⁴
A non-representationalist constructivism, which Rawls sought but did not quite achieve, would raise objections to Shafer-Landau’s understanding of it as his sort of cognitivism. Again, Shafer-Landau’s criteria of evaluation appear to assume representationalism.

Third, when Shafer-Landau splits cognitivism between subjectivist ones and objectivist types, he is missing a crucial third category—that of a robust or transactional constructivism. As I will argue in the last section of this chapter, one can hold to an understanding of constructivism, which allows for subjectivism in certain contexts of concept formation and objectivism in others. This sort of constructivism would see subjectivity and objectivity as two elements of or ways of looking at construction. We employ or focus on one or the other, depending upon the context and purpose of choosing it. Objectivity in public moral practices has come about through our need for it. I will return to this concern after discussing two lingering elements of representationalism in Rawls’s justificatory scheme.

III. Social Contract Theory and the Philosopher’s Fallacy

In this section, I will discuss the ways in which one can understand Rawls’s SCT in general as representationalist.¹⁵ Then, I will expose John Dewey’s central worry about this way of approaching political philosophy (SCT).

Social contract theorists generally harbor a tension between representationalism and constructivism. On the one hand, Hobbes and Rousseau make claims such as the following from Hobbes’s De Cive, “Before there was any government, just and unjust had no being. Legitimate kings therefore make the things they command just, by commanding them, and those which they forbid, unjust, by forbidding them.”¹⁶ On the other hand, these philosophers prefer to accept only one answer to matters of justice as legitimate. So, human beings are the source of political legitimacy and claims of justice, but not the human beings we meet—except in the case of Hobbes’s sovereign. But even for Hobbes, the sovereign is not necessarily legitimate. If the sovereign is unable to quell turmoil, resistance, and
opposition, he or she falls from legitimacy, and the individual who rises to power becomes the new source of legitimacy. In a sense, therefore, the person in power is not necessarily a legitimate source of power. We find ourselves in a kind of Hegelian retrospectivism in Hobbes, since it may be that the next young rabble-rouser will be the source of legitimacy and justice. At no point in the present or in the future can we be sure that a given power is or will be the source of justice. Only after power is successfully exerted do we know, with Hobbes.

With Rousseau and Rawls, however, we find an alternative that does not look to real human beings for the source of justice. Herein lies the representationalism of SCT. It gives up the task of actually deliberating with others about what we ought to do as a society. Instead, it posits for Rousseau a sovereign (general) will, and for Rawls an idealized deliberation. In Rousseau’s case, then, we see that SCT demands a source of moral determinacy that is independent of people. The same is true of Rawls. What makes their representationalisms so subtle, however, is their mentalistic language. For Rousseau, the independently real source of moral authority is called a will. That is to say, then, that in a way Rousseau’s moral theory cannot be said to be utterly “mind-independent” as a moral realist might claim. For the notion of will is inseparable from his theory. We might say, nevertheless, that there need be no actual will for Rousseau. Rawls adopts this approach as well.

Rawls’s source of political legitimacy is also in a way dependent upon minds, but not on actual minds. He depends upon hypothetically conceived minds. If we imagine deliberation, the results of that process could be considered important, Rawls believes, if we just outline the right restrictions on that deliberation. If this is true, then, why do we need to consider minds in deliberation? Would not the rules of deliberation be the deciding factors of the outcome of the debate? If they are not, how can we assume that the process would result in a singular outcome? It seems that we would end up otherwise with a number of possible outcomes.

Throughout his corpus, Rawls appears to be working out the implications of an excellent essay that can be found in his Collected Papers: “Outline of a Decision Procedure for Ethics.”17 If we look carefully at
both the origins of Rawls’s theory of the original position in this essay and at its inherent representationalism, we can see the source of the tensions in his work. In that essay, Rawls writes, “If competent judges are those persons most likely to make correct decisions, then we should take care to abstract those judgments of theirs which, from the conditions and circumstances under which they are made, are most likely to be correct.” The notion of correctness here clearly supports Shafer-Landau’s claim. In what sense are the judge’s decisions correct? They get at what is true of ethics or justice in the given situation, perhaps. In this early instance, we see representationalism. His next step, furthermore, is to point out that we can consider the proper ethical judge in decision-making in order to abstract from him or her the proper principles of deliberation.

Rawls’s notion of studying good judgment is excellent. The trouble is that he is not interested in actually discussing the procedures of particular judges. Rather, he hopes to imagine the good judge, to extract from that conception the principles of proper deliberation in matters of ethics and justice, and then to set those principles in stone. This is precisely the problem of the original position. The reason we do not need actual deliberators is that what is needed is the right set of limiting guidelines for ethical decision-making. The rightness or wrongness of a given decision has to do with no person, no mind. It has to do with the procedures of judgment, irrespective of judges. Thus, the ethical basis of justice for Rawls rests upon decision procedures, not persons or wills. In the end, then, Shafer-Landau’s challenge returns. We see that we must justify the reasons for choosing these or those decision-making procedures as the source of legitimacy, and hence find the real and independent reasons for believing them to be sources of justice; or, we must accept their force arbitrarily. The main trouble with Shafer-Landau’s critique, of course, is that it finds historical developments on decision procedures to be based upon independently real reasons. When we consider the reasons employed to be historical, developed not independently of mind, not based upon a relation of correctness to independent truth, but through a process of inquiry and social interaction, Shafer-Landau’s critique breaks down.

So, either we accept that what Rawls is describing is simply the best we can do or we criticize Rawls for not recognizing that this process
Rawls’s Epistemological Tension

Rawls’s Epistemological Tension does not arrive at final, independent truth. In defense of Rawls, however, Shafer-Landau’s approach in critique of Rawls is to say that the latter does not measure up to a standard that he (Rawls) does not accept. It remains to be argued that Shafer-Landau is right to pursue such a standard. The trouble for Rawls, of course, is his intention to stay away from debates about these underlying concerns. At least at first, he believed that he could avoid such discussions with his method. In effect, he ended up riding the fence instead.

In Constructions of Reason, Onora O’Neill argues that more can be said of the potential for constructivism as a space between moral relativism and realism. She offers her own assessment of this potential in a way that critiques Rawls’s approach while attempting to retain Kant’s influence to a greater extent than Rawls. She summarizes her critique of Rawls, writing,

"Rawlsian constructivism has ended up on an uncomfortable knife edge, and teeters between idealizing and relativizing conceptions of ethics. The idealized readings demand proofs of a moral reality Rawls does not discern; the relativized readings can only offer an internal critique of the justice of modern liberal societies."  

Even a strong Kantian such as O’Neill, then, agrees that Rawls has not “constructed a position that is neither realist nor relativist.” She does admit, however, that Rawls points us in the direction of something important for moral theory. O’Neill’s initial steps in the direction of constructivism invite us to contribute further what we can about the potential of constructivism for moral theory.

In John Dewey’s work, we find warnings about certain problematic approaches to philosophy that constructivists should keep in mind. Dewey dubbed a common problem among philosophies the “philosopher’s fallacy.” The problem he identifies involves a common neglect at the end of inquiry of those processes of inquiry that have led us to our conclusion. For instance, when social contract theorists inquire into the problematic political situations of their times, they often forget the role and force of historical circumstances in shaping their views, and instead assert their findings universally. In this way, they hypostatize, taking Rousseau as an example, a general will, which is thought to have existed before Rousseau’s theorizing.
Dewey expresses his concern about the “philosophical fallacy” as follows:

The fallacy in these versions of the same idea is perhaps the most pervasive of all fallacies in philosophy. So common is it that one questions whether it might not be called the philosophical fallacy. It consists in the supposition that whatever is found true under certain conditions may forthwith be asserted universally or without limits and conditions.²²

In *Theory*, Rawls believes that his thought experiment embodies his vision of justice, and not just for the here and now. In time, Rawls comes to see his error with the continuing criticisms to which he responds in *Political Liberalism*. He even more clearly confronts this limitation in *The Law of Peoples*, in which we are clearly dealing with justice for liberal societies.²³ Before Rawls, Hobbes famously generalized about all people and all times on the basis of his historical situation of civil war and societal unrest. Thus, he believed that his conclusions about human nature were not products of his time and theorizing, but a real and independent truth about the world, universally true.

O’Neill summarizes a significant challenge for Rawls’s transcendental, and thus timeless, approach to SCT. She writes that

Rawls’s critics doubt whether he has found any stable third possibility [between realism and relativism in ethics]. On closer inspection, they suspect, every elaboration of the theory depends either on unvindicated transcendent moral claims or on the actual ethical beliefs of some society.²⁴

O’Neill continues, “Fears that Rawls’s thinking cannot escape the claims of entrenched privilege are particularly evident in some discussions of gender justice and of international justice.”²⁵ Here, we have arrived at a fundamental problem for Rawls’s approach to justification that I will explore further in the next section. For now, it is worth noting that fellow Kantians, such as O’Neill, recognize the limitations of the universalizations that Rawls attempts to formulate.
For Rawls, there are two arguments for his principles of justice. The first involves the original position, a clear tie to the social contract tradition. The second involves his notion of reflective equilibrium. In a sense, our considered judgments are central to checking our conclusions about the principles he outlines. Therefore, O’Neill’s summary of Rawls’s critics points us to a precise problem that must be dealt with on its own—difficulties with reflective equilibrium. On the one hand, the notion is coherential, and thus conservative and contingent. On the other hand, our considered judgments are relativizing, and lead to difficulties in understanding constructivism, especially how it is we can arrive at singular answers about justice on its basis—without considering there to be a convergence on some independent truth. It is Rawls’s attempts to avoid these implications of his constructivism that lead to such tension. This difficulty is the focus of the following section.

IV. Reflective Equilibrium and Single Answers

O’Neill defends Rawls against critics when she clarifies an element of his notion of reflective equilibrium. She writes, “Since coherential strategies may yield multiple solutions, Rawls offered only a theory of justice; there is no claim that reflective equilibrating yields a unique solution.” I believe that O’Neill is right about only part of Rawls’s theory. He depends upon a progression to singularity. T. M. Scanlon has clarified some of the tensions in Rawls’s notion of reflective equilibrium. He attempts to avoid some of Rawls’s problems in his What We Owe to Each Other. His focus on Rawls’s reflective equilibrium can be found especially in an essay entitled “Rawls on Justification.” Before turning to O’Neill’s claims about Rawls and then Scanlon’s, I will start with a brief discussion of Rawls’s own claims about reflective equilibrium.

Rawls describes the process of reflective equilibrium as follows. He writes,

In searching for the most favored description of this situation [the “correct distribution of wealth and authority”] we work from
both ends. We begin by describing it so that it represents generally shared and preferably weak conditions. We then see if these conditions are strong enough to yield a significant set of principles. If not, we look for further premises equally reasonable. But if so, and these principles match our considered convictions of justice, then so far well and good. But presumably there will be discrepancies. In this case we have a choice. We can either modify our existing judgments, for even the judgments we take provisionally as fixed points are liable to revision. By going back and forth, sometimes altering the conditions of the contractual circumstances, at others withdrawing our judgments and conforming them to principle, I assume that eventually we shall find a description of the initial situation that both expresses reasonable conditions and yields principles which match our considered judgments duly pruned and adjusted. This state of affairs I refer to as reflective equilibrium.  

This passage is worth citing in its entirety, since reflective equilibrium is a controversial notion with a great variety of opposing interpretations of it in the scholarship. We see in the passage both O’Neill’s defense of Rawls’s lack of singularity and its opposite. On the one hand, Rawls admits that different people will exhibit discrepancies in thinking about the results of the original position at first. But, if we follow the process of achieving reflective equilibrium, then we will arrive at, Rawls believes, a “match” between our idealized, reasonable conditions and principles, and our considered judgments. Thus, O’Neill’s defense of Rawls allows us to notice a continuation of Rawls’s tensions. He wants to accept a pluralism of outlooks, but also hopes to achieve singularity of vision about justice. What can be said for O’Neill’s defense of Rawls’s notion of reflective equilibrium is this—Rawls does not believe there is a singularity that we have once achieved and have forever. Rawls makes this view clear in Political Liberalism. He writes, “The struggle for reflective equilibrium continues indefinitely.” This does not exclude the possibility that we will arrive at it.

Even when Rawls later writes the Law of Peoples, in which he most strongly claims that his A Theory of Justice only represents one account of justice—the liberal point of view—he nonetheless searches for
a singularity in outlook across the varying accounts of justice. His project there is to find a universal project for human rights as a foundation of justice across varying theories. Rawls’s singularity is strong, even if tempered by his efforts to support his singularities with coherentist epistemology.

In a section of *Theory* called “Some Remarks about Moral Theory,” Rawls explains his outlook regarding reflective equilibrium, especially concerning his notion of considered judgments. He writes,

As already suggested, [considered judgments] enter as those judgments in which our moral capacities are most likely to be displayed without **distortion**. Thus in deciding which of our judgments to take into account we may reasonably select some and exclude others. For example, we can discard those judgments made with hesitation, or in which we have little confidence. Similarly, those given when we are upset or frightened, or when we stand to gain one way or the other can be left aside. All these judgments are likely to be **erroneous** or to be influenced by an excessive attention to our own interests.\(^31\)

In this passage, we see the trouble that O’Neill described in the previous section. First, Rawls appears conservative. Second, he appears to render arbitrary the process of attaining equilibrium. What he does not sufficiently explain, and what John Dewey and Nelson Goodman\(^32\) address more fully, is the experimental, empirical nature of this process. It is not something that makes any sense in an armchair alone. Differences of opinion, as Rawls later notes in *Political Liberalism*, are to be expected. Also in this passage, the terms “distortion” and “erroneous” imply an underlying correspondence relation, much like a picture theory, in which the picture can be fuzzy, distorted, or otherwise be incorrectly made in its attempt to represent the independent real.

Scanlon summarizes the challenge to defenders of reflective equilibrium as a constructivist conception. Scanlon notes that Rawls’s various accounts

may seem to suggest that the aims of the method of reflective equilibrium can be understood in either of two ways. According to
the descriptive interpretation, it aims at characterizing the conception of justice held by a certain person or group. By contrast, according to what I will call the deliberative interpretation, it is a method for figuring out what to believe about justice. These two ways of understanding the method lead to two different rationales for its structure. On the deliberative interpretation, the rationale for concentrating on considered judgments is that these are the most likely to be correct judgments about their subject matter. . . . On the deliberative interpretation, the rationale is rather that these judgments are the most accurate representation of the "moral sensibility" of the person whose conception is being described.33

Scanlon is a strong defender of Rawls, his former colleague. He points nonetheless to the ease with which one can interpret Rawls’s work as either representationalist or constructivist. The sense in which one might say that moral judgments are correct seems necessarily to imply a relation between them (judgments) and the independent facts about which they are to judge, according to the theory.

