Knowledge and Social Facts in the Original Position

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ABSTRACT: John Rawls', *A Theory of Justice*, allows social facts behind his veil-of-ignorance, thereby lessening the veil's capacity for neutrality and defense of liberal principles. Rawls assumes social facts are discoverable without presupposed political values. But even if value-neutral social science is possible, real-world opinions, defined by political/social world-views, open the veil to bias since social facts from a non-liberal view may bolster non-liberal programs. Alternatively, depriving those behind the veil of knowledge of social facts strips them of vital information necessary for creating a just, well-organized society. These reservations do not constitute decisive criticisms but point out unresolved tension in Rawls' original position, and the veil's status of neutrality is undermined.

In *A Theory of Justice* (TJ), John Rawls argues that there are important constraints regarding the circumstances in which people should choose the principles of justice. Some of these constraints concern the question of *knowledge*: what people behind the veil of ignorance are able to know about themselves and their social world. One form of knowledge that Rawls considers to be acceptable is knowledge of *social facts*. In this essay, I argue that the introduction of social facts actually means that the veil of ignorance cannot be used to dispose of our previously-held moral and political convictions in a way that is satisfactory. Rawls is assuming a problematic philosophy of social science, which says that social facts can be discovered independently of values. Even if the belief that social science can be value-neutral is justified, Rawls, however, will still run into the problem that, whatever the *philosophical status* of social facts, people's *actual perspectives* on social facts will be driven by their world-views, and the veil of ignorance could therefore be used simply to reinforce people's presuppositions about politics (both liberal and illiberal). I finally argue that Rawls could not escape these problems by arguing that people behind the veil of ignorance should be deprived of knowledge of general facts. because they would then struggle to make informed decisions about what kind of society to create.

Rawls uses the thought experiment of the original position to underpin his theory of justice. In the original position people decide what basic principles of justice should be accepted by their society. In this original position, people will want to advance their own rational interests; for example, they will want to make sure that they have a good supply of "primary goods" such as personal liberty, wealth, and the ability to have a say in the political system in which they live. To give substance to the original position, Rawls uses the idea of the veil of ignorance. Behind this veil, people do not know any specific facts about themselves, for example, their gender or ethnicity. They do, however, know "general facts" about societies and facts of science (Rawls, TJ, 142). In this way, Rawls wants his participants to be forced to be impartial (in the sense that they cannot bias their idea of justice to favor their own particular circumstances), but he does not want them to be ignorant. They could know, therefore, the general fact that societies do not have unlimited resources, or they could know that there frequently are diseases that affect individuals and societies in negative ways. These considerations should help people behind the veil of ignorance to make good decisions about the type of society that should be desired.

It is Rawls' statements about general social facts that are the most interesting and problematic. He writes, "the parties [...] know the general facts about human

society. They understand *political affairs and the principles of economic theory; they know the basis of social organization and the laws of human psychology*" (TJ, 137; my italics).

Rawls, in this passage at least, appears to be assuming the validity of a value-neutral stance on social science. If you believe in the "Machiavellian" view of social science—that there are such things as straightforward social facts and laws and that these facts and laws are discovered by disinterested social and behavioral scientists (Cassirer, 153–4)—then Rawls' inclusion of them seems, on the surface, quite reasonable. The people behind the veil of ignorance would be entitled to know the general facts of the social world in the same way that they would be allowed access to the less controversial facts of natural science. However, if this value-neutral view of social science is inaccurate, Rawls' inclusion of general, undisputed facts behind the veil of ignorance is more problematic—if the methods of social sciences are in any sense *value-laden*, then the thought experiment will lose some of its neutrality. For this criticism to be effective, there is no need to embrace the view that social science is simply a *branch* of ethics or axiology. Even a weaker position is enough to create problems for Rawls; if social scientists' research and methods are *guided* by values, and if our moral and political values play some kind of orientating role in social science, then general, undisputed facts that are completely distinct from values will be impossible.

