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Alistair S. Duff:

Neo-Rawlsian Co-ordinates: Notes on A Theory of Justice for the Information Age[1]

Abstract:

The ideas of philosopher John Rawls should be appropriated for the information age. A literature review identifies previous contributions in fields such as communication and library and information science. The article postulates the following neo-Rawlsian propositions as co-ordinates for the development of a normative theory of the information society: that political philosophy should be incorporated into information society studies; that social and technological circumstances define the limits of progressive politics; that the right is prior to the good in social morality; that the nation state should remain in sharp focus, despite globalization; that liberty, the first principle of social justice, requires updating to deal with the growth of surveillance and other challenges; that social wellbeing is a function of equal opportunities plus limited inequalities of outcome, in information as well as material resources; and that political stability depends upon an overlapping consensus accommodating both religion and secularism. Although incomplete, such co-ordinates can help to guide policy-makers in the twenty-first century.

Agenda

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Introduction

There has been no shortage of normative comment on the emerging socio-technical world, much of it strongly partisan. Many authors, however, now recognize the need to move from either uncritical apologetics, on the one hand, or radical critique, on the other, to the development of a constructive normative theory of the information society (Loader 1998; May 2003; Duff 2004). The present article attempts to contribute to such a theory by outlining a set of normative propositions anchored in the work of the late John Rawls (1921-2002). It is suggested that a neo-Rawlsian perspective supplies at least some of the co-ordinates of a sociopolitical ideal capable of guiding ethically responsible policy-makers in what is known as the information age (Castells 1996-8; Capurro & Hjorland 2003: 372-375).

Rawls and the Information Age

Why Rawls? One searches his work in vain for references to cyberspace, virtual reality, feedback or any other 'keyword' of the information age. This is disappointing, given that Daniel Bell, no less, had featured Rawls's work in the coda of his classic manifesto of the information society, *The Coming of Post-Industrial Society* (Bell 1999 [1973]: 440-6). It seems that, notwithstanding the high level of abstraction at which his theory was pitched, Rawls never entertained the possibility of a post-industrial epoch, limiting his role, even in his most recent work, to that of devising principles of justice for 'running an *industrial* economy' (Rawls 2001: 77, italics added). Perhaps unsurprisingly, then, an information perspective has never swung clearly into view in the huge philosophical commentary on Rawls. Yet despite this, Rawls's seminal work, *A Theory of Justice* (Rawls 1973 [1971]), and subsequent elaborations, must be taken seriously by anyone who wants to think ethically about the information society. This is not as arbitrary a premise as it might at first sound. Opinion within mainstream philosophy registers Rawls's pre-eminence in the modern pantheon of ethico-political theorists. Not long after the publication of *A Theory of Justice*, Nozick announced that 'political philosophers now must either work within Rawls's theory or explain why not' (Nozick 1980 [1974]: 183), and by the end of the century Nagel was able to write that 'it is now safe to describe [Rawls] as the most important political philosopher of the twentieth century' (Nagel 1999). Such testimonials constitute a sufficient reason for the induction of Rawls into the interdisciplinary specialism of information society studies (Duff 2000; Webster 2004).

While few professional philosophers have applied Rawlsian ideas to information issues, there has been more recognition in fields such as communication and library and information science. Most authors citing Rawls have tended, I think correctly, to see his ideas as useful ammunition for promoting ideals of social justice in the whole area of access to information. Thus, Schement and Curtis suggest that arguments for information to be included in 'universal service', a common stance in telecommunications policy circles, have often been inspired by Rawls (Schement & Curtis 1995: 160). Raber has recently made such a case for 'universal service as a necessary component of social justice' (Raber 2004: 120). Britz argues that information poverty is as subject as other forms of poverty to the demands of distributive justice, which he too interprets in a Rawlsian way (Britz 2004). Venturelli suggests that Rawls's work has helped to establish the normative grounds of public interest-centred information policy (Venturelli 1998: 9, 32). Hausmanninger focuses upon efforts to bring the Internet under 'normative control', while calling for a global ethic based on Rawlsian principles (Hausmanninger 2004: 20, 25). Wilhelm's *Digital Nation* embarks with a quotation from *A Theory of Justice* and ends on an eminently Rawlsian note, with a call for 'a new social contract in which rampant inequalities sown by the acquisitive spirit are tempered by the tender embrace of liberty, equality, and solidarity' (Wilhelm 2004: 134). And, on the supranational front, Collins identifies Rawls's theory of justice as 'particularly germane' to discussions about the social goals of the global information society (Collins 2000: 111).

