From the veil of ignorance to the overlapping consensus:

John Rawls as a theorist of communication

Klaus Bruhn Jensen

Professor, dr.phil.

Department of Media, Cognition, and Communication

University of Copenhagen, Denmark

kbj@hum.ku.dk

John Rawls is commonly credited with redefining the agenda of political philosophy through *A theory of justice* (1971). A second major publication – *Political liberalism* (2005/1993) – marked an important shift in Rawls' thinking from a universalist position to a more culturally contextualized understanding of justice. And with a third work – *The law of peoples* (1999) – Rawls outlined an approach to the definition and practice of justice under conditions of globalization. The aim of this paper is to introduce Rawls' philosophy into current conversations about normative communication theory. For one thing, Rawls' work has been almost entirely neglected in media and communication research. For another thing, the field has traditionally downplayed and sidelined the normative implications of its theoretical positions and empirical findings altogether. A reconsideration of Rawls' ideas may help to reinvigorate research and debate on the inherently normative aspects of human communication.

In brief summary, Rawls' approach to justice was to ask, not what is, or what ought to be, but what might be, with reference to a thought experiment. In an innovative move, he referred to *the original position* – an imagined state of nature in which free and equal citizens would try to come to terms with each other about the principles of justice that would govern the political institutions of the society they share. In Rawls' thought experiment, each citizen has a representative who will deliberate on his or her part, so as to arrive at consensual principles and institutions. The most unique feature of the original position is *the veil of ignorance* – a drastic set of limitations on the information that the participants in these deliberations have access to, both about the individual citizens in question (no information about their age, gender, ethnicity, wealth, natural endowments, etc.) and about the specific society (no information on its level of development, economic system, class structure,

etc.). From the outset, then, deliberations would be focused on core issues facing all citizens in any democratic society. Most important, the individuals deliberating would not know in advance the actual social position that they would each come to hold once the veil had been lifted and social practice had kicked in.

The general outcome would be what Rawls referred to as a system of *justice as fairness*. His claim is that individuals in the original position would arrive at two main principles of justice through public and rational deliberation. The first principle involves *deontological* or absolute rights concerning certain basic liberties in the political domain: freedom of speech and association, the right to vote and to hold public office, the rule of law, etc. The second principle concerns *teleological* principles with practical outcomes. Recognizing that economic and other social inequalities are inevitable in practice, the second principle deals with such inequalities in two steps. According to one sub-principle of *fair equality of opportunity*, offices and positions should be open to all even if, in the end, some will be more successful than others in terms of fortune and fame. According to a further sub-principle – the *principle of difference* – whatever differences of income and wealth exist should, nevertheless, work in the interest of the least-advantaged: without the inequalities in question, they would be (even) worse off. To exemplify, an unequal economic system might produce a greater total product that, relatively, would benefit everyone. Presumably, few, if any citizens would run the risk ending up at the bottom of the heap without such compensatory mechanisms.

Like most other philosophers, Rawls did not frame his concepts, principles, and procedures in explicitly communicative terms; this is in spite of the so-called linguistic turn of twentieth-century philosophy (Rorty, 1967). The interface between philosophy and communication research, however, remains one of the most fertile

areas of interdisciplinary theory development – an interface that has important normative as well as practical implications (Hannon, 2012). In a communicative restatement, the central constituents of Rawls' position are: Information – what information is available at which stage of deliberation and decision-making? Communication – who is able to access what information and to jointly deliberate on its implications for the future organization of society? And action: how – by what procedures – do agreements emerge and decisions take shape? What happens at the end of communication (Jensen, 2010)?

The relevance of Rawls' philosophy for advancing normative communication theory can be illustrated with reference to three of his key concepts – the veil of ignorance, the reflective equilibrium, and the overlapping consensus. First, the *veil of ignorance* was Rawls' conceptual device for describing an original position in which citizens – with minimal information – must commit themselves in advance to future social arrangements that may generate either highly positive or highly negative end results for them personally. And, as part of continuing public and political debates, citizens and entire societies may re-enter the original position at any time to reflect and communicate about the relationship between the principles of justice and the practical issues confronting them. It may be argued, further, that the veil of ignorance can never be lifted entirely. Here and now, individual citizens cannot have perfect insight into other citizens – or into themselves, for that matter – despite the dream of communication as "contact between interiorities" (Peters, 1999: 8f.). And, with a view to the future, communication frequently ends even when the stakes are high and the consequences of plans and proposals remain intensely contested – or unforeseeable.