Given that Rawls is attempting to use his thought experiment partially to defend (some variant of) liberalism, the situation is particularly challenging for him. In political theory, and axiology in general, the question of whether you *support liberalism* is of fundamental importance. If social science is to some extent value-driven, the values of liberalism itself are, at some point, inevitably going to be vital. Sometimes the question of whether you accept that something is a general, undisputed fact in social science will in some sense turn on *whether you accept the values of liberalism*. There is, therefore, a danger of circularity in Rawls' system because, if he is smuggling value-laden social facts into his experiment, he could (indirectly) be using the values of liberalism to justify liberalism. On the other hand, if your social scientific research and orientation are *not* driven or guided by liberal values, then the conclusions you reach from behind the veil of ignorance will perhaps not lead to liberal principles at all.

One of the key questions, then, is whether a value-neutral philosophy of social science is justified. I am firmly of the belief that it cannot be, but it will only be possible to give a partial justification for it here; however, here are some arguments and cases that create significant problems for supposedly value-neutral social science. Take the issue of whether we should have an authoritarian state or a liberal state. Some political scientists may argue that authoritarian states work better because they are more effective at deterring crime, preserving a sense of community, and achieving stability (Thomas Hobbes is a classic exponent of this view; see Hobbes, especially Part Two). Some proponents of liberal states may argue that they are better because they generally safeguard human rights and/or promote happiness (for the classic case for this, see Mill, *On Liberty*, passim, especially 62–82). In both cases, the reason why the scientists are choosing to study different constitutions—and the effects that they have—is that the scientists have a view about what they want a political system to achieve. Measuring the effectiveness of a state is always, in some sense, connected to values; you will eventually have to appeal to some kind of value-system in your analysis. If you argue that an authoritarian state is effective at preventing crime, you may be asked why you find this an important or interesting piece of data. I cannot see why anyone would be interested in it unless one thought that it relates to desirable ends. Of course, it may be the case that some researchers find that there are good and bad elements of both liberal and authoritarian states, and they may leave

it up to others to make a final judgment. However, even this relies on some idea of what is desirable: that crime prevention is a good thing or that human rights are also somehow important. The political scientist's analysis has been guided by values, even if these values are not necessarily well formed or well understood by the scientist. Political research will, therefore, always be guided by what relates to the scientist's values, and the data that he or she chooses to analyze will be informed by values. (Gunnar Myrdal makes the similar claim that "The value connotations of our main concepts […] give direction to our thoughts and significance to our inferences," 1–2.) Political scientists would not even know what pieces of data to look at if they did not have some idea of what is right or what is good. Data that may relate to a completely *different* moral conception from their own may be ignored; the scientist may not even be able to understand how such data could fall into the political realm at all.

With this in mind, we can analyze actual instances of social science and how they relate to Rawls' thought experiment. Many socialists have used social research to argue, for example, that more economically equal societies are "better for everyone" (e.g., Pickett and Wilkinson, passim, especially Part Two: "The Costs of Inequality"). For centuries, free-market economists have often replied by pointing out that greater egalitarianism may come at the cost of less innovation in business and technological prowess (e.g., Mill, *Principles*, § IV.7.64). Then again, more radical social scientists would be willing to emphasize other aspects of modern society and would argue that free-market liberalism, moderate social democracy, and authoritarian socialist societies are all contrary to the essential needs of human beings (e.g., Fromm, especially chapter 5, "Man in Capitalistic Society"). It would, therefore, not be acceptable for people behind the veil to know the "fact" that "equality is better for everyone" (or worse) because "better" is a value-laden term and there can be no clear opinions about what "better" means without an

assumption of political values. On all the reasonable interpretations of the word "better," it is not necessarily true that more equal societies are better; that depends on accepting a particular set of values, which may actually assume the validity of egalitarian liberalism (or at least some form of egalitarianism).

Say, therefore, Rawls tries to argue that people behind the veil should only know "hard figures" and that they should be left to draw their conclusions about the significance of these. They could know, as a general rule, that teenage pregnancy is more prevalent in free-market societies but also that most of the major technological advances in the 20th century have been developed within more austere countries. However, this presents another problem. How are the people behind the veil of ignorance to weigh up the merits and deficiencies of these alternatives when they are deprived of their general conception of the good? It is certainly true that the people behind the veil are supposed to choose a society where *they as individuals* benefit (in the sense of having primary goods), but this "mutual disinterest" (Rawls, TJ, 13) will not always allow such questions to be answered. If one economist is arguing that free-market innovation ultimately benefits the *whole* of society, and another that this is true of moderate social democracy, it will take more than rational self-interest to resolve the problem. Finding out whether you think innovation is more important than social security, or vice versa, will present you with inescapable ethical questions such as those about your religious convictions, for instance. It will not therefore be possible to access general social "facts" without first having an independent justification for the values that guided you towards these facts; in short, you will need a thicker conception of the good than Rawls wants to allow. (This is a point that has often been made by communitarian critics of Rawls although their reasons have generally been different—they have not often been concerned specifically with the issue of facts. See, e.g., Walzer, 5.)