Before I move on to discuss what I take to be a thoroughly constructivist account of objectivity, I must address a challenge that has been raised to my critiques of Rawls’s avoidance of epistemological commitment. The challenge is that in Political Liberalism, perhaps Rawls’s most definitive statements about constructivism, he tried to avoid assumptions about whether there are or are not metaphysically independent moral truths. Indeed, since it is reasonable to hold either view, one might argue he laid out a political conception of justification that would leave that question unaddressed. Thus, the tension I see in Rawls’s work becomes a virtue in the end.

I think that this way of thinking conflates two elements of constructivism. There is reason to be a constructivist based upon epistemological reasons and justification, like the form that I defend in the last sections of this chapter. Then, there is reason to be pluralistic, avoiding excessive commitments in order to seek out overlapping consensus. A constructivism that I would defend would appreciate the pluralism that this second motivation for constructivism involves, but for a different reason. The notion of trying to seek out common
ground is admirable, but the idea that the principles of justice are constructed from the elements of overlapping consensus and in a way that can be acceptable to all who hold reasonable comprehensive doctrines bears little if any relation to constructivism rooted in Kant’s transcendental idealism, about which Rawls was explicit. If the pursuit of overlapping consensus is the starting point of constructivism, the very attempt to use this procedure still needs justification, at least according to Westmoreland, and I believe that he is right. The only consistent and justified constructivism, then, is that which is rooted in Kant’s transcendental idealism, explaining that we want to be accepting of political pluralism because there is great variety in the ways in which people come to their own individual and differing conceptions of justice. With that constructivist foundation, the further constructivist picture of overlapping consensus is justified. That is the sense in which Rawls’s constructivism is not thoroughgoing in the way that I think he needs it to be.

V. Objectivity as an Objective

The purpose of this chapter has been to focus on the tensions that Rawls exhibits between representationalism and constructivism. That said, it is important to note that the rejection of the representationalism that conflicts with constructivism is not a disavowal of objectivity. In this section, therefore, I will present a brief account of how a Deweyan constructivist would approach the subject of objectivity.

In *The Quest for Certainty*, John Dewey explains the desire for certainty as generated by insecurity. His point can easily be applied to the matter of objectivity. We want objectivity in a number of spheres. We want our doctors, our bridge builders, and our judges to be objective. Why do we want this? More simply, what does objectivity mean in these contexts? In the case of doctors, we want objectivity because we know that subjective inclination unguided by objective study and learning is highly unreliable in medicine. We want our doctors to tell us the hard facts about the use of this or that remedy, and how many people overcome the undesirable symptoms. We want
the studies undertaken in developing medicines to be objective, since there are consistent results that do arise when studies are done right, which demonstrate certain reliable and secure outcomes. Studies that do not follow the proper steps of inquiry or that do not produce results that others can duplicate inspire doubt. They risk losing their funding for future tests. There is reason we want the right kind of study done. We want our knowledge of the facts of medicine to be as secure as possible, especially when repeatability is reasonable to expect.

When it comes to bridge builders, the kind of objectivity at issue is the same. In cases of moral conflict, however, we find more complex notions of objectivity. In the sciences, the results of tests are more commonly repeatable. In cases of moral concerns, however, there are surely senses in which we speak of objectivity. One can easily imagine a circumstance lacking any objectivity, in which a judge in a case issues a decision clearly motivated by self-interest. The challenge for us is to find a safeguard against such behavior—the circumstances that avoid bias. The notion of objectivity in this context can be seen as developing out of a need for avoiding certain sorts of decision-making. Objectivity as a notion of independence of mind, for Dewey, would make no sense. It could instead be cashed out as the idea that for any observer, hence for any mind, the same results would be reproduced, as in science. In the case of moral conflict, we would say that objectivity would involve decision-making that avoids unwarranted bias or prejudgment. This understanding of objectivity holds it as an objective. We want decisions and actions to be undertaken in a certain way. Surely, Rawls’s attention to pursuing good conditions for deliberation makes him a constructivist. It is the sense in which judgments for him are correct versus erroneous that leaves him on the fence.

Subjective approaches to decision-making, by contrast, are those that might include which fork one uses for salad. In some contexts, the proper choice matters more than in others. Often, a fork is a fork. With examples of table manners, we see that objectivity is a matter of our purposes. We demand objectivity in some contexts, and allow greater subjectivity in others.
In *Philosophical Tools for Technological Culture*, Larry Hickman explains Dewey’s notion of objectivity. He writes,

Dewey thought that objectivity is a function of experimentation within a community of candid and committed inquiry. Not all hypotheses carry equal weight within such communities of inquiry: some of them have been shown to be of little or no value as starting points for getting further knowledge. Others have proven to be a barrier to getting further knowledge.³⁶

This understanding of objectivity is not limited to the physical sciences, furthermore. It is perfectly applicable to questions that arise in democratic theory. We can ask, for instance, about the objective features of opposing social hypotheses. They might exhibit vastly differing likelihoods of confirmation, for instance, at the preservation of peaceful and acceptable associations. One hypothesis might suggest, for example, that slavery is a viable option for Americans today—that we would not encounter opposition to it, and that it would empower our democracy without difficulty. Another hypothesis would claim its opposite. In this example, we do not need to perform the experiment to say that the former theory is worse than the latter. Some experiments have been performed to the great detriment of many. Objectivity in such a light can be seen as a desirable process of decision-making that has arisen for historical reasons out of a bloody and oppressive history. One sense of objectivity can be understood as a development toward an objective of avoiding the consequences of undemocratic tyranny.

A final note about objectivity in moral theory is worth explaining. In his article, “Objectivity as a Problem: An Attempt at an Overview,” Joseph Margolis explains the challenge to the traditional notion of objectivity one would associate with realism. He explains that with the current shift to constructivism, “There is an increasing tendency, now, to construe knowledge as a construct of historical experience and to challenge any principled distinction between objectivity in the natural sciences and in the human sciences and practical life.”³⁷ Margolis explains the continuity that is so important in Dewey’s work
between the processes of inquiry we develop in the sciences and those of the moral endeavors. We so often divide these areas when in fact inquiry itself is the continuous thread between them.

Dewey was explicit that objectivity is a notion that is continuous across areas of inquiry. He writes,

That paradox of ordinary experience and of scientific inquiry by which objectivity is given alike to matter of perception and to conceived relations—to facts and to laws—affords no peculiar difficulty because the test of objectivity is everywhere the same: anything is objective in so far as, through the medium of conflict, it controls the movement of experience in its reconstructive transition. There is not first an object, whether of sense-perception or of conception, which afterward somehow exercises this controlling influence; but the objective is any existence exercising the function of control. It may only control the act of inquiry; it may only set on foot doubt, but this is direction of subsequent experience, and, in so far, is a token of objectivity. It has to be reckoned with.38

For Dewey, then, objectivity is the notion that whoever engages in a given inquiry will have to contend with certain aspects or features of the subject matter. Those aspects that he or she cannot avoid are the objective elements of that inquiry. In the realm of ethics, we find this sort of objectivity insofar as certain elements of experience are unavoidable. In the case of the objectivity of the judge in the court of law, we are speaking of an objectivity that is demanded by our laws due to historical experience and problems. That sort of objectivity is not impossible on a Deweyan constructivist model. Rather, it is objectivity that is adopted as an objective, as a goal. It thereafter becomes a criterion for judges and actors insofar as the law demands any person, acting or judging, not make decisions on the basis of prejudgments.

We must bear in mind, of course, that objectivity does not mean “independent of mind,” or “evidence for the object of the belief.” Rather, it means that which any mind must confront, deal with, or accept as a condition of the inquiry in question. I have characterized two kinds of constructivist objectivity: a descriptive and a prescriptive.
Descriptive differs from prescriptive only insofar as prescriptive objectivity has not yet been established for all. Objectives are set and deliberated upon, and subsequently agreed upon. The process of law is the most obvious example. Once the given objective is set, law demands a descriptive observation of its objective features. For any citizen, certain conditions apply.

A fuller picture of the notion of objectivity in the moral realm would include a discussion of the views of other pragmatists and constructivists who conceive of objectivity in ethics. Hilary Putnam’s *Ethics without Ontology*, for example, offers an account of the notion of objectivity without ontological objects. We need not conceive of truths beyond or independent of experience in order to conceive of objectivity, he argues. Ruth Anna Putnam’s “William James and Moral Objectivity” also offers an example of an approach to moral theory that involves objectivity without depending upon a representationalist epistemology. The point I hope to have supported here is the notion that objectivity in certain senses is not alien to constructivism, even if we reject the subtle representationalism that remains in Rawls’s work.

### VI. Conclusion

Given this critique of Rawls’s representationalism, a fair question to ask is this: “How does Dewey’s constructivism avoid the *Euthyphro* problem?” The simple answer is this: Dewey’s constructivism is not simply a theory of the formation of beliefs or principles. It is a theory of the formation of concepts generally and of meaning. At its base, Dewey’s understanding of experience is akin to Peirce’s notion of firsts, seconds, and thirds. For Peirce and Dewey, brute experience is composed not simply of flat sense perception. The basic aspects of experience are *qualitative*. Dewey explains in “The Postulate of Immediate Empiricism” that the scary tap at the window is *experienced as scary*, *because it is*. Not everyone in the room will experience the tap in the same way. Some might not even be scared, but in brute experience, things are not colored or tinted. Brute experience is what it is—qualitative. Values are not things divorced from experienced
facts, therefore, as those who honor the traditional “is/ought” distinction would have us think. If this is true, then when we come to unify parts of the manifold of experience under concepts, and when we do so differently in varied environments, we gain different “senses” of the good, of value, and of justice. For a Deweyan constructivism, the option of representationalism is out, since it treats the experienced world as independent and singularly determinable. A Deweyan constructivist can only say that things are good because they are chosen as good. This does not mean that the choice is arbitrary. Rather, through objective and subjective experimentation we come to make evaluative decisions about our experience, dubbing the good as such, and the bad as well. Thus, if we are to preserve the search for reflective equilibrium, we must do so without believing that it involves correctness versus erroneousness. Rather, the good is the best that we can achieve with our intelligent efforts to be moral and just. That this outlook does not achieve universal finality is only a challenge if such a thing makes sense, an assumption that a constructivist would not accept.

The undertaking of addressing political conflict, therefore, is a process of reconciling these outcomes of varied experience. The solution is not skepticism or nihilism. It is further experience at a higher level. We perform various levels of social experiments. A Deweyan form of constructivism avoids the *Euthyphro* problem because it does not conceive of social good or just social situations as prior to or knowable independently of social experience and experimentation. The notion of the independent good makes little sense if that independent good can only be understood as a product of inquiry. It is for this reason that it is so important to prepare citizens for intelligent social inquiry, which is the subject of chapter 6, “Dewey and Rawls on Education.”
Chapter 6

Dewey and Rawls on Education

I. Introduction

As early as the 1920s, John Dewey wrote that

American educational theory is the most advanced to be found in the world. It is a recognized source of progressive educational movements in Japan, China, Australia, Russia, Turkey, South Africa as well as western Europe. Those schools in the United States in which this theory is put in operation are an inspiration to modern schools all over the world.

In no small way, Dewey’s work on education has played an important role in the development of America’s great schools. In this chapter, I hope to show the reasons why Dewey attends to education in the way that his works do and to contrast this great political thinker with John Rawls and the educational theories the latter espoused and implied. Dewey is a historically situated thinker who concerns himself with the ways a society can grow and flourish. Rawls differs from Dewey insofar as he does not attend to the development of persons and their conceptions. Yet, this development is a great influence on people’s varied understandings of concepts like justice and fairness. If I have made my case successfully, a significant flaw in Rawls’s political philosophy should be evident. I argue that his theory calls for a skeletal educational schema. The ends of education for Rawls are derivative of the larger abstract goals of the requirements of a politically liberal ideal system of justice.

It is important to compare Dewey and Rawls on the place of education in political theory because the two employed significantly
different methodologies to examine some common political problems. And, while both used some similar terms, such as reconstruction, constructivism, and democracy, there seems to be greatly different methodology at work in each one’s writings. Also, we have seen in the last decade a great controversy over the role of government in education. Looking to the work of these two influential political philosophers sheds light on the political conflicts we face today over public education.

Also, Rawls’s methodology was deductive. He believed that the concepts of justice and fairness can be analyzed to imply his two principles. Deduction works through the analysis of concepts. But, if concepts arise through conditioning (including education as a crucial kind), there can be various and undirected conditioning, as well as intelligent and directed kinds. Therefore, a deductive model of analysis of political and ethical concepts such as Rawls’s ought to have a more robust theory of the development of these concepts. Even if we say that Rawls’s notion of Reflective Equilibrium is inductive, which it only partly is, we have all the more reason to expect from him a recognition of the importance of how we condition the formation of concepts. Hence, whether we see Rawls as having employed a methodology that is inductivist, which I think is not quite right, or deductivist, he should see education as a social function that centrally influences the variety we encounter in basic political understandings and conflicts. If this is right, then education must be taken as a central political task, and must not be minimal, contra Rawls. I think Rawls makes a mistake in thinking that his methodology, founded on understandings of political concepts, can have weight without considering how those concepts are formed socially. If one is committed to the liberal tradition, a conflict arises regarding education. Minimalism makes sense for avoiding imposition without consent. At the same time, a state can best help young people avoid unjust ways of thinking (such as unconsidered assumptions that African-Americans or women are inferior persons) with a robust education, avoiding the dangerous and detrimental patterns of thought that can arise freely without guidance. Dewey calls the careful directing of our formation of concepts intelligence. The process of intelligence is part of what leads to our understandings of ourselves and others.
Despite some similarities in the works of these two authors, we find a fundamental difference here: Dewey’s task is one oriented toward the formation of a society that can develop its own rich, fertile, and adaptable conceptions of justice, whereas Rawls’s largely deductive approach took as its goal the analysis and instruction of what justice requires in a far more static fashion. To defend the views I have presented so far, I will first offer a critique of Rawls’s approach to political philosophy, an approach that is lacking in historical situatedness and in emphasis on democracy. Second, I will compare and contrast Dewey and Rawls on the matter of the richness of their educational theories. I will give evidence to suggest that in Rawls’s theory, education is only derivatively valuable, in contrast to Dewey’s theory that takes education as itself valuable, and as foundational to democracy. Third, I will demonstrate the great difference between Rawls and Dewey on the issue of distributive justice and its relation to education. Fourth, I will briefly summarize some of the criticisms leveled against Dewey’s educational theory to show how it withstands such attacks. Finally, I will show the democratic character of Dewey’s social and political thought as based upon the demands of productive public inquiry. Contra Rawls, I will argue that democracy is indeed central to political flourishing, and a rich education is consequently of great importance.