However, there is disagreement over Rawls's celebrated 'difference principle', which states that inequalities in the distribution of social goods should be permitted so long as they work for the benefit of the worst off. Fallis defends such a 'Rawlsian distribution' as the appropriate goal for policy-makers contemplating the digital divide (Fallis 2004). On the other hand, Hendrix takes the opposite view that Rawls's defence of economic differentials leads to discriminatory and deleterious effects on the worst off; she cites the underfunding of information tech-

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nology in schools in poor parts of the American South as evidence of the dangers of a Rawlsian approach (Hendrix 2005). This divergence of interpretation of the difference principle is consistent with long traditions of centrist *versus* left-wing perspectives on Rawls. Lievrouw & Farb (2003) attempt to resolve the issue by distinguishing between 'vertical' and 'horizontal' approaches. The former sees informational justice as a straightforward function of the distribution of social and economic advantage; this is the classic egalitarian approach. The horizontal approach, which Lievrouw and Farb identify as Rawlsian, contends that 'the fairness or *equity* of access and use, rather than the more or less equal distribution of information goods, may be a more useful foundation for studying inequities and formulating appropriate social policies' (Lievrouw & Farb 2003: 501).

A Set of Neo-Rawlsian Co-ordinates for the Information Society

Building upon the work reported above while also striking out in some new directions, this section pursues several lines of application where a neo-Rawlsian approach appears to be particularly relevant to the normative and policy dimensions of the information society.

Information Society Studies: The Central Role of Political Philosophy

'Justice', declares the first page of *A Theory of Justice*, 'is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust' (Rawls 1973: 3). Rawls held that it falls primarily to political philosophy to explicate the nature of social justice. The discipline of political philosophy should therefore be stationed at the centre of information society studies. This first co-ordinate meets an identifiable need for the restoration of order in the hierarchy of academic fields dealing with normative dimensions of the information society. It also thereby propels us beyond a current rut, the preoccupation with single issues—the ethics of freedom of information, the injustices of media concentration, the rules of intellectual property, the quest for a 'national information policy', or whatever. Such studies ultimately fall into the philosophically unsatisfactory category of 'an intuitionism of social [policy] ends' (Rawls 1973: 36). They make specific assertions about political or economic morality without relating these claims to an overarching normative position. The core academic requirement of the information age, Servaes confirms, is the application of systematic thinking 'at the level of political philosophy' to the socio-technical scene (Servaes 2003: 6).

Social and Technological Environment: The Circumstances of Justice

A second neo-Rawlsian co-ordinate describes the main features of social reality, the facts of life with which a normative theory must deal. Rawls explains that a *via media* needs to be found between idealism and determinism, with political philosophy viewed as 'realistically utopian: that is, as probing the limits of practicable political possibility' (Rawls 2001: 4). He codified these limits in what he called the circumstances of justice (Rawls 1973: 126). They include scarcity of material resources, and self-interest—but also a capacity to act morally—in human behaviour. The normative theory of the information society should acknowledge that such conditions will continue to apply in the post-industrial era, e.g. that there is no likelihood that the information economy will be a 'manna economy', sealing the end of scarcity (Rawls 1999a: 332), or that people will become largely altruistic. Utopian visions of the information age fail precisely because they underestimate the persistence of the circumstances of justice. At the same time, however, it must be recognized that promising developments in the circumstances of justice are integral to the information society thesis. Growth of information stocks and flows—not least in such vital domains as political, welfare and scientific information; automation; the popularization of computing power; and artificial intelligence, are all part of the emergent social and technological environment. A normative theory of the information society will have to properly tease out the latent social benefits of these post-industrial conditions.

Moral Theory: The Priority of the Right Over the Good

'Each person', Rawls asserted, 'possesses an inviolability founded on justice that even the welfare of society as a whole cannot override' (Rawls 1973: 3). This was the high, deontological premise from which he launched his influential attack on consequential-

ism, the prevalent industrial-era ethic that justified infringements of the rights of the individual by appealing to collective ends. On the contrary, Rawls insisted, the right must be considered prior to the good, and in this axiom too he has supplied an important moral co-ordinate for the information age: visions of the information society are as prone to the totalitarian temptation as were political visions of the past. However, acknowledging the priority of the right over the good does not mean that the theory of the good can be neglected. The good holds a companion role in social morality, or as Rawls aphoristically expressed the relation: 'justice draws the limit, the good shows the point' (Rawls 1999a: 449). It is needful, therefore, to produce a cogent account of the good of information within a just post-industrial polity. In precisely which ways is information a political good, an economic good, and a cultural good? Should information be treated as a commercial commodity, a public resource, or a combination of both? Such questions lie in the path of any normative theory of the information society, even a deontological one.