However, even if this objection can be met, there are further difficulties intro-

duced by social facts. The introduction of social facts means that it is not practically possible to use the veil of ignorance to support liberal principles because our views about the social world will always be carried with us when we enter Rawls' thought experiment. Including the findings of social science as being among general laws could, therefore, be used to rig the original position to get whatever answer we already want. For example, there is a claim—which was very prominent in the 19th-century—that black people are less intelligent than white people because of certain biological features. This kind of "scientific racism" is now not regarded as good science, and it is widely considered to be wrong (UNESCO, 32). However, some on the far-right still hold that views like it are true. Should it be considered a general fact—a fact that people behind the veil should be aware of—that scientific racism is false? If Rawls says that it is, he can be accused of making the original position only hospitable to those who already accept basic liberal tenets. This may seem acceptable when it comes to ruling out Nazism and other views that are obviously repellent, at least to any readers who will even agree to entertain Rawls' most basic premises. However, it is not clear how far this argument should be taken. Some economists, as we have seen, would be quite happy to make the claim that it is a general fact that free-market capitalism is the only economic system that works properly (e.g., Friedman and Friedman, especially chapters 2 and 9). Some Marxists would say that Marx's theory of history is a general fact that should be known (Cohen, passim), and so on. Whether such views are objectively true is almost beside the point; people believe that they are and will continue to do so. These people may be all right with the original position, but it will hardly give them overwhelming reasons to become more liberal. They may accept Rawls' clause that those behind the veil can know general facts, but general facts, as understood by non-liberals, could undermine liberalism itself. Rawls' system is supposed to mediate between conceptions of the good, (TJ, 12), but his inclusion of social facts makes this more difficult.

It will not be possible for a Rawlsian to escape these problems by saying that the findings of social and behavioral sciences should *not* be included in the category of general facts that are known behind the veil. We would then be left with the result that people behind the veil would not know whether theories like scientific racism are true. This may adversely affect their judgment. Although people behind the veil do not know what their race will be, it may be rational, if there is a chance that black people are significantly less intelligent than whites, to limit black people's political rights and their ability to be in positions of responsibility or power. Rawls could possibly respond that if such a theory as scientific racism (or the negation of it) does not qualify as an uncontroversial fact, even its *existence* should not be known to those behind the veil of ignorance. However, this is seemingly contradicted by Rawls' statement that "the parties are presumed to know whatever general facts affect the choice of the principles of justice" (TJ, 137). The fact that scientific racism existed at all certainly constitutes a general fact, and it is also relevant to the choice of principles. It still seems, therefore, to be important for the people behind the veil to have some general social knowledge because this will allow them to make informed decisions about the type of society to create.

In conclusion, I think that the veil of ignorance's status of neutrality is threatened by the introduction of social facts. There is first of all the difficulty that Rawls may presuppose the problematic attitude that social science can be value-neutral, whereas it is more likely that values at least play some orientating role in deciding what takes on the status of a social fact. Secondly, even if value-neutral social science is justified, it seems to be the case that the practical importance of the veil of ignorance is lessened when social facts are introduced; people's view of what constitutes a social fact will be determined by their ideology, and the original position could therefore be rigged to justify almost

anything (including highly repellent or illiberal views). These objections are, of course, not intended to be decisive; to give just one example, perhaps a Rawlsian could reply that the veil of ignorance is best seen as a way of making liberal views more coherent rather than as one of the tools used for establishing the validity of liberalism (or any other ideology). Rawls may try to argue something along these lines in his later works, although this is not entirely clear (see *Political Liberalism*, passim, and *The Law of Peoples*, especially 75). However, I think that I have shown that the veil of ignorance does suffer from an unresolved tendency towards bias because of the introduction of social facts.

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