II. Rawls and the Black Box of Historical Society

There are several versions of Rawls—the simplest division is between his early and late work. The critique I raise in this section is particularly strong against his work in *A Theory of Justice*, and I believe that it remains relevant in *Political Liberalism*. It certainly holds for *The Law of Peoples*, Rawls’s most recent book. The problem is this: Rawls conceived of political philosophy as the search for what would be the ideal conditions of society in a hypothetical way, deducing principles for society from his sense of the concept of justice. This is particularly true in *A Theory of Justice* and in his more recent restatement of that work’s thesis, *Justice as Fairness: A Restatement*. In both of these works, Rawls imagined how a certain set of ideally rational
persons would organize society if they were in a special circumstance, namely the original position. The original position is a situation in which rational persons do not know what lot they will have in life. As such, they have to decide what sort of society they would want before they enter the world. In the original position, the fact that people do not know in which position they will find themselves once in society Rawls calls the “veil of ignorance.” This imagery is familiar enough to most contemporary political philosophers, but its reiteration is important for noting the fact that Rawls does not begin with the question of how real people can best act for the improvement of their societies. Real people come from lengthy histories, filled with bloody struggles and conflicts. Rawls wanted to set aside real histories to see whether an essential answer can be deduced to address the question of justice’s content. He wanted a principled measure for addressing our conflicts. This approach is not new. Many political theorists have sought to delineate principles to be applied to the real world without considering the historical circumstances that bring those principles about. The trouble is that the very intuitions Rawls believes he is testing with his imagery of the original position are indiscernible from historically formed, habitual inclinations.

In *Political Liberalism*, Rawls faced challenges to his *A Theory of Justice*. The primary challenge comes from the sense in which in *A Theory of Justice* he assumed that people in his liberal, ideal society bear great similarities in terms of their values and social ends. *Political Liberalism* asked the interesting question of how it is people who are in effect very different have come to live together in America in a cooperative or at least peaceful way. Part of his answer, at least, has to do with the U.S. Constitution. His subsequent theorizing in *Political Liberalism* strayed from the historical situatedness with which it began, however. He ignores the explicit and concerted effort of many of the Founding Fathers to instill a reverence for the Constitution and democratic principles through the education of young people. He moved on to make claims about certain rules that must be the basis of a system of justice that is to legitimately accommodate great variances in comprehensive religious and ideological doctrines. His solution here was to say that what must be among the requirements of a society that will survive such differences is an acceptance of
certain rules for political procedure that exclude the employment of comprehensive doctrines as sources of political reasons.

While the merits of Rawls’s views on comprehensive doctrines are much debated, they are not central to my point here. Rather, my goal is to show the sense in which yet again Rawls departed from the historical elements of our situation. He started with the goal of addressing the challenge that in fact America and other nations are made up of peoples with varying comprehensive doctrines, histories, and classes. In the end, Rawls still sought out what would be the ideal orientation of certain principles of justice, rather than focus on the people and histories.

The problem I have in mind with respect to Rawls’s political theory can best be expressed in terms of what Bruno Latour has called the “black box,” in his *Science in Action*. In *Science in Action*, Latour addressed the way people treat the products and tools we make with the use of scientific progress. One example would be the computer. The development of the computer was tremulous. It involved aggressive business strategies, emotional frustrations, relationships that were far from cooperative, and so on. When one learns of the search, likewise, for Watson’s and Crick’s findings on the double-helical structure of DNA, the obviousness and everydayness of the scientific finding loses its hold. One recognizes the sporadic and unpredictable qualities of social interaction and inquiry. Even in fields as seemingly solid, straightforward, and growing as the sciences, we find a difference between the experience of them in the making and of them after the fact. A working computer or my understanding of the double-helical structure of DNA might each be considered a black box, according to Latour. Each idea seems inert, clearly and simply principled, and predictably stable retrospectively.

The black box that Rawls does not examine, but on which he rests his deductive method, is the concept of justice. If people have different senses of justice or fairness, or of respect for persons, the analysis of concepts that Rawls proffers can run counter to others’ considered judgments. The process known as reflective equilibrium is said to take variety into account, but that process occurs too late, if women come to adulthood with the assumption that they are inferior, for example, or if people assume justice is just for the wealthy. The black
Rawls, Dewey, and Constructivism

box must be developed and refined. For instance, even after Betty Friedan offered her powerful analysis of the conditions of women in the United States, several famous critiques arose to show that her studies focused on the conditions of middle-class white women, not on women in general. Our concepts themselves, as in the case of death, the beginnings of life, and the boundaries of scientific legitimacy ought to be the objects of careful educational consideration and intelligent development. Applying Latour’s insight about developments in science to the development of concepts through education reveals the political importance of considering intelligently the sometimes-messy political centrality of education. The singularity of Rawls’s claims about concepts is strongly criticized in James Gouinlock’s essay, “Dewey and Contemporary Moral Philosophy.” Gouinlock summarized the importance of diversity and the challenge for Rawls’s inattention to how we come to form different moral values, writing, “The claim that his principles articulate a single and shared ideal is both undefended and false.” Gouinlock found Rawls’s sense of persons lacking, explaining that “Rawls claims that his theory shows the utmost in respect for persons. But it does not. It respects only his own philosophic confection of the moral person. The real creatures of nature and history are left out of account.” Rawls believed that he can fix the machine, our understanding of justice, without looking at the real histories and origins of our concepts. In this, I believe that he is wrong.

The trouble that Latour revealed can arise in at least two ways. First, it comes when we make predictions of which we are overconfident, and that are based on principles that seem analogous to those which seem to be operating or assumed in our black box. These predictions can often go terribly wrong and bring us to open up the computer, or reopen the scientific inquiry to explain why our reasoning failed. The second is related to the first. In the second instance, we might have a computer breakdown. All of a sudden, the computer on which one was relying and whose proper function one had implicitly assumed ceases to function. The black box is that area into which we do not normally delve. We do not want to continually reinvent the wheel or the computer chip, since each works for the most part. But, when such tools cease their proper
function, we must open up the box through which our theories were originally working and do what we can to understand the many tools and functions to which we had stopped attending.

In contrast with Rawls, Dewey delved into the basic system, histories, procedures, and aims of education. He sought to empower students and members of the community to take part in the development and support of inquiry, social and economic cooperation, as well as art and culture. Dewey’s approach to education was far more comprehensive than that of Rawls’s, as I will show in the next section, and focused on the life goals of members of a community.

In this sense, Dewey moved from the historical conflicts and problems which he addressed in Liberalism and Social Action and The Public and Its Problems, to name a few such works, no doubt influenced in part by his experiences of the Pullman Strikes in Chicago, to an application of his theories of psychology and habit for the social and individual goals of education. Dewey opened our black box of educational assumptions and offered new tools for democracy, which are not merely derivative of it. In Democracy and Education, Dewey summed up this point. He wrote,

In our search for aims in education, we are not concerned . . . with finding an end outside of the educative process to which education is subordinate. Our whole conception forbids. We are rather concerned with the contrast which exists when aims belong within the process in which they operate and when they are set up from without. And the latter state of affairs must obtain when social relationships are not equitably balanced. For in that case, some portions of the whole social group will find their aims determined by an external dictation; their aims will not arise from the free growth of their own experience, and their nominal aims will be means to more ulterior ends of others rather than truly their own.11

For Dewey, education is an end in itself, though it also serves a fundamental role for democracy. Without the free and participatory inquiry involved in education, we risk oppression and subjugation. In the next section, I will present some of the claims made among those who have written on Rawls’s educational theory.
III. Rawls and Dewey on Education

In this section, I will lay out some of the key features of the educational theory of Rawls and Dewey. First, I will treat Rawls’s educational theory, which he and others drew by implication from his theories concerning justice. Next, I will present some basic features of Dewey’s educational theory, focusing on elements that contrast with Rawls’s. At the base of Dewey’s educational theory is an attention to process and growth, not to any particular material or subject matter.

III. A. Rawls’s thin educational theory

As discussed in Chapter 4, Rawls depended upon a robust theory of the person in *A Theory of Justice*, which gets its roots in the work of Josiah Royce. Rawls wrote,

> Here I adapt Royce’s thought that a person may be regarded as a human life lived according to a plan. For Royce an individual says who he is by describing his purposes and causes, what he intends to do in his life. If his plan is a rational one, then I shall say that the person’s conception of his good is likewise rational.  

This rich and helpful idea of personhood and identity Rawls regretfully dropped out of *Political Liberalism*. Instead, Rawls adopted a political conception of the person according to certain moral and deliberative abilities that bear little if any relation to the plans, purposes, development, or flourishing of the individual.

In her article, “Rawlsian Civic Education: Political Not Minimal,” M. Victoria Costa explained that Rawls “advocates a rather minimal conception of civic education that he claims to derive from political liberalism.” After Costa surveyed the literature in favor of and against Rawls’s minimalist theories of education in *Political Liberalism*, she then defended a more robust educational theory that she believes to be more appropriate for Rawls’s *Political Liberalism*, and which she claimed is the proper implication of his own theories. Costa went a long way toward a redress of Rawls’s minimal education, moving instead to the noble goal of “citizenship education.” This was indeed an improvement over Rawls’s views on education. Her rendition
seemed decidedly focused on only the strictly political elements of education, however, not realizing the interconnectedness of all disciplines within the tasks of human flourishing, intelligent habit formation, and social development. Music education, for instance, even Aristotle acknowledged, is helpful in teaching students about harmony and cooperation.\textsuperscript{15} A philosopher of education who follows Dewey, in contrast to Rawls and Costa, would recognize the interconnectedness of subject matters in the great end-in-itself of education.

Conceiving of oneself as a citizen, as related to other people and other peoples, such a task is informed by the study of music, languages, mathematics, engineering, philosophy, religion, and so much more. How could Rawls hold to a narrow theory of education when the political is not divorceable from these other matters? In the end, civic education cannot be divorced from the great varieties and elements of education more generally. If Rawls is to be saved, Costa must continue her efforts at altering Rawls's educational theory. She wrote, “Rawls's conception of civic education is not as minimal as it seems, since it includes the cultivation of political virtues that depend on the development of the capacity for reasonability.”\textsuperscript{16} The trouble is that Rawls wanted to leave politics and education out of the formation of the citizens' conception of the good. But, such an approach is antithetical to an educational theory that purports to include the development of individuals who work to adapt and grow together in a moral community, which was a central aim of Dewey's work, important for any democratic society. Such a society cannot leave people of varying comprehensive doctrines in separate compartments. Citizens must be aware of each others' fundamental values if the great dangers of the blind use of black boxes are to be avoided. We must open up the black box and see what we can do to live together.

What I have said thus far has been based largely upon Rawls's \textit{A Theory of Justice} and on comments by critics. A certain passage from \textit{Political Liberalism} will succinctly point out the continuing problem that Rawls had with his thin educational theory. Rawls wrote,

\begin{quote}
The liberalisms of Kant and Mill may lead to requirements designed to foster the values of autonomy and individuality as ideals to
\end{quote}
Rawls, Dewey, and Constructivism

govern much if not all of life. But political liberalism has a different aim and requires far less. It will ask that children’s education include such things as knowledge of their constitutional and civic rights so that, for example, they know that liberty of conscience exists in their society and that apostasy is not a legal crime, all this to insure that their continued membership when they come of age is not based simply on ignorance of their basic rights or fear of punishment for offenses that do not exist.17

In this passage we see the sense in which, for Rawls, education is, in a fundamental way, merely a set of facts to learn. In fairness to Rawls, he continued to explain that “education should also prepare them to be fully cooperating members of society and enable them to be self-supporting.”18 But, Rawls avoided the troubles he had with this political liberalism by not answering how exactly such concerns would be addressed. For these reasons and others, followers and critics of Rawls claim that he “had neither a robust nor a coherent theory of education.”19

III. B. Dewey’s richer educational theory

There are many ways in which Dewey’s theory of education can fill the gaps that Rawls’s left open. I will focus here on just three of them. For Dewey, education was considered as growth, as direction, and as social function. While Dewey’s views are heavily dependent upon his work in psychology, that portion of his contribution is not my focus here. As we have already seen, education is valuable intrinsically as an activity of growth. As such, I will begin there.

By growth in this context, Dewey referred to the way children grow up to take the place of the adults in society, and thus bring with them the values fostered in them and by them in their education.20 Dewey also corrected the mistaken view that growth or development is simply to have a fixed goal. He wrote, “Growth is regarded as having an end, instead of being an end,” according to the problematic view Dewey criticized.21 Here, we see Dewey’s disagreement with both Royce’s and Rawls’s conceptions of rational life plans. For Dewey, a person is an end just as much as he or she has ends, if not more so. Growing students, furthermore, must exhibit a certain degree of
plasticity. They must be both to a degree immature, and by that same token open to the variability of new environmental conditions. Dewey wrote, “Plasticity or the power to learn from experience means the formation of habits.”

This leads us to the important concern of guidance. According to Dewey, guidance, or “direction,” “expresses the basic function which tends at one extreme to become a guiding assistance and at another, a regulation or ruling.” This pedagogical principle governs the selection of habits and the process by which judgments can be made concerning what habits to establish in the future. In this process, we find the burgeoning social sphere in education. When students learn together, “Our action is socially controlled because we endeavor to refer what we are to do to the same situation in which [others are] acting.” Students work together, guided by the teacher, to learn especially the process of choosing good habits and directions of inquiry for the problem at hand. This is one of the fundamental differences between Deweyan educational theory and the theories of so many others—that Dewey focused on the process of inquiry, not on any specific subject matter. Students must learn how to learn.

Another way in which Dewey distinguished himself in educational theory is through his attention to the environment. By this, of course, he meant the student’s environment, not necessarily the lakes and parks. Criticism of Dewey, as will be seen in Section IV to follow, often has interpreted his notion of environment too narrowly—such as to imply that Dewey would prepare certain people for factory work if they live in a factory town. In fact, Dewey’s notion of the student’s environment is not nearly so narrow. It may be that some revisions of Dewey’s theory might be called for now that international travel has become so accessible. If a student has great abilities with languages and cultural studies, for example, he or she may consider his or her learning environment much more broadly, geographically speaking, than those who wish to live near their nuclear family members in their hometowns. But this is no flaw on Dewey’s part, and can be accounted for by his theory.