Template: Institutional Structure of the Nation State

'The primary subject of justice', according to Rawls, 'is the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation' (Rawls 1973: 7). Consequently, political philosophy's main task is to 'define an ideal basic structure toward which the course of reform should evolve' (Rawls 1973: 261). In his last period Rawls also reflected on questions of international justice (Rawls 1999b). However, he never abandoned his belief in the primacy of social justice in the nation state, and its prior claims on normative theory. It might be thought that this is one Rawlsian axiom that must be retired in the information age, an era which has supposedly lifted our frame of reference to the international level. Indeed, was it not Bell himself who announced that 'the national state has become too small for the big problems of life, and too big for the small problems' (Bell 1999 [1973]: lxxxi)? However, the fact that certain forces of globalization are gathering strength does not at all entail that the nation state is no longer the appropriate subject of social justice. Unless a world government is brought into being—and such a scenario was repugnant to Rawls (Rawls 2001: 13)—we need to continue focusing on the justice of the political formations we actually inhabit. All the stupefying rhetoric about the marginalization of the nation state simply plays into the hands of transnational corporations and their governmental sponsors in the leading countries.

Information Polity: The Liberty Principle

Rawls's paramount political concern, and therefore his first principle of justice—his whole philosophy rotates around two principles of justice—was the protection of liberty. After much refining, the final formulation of his liberty principle ran as follows: 'Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all' (Rawls 2001: 42). The scheme comprised a set of rights which included freedom of conscience and expression, freedom of religion, freedom of association, the right to own private (although not necessarily productive) property, and political liberty in the contemporary democratic sense of the right to vote. All of this, of course, is unremarkable in the context of western democracies, but what normative theory faces now is the task of rethinking the meaning of liberty for the information age, and particularly of identifying the requirements of a 'fully adequate' post-industrial scheme. As Rawls said, we need to find 'ways of assuming the availability of public information on matters of public policy' (Rawls 1996: lviii), so a liberal freedom of information regime can be identified as a political goal. More hard normative thinking also needs to be done about the future shape of civil liberty, and particularly about privacy in a context of creeping—and potentially total—surveillance. Perhaps also, rising to Hausmanninger's challenge, we should be making the case for soft regulation of the contents of cyberspace.

Distributive Justice: Moderate Information Egalitarianism

Specification of the requirements of distributive justice is the point at which political philosophies equally loyal to liberal-democracy begin to divide. Rawls's position, a moderate socio-economic egalitarianism broadly identifiable as left-liberalism, remains, I believe, highly appropriate for the information age. In its final formulation, his second principle was worded as follows: 'Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society (the difference principle)' (Rawls 2001: 42-3). The first clause articulates a widely-heard and natural de-

mand for a reasonably equal start in life for all citizens. The difference principle, however, is regarded as Rawls's special contribution to the repertoire of principles of distributive justice in the western tradition. Its genius lies in its balancing of two powerful moral intuitions: that equal shares are fair, at least as an initial benchmark; but also that inequalities can be acceptable if the incentives they allow lead to a greater total cake, thus benefiting everyone, including the worst off. For who wants an equality of misery? By prompting a paradigm shift from 'arithmetic' to differential (or, in Lievrouw and Farb's terminology, horizontal) equality, Rawls put social justice on a feasible electoral trajectory. For neo-Rawlsians, therefore, the response to the digital divide, as to any other inequality, will be to regulate social and economic institutions, including information institutions, so that differentials demonstrably work for the good of all, and especially the worst off.

Social Statics: The Overlapping Consensus

In his later work, Rawls came to believe that the main flaw with most liberal theories, including that of *A Theory of Justice*, is that they make their political principles dependent upon broader philosophical or metaphysical positions. In *Political Liberalism* (1996), Rawls showed that different worldviews can overlap in their political aspects, like the circles in a Venn diagram, resulting in a shared consensus. Thus, normative theorists, or at least democratic normative theorists, must accommodate what Rawls (1999a: 422) called 'the fact of reasonable pluralism', the irrefutable assertion that equally intelligent people can have radically divergent philosophical and religious allegiances. Social justice, in short, is 'political not metaphysical' (Rawls 1999a: 388-414). Grasping this point is a crucial condition of social statics, of guaranteeing the long-term stability of post-industrial society, because an information society is no more likely to be doctrinally homogeneous than was an industrial society—even assuming that metaphysical differences arise partly out of limitations of information.

Conclusion

This article has postulated a number of neo-Rawlsian propositions as co-ordinates for policy-making in the twenty-first century. Of course, it is not a complete set. Moreover, space restrictions mean that each co-ordinate is articulated—at best—only suggestively. Nevertheless, they capture, if inadequately, the essence of Rawls's seminal contribution to political wisdom. Taken together, and developed further, I am convinced that these co-ordinates will help to show the way to a sound normative theory of the information society.

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