Ethics/Philosophy: Challenges to Rawls Theory of Justice

Author

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Abstract

The focus of the seminar is the colloquial reconstruction, interpretation, and discussion of Rawls' Theory of Justice. This final session is dedicated to the discussion of important challenges in practical application and critical responses of other philosophers to Rawls Theory. The work during the session is organized in a think-pair-share-sequence: Under the question "How would (or could) Rawls respond?". Every student works alone on one of five selected challenges; in the pairing phase, the students present their challenges to each other and discuss their subsequent thoughts about it. In the sharing phase, every pair presents at least one of its challenges in a plenary discussion. After the discussion of each challenge, the question is raised whether the arguments of the challenging party or those of the defendant Rawls were more convincing.

Timescale

One lecture (approximately 90 minutes)

Key Terms

John Rawls

Key competences / Learning outcomes

- A deeper understanding of Rawls theory and the ability to transfer its arguments to another context by:
    - variating the original theory in defending it towards different challenges
    - critically reflecting on possible limits and weaknesses of the theory
    - evaluation Rawls specific approach to the subject of justice as one philosophical possibility among others

References

- Rawls, J. (1971). *A Theory of Justice*. Belknap Press Harvard University.
- Höffe, O. (Ed.). (2013). *Klassiker Auslegen: John Rawls: Eine Theorie der Gerechtigkeit*. De Gruyter Akademie Forschung.
- Kersting, W. (2015). *John Rawls zur Einführung*. Junius Verlag GmbH.
- Mandle, J., Roberts-Cady S. (Eds.). (2020). *John Rawls. Debating the major questions*. Oxford Univ. PR.

Teaching Steps

Teaching Steps			
Phase/Time	Approach	Method	Social Form/ Tasks for students
Introduction (5 min)	Introduction, presentation of the procedure and task, distribution of the individual challenges (see material) by lottery.	Presentation by lecturer	Plenary
Thinking (15 min)	Students are asked to prepare the presentation of one challenge (see below) to Rawls' theory under the question of „How could Rawls respond the challenge?". In this and the following phase, the students are invited to use the book of Rawls to elaborate their solution.	Silent text study	Individual work
Pairing (25 min)	Students are asked to present their challenges and subsequent thoughts to partners and to elaborate an answer to the question for a possible Rawlsian defence against it.	Exchange and discussion with partners	Pair work
Sharing (45 min)	The students present their challenges and their results for further discussion in plenary. If not all five challenges can be discussed, each group should present at least one of their challenges. After the discussion of each challenge, the question is raised whether the arguments of the challenging party or those of the defendant Rawls were more convincing.	Presentation and plenary discussion of the challenges.	Plenary

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Material and Texts

Challenges to Rawls Theory of Justice

Challenge 1:

In the past 20 years the number of democratic states in the world has declined. In discussions on political constitution, it is sometimes argued that democracies tend to be less efficient than authoritarian states in producing and preserving wealth and security for their citizens.

Challenge 2:

The philosopher Robert Nozick thinks that Rawls' conception of justice leads to an unjust welfare-state. According to him, the minimal state should restrict itself to the insurance of security and law-enforcement. If I have acquired a good without doing damage to anyone, I have a natural right to this good. For Nozick, the taxation of earnings can be equated by forced labour.

Challenge 3:

Some philosophers criticized Rawls for treating people to much as isolated individual beings and, according to his concept of „original position ", thinking of society like being composed of individual „atoms ". They object that persons only become a moral subject as members of a community. Alasdair MacIntyre said that if I am deprived of my community, I am in danger of loosing all my standards of judgement.

Challenge 4:

The philosopher Stanley Cavell criticizes Rawls for giving no explanation of why one should approve an existing society as just. In Rawls' contractualism, at some time for once a "just society" is built by members who have to give their consent to it, because they would give their consent in the state of the "original position". However, according to Cavell, there is a basic human need to go beyond what has been achieved, and that is why a static "just society can never exist.

Challenge 5:

The philosopher Wolfgang Kersting notes that the primacy of freedom, as it is defended by Rawls, is neither necessarily needed for the sake of a theory of justice nor sufficiently justified. If for example people sell the votes for an election for the highest bidder and it is a free decision, Rawls' theory could not explain why this should be wrong.

Glossary
Important terms for students

Encounter learning:

Encounter learning refers to the didactically guided and accompanied topic-centred exchange between participants who are as similar in status as possible in a framework that is limited in terms of content, time and space (safe space), which provides for multi-perspective reflection processes taking into account a conflict hermeneutics that lead to the initiation of content-related and process-related competences.

The project "Sharing Worldviews: Encounter Learning for common Values in Diversity" is based on a 4-phase concept of Encounter Learning: preparation, presentation, exchange and reflection.

Worldviews:

The concept of **Worldviews** has various culturally determined meanings. In our project we use it as "Worldviews" (individual or collective perspective on the world):

World interpretation (dt.: Weltdeutung) Refers to the fundamental anthropological existential that man brings his fellow man, his environment and himself into an explanatory and interpretive context, regardless of whether this context has religious, spiritual or secular connotations.

World view (dt.: Weltbild) Coherent overall conception of the whole of reality, of the development of life and the structure of the universe, of a certain image of man and history etc. from a certain theoretically underpinned (e.g. scientific or mythological etc.) perspective.

Worldviews (dt.: Weltsichten/ Weltansichten/ Perspektiven auf die Welt) Individual or collective perspective on the world. Worldviews as perspectives can also be shaped by influences (events, media, etc.).

Worldview (dt.: Weltanschauung) Refers to a coherent overall conception of the whole of reality, which shapes one's perception of reality and in turn shapes that perception. Beyond 'worldviews', they are embedded in a specific framework of thought and action and thus also include evaluative statements and corresponding options for action. Worldviews unite their adherents into a secular community (e.g. humanism, atheism, materialism).

Such an understanding of worldview is shaped in Europe by the Enlightenment, which sought to free itself from traditional communities (such as religions) and grant the individual more independence from them.

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