Of the social environment in education, Dewey wrote,

The social environment consists of all the activities of fellow beings that are bound up in the carrying on of the activities of any one of
its members. It is truly educative in its effect in the degree in which an individual shares or participates in some conjoint activity.26

Here, we see the way in which Dewey’s integrated social theories of education began with the basics of important psychological theories to work on what would be best for children in educational endeavors. Dewey’s theory is not insular and atomic as is Rawls’s. It is an education for the benefit of each child and person taken as an end in himself or herself. Indeed, even Dewey made clear that we must not proceed in the way that Rawls later chose to do. He wrote,

Hence, once more, the need of a measure for the worth of any given mode of social life. In seeking this measure, we have to avoid two extremes. We cannot set up, out of our heads, something we regard as an ideal society. We must base our conception upon societies which actually exist, in order to have any assurance that our ideal is a practicable one. But, as we have just seen, the ideal cannot simply repeat the traits which are actually found. The problem is to extract the desirable traits of forms of community life which actually exist, and employ them to criticize undesirable features and suggest improvement.27

Here, we find a succinct statement of my claim against Rawls’s approaches to educational theory and to politics more generally. I will return to this issue in what follows, where I address the way that Rawls conceived of the demands of the ideal of distributive justice and political liberalism to justify flawed approaches to achieving equality in education.


Among the greatest differences between the educational theories of Dewey and Rawls is Rawls’s approach to issues of distribution. It is my aim in this section to point out the great problem of social and political theory that comes from the value of equality and the way the ambiguity of this value contributed to difficulties in Rawls’s educational theory. Betty A. Weitz’s essay published in Human Studies,
“Equality and Justice in Education: Dewey and Rawls,” will help in guiding the argument of this section. It is my contention that Rawls could not adequately defend the sort of distributional demands his theory requires and that Dewey’s alternative would be more appropriate and would be located somewhere between the distributive theories of Rawls’s and Robert Nozick’s views on the matter.

Although Weitz is only partly right in calling Rawls an egalitarian, her choice of Nozick as a libertarian in comparison with Rawls is appropriate. The contrast between Rawls and Nozick will be helpful in situating Dewey’s work as in between the work of these two thinkers ideologically. It is worth noting, though, that while Nozick and Rawls remained squarely in the liberal tradition, Dewey in many ways moved beyond that tradition. Following the purpose of this section, I will begin with an explanation of the ways in which Rawls’s vague notion of equality and the strange imperatives the concept seems to imply for him lead to great problems with his theory of education. Next, I will summarize the criticisms that Nozick raised regarding redistributive theories of justice. Finally, I will expose a flaw in the evolution of Rawls’s liberalism that rests upon a problematic distinction between ethical and political liberalism.

IV. A. Troubles with Rawls’s conception of equality

Weitz situated the importance of education in Rawls’s theory. Weitz’s purpose was to examine equality and justice for Rawls, with attention to education. My own purpose is distinct from Weitz’s insofar as I am arguing that education’s place in Rawls’s political theory must be greater than he made it, especially given the important role of his deductive method, beginning with concepts for which many people hold different understandings. Weitz’s analysis is important, however, given her demonstration that Rawls’s conception of education is weaker than it should be for other reasons. Weitz wrote, “[the] crucial test for Rawls’[s] theory of justice is in education, because there we are not dealing solely with the distribution of money and property but with the question of differences in individual abilities.” For Rawls, as a matter of fact, this is a central problem that theorists such a Nozick have pointed out. Before discussing Nozick’s argument,
I will examine Rawls’s own claims regarding distributive justice and its relation to equality in education.

An important feature of educational equality is derived from Rawls’s difference principle. Essentially, Rawls’s difference principle is something of a utilitarian construction mixed with a limiting feature regarding the least advantaged in society. That is to say that the difference principle seeks to achieve the greatest good for the greatest number, but with the limitation that the least advantaged in society must not be harmed by any increase in the advantages of the more advantaged. So, Rawls’s theory is something of an egalitarian theory, as Weitz claimed, but not in any strong sense of equality, in which people must have a similar distribution of wealth or opportunities. In other words, an important distinction must be noted between equality of opportunity and equality of outcome. According to Rawls, the most advantaged in society, that is the rich, can still acquire wealth, but only so long as the least advantaged in society benefit in some way as well and are not less advantaged as a consequence. In this sense, Rawls’s theory is not egalitarian, since the difference principle supports the potential justice of great disparities between the rich and the poor, so long as the poor have at least a certain standard of living, and are in some sense better off due to the increase in distribution to the more advantaged. So, how does the difference principle relate to education?

The difference principle, according to Rawls,

gives some weight to the considerations singled out by the principle of redress. This is the principle that undeserved inequalities call for redress; and since inequalities of birth and natural endowment are undeserved, these inequalities are to be somehow compensated for. Thus the principle holds that in order to treat all persons equally, to provide genuine equality of opportunity, society must give more attention to those with fewer native assets and to those born into the less favorable social positions. The idea is to redress the bias of contingencies in the direction of equality. In pursuit of this principle greater resources might be spent on the education of the less rather than the more intelligent, at least over a certain time of life, say the earlier years of school.\textsuperscript{32}
Here, we see the way in which Rawls’s principles of justice work to dictate not only on matters of what some in society do to others, but even on the differences that nature causes, independently of what human beings do.

Now, in defense of Rawls, we do indeed add handicapped accesses to public schools, and tools to help those with disabilities to achieve an education. We do this in a way that is often more costly than what is required for students who do not have such disabilities. There are two great differences between these cases and what Rawls referred to, however. First, in the cases of ramps for wheelchairs, for instance, we have an example where a school entrance is required, and was at some point in time created without the foresight of addressing student needs in special cases. Students who can walk can use the ramps just as can students with wheelchairs. In the cases of other students with different disabilities, if there is a greater financial need in the process of educating them, for whatever reason, we have a case that aligns more closely with Rawls’s point here. It is not that these students are any less intelligent, however, only that they have a greater need in the process of engaging in their education. If we are to have public education for all, however, it only makes sense that those in special circumstances will require greater funds than those who fit a more common mold, if for no other reason than the individual attention they must receive. These examples, therefore, do not so closely align with Rawls’s point.

It is not clear, then, given the difference between these two sorts of exceptional cases and the cases of students of lower intelligence, why it is that greater funds should be focused on the latter students. Why not either fund each group of students equally or fund those of greater intelligence more, such that they can be supported, if extra funds are needed for such endeavors, to the furthest extents of their potential? I raise this challenge to Rawls primarily to leave open the question of distribution, although these alternatives are commonly defended.

In the Republic, Plato wrote that the best and brightest should be educated in a distinguished way for the leadership roles in society. By contrast, and still in opposition to Rawls’s claims about the different treatment of the less intelligent, Aristotle believed
that education should be the same for all children of citizens.\textsuperscript{34} He wrote,

And since the whole city has one end, it is manifest that education should be one and the same for all, and that it should be public, and not private—not as at present, when every one looks after his own children separately, and gives them separate instruction of the sort which he thinks best; the training in things which are of common interest should be the same for all. Neither must we suppose that any one of the citizens belongs to himself, for they all belong to the state, and are each of them a part of the state, and the care of each part is inseparable from the care of the whole.\textsuperscript{35}

Thus, here we find two ways of approaching the inequalities of the young regarding education. It must not be forgotten, furthermore, that with the equality of education that citizens receive in Aristotle’s ideal society, it is the best at any given trade that ought to be employed at its fulfillment, once the equal opportunity for education has been realized for citizens. As such, the best flute player ought to be given the best flutes, and the best citizen and person ought to be the society’s leader, according to Aristotle, whether or not this is the poorer or the richer person. This Aristotelian argument, which differs in its inequality of outcomes, was of great importance for John Stuart Mill and Mary Wollstonecraft when they argued for the equal treatment of women in the workforce. Mill claimed that society as a whole loses out if half of its populace is not allowed to compete for the important social service positions.

Mill offers a most eloquent expression of the value of equal treatment without preferential treatment in his work, \textit{The Subjection of Women}. He writes,

The principle which regulates the existing social relations between the two sexes—the legal subordination of one sex to the other—is wrong in itself, and now one of the chief hindrances to human improvement; and that it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other.\textsuperscript{36}
We see here that Mill holds a position analogous to Dewey’s and Aristotle’s on the equal treatment of persons in society regarding education and opportunities. Here, what is emphasized is an equality of opportunity, not one of end-result abilities. If a student bears tremendous ability, but is not given the opportunity to achieve, then our educators have done an important disservice to society. In this fashion, Mill argues that society is better off if those best and with the greatest abilities are allowed to participate fully and to thrive. By allowing women educational and work opportunities, we double "the mass of mental faculties available for the higher service of humanity." Similarly, by maintaining a maximal and equal opportunity for students to develop their talents, society gains to the greatest extent.

Just in the way that Mill’s argument proceeds for the betterment of society, so would Aristotle’s and Dewey’s. The fullest development of individuals and society ought to be a central aim of education. If this value must be expressed in terms of equality, then it must be equality of opportunity to thrive and flourish according to one’s nature—to one’s natural abilities, talents, and determination. In contrast, a danger resides in Rawls’s approach, which rests on the quasi-value of an ambiguous and potentially harmful emphasis on equality. People are not the same. This means that their education should be open in an equal way for each to find opportunities to grow.

IV. B. Distributive justice and education

By contrast to Rawls’s differentiations concerning education, Weitz pointed out that Dewey’s “idea of the just society is one where inequalities of distribution of goods, achievements, and powers are reflective, and only reflective, of natural inequalities.” Nozick offered a perfect example of the sort of inequality to which Dewey referred. It is his well-known example of Wilt Chamberlain. Nozick was an important critic of the notion of distribution more generally, but as concerns natural talents, he was an even more devout critic of redistribution. Why would one be so strongly against redistribution? I’ll offer a paraphrase of Nozick’s critique of distribution as found in *Anarchy, State, and Utopia.*
Nozick explained that if we were to start with an equal distribution of resources, in which everyone acquired his or her property fairly, inequalities could still arise. For, if one justly acquires one’s property, say the day’s dollar, is one not entitled to spend that dollar as one pleases? Now, it is clear that extreme examples are unacceptable. I cannot rightly use my dollar to pay a hitman to kill someone I do not like. I also cannot use my accumulated dollars to buy an explosive that will kill thousands of innocent persons. But, what about using my dollar to watch Wilt Chamberlain play basketball? If I and others want to watch Chamberlain play basketball, and enough people also want to do so, there can get to be quite a demand for his limited supply of entertainment. So, jobs are created, building larger arenas. And, Chamberlain can set a low price of admittance, such that all can come and see him play. Yet, if enough people want to watch his basketball games, the modest price of admittance can still make him rich.

What bothers so many about unequal distributions of wealth is captured in the question, “How can Chamberlain make so much money for basketball, while __________ are paid so little? (fill in the blank).” The implication that Nozick pointed out were that critics of distributions like Chamberlain’s are dissatisfied with the patterns of financial value that society places on certain things. Nozick’s response was that following his ideal, the principle of entitlement, there is no pattern! Any patterned system of egalitarian distribution, furthermore, “is over turnable,” according to Nozick, “by the voluntary actions of individual persons over time; as is every patterned condition with sufficient content so as actually to have been proposed as presenting the central core of distributive justice.” Finally, Nozick summarized his point regarding the example of Wilt Chamberlain as follows.

The general point illustrated by the Wilt Chamberlain example and the example of the entrepreneur in a socialist society is that no end-state principle or distributional patterned principle of justice can be continuously realized without continuous interference with people’s lives . . . To maintain a pattern one must either continually interfere to stop people from transferring resources as they wish to, or continually (or periodically) interfere to take from some
persons resources that others for some reason chose to transfer to them.\textsuperscript{42}

The difficulties that Nozick exposed in theories of the redistribution of wealth make clear the problem with Rawls’s approach to equality in education. Although Nozick’s argument is somewhat oversimplified, it offered a strong critique of time-slice distributive theories—ones that aim at an end-state outcome, which, he claims, can only exist momentarily.\textsuperscript{43}

It is worth noting that Dewey would only sympathize so far with Nozick. Although we must avoid authoritarian efforts to maintain idealized patterns, it is not the case that political or economic patterns of distribution say nothing about the state of justice in society. At the very least, even if we agree with Nozick for the sake of argument that individual transactions are the level at which justice should be examined, it may nevertheless be helpful to note patterns of inequalities in search of individual injustices. Pay equity for women is a clear example of an issue that may indeed involve a pattern of distribution that reveals a common trend of unjust inequalities at the individual level. A Deweyan might also respond to Nozick by explaining that patterns in distributional policies can clearly be seen as relevant for concerns of justice (letting go of our temporary agreement with Nozick above). A simple example can be seen in the job of legislating on matters of taxation. There, arguments are given in a variety of ways for the justice or desirability of one method of taxation over another. This example is clear evidence that matters of justice must not follow Nozick’s demand of remaining at the individual level, given the many times groups of people must contribute in patterned ways toward common goals. In offering what might be a Deweyan response to Nozick, however, I am not thereby agreeing with Rawls.

In \textit{A Theory of Justice}, Rawls went so far as to claim that the most just form of child rearing could only occur through the removal of family differences, that is with the removal of children from their parents. Rawls argued,

The consistent application of the principle of fair opportunity requires us to view persons independently from the influences of
their social position. But how far should this tendency be carried? It seems that even when fair opportunity (as it has been defined) is satisfied, the family will lead to unequal chances between individuals (§46). Is the family to be abolished then? Taken by itself and given a certain primacy, the idea of equal opportunity inclines in this direction. But with the context of the theory of justice as a whole, there is much less urgency to take this course.\textsuperscript{44}

Here, we find yet another place where Nozick’s criticism of Rawls proves to be profound. In prioritizing a certain distribution of equality, Rawls forsook the freedom of adults to act so basically in the interest of their children and friends. Some children lose their parents due to illness or other unfortunate circumstances. Must this imply that we must alleviate this injustice by requiring of all people that no parents care for their children in particular? Otherwise, the least fortunate in society, in this case the orphans, will be dramatically less well off, if they are the only ones not to receive the love of parents who care for them. In this move, Rawls seems to throw the baby out with the bathwater. Admittedly, Rawls backed off from the strong motivation to which the principle of fair opportunity pushed him. However, in this passage, we see the tremendous evil of an over-adherence to well-intended principles.