Second, Rawls referred to the *reflective equilibrium* as a stable state in which individual citizens have clarified and resolved their convictions and beliefs. This is achieved through several specified stages in which publics consider constitutions, general laws, as well as specific policies. In a pragmatist terminology, a belief is an orientation toward action, or what one is prepared to act on (Fisch, 1954). Compared to the philosophical perspectives of Rawls and others, communication theory would highlight the social, interactive constitution of any reflective equilibrium. As citizens gain more information and communicate among themselves, they gradually work out a consensus concerning major social institutions. In this process, the media are among the key modern institutions, even if political philosophy and ethics overall have devoted surprisingly little attention to their specific implications.

A third aspect of Rawls' thinking – *the overlapping consensus* – was worked out especially in his second magnum opus, *Political liberalism* (1993). Whereas the first work, *A theory of justice* (1971), had outlined a position with universalist ambitions and claims, the second work recognized the frequently fundamental divides between individuals and groups holding different comprehensive ideological, religious, and ethical doctrines, both within and between the nations and regions of the world. Nevertheless, the later Rawls suggested that these groups might arrive at an overlapping consensus: By bracketing much of the comprehensive doctrines in question, and by identifying aspects of each doctrine that could motivate consensual arrangements, modern societies might succeed in the mundane, but essential business at hand: coexistence and collaboration in relevant domains. Relying on distinctive repertoires of concepts and values, citizens are able, as a collective, to go on, to act, within a shared and collectively legitimated set of social practices and institutions.

John Rawls redefined the agenda of political philosophy more than forty years ago; the potential of his work for reinvigorating normative communication theory still remains to be tapped. In the meantime, Rawls' works have figured prominently in debates that have had some, admittedly small overlap with the field of media and communication research. In the mid-1990s, Rawls and Habermas entered into an extended debate about the definition and practice of justice (Finlayson & Freyenhagen, 2011). More recently, in a critique of Rawls, Amartya Sen (2009) reemphasized the importance of considering questions of justice in concrete and comparative fashion: "how would justice be advanced?" rather than "what would be perfectly just institutions?" (p. 9).

In a future perspective, several key contributions to normative communication theory – from Rawls, Habermas, Sen, and others – can be seen to converge in a research agenda with a pragmatist lineage (Dickstein, 1998). Pragmatism has traditionally foregrounded the relationship between theory and practice, and between descriptive and normative approaches to research; pragmatism also emphasizes the fallible nature of theoretical insights as well as their translation into action. What Rawls presented, is a conception of justice without guarantees. Justice is articulated and, in part, implemented in communication. As a practical discipline (Craig, 1989), the present field could be expected to contribute to specifying both the potentials and the limitations of communication as the most common of practices addressing what justice is, what it ought to be, and what it could be.

References

Craig, R.T. (1989). Communication as a Practical Discipline. In B. Dervin, L. Grossberg, B. J. O'Keefe & E. Wartella (Eds.), *Rethinking Communication* (Vol. 1: Paradigm Issues, pp. 97-122). Newbury Park, CA: Sage.

Dickstein, M. (Ed.). (1998). *The Revival of Pragmatism*. Durham, NC: Duke University Press.

Finlayson, J.G., & Freyenhagen, F. (2011). The Habermas-Rawls Dispute: Analysis and Reevaluation. In J. G. Finlayson & F. Freyenhagen (Eds.), *Habermas and Rawls: Disputing the Political* (pp. 1-21). New York, London: Routledge.

Fisch, M.H. (1954). Alexander Bain and the Genealogy of Pragmatism. *Journal of the History of Ideas, 15*(3), 413-444.

Hannon, J. (Ed.). (2012). *Philosophical Profiles in the Theory of Communication*. New York: Peter Lang.

Jensen, K.B. (2010). *Media Convergence: The Three Degrees of Network, Mass, and Interpersonal Communication*. London, New York: Routledge.

Peters, J.D. (1999). *Speaking into the Air: A History of the Idea of Communication*. Chicago: University of Chicago Press.

Rawls, J. (1971). *A Theory of Justice*. Cambridge, MA: Harvard University Press.

Rawls, J. (1999). *The Law of Peoples*. Cambridge, MA: Harvard University Press.

Rawls, J. (2005). *Political Liberalism* (Expanded ed.). New York: Columbia University Press. (Original work published 1993.)

Rorty, R. (Ed.). (1967). *The Linguistic Turn*. Chicago: University of Chicago Press.

Sen, A. (2009). *The Idea of Justice*. Cambridge, MA: The Belknap Press of Harvard University Press.