\textbf{IV. C. Ethical v. political liberalism and education}

Although far more can be said concerning Rawls’s educational theory, my focus here has been primarily on the educational implications of his \textit{A Theory of Justice}. In \textit{Political Liberalism}, Rawls moved from a moral conception of justice and its educational implications to a political conception. Critics, such as Eamonn Callan, have argued that Rawls’s political liberalism, especially as concerns education, is not so distinct from comprehensive or ethical liberalism.\textsuperscript{45} The two liberalisms to which Callan referred are distinguished in Rawls’s \textit{Political Liberalism}. In this work, Rawls attempted to avoid the employment of competing, reasonable comprehensive doctrines in political exchanges. Were one to conceive of a comprehensive doctrine of liberalism, it would run counter to Rawls’s goal in \textit{Political Liberalism}. As such, the liberalism that Rawls had to distinguish from so-called
“ethical liberalism” or a comprehensive doctrine of liberalism is, according to Rawls, a merely political one. Callan believed that this attempted distinction fails, particularly in the domain of education. Geraint Parry clearly expressed this problem in his essay, “Constructive and Reconstructive Political Education.” Parry wrote,

The prime reservation, which profoundly affects education, is that the liberal state cannot be neutral about its own neutrality. It must seek to instil [sic] respect for its fundamental principle in its future citizenry. The problem posed by this requirement is that neutralist liberalism may, in its educational programme, be less accommodating than its claims towards those who wish to bring their children up to share their own non-liberal doctrines and consequently to adopt more negative attitudes to what they variously see to be the spread of the contagion of secularism, anti-traditionalism or laxity of manners.46

What is most relevant to our present concerns pertains to the issues of education, and the way in which this brief introduction to the conflicts of liberalism transfers to educational theory. Among the strongest critics of Rawls’s liberalism is Michael Sandel, especially in his work, *Liberalism and the Limits of Justice*.47 In the two sections to follow, it is my aim to present Dewey’s defense of democracy, and the requirements of the education that makes it possible. It must be kept in mind that, for Dewey, education is not merely a means to the ends of political justice. Analogously, flour, water, and yeast are at the same time valuable and of worth for various purposes as they are constitutive of the whole they can make up in a loaf of bread. In the case of education, we have a component of democracy that is also valuable in itself.

V. Dewey and Critics

It is important to recognize that Dewey, too, was criticized on the subject of education. Here, I present some criticisms and defend Dewey in turn.

What can be said of the critics of Dewey’s educational theory? One area in which there is continued criticism of Dewey’s works on
Rawls, Dewey, and Constructivism

education is from Marxist perspectives. Among the critics are George Novack, Samuel Bowles, Herbert Gintis, C. Wright Mills, and William Andrew Paringer. A quick rendition of their critiques would be to say that the implications of Dewey’s educational theory simply prepare students for the capitalist system that will oppress and subsume them. Insofar as Dewey did not call for violent revolution or the abolishment of property, he would not satisfy some critics. But, Dewey did not condone the oppression of people, nor did he cater to capitalist muscle.

At what age should vocational training begin? This is one of the questions that Novack raised in Pragmatism versus Marxism. Even today, Marxist critics will point out that in poorer schools students are trained at vocations earlier, and in such a manner as to fit them for lower-skilled labor. But, in fairness to Dewey, Novack admitted that Dewey “objected to early specialized training or premature technical segregation in the public schools, which was dictated not by the individual needs or personal preferences of the growing young, but by external interests.”

This is not to say that critics like Novack go easy on Dewey. Novack later admonished Dewey’s optimistic spirit regarding education. He wrote,

At the bottom of Dewey’s naïve and almost magical belief in the omnipotence of education in relation to the rest of social life was the implicit assumption that progressive education could find everything necessary to realize its aims within the existing social system.

Critics like Novack, however, mainly derided Dewey’s optimism. Novack, as a Marxist, did not approve of the conservative critics of Dewey either, who make him a scapegoat for the problems with the educational system, and what they deemed to be the Deweyan affection for socialism. Novack concerned himself with the lower class, and labeled Dewey a proponent of the middle class.

There are two significant mistakes on Novack’s part. Dewey was not a proponent of education merely for the upper and middle classes. He wanted public education. That is to say that the flawed practices of the education system that only poorly and partially followed his
educational recommendations are certainly to blame. These institutions, furthermore, are not ones which can be once created and then independently persist. Institutions of education are not buildings that stand on their own once built. They are more like complex gardens, dependent upon the training, maintenance, and hard work of individuals for their flourishing.

Critics like Novack and others derided Dewey for the difficulty of achieving the tasks he set forth. It was Dewey, however, who explained the importance of challenge best. He wrote,

\[\text{[It] may be that the best thing which can happen to the ideal of democracy is to be put on the defensive. For then it will no longer remain a vague optimism, a weak benevolent aspiration, at the mercy of favorable circumstances. . . . It will recognize the infinite variety of human nature, and the infinite plurality of purposes for which men associate themselves together.}^{51}\]

For Dewey, there is no single goal of social cooperation. There is no fundamental aim of education outside itself, in some greater goal of the development of the reasonable citizen. Rather, for Dewey, the troubles we find in democracy and education are to be expected. They are the challenges to which we must rise. They are the reasons we must continue to grow. They are the reason we must be ever vigilant against those who would decide for us what justice is, whether we agree or not.

\[\text{VI. Defending Democracy—Dewey’s Educational Technology as Democratic}\]

In his book, *Philosophical Tools for Technological Culture: Putting Pragmatism to Work*, Larry Hickman noted the distinctiveness of Dewey’s educational contribution. He wrote,

\[\text{A central feature of Dewey’s work—a feature that is noticeably missing from the praxis philosophies as I read them—is his philosophy of education. An outgrowth of his own groundbreaking work in psychology, Dewey’s instrumental educational program}\]
was specifically designed to revolutionize technology by democratizing it.\textsuperscript{52}

The notion of education as democratic captures a central feature of Dewey’s approach to education. In contrast to Rawls, who went from an idealized conception of a just society down to what might be acceptable educational procedures, Dewey began with work in psychology and intelligence, and led up to his theory of education, from which individuals participate in the social construction and reconstruction of justice and other ends.

If this language sounds organic, Dewey would likely have approved of it. He often emphasized the organic aspect of social endeavors. As early as 1884, Dewey referred to the concept of the “social organism,” in his essay, “The New Psychology.”\textsuperscript{53} Attending to psychology and experience, Dewey noted the sense in which knowledge is formed in community, and inquiry is not simplistic, singular, and only needing of basic fundamental educational requirements. What is needed for the survival and development of a people against great threats is an open and public system of inquiry, in which all can contribute. Democracy is that forum in which political decisions are not made by a few aristocrats. They are open to a wide variety of contributions from the community as a whole.

One criticism of democracy, and consequently of Dewey, was not mentioned in the previous section. A response to it will help explain Dewey’s position on education as democratic. In a short article, Robert Talisse offered Dewey’s response to what is called the “Guardianship Argument.”\textsuperscript{54} This argument dates back to Plato’s Republic. Talisse explained the Guardianship Argument as follows,

Average citizens are too foolish to engage responsibly in self-government. Wisdom concerning political matters is not distributed equally across the population but invested in a relatively small subset of individuals in any given society. Political wisdom enables the few who have it to discern the best political policies among the possible options, and, hence, to make the best political decisions. Therefore, the democratic principle of distributing the power of political decision equally among all citizens is unreasonable.\textsuperscript{55}
Talisse claimed that this “Guardianship Argument” is “among the most serious challenges to democracy.” He then proceeds to offer a Deweyan response to the challenge.

The framework within which the argument arises is Platonic. Plato believed that knowledge is something possessed. By contrast, Dewey would have said that knowledge is a form of activity. For Dewey, knowledge, truth, and meaning rest on the consequences of action. As such, we are first and foremost dealing with actors, not spectators, when it comes to knowledge and education. And, these actors participate in a process of knowledge and political education, rather than in the mere possession of principles. Dewey called this process inquiry, and showed that it is not an activity that culminates in a final political disposition. Rather, the process of inquiry is one of constant development and growth, just as an organism must always work to achieve balance and the fulfillment of its needs and goals.

This community of inquiring agents, some smarter than others, must nevertheless participate openly, if it is to engage in a successful and proper form of inquiry. Not all will necessarily participate, as is true of discourses in advanced physics. But, the openness of the conversation is both what keeps the scientists honest and what allows for input from external sources. Most important, the inquiry must be open, because the governance demanded in the present case is not of “self,” which the Guardianship Argument claims average citizens cannot achieve. It is a governance of all. And, no matter how infrequent the contribution may be from some citizens, the fact that inquiry is open to them all in a democratic process of education and governance retains the most important feature of inquiry for Dewey—that it be an open community of inquiry. All portions of an organism must perform their functions in some way—or at least work to avoid harmful circumstances, if the organism is not only to survive, but to flourish.

VII. Conclusion

In this chapter, I have attempted to address a number of issues that center on one theme—the differences between Dewey’s and Rawls’s
theories of education. I have critiqued Rawls’s approach to educational theory as essentially backwards—one which began with an ideal society and works inwards. Dewey, by contrast, focused on the parts of society, on the psychology and educational theories that would work best to foster a constructive and participatory democratic system in which people can deliberate together about how best to deal with the problems that confront them. In this sense, Dewey fore-shadowed the important point that Latour clarified. We must not assume that we understand the existing black box without looking inside it. We are historically situated, as is any great dilemma of social and political philosophy. We must respect our current configuration, or show the ways in which it can be improved in achievable steps.

Dewey’s tools for democracy are those that begin with the parts we have at hand. Although I employed help along the way from critics of Rawls, such as Nozick and many others, I tried also to reveal some criticisms of Dewey, and to show how one might respond to them. In the end, we find Dewey to be a central defender of the optimistic belief in the potential of intelligence when directed at the careful selection of good social habits. Education is precisely this process in the social realm, in which we must continually work to maintain a practice of high standards of execution. We cannot have good teachers and methods for a spell, then quit and blame Dewey for our shortcomings. The process does not end. Growth must continue if we are to inquire into the problems of living better and for many generations to come.

A final concern must be noted here in anticipation of critics of Dewey’s views on education. Although Dewey advocated an expansive educative scheme, his approach to socialization is not simple indoctrination. Responding to this concern, Larry Hickman explained Dewey’s notion of socialization as well as his view that selves are products of the educative process. Socialization is not a process only undergone in socialist states. Socialization, he explained, is almost unavoidable. Hickman writes, “The fact of socialization happens early and it happens often. More generally, it is not the fact of socialization that concerns the educator, but its context, its means, and its consequences.” He continued to say that “growth occurs when a child is socialized in ways that expand his or her intellectual,
emotional, and aesthetic horizons and that develop in the child an awareness of connections and interrelations with other socializing forces.” Hickman points out that socialization is not an artificial process, but rather a natural one that can “happen” carelessly, or with purpose and attention.

Three further elements of Hickman’s essay will be helpful to remember in what follows. The first concerns his explanation of Dewey’s concept of the “socialized individual as a work of art that is continually being reconstructed.” Part of the reason we love movies and novels and other forms of art has to do with socialization and broadening of ourselves. But before we come to reconstruct ourselves, it must be noted that we, as selves, emerge through construction in the first place. Hickman noted Dewey’s appreciation for the issue of the “emergence of mind.” Hickman continued to point out a passage of Dewey’s that exemplifies this development. Dewey wrote that “through speech a person dramatically identifies with potential acts and deeds; he plays many roles, not in successive stages of life but in a contemporaneously enacted drama. Thus mind emerges.” We see in Dewey’s attention to the development of selves and of their constant artistic reconstruction why he would be so opposed to social contract traditions. Here, we find a third and fundamental insight in Hickman’s analysis of Dewey. Hickman explained that “Dewey was highly critical of the claims of social contract theorists such as Hobbes, Locke, and Rousseau. In his view, socialization is not the result of independent, presocial individuals coming together in contract with a sovereign.” Hickman then pointed us to Dewey’s own statement “that men are not isolated non-social atoms, but are men only when in intrinsic relations to men.”

Hickman offered us a clear connection between educational theory and the critique of social contract theory. The elements of society are related to notions of personhood, socialization, and most fundamentally to the emergence of mind. How can we attend to conceptions of justice without a sense of what it means to have a conception, and to be an individual in the first place about whom I can have a conception of justice or of personhood? Dewey saw the interconnections of these themes and sought to understand constructions basic and complex as results of education.
I conclude this book with this chapter on education to follow in the Pragmatists’ spirit. Pragmatists believe that the meaning and merit of a conception or understanding can only be determined in terms of the conceivable practical implications that it bears for real life. In this final chapter we see most clearly, I believe, the troubling consequences of Rawls’s underdeveloped constructivism. The tension we see in Rawls’s work between representationalism and constructivism leads to a political theory that abandons the project of preparing citizens in a robust way for the various challenges that can only be overcome through intelligent, cooperative, social action. For this reason, it is best to follow Dewey in adopting a more thorough-going constructivism and the consequent democratic educational theory that he pioneered.
Notes

Chapter 1

1 I will at times use the terms realism and representationalism interchangeably. The reason for this is that they pertain to a common outlook on the concerns of metaphysics and epistemology. Realism as it is commonly conceived today is the metaphysical counterpart to representationalism. Representationalism, then, is the epistemological counterpart to realism. Of course, there will be subtle differences in the ways in which varying theorists describe this relationship. Realism and representationalism are distinct from constructivism, which has a metaphysical and an epistemological sense.


3 See, for example, his essay, “Philosophy as a Kind of Writing: An Essay on Derrida,” 90–109 of Richard Rorty, *Consequences of Pragmatism* (Minneapolis, MN: University of Minnesota Press, 1982).

4 See, for example, Hilary Putnam, *Realism with a Human Face* (Cambridge, MA: Harvard University Press, 1990). See also Larry Hickman’s *Philosophical Tools for Technological Culture: Putting Pragmatism to Work* (Indianapolis, IN: Indiana University Press, 2001). Hickman examines a middle-of-the-road view of Dewey’s in which he says that “though Dewey viewed knowledge as relative . . . he rejected the type of relativism advanced by some ‘deconstructionist’ philosophers who claim that there is no way to decide between ‘alternative readings of a text,’ whether that ‘text’ be a written one, a ‘text’ of nature, or the information that we have about our artifactual world.” See Hickman, 50.

5 In Section II of this chapter, I discuss Mark E. Button’s recent book, *Contract, Culture, and Citizenship*, in which he argues that more can be said of the educational implications of social contract theory. I offer my challenge to Button’s new defense of Rawls there. In short, I am glad to see contemporary scholars extend the scope of what Rawls appears to say in several areas of his work regarding his quite limited educational theory. In that sense, I sympathize with Button even if I think great challenges remain for the undertaking, in part due to Rawls’s limited constructivism.


7 By these two terms, I mean to say that Rawls offers us a counterfactual conditional. Because the antecedent condition—that we have fully rational persons situated in ideal circumstances—is false, then the consequent could logically be anything at all, and still render the conditional true. One could say that we can test people’s intuitions about what the consequent would be, but the result itself would not tell us the conditional is any truer. The notion I raise about it being unempirical concerns the sense in which for Rawls we are stuck with a fancy version of intuitionism. We are asked to consider what our intuitions tell us about what we would want in ideal circumstances. How can we know whether what we are feeling comes from intuitions or simply from our habituated inclinations? If from the latter, consider that we can condition our inclinations on purpose if it is desirable to do so. That is one of the invaluable purposes of studying literature in schools, for instance, when it comes to opening students’ minds to how others think and are treated. Therefore, our inclinations are not alone a special guide, except where shaped intelligently in the first place, or if they are virtuous for some other reason.
Rawls has several forms of justification: induction (reflective equilibrium), deduction (the original position—modeled after SCT), and the idea of public reason (Kantian). For an analysis of these three forms of justification in Rawls, see Scanlon’s “Rawls on Justification” in *The Cambridge Companion to Rawls*, edited by Samuel Freeman (New York: Cambridge University Press, 2003). Scanlon’s chapter is on 139–167.


The first principle states that “each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.” The second demands that “social and economic inequalities should be arranged so that they are both (a) reasonably expected to be to everyone’s advantage and (b) attached to positions and offices open to all.” See Rawls, *Theory*, 53.

Rawls writes, “In searching for the most favored description of this situation we work from both ends. We begin by describing it so that it represents generally shared and preferably weaker conditions. We then see if these conditions are strong enough to yield a significant set of principles. If not, we look for further premises equally reasonable. But if so, and these principles match our considered convictions of justice, then so far well and good. But presumably there will be discrepancies. In this case we have a choice. We can either modify the account of the initial situation [the original position] or we can revise our existing judgments, for even the judgments we take provisionally as fixed points are liable to revision. By going back and forth, sometimes altering the conditions of the contractual circumstances, at others withdrawing our judgments and conforming them to principle, I assume that eventually we shall find a description of the initial situation that both expresses reasonable conditions and yields principles which match our considered judgments duly pruned and adjusted.” See Rawls, *Theory*, 18. He credits Nelson Goodman’s *Fact, Fiction, and Forecast* for having made “parallel remarks concerning the justification of the principles of deductive and inductive inference,” Rawls, ibid.

While his views on reflective equilibrium change and are interpreted in many ways, his claim that reflective equilibrium offers true justification is either confused or based on faith. In *Political Liberalism*, Rawls alters his claims about reflective equilibrium. Yet, we find, nonetheless, faith in the overlap of political conceptions as if they were held explicitly. And, the real realm of justice simply shifts to this overlap. He thus maintains the distinction between people’s conceptions and the actual realm of justifiable concepts.

Reflective equilibrium takes a variety of forms in Rawls’s work. I will discuss these in Chapter 6.

Some, such as Allen Wood, have argued that Kant, Rawls’s inspiration, does not hold an atomistic conception of the self. See Wood’s *Kant’s Ethical Thought*, 347n. Wood writes, “Kant’s view, as is clear in the Paralogisms of Pure Reason . . . does not involve any commitment to the idea, challenged by Derek Parfit, that being a person involves being a ‘Cartesian ego.’ See also Kant’s second section of the *Foundations* (or *Groundwork*), where he begins to claim that universality must involve the mutual relations of several selves at least inasmuch as it relates to humanity. See Kant, *Foundations*, 56 (439 of the standard notation). This defense of Kant, however, is far from offering an account of a Kantian theory of social selves.

Rorty and Dewey differ significantly here. Rorty favors negative liberties, for example, whereas Dewey is open to the idea of radical reform that could promote positive liberties. This distinction is important since it appears that Rorty might follow Rawls in his liberalism about education. His later writings on sentimental education, however, conflict with his earlier stance on negative liberties. By contrast, for Dewey, steps in the direction of promoting positive liberties begin early, even at the point of self-development. Richard Shusterman examines these points and offers some details about the construction of persons in his article “Pragmatism and Liberalism between Dewey and Rorty,” *Political Theory* 22, 3 (August, 1994): 391–413.

Hart does not actually use the terms “concept” and “conceptions,” but Rawls offers them as names.


Rawls believes that the function that conceptions of justice play is singular and thus it can be pumped as a resource for identifying what is singular in the concept of justice. This outlook takes as paradigmatic an outdated essentialism that is not justified. This overstatement can only make sense if one holds a representationalist epistemology, furthermore. For, the roles that conceptions of justice play are not only widely varying, but are also in development and renewal continually. Rawls offers no justification for the claim that conceptions of justice all share the same role. Implicit in his theory, therefore, is a thin and rigid understanding of meanings and purposes.


Some of them have come to call their view civic republicanism.


I will only address one prominent representative of moral realist claims, David Brink, since there are many subtle varieties and since his is a well-respected version.

Savage nowhere actually uses the word “constructivism.”


Ibid., p. 2.

It should be mentioned that Richard Rorty, who recaptured a great deal of present-day philosophers’ interest in Dewey, did throw out objectivity. In the areas of his writing in which he does so, however, he is either speaking for himself or misrepresenting Dewey.


John Rawls, *Political Liberalism*, 252. I am indebted to Button for pointing me to this passage.

Although Rawls refers to the revisability of considered judgments and conditions of inquiry (such as the conditions of the Original Position), he claims that his two principles of justice are the ones that would be selected by liberal societies. In *Political Liberalism*, he writes that his two principles of justice exemplify “the content of a liberal political conception of justice,” 6.


Neither Dewey nor I would hold to a categorical imperative. Accepting only hypothetical imperatives does not erase all objectivity, however. If I choose to vote in fair elections, for example, an objective characteristic of my freely chosen commitment is the implication that I will not stage a revolution if my candidate does not win.

See John Rawls, “Kantian Constructivism in Moral Theory.”


See Dewey’s *Logic: The Theory of Inquiry*, 343n. There, Dewey writes, “The best definition of truth from the logical standpoint which is known to me is that of Peirce.”


By the term “atomistic,” I mean that for Rawls, persons are understood as isolated from each other. The notion of the inherent sociality of persons is a challenger to the
atomistic notion of selves. Atomism, as I use the term, also implies a certain outlook regarding persons that prioritizes idealizations of personality over lived experiences, and which commonly treats those idealizations as the source of real and independent truth. For Rawls, for example, idealized individuals who imagined to perform a political construction are said to be the source of the correct principles of justice.


Chapter 2

4 Ibid.
7 Ibid., 63–64.
8 Ibid., 66.
9 Ibid., 63.
10 Ibid., 65.
14 McCormick, 64.
16 From Hobbes’s Leviathan, as found in Lessnoff, 56.
17 See McCormick, 66.
18 Hobbes, Leviathan, from Lessnoff, 57.
19 McCormick, 66.
22 Kant, The Metaphysics of Morals, from “The Theory of Right, Part II,” found in Kant: Political Writings, edited by Reiss, 137 (§ 44).
23 Ibid., p. 139 (§ 46).
24 See Onora O’Neill Constructions of Reason, 112.
25 Kant, Metaphysics of Morals, from Reiss, 140 (§ 47). Emphasis is in the original.
26 Ibid.
28 Ibid., p. 109.
29 Ibid.
30 Rawls, Theory, 448.

See Christman, *Social and Political Philosophy*, 48–56. This passage is from 51.


Christman, *Social and Political Philosophy*, 52.

Ibid.


Ibid., p. 86.


Ibid.


Ibid.


Ibid.


Berry, “From Hume to Hegel,” 692.

Ibid.

See *Political Liberalism*, p. xx.

Berry, “From Hume to Hegel,” 695.


Ibid.

Ibid. p. 207.


Berry, “From Hume to Hegel,” 691.


Rawls, *Political Liberalism*, 1–lxii, especially l.

Ibid., 225.

Berry, “From Hume to Hegel,” 701 and 703.

The original position is the setting he clarifies as a thought-experiment in which parties are said to be behind a veil of ignorance about who they are in society.

Ibid., 703.

Ibid., 700.


Ibid., emphasis is in the original text.
Chapter 3


2. Rawls makes this explicit in his article, “Kantian Constructivism in Moral Theory,” where he writes, “There are a number of affinities between justice as fairness and Dewey’s moral theory which are explained by the common aim of overcoming the dualisms in Kant’s doctrine.” See John Rawls, “Kantian Constructivism in Moral Theory,” *The Journal of Philosophy* 77, 9 (Sept. 9, 1980): 515–572. Cited here from John Rawls: Collected Papers, 303–358, specifically from 304. Referred to hereafter as “Kantian Constructivism.”


5. Arthur O. Lovejoy, *The Thirteen Pragmatisms and Other Essays* (Westport, CT: Greenwood Press, 1983), 1. Lovejoy writes, “In the present year of grace 1908 the term ‘pragmatism’—if not the doctrine—celebrates its tenth birthday. Before the controversy over the mode of philosophy designated by it enters upon a second decade, it is perhaps not too much to ask that contemporary philosophers should agree to attach some single and stable meaning to the term.” By Pragmatism’s “tenth birthday,” Lovejoy is referring to William James’s 1898 lecture, “Philosophical Conceptions and Practical Results.” The essay can be found in John McDermott’s *The Writings of William James: A Comprehensive Edition* (Chicago: University of Chicago Press, 1977), 345–362.

6. Tom Rockmore points out countless versions of realism, to which we should more appropriately point Lovejoy’s criticism. See Rockmore, *On Constructivist Epistemology*. See especially his “Introduction” and chapter 1, “On Realism and Constructivism.”

7. Brink, *Moral Realism*, 14. This objection would come from both Dewey and Rawls.

8. A number of passages could be chosen to exemplify my claim about Rawls’s overreaching. The following two should suffice. In “Kantian Constructivism,” Rawls writes, “Now a Kantian conception of justice tries to dispel the conflict between the different understandings of freedom and equality by asking: which traditionally recognized principles of freedom and equality, or which natural variations thereof, would free and equal moral persons themselves agree upon, if they were fairly represented solely as such persons and thought of themselves as citizens living a complete life in an ongoing society? Their agreement, assuming an agreement would be reached, is conjectured to
single out the most appropriate principles of freedom and equality and, therefore, to specify the principles of justice.” From John Rawls: Collected Papers, 305. For further evidence, see Rawls’s The Law of Peoples. In it, he writes of principles of “reasonableness, decency, and rationality,” which he claims are not deduced from practical reason. He explains that “if the content of [these] is laid out properly, the resulting principles and standards of right and justice will hang together and will be affirmed by us on due reflection. Yet there can be no guarantee.” This second passage is found in Rawls’s, The Law of Peoples (Cambridge, MA: Harvard University Press, 2000), 87.


11 Traditions other than Pragmatism and Existentialism might fit this description as well. My point is only to show the fact that Rawls appears to break with traditions that do not share this disposition.

12 Rawls, “Kantian Constructivism.”


14 Ibid., 302.

15 Ibid., 288.

16 Ibid., 290.

17 Ibid., 288.

18 Ibid., 287–288.


22 Rawls, “Kantian Constructivism,” 305.

23 See endnote 2 above.

24 Rockmore, On Constructivist Epistemology, p. 23.


26 Of course, there are objective conditions and elements to being able to write or to read a book, or to bind one. But, these processes are refined by scientific inquiry when necessary, or at least are supported by it. And, there is a difference between modes of inquiry, and a priority, depending on the problem at hand, of scientific inquiry.


30 Brink, Moral Realism, 20.

31 Ibid., 11.

32 Ibid.

33 It is worth noting that a moral realist like G. E. Moore does not consider moral facts to be based on the physical world. He believes that moral facts are determined on the basis of our intuitions about non-natural properties. So, my discussion here is not about a Moorean perspective.

34 The early debate between Josiah Royce and Ralph Barton Perry exemplifies my point. Is independence mutual? It is not on Perry’s account. What is independent from what, and how? These questions, while perhaps not examined enough, have been examined, and the matter is far from settled. Other realists of Royce’s and Perry’s day held different views about independence and what were the important features of realism. For more on this and related issues, see Cornelis de Waal, editor, America New Realism (Indianapolis, IN: Thoemmes Press, 2001), vols 1–3. Among relevant essays in these volumes are Isaac
Husik’s “Theory of Independence,” in volume 2, and from volume 3, Warner Fite’s “The Theory of Independence—Once More.” Fite argues with Husik, who himself argues against Perry’s notion of independence. For Perry’s notion of independence, which he advances against Royce’s challenges from The World and the Individual, see Ralph Barton Perry’s “Professor Royce’s Refutation of Realism and Pluralism,” The Monist 12 (October 1902): 446–458. You can find Perry’s article electronically at www.ditext.com/perry/perry.html. See also Josiah Royce’s The World and the Individual (New York: Dover Publications, 1959). See especially lectures II, III, and VII. For a succinct statement of a number of more recent views on independence, see Elliot Sober’s “Realism and Independence,” Noûs 16, 3 (Sept. 1982): 369–385. Other accounts can be found by Fred Zammie and Adam Vinueza, to mention only a few.

35 Brink, 17.
36 For a sense of Dewey’s own perspective on this debate, see his exchanges with Bertrand Russell, such as in “Experience, Knowledge and Value: A Rejoinder,” LW.14.3–90.
38 Brink, 19.
39 T. M. Scanlon, What We Owe to Each Other (Cambridge, MA: Harvard University Press, 2000).
40 Brink, Moral Realism, 10–11.
41 See especially Ralph Barton Perry’s work mentioned in endnote 34 above.
43 Brink, Moral Realism, 82.
46 Ibid., 1–2.
51 Ibid.
52 Ibid., 304.
53 Rawls does not mean full autonomy.
55 Rawls, Theory, 10. In Theory, Rawls writes, “My aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say, in Locke, Rousseau, and Kant.”
57 Rawls, Theory, 5.
Rawls, “Kantian Constructivism,” 358.


G. E. Moore, *Principia Ethica*. It should be noted that the sense in which Moore would conceive of intuiting moral facts is not naturalistic. It is not the natural world that Moore believes we intuit—moral properties are non-natural properties on his account, though intuited nonetheless.


Chapter 4


2 John Rawls, “Kantian Constructivism in Moral Theory,” in *Collected Papers*, 357. I will refer to this paper hereafter as “Kantian Constructivism.”


4 Representationalism’s metaphysical correlate is realism, and constructivism is the name for a theory that bears both epistemological and metaphysical elements.

5 Rawls, “Kantian Constructivism.”

6 Ibid.


10 Ibid., LW.3.107.

11 Ibid., LW.3.94.

12 Ibid.

13 Ibid.

14 My point here is not to claim that this element of Dewey’s moral theory can address all issues that arise in discussions of the proper treatment of animals. I only suggest that it can speak to some of these issues.


16 Ibid.


19 Ibid., LW.3.113.


21 Ibid., EW.1.40.

22 Ibid.

23 Ibid., EW.1.40–41.
Notes


25 The notion arises in many of his essays. Not all of them are discussed here.


27 Ibid.


30 See “Kantian Constructivism,” in which Rawls writes, “The parties in the original position do not agree on what the moral facts are, as if there already were such facts. It is not that, being situated impartially, they have a clear and undistorted view of a prior and independent moral order. Rather (for constructivism), there is no such order, and therefore no such facts apart from the procedure of construction as a whole; the facts are identified by the principles that result.” See *Collected Papers*, 354.


33 Ibid., 27–28. Rawls writes, “The principles of right, and so of justice, put limits on which satisfactions have value; they impose restrictions on what are reasonable conceptions of one’s good.”


38 Rawls, “Kantian Constructivism,” 357.

39 Ibid.

40 Ibid.

41 Ibid., 330.

42 Rawls explains the “serious problem” he hoped to address regarding *Theory* in *Political Liberalism*, as follows: “the serious problem I have in mind concerns the unrealistic idea of a well-ordered society as it appears in *Theory*. An essential feature of a well-ordered society associated with justice as fairness is that all its citizens endorse this conception [justice as fairness] on the basis of what I now call a comprehensive philosophical doctrine . . . Now the serious problem is this. A modern democratic society is characterized not simply by a pluralism of comprehensive religious, philosophical, and moral doctrines but by a pluralism of incompatible yet reasonable comprehensive doctrines. No one of these doctrines is affirmed by citizens generally. Nor should one expect that in the foreseeable future one of them, or some other reasonable doctrine, will ever be affirmed by all, or nearly all, citizens.” See *Political Liberalism*, xvii–xviii.

43 Ibid., 226.

44 Ibid., xviii–xix.

45 Ibid.

46 Rawls explains that the category of “reasonable comprehensive doctrines . . . limits the scope of what reasonable persons think can be justified to others.” See *Political Liberalism*, 58–59.

47 Ibid., 225.

48 Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, MA: The Belknap Press of Harvard University Press, 2006). Note Nussbaum’s challenge in relation to Rawls claim that “each of us must have, and be ready to explain, a criterion of what principles and guidelines we think other citizens (who are also free and equal) may reasonably be expected to endorse along with us.” This passage is from Rawls, *Political Liberalism*, 226. I will refer to Nussbaum hereafter as *Frontiers*. 
Notes


50 Ibid., p. 17.


52 Nussbaum explains the capabilities approach as “an outcome-oriented approach that supplies a partial account of basic social justice. In other words, it says that a world in which people have all the capabilities on the list is a minimally just and decent world. Domestically, it holds that one central purpose of social cooperation is to establish principles and institutions that guarantee that all human beings have the capabilities on the list or can effectively claim them if they do not. It thus has a close relationship to institutional and constitutional design.” See *Frontiers*, 274.


54 See *Theory*, 491–492.


57 Ibid., 42. Emphasis added.

58 I want to clarify here that the notion of being correct or of committing an error is not completely alien to constructivist ways of thinking, but the errors and correctness must concern a world that is not independent of mind.

59 Dewey’s *Quest for Certainty* is in L.W.A.

60 In *Political Liberalism*, 94, Rawls writes that political constructivism “does not . . . use (or deny) the concept of truth; nor does it question that concept, nor could it say that the concept of truth and its idea of the reasonable are the same. Rather, within itself the political conception does without the concept of truth.”

Chapter 5

1 There is some disagreement in the literature on the question of whether we ought to see Rawls’s ultimate justificatory method as solely reflective equilibrium, or it combined with a second method in the original position, or both of these with the addition of the idea of public reason. For my purposes here, I follow T. M. Scanlon, who discusses all three of these methods of justification in “Rawls on Justification,” as found in The Cambridge Companion to Rawls, edited by Samuel Freeman (New York: Cambridge University Press, 2003), in which he writes that “these can appear to be in some tension with one another” (139). My focus is primarily on the first two of these.


3 Ibid. I am grateful to an anonymous reviewer of this work for pointing out a possible challenge here. As he or she pointed out, it may be a mistake to interpret Rawls as denying “that we can have access to moral truth . . . existing prior to and independently of what we construct (by some procedure).” It is clear to me, however, that there are passages in which Rawls’s commitments are greater than this reading would suggest. One such passage can be found in “Kantian Constructivism in Moral Theory,” where Rawls writes, “Apart from the procedure of constructing the principles of justice, there are no moral facts” (Freeman, John Rawls: *Collected Papers*, 307). This seems to me to be a statement consistent with the more thoroughgoing constructivist point of view, which Rockmore has depicted succinctly here than the reviewer’s reading of Rawls. It is because Rawls at times shows both ways of thinking that I deem it appropriate to say that he exhibits a tension.

4 I am grateful for another challenge that an anonymous reviewer has raised here. According to him or her, *Political Liberalism* is the definitive place to look for Rawls’s understanding of constructivism, a reasonable claim, given that the text is one of the later statements that Rawls makes on the subject. In that text, he writes that his “political conception does without the concept of truth at all” (Rawls, *Political Liberalism*, 94). I would argue that although Rawls would like constructivism to not have to do with truth, he himself admits that “the roots of constructivism lie deep in Kant’s transcendental
idealism; but these parallels I cannot discuss here" (John Rawls, “Themes in Kant’s Moral Philosophy,” as found in John Rawls: Collected Papers, 513, edited by Samuel Freeman). Despite the fact that this article also came out before Political Liberalism, it sounds to me like a definitive statement about the origins of his notion of constructivism. Constructivism born of Kant’s transcendental idealism is primarily an epistemological project and thus in that sense constructivism does without the representationalist conception of truth indeed. I think that it is not evident that Rawls would do away with facts. He does have to do away with nonconstructed facts, however, which are often associated with many philosophers’ idea of truth. The question of what a fact is and to what those facts correspond is the issue he wishes to avoid precisely because he is torn between two ways of thinking about them.  

Once again, I am grateful to a reviewer for a challenge that I should address. The reviewer points out that many of the inconsistent comprehensive doctrines “can support the political conception and the principles generated by the constructivist method” despite their differences with one another. I believe that many scholars have challenged this claim with strongly argued articles. One example is Robert Westmoreland’s “The Truth about Public Reason,” published in Law and Philosophy in 1999.  

I am indebted to an anonymous reviewer for clarifying this tension for Rawls and for some of my language in expressing the distinction.  


Ibid., 17.  


Shafer-Landau, 40.  

Ibid., 39.  

Ibid., 41.  

Ibid., 43.  

Ibid., p. 17.  

As I have said in previous chapters, there is a close relation between representationalism and realism. It is important to keep separate the term “realism” as it refers to a certain negative view of humanity in political science, and “realism” as a view about the real as independent of minds who think about it. To avoid confusion, I will continue using the term “representationalism” to refer to the epistemological theory, which accompanies realism as a philosophical outlook on reality. I clarify this issue, since I am indebted in the present section to Arthur Melzer for his article, “Rousseau’s Moral Realism: Replacing Natural Law with the General Will” The American Political Science Review 77, 3 (1983): 633–651.  


Ibid., 7.  


Ibid., 218.  

Ibid., 206.  


This passage comes just before the longer one of the citation, in Rawls’s Theory, 18.
Chapter 6

1 This chapter was first published in Human Studies 31, 4 (Dec. 2008): 361–382. I am grateful for the permission to reuse this material here.


3 See Ronald Dworkin, 1977. Dworkin’s example imagined an island setting in which people are given an equal set of seashells as a form of currency, which are to represent as a whole the total value of goods on the island. Dworkin was realistic through the many permutations and outcomes he can imagine in thinking that even when people start out fairly, inevitably circumstances will come about in which some will be dissatisfied with their lot. The envy test is his notion that a distribution is fair when no one envies the bundle of goods of the other. He believed that it is inevitable, no matter how fair the starting point, that some will come to envy the bundles of others.

4 Charles S. Peirce first pointed out this fundamental flaw to intuitionist epistemological strategies. He developed his most direct statement of this problem in reference to his critiques of Cartesianism, and its notion of intuiting clear and distinct ideas. See “Questions Concerning Certain Faculties Claimed for Man,” and “Some Consequences of Four Incapacities,” in The Essential Peirce, vols 1 and 2, edited by Nathan Houser and Christian Kloesel (Indianapolis, IN: Indiana University Press, 1992). The essays are on pages 11–27 and 28–55, respectively. It is true that with the notion of reflective equilibrium Rawls shed hard-line intuitionism and leaned in an inductivist direction, but this fact only supports my claim in this chapter that the public give and take of concept formation is important and should be seen as a goal of education in political theory.


9 Ibid., 91.

10 Ibid.


Ibid., p. 9.


Ibid.


Dewey, Democracy and Education, chapter 4, 41.

Ibid., 50.

Ibid., 52.

Ibid., 23.

Ibid., 32.

Recall, for example, that Rawls called for a certain sort of “citizenship education” in the civil rights and laws of the land.

Dewey, Democracy and Education, 22.

Ibid., 83.


Ibid.

I am grateful to an anonymous reviewer from Human Studies for recommending I make explicit this distinction between Rawls, Nozick, and Dewey. Among other differences, liberal theorists generally treat persons as fully formed, able to contract with one another before entering society at least hypothetically, for example.


Rawls, A Theory of Justice, 86. This passage was focused upon in Weitz’s article first, but for a different purpose.


I am not here supporting the exclusions of citizenship that Aristotle puts forward.


Ibid., 157.

Ibid., 164.

Ibid., 163.

I believe that this critique applies even if one does not hold to a time-slice interpretation of Rawls, since the same point can be made about process.


See Eamonn Callan, “Political Liberalism and Political Education,” Review of Politics 58, 1 (Winter 1996): 5–33. Callan wrote, “I claim that Rawls is mistaken. The distinction he draws between the two liberalisms is illusory.”
49 Ibid.
50 Ibid., p. 273.
55 Ibid., 35.
56 Ibid.
57 See Dewey, *Democracy and Education*, chapter 10, 124, where he summarized this distinction between spectator and agent (or participant) approaches to knowledge and education.
59 Ibid., 78.
60 Ibid., 70.
Bibliography

Notes on References

Note regarding references to John Rawls’s work: Several citations of Rawls’s work come from articles that have been collected in Samuel Freeman’s (ed.) *John Rawls: Collected Papers*, or alternatively in his *The Cambridge Companion to Rawls*, both of which are listed here below.

Note regarding references to John Dewey’s work: Many citations in this book refer to *The Collected Works of John Dewey, 1882–1953*, which is available in print as well as in an electronic edition. As such, many references in this book will refer to the standard citations for Early, Middle, and Later Works in the following way—M.W.x.y, where M.W. refers to the Middle Works (versus the Early Works and the Later Works), x refers to the volume in that series, and y refers to the page. Where it is helpful, or wherever I refer to an alternate publication of one of Dewey’s works, I cite the more complete source information for those references.


Korsgaard, Christine. “Realism and Constructivism in Twentieth-Century Moral Philosophy” in Philosophy in America at the Turn of the Century (APA


This page intentionally left blank
Index

absolutism 33
actual consent 18, 20
antirealists and moral realism 49
a priori reasoning 24, 56
Aristotle 17, 119
  on education 126
atomism 3, 8, 10, 33, 66, 83, 87, 141–2n39
authoritarianism 53, 129
authority
  general will and 23–4
  God and natural law and 22–3
  moral 97
  political 15, 17, 24
  rationality and 24–5
Bentham, Jeremy 15
Berry, Christopher 25–6, 27
black box 115–16, 119
Boghossian, Paul
  Fear of Knowledge 6
Brink, David 1, 9, 39
  on antirealists and moral realism 49
  on coherentism, as epistemological theory 46
definition of moral realism 50
on independence of mind, and realism 49–51
Moral Realism and the Foundations of Ethics 36
on objective utilitarianism 51–3
on objectivity 48–9
on subjectivity of value 54
Button, Mark E.
  Contract, Culture, and Citizenship 7
  on social contract theory 7
Callan, Eamonn 130
choice 73, 102, 106
  arbitrary 74, 94
  bias and 21
  constraints and 94
  exemplary 94
  free 87
  intelligent 76
  moral 49
  rational 80
  responsibility and 74
  voluntary 29
Christman, John 20, 21
citizenship education 118
civic education 118–19
civil disobedience 28
cognitivism 93
  and representationalism 95–6
coherentism, as epistemological theory 45
concept formation 59
conceptions and primary experience 55–6
see also concepts
concepts
  and conceptions, distinction between 4, 61
  and education 116
consent 13–22
  actual 20
  grateful 16–17
  historical 14–15
  hypothetical 18–20
  political 18
  possible 18
  prudential 15–16, 26
Index

consent (Cont’d)
structural 23
syllogisms regarding 13–14
considered judgments 88, 101, 102, 103, 104
constraints 47
of observers 53
constructivism 1
of Dewey 2
focus on 40–4
as kind of cognitivism 93
objectivist 94
overlapping consensus and 104, 105
pluralism and 104–5
and Rawls’ conception of
personhood 80–9
and relativism 6
and representationalism 46–7, 78, 105
significance of 37
social 57
see also individual entries
correctness
decisions and 98
judgments and 104, 106
Costa, Victoria 7
interpretation of Rawls’ civic
education 118–19
decision-making 44, 54, 92
ethical 98
objective approaches to 106, 107, 110
political 134
political legitimacy and 33
procedures 24–5, 52, 98
subjective approaches to 106, 110
deduction 78, 112, 115, 123
deliberation 29, 30–1, 95, 98, 136
fair 22
freedom and 77
idealized 33, 94, 97
imagined 4, 19, 64, 97
interpretation and 104
justice and 24, 75, 81, 82
objectives and 109
public 92
rational 33
real 83, 97
Dewey, John 1, 10, 46, 103, 136, 137
on absolutism and atomism 33
constructivism of 2
criticism of social contract
theory 4, 31–5
critics of, on education 131–3
Democracy and Education 117
divergence from Kant 77–9
divergence from Rawls 61–4
on education 11, 60, 73, 76–7, 111, 117, 120–2
educational technology of, as
democratic 133–5
environment, notion of 121
on ethics 75
Experience and Nature 63
on freedom and personhood 73–9
on growth 120
on guidance 121
Hickman on 32, 67–8
on human nature 133
Human Nature and Conduct 63
on inclination 76
on individualism 33–4
Individualism, Old and New 33
on inquiry 25, 107–8, 117, 121, 135
Liberalism and Social Action 117
moral realism and 43–4
on noumenal self 74, 79
objectivity notion of 105–9
on personhood 89–90
on philosopher’s fallacy 62–3, 100
on property 32
The Public and Its Problems 117
The Quest for Certainty 88, 105
on reconstruction 69
on responsibility 74
on right and good 66
similarities with Rawls 58–9, 68–9
social environment in
education 121–2
transactional constructivism of 52
difference principle 124
distributive justice and education
fair opportunity principle  129–30
Nozick on  128–9

education
  critics of Dewey  131–3
democracy, defending  133–5
Dewey’s theory  11, 60, 73, 76–7, 111, 117, 120–2
distributive justice and  127–30
ethical v. political liberalism
  and  130–1
natural distribution and  122–7
Rawls on  2, 3, 4, 11, 113–16, 118–20
science and development
  through  115
socialization and  136
epistemology  44–8
  coherentism and  46
  of Kant  45, 72, 79
  Rawls on  47
equality and distribution, of Rawls
  123–7
equal validity doctrine  6
erroneous judgments  88, 106
ethics
  Brink on  51–2
  constructivism in  59
  Dewey on  75
  and justice  98
  liberalism v. political liberalism  130–1
  objectivity in  39, 48, 108–9
Euthyphro problem  81, 86, 89, 92, 94
  of Plato  95
  of Rawls  93–6
Fahy, Gregory M.  5, 6
fair opportunity principle  129–30
fallibilism  68–9
freedom  53, 72, 130
  Dewey’s divergence from Kant  77–9
  education and  76–7
  external  18
  intelligence and  77
moral reasoning and  76
phenomenal world and  73
Rawls on persons, constructivism
  and  80–9
  responsibility and  74–5
  supranatural  74–5
Freeman, Samuel  33
Friedan, Friedan  116
Garrison, Jim  9, 57, 58
general will
  Rousseau on  23–4
God and natural law and  22–3
Goodman, Nelson  38, 103
Gouinlock, James  116
grateful consent
  Rousseau on  16–17
“Guardianship Argument”  134–5
Hampton, Jean  33
Harman, Gilbert  80, 93
Hart, H. L. A.
The Concept of Law  4
  on concepts and conceptions  61
  natural law and  23
Hegel, G. W. F.  26, 28
  critique of social contract theory (SCT)  29–31
Hickman, Larry A.  1, 4, 34, 136
Democracy and Education  11
  on Dewey  32, 67–8
Philosophical Tools for Technological Culture  67, 107, 133
  on socialization  136–7
historical consent  14–15
  Hume on  26
  Locke on  16
historical situatedness  111, 113, 114
Hobbes, Thomas  15, 100
De Cive  96
  on God and natural law  22
  on prudential consent  15–16
  on sovereign  96–7
human nature  25, 100
  Dewey on  133
  Hegel on  31
human nature (Cont’d)
Hume on 27–8, 31
Kant on 17
*Human Studies* 122
Hume, David 31
critique of social contract theory (SCT) 26–8
hypothetical consent
challenges to 19–20
defense of 18, 19

idealization, of agents 85–6, 94
ideal observer theory 80–1
inclination 8, 29, 76, 139n7
citizen and 77
habitual 114
and reason 73
and responsibility 75
subjective 105
independence of mind
and notion of evidence 51
objectivity and 106
and realism 49–50
independent good 110
individualism 33–4
abstract 30
and liberalism 33
induction 112
inquiry 4, 32, 37, 41, 73, 95, 98, 117
conceptual 70, 76
Dewey on 25, 107–8, 117, 121, 135
objectivity and 108
political 68
public 6, 113, 134
Rawls on 25
scientific 46, 56, 108, 116
social 6, 25, 58, 110
intelligent habits and freedom 77

James, Williams 31, 67, 109, 146n44
Joas, Hans 76
judgments 53, 69, 93, 121
considered 88, 101, 102, 103, 104
correct 104, 106
erroneous 88, 106
freedom and 77
good 98

modifying the 102
moral 48, 104
relativism and 101
justice 25, 43, 61, 62, 123
as fairness 23, 30, 81, 84, 85
principles of 20, 22, 25, 62, 64, 65, 83, 101
Rawls on 20, 22, 98, 115
Rousseau on 24

Kant, Immanuel
on authority of reason and *a priori*
standard 24
on conception 55
and constructivism, according to
Rawls 43
*Critique* 46, 54, 55, 83
critique of objective utilitarianism
based on 53
Dewey’s divergence from 77–9
epistemology of 45, 72, 79
on human nature 17
on inclination and reason 73
moral objectivity and 59
on noumenal self 87
on original contract 18, 21, 22
on political legitimacy 17–18, 21
on possible consent 18
Rockmore’s divergence from 45
on structural consent 17
transcendental idealism 48, 72, 82, 83, 105
on transcendental objects 47
Korsgaard, Christine 69
Krasnoff, Larry 43
Latour, Bruno
on Rawls’ claims about persons
116
*Science in Action* 115
legitimacy
of civil disobedience 28
individual desires and 20
political 13, 17–18, 21, 23, 33, 85, 96, 97
Rawls on 24
sovereign and 96–7
Lessnoff, Michael
Social Contract Theory 12
liberalism 2, 119
ethical 130–1
and individualism 33
neutralist 131
political 84, 118, 120, 130–1
life plan 80
Locke, John 67
on God and natural law 22–3
on historical consent 16
on state of nature 14–15
Lovejoy, Arthur 38
Manegold, von Lautenbach 12–13
Margolis, Joseph 107
McCormick, Peter 13
summary of worry about Locke’s historical consent 15
metaethical theory 50, 52, 54
Mill, John Stuart 127
The Subjection of Women 126
minimalism 112
model-conception, of person 83
Moore, G. E. 1, 65
Principia Ethica 68
moral authority 97
moral claims 48, 100
moral community 119
moral conceptions 40, 41
reconstruction of 69
understanding of 42
moral concerns 92, 106
moral conflict 106
moral consideration 39, 83
morality 20, 31, 49, 54, 88, 94
moral objectivity 9, 59
moral philosophy 41–2, 64, 65–6
moral realism 9, 95
atomic persons and communities of individuals 66–8
of Brink 48–54
Dewey on 43–4
differences between Rawls and Dewey 61–4
fallibilism and 68–9
Peirce’s insight for Dewey 54–6
Rawls on 41–3, 60
reconstruction and 69
right and good and 65–6
Rockmore’s history of realism and epistemology 44–8
similarities between Rawls and Dewey 58–9, 68–9
moral reasoning 76
moral relativism 93
and realism 99
moral theory, and objectivity 107, 109
music education 119
neutralist liberalism 131
noumenal object 52
noumenal self 10, 39, 71, 74, 79, 87
Novack, George
Pragmatism versus Marxism 132
Nozick, Robert 123
Anarchy, State, and Utopia 127
on distributive justice and education 128–9
Nussbaum, Martha
Frontiers of Justice 86
objectivism 93–4
cognitivism and 93
objectivity 46, 96
constructivism and 6
decision-making and 106, 107, 110
in ethics 39, 48, 108–9
independence of mind and 106
inquiry and 108
moral 59, 107, 109
as an objective 105–9
of truth 1
significance of 92–3
utilitarianism and 51–3
O’Neill, Onora 100
on challenges to hypothetical consent 19–20
Constructions of Reason 99
on defending hypothetical consent 18
interpretation of reflective equilibrium 102–3
on possible consent 20
original contract 18, 21, 22
original position 3, 19, 22, 30–1, 33, 61, 63–4, 66, 94–5
construction and 82
meaning of 114
noumenal self and 87
principles of justice and 85
and representationalism 98
representatives in 86
overlapping consensus 84, 89, 104, 105

Parry, Geraint 131
paternal government 53
Peirce, Charles 4, 10, 11, 36, 39, 95, 151n4
insight of, for Dewey 54–6
on Kantian theory 64–5
person (hood)
atomistic conception of 10, 66–8, 90
conception of 3–4, 60–1, 66, 71
Dewey on 89–90, 120
hypothetical 3
moral sensibility of 104
Rawls on 80–9, 116, 118
phenomenal world 73
philosopher’s fallacy
Dewey on 62–3
and social contract theory 99–101
Philosophies of Freedom see freedom
Plato 1, 95, 135
Republic 125, 134
pluralism 104
political 105
reasonable 30, 34, 90
political authority 15, 17, 24
political conflict 110
political consent 18
political legitimacy 13, 17–18
Kant on 17–18, 21
Rawls on 21, 33, 85, 97
Rousseau on 23
political liberalism 84, 118, 120
v. ethical liberalism 130–1
political philosophy 58–9
education and 73–4
and psychology 59
political pluralism 105
political power 18, 20, 84
political stability 28
possible consent 18, 20
Post, John 56
practical reason 65, 76
and theoretical reason 79
pragmatism 38, 45, 54, 89, 138
Joas on 76
Rawls on 41, 86
property 67
Dewey on 32
Rawls on 32
prudential consent 17
Hobbes on 15–16
public inquiry 6, 113, 134
public reason 30, 84, 85
Putnam, Hilary 1, 4
on Dewey 35
Ethics without Ontology 5, 7, 31, 109
on social contract theory 5
Putnam, Ruth Anna 108
rationality and reason 24–5
Rawls, John 1, 99, 112
on black box and education 113–16
on civic education 118–19
on civil disobedience 28
Collected Papers 97
conception of persons 3–4, 60–1, 66, 71, 80–9
on concepts and conceptions 4, 59–60
on consent 27–8
on constructivism 40 see also individual entries
difference principle of 124
on different treatment to less intelligent 125
divergence from Dewey 61–4
on education 2, 3, 4, 11, 113–16, 118–20
epistemology and 47
on equality and distribution 123–7
Euthyphro problem of 93–6
on fair opportunity 129–30
fallibilism 68–9
on freedom 72
on hypothetical consent 19
on inquiry 25
justice as fairness and 23, 30, 81, 84, 85
Justice as Fairness: A Restatement 113
justificatory method of 92
on Kantian constructivism 43, 60, 72
Kantian project of 3
The Law of Peoples 22, 100, 102
on legitimacy 24, 33, 85
liberalism of 2, 119–20
on moral philosophy 41–2, 64
on original position 19, 22, 30–1, 61, 63–4, 66, 82, 85, 86, 94
on political legitimacy 97
Political Liberalism 3, 4, 6, 12, 27, 34, 80, 83–4, 89, 100, 102, 103, 104, 113, 114, 118, 119, 130
on political philosophy 58
on pragmatism 41, 86
on principles of justice 20, 22, 25, 62, 64, 65, 83, 101, 115, 123
on property 32
on public reason 30
on reflective equilibrium 69, 101–5
shift to political legitimacy 21, 33
similarities with Dewey 58–9, 68–9
social contract theory (SCT) 3, 97
on studying good judgment 98
A Theory of Justice 3, 8–9, 12, 19, 27, 28, 61, 62, 64, 80, 81, 83, 84, 88, 100, 102, 103, 113, 114, 118, 119, 129, 130
realism 38
and moral relativism 99
see also moral realism
reason 30, 46, 73, 78
a priori 24, 56
and authority 24
moral 76
practical 65, 76, 79
and preference 75
public 30, 84, 85
rationality and 24–5
reasonable pluralism 30, 34, 90
reconstruction 32, 69, 108, 134, 137
reflective equilibrium 69, 112, 115
O’Neill’s interpretation of 102–3
Rawls’ own claims of 101–2
Scanlon’s interpretation of 103–5
relativism 6
moral 93, 99
representationalism 1
cognitivism and 95–6
and constructivism 46–7, 78, 105
and original position 98
Rawls’ conception of persons
and 3, 60–1, 86–7, 88
significance of 72
representatives, in original position 86
responsibility 74–5
and inclination 75
The Review Journal of Political Philosophy 8
Rockmore, Tom 2–3, 72
On Constructivist Epistemology 1, 37, 91
history of realism, and
epistemology 44–8
on metaphysical realism 38
Rorty, Richard 1, 46
Rousseau, Jean-Jacques, 96, 99
general will and 23–4
on grateful consent 16–17
social contract theory and 97
on will 97
Royce, Josiah 80, 118
Sandel, Michael
Liberalism and the Limits of Justice 131
Savage, Daniel M.
John Dewey’s Liberalism 5
Scanlon T. M. 51
What We Owe to Each Other 101
self 3, 4, 67
noumenal 10, 39, 71, 74, 79, 87
unity of 81–2
Shafer-Landau, Russ 81, 91, 98, 99
critique of Rawls 94–6
on Euthyphro problem 94
Moral Realism: A Defense 93
objectivism according to 93–4
singularity 102–3, 116
social constructivism 57
social contract theory (SCT) 3, 12, 67, 96–9
Button on 7
consent 13–22
criticism of 4
Dewey on 31–5
general will and 23–4
God and natural law and 22–3
Hegel on 29–31
Hume on 26–8
Nussbaum and 86
and philosopher’s fallacy 99–101
Putnam on 5
rationality and 24–5
social environment, in education 121–2
socialization 2, 136–7
social organism 134
sovereign 22, 96–7, 137
state 26, 31, 112, 126
-forming forces 32
Hegel on 29
liberal 131
static individualism 34
structural consent
Kant on 17

subjectivity
and cognitivism 93
decision-making and 106, 110
of value 54
supranatural freedom 74–5
Talisse, Robert 5, 134
transactional constructivism 52, 96
transcendental idealism 48, 72, 82, 83, 105
transcendental objects 47
truth, objectivity of 1
unity of self 81–2
utilitarianism, objective 51–3
“veil of ignorance” 114
Weitz, Betty A. 122, 123, 127
Westmoreland 105
Whelan, Frederick 28
will 97
general 23–4
Wollstonecraft, Mary 126
Wong, David 93