

## LAWS OF COMMUNICATION: CONSENSUS AND RATIONALITY

Cristinel UNGUREANU<sup>1</sup>

1. Lecturer, PhD, Dept. of Communication, Public Relations and Journalism, "Apollonia" University of Iași  
Corresponding author: c\_ungureanu2003@yahoo.com

### Abstract

---

We start from a well known thesis in communication theory, as it is put forth by Donald Cushman and Gordon Whiting (1972, 217-238): the rules of communication are set up by social consensus. Communication means information transfer. But any information transfer is guided by certain rules. Therefore, any act of communication gains semantic and pragmatic significance through its rules. These rules are not genetically given, or by a "formal body". They represent socially shared patterns of behavior. We consider that the notion of "consensus" used by these authors is too strong. If all rules are set up by consensus, how do we get the consensus itself? Any consensus is information transfer, and, as such, it presupposes rules. Consequently, the communication theory based on consensus is fallacious, because of it implies *regressus ad infinitum*. We argue that there are rules at work which do not arise from consensus. In communication they are the basic, the hard rules of rationality.

**Keywords:** communication laws, consensus, coorientation, rationality, universality.

Communication means information transfer. A successful communication means that the information reaches the receiver as it is was codified by the source. Only then can we say that the receiver has understood the message. According to Cushman and Whiting, to render understanding possible, it is necessary that the participants share the same rules. They are the rules for encoding and decoding the message. They may be called linguistic rules, but there are also rules about social interactions which regulate group communication. The act of communication requires rules because it is a social action.

Cushman and Whiting reject the idea that these rules are genetically inherited. They are, in their view, acquired over many past experiences in attempting to reach understanding (Cushman & Whiting 1972, 223). First, understanding is an assumption that is to be tested in the course of interaction with the others. If it is verified, a rule

or a model for action becomes possible. Achieving understanding means continuous search for public standardized use and thereby, permanent exchange of information.

The rules of communication have a structure such as: „In the context X, Y it is required or permitted". Thus, any rule contains two elements: one that shows the context to which the action is applied and the other that refers to the action itself. The authors call upon John Searle's (1970) distinction between constitutive and procedural rules. Through constitutive rules something new arises, such as chess game; it cannot exist before its rules, while procedural rules settle down a pre-existent action. For example, in order to render traffic more fluid, the rule that all cars must run on the right side of the road (or left side in England) was set up.

Communication rules are achieved by consensus; they are not immutable or eternal laws. For constitutive rules, we have consensus with regard to the name of a concept, to the qualities that are part of the intension of the concept and to the function of the object to denote. Procedural rules set up the way in which the symbols and the participants to communication are structured. They represent the grammar and the social rules which rule communication.

Regarding the notion "consensus", the authors reject the idea that its meaning would be that of agreement between individuals on what rules should be accepted in communication. Consensus cannot be, in their view, an aggregate of individual agreements. It may appear even when the participants are not aware of it. The participants in the act of communication may be in agreement, but they may think they are not in agreement (and vice versa). A rule is consensual even if no one solicited my agreement/consent. But it is presupposed that, in case of a careful

reflection on this theme, I adhere to this rule because, in fact, it is an adhesion to what is common to the group I want to be a member of. That is why, consensus means “the simultaneously coorientation of individuals towards each other and towards an issue.” (*Ibidem*, 231). Consensus is a characteristic of the entire social group. If someone is willing to share the actions of that group, one should also adopt its specific communication rules. This is a “social-systemic model of consensus” and is opposed to “individual-systemic model” which is implicit in the definition of consensus as personal agreement. Consensus is what is accepted by the group as given; there are not many perspectives put together, but “a temporary melding of perspectives into a single interacting system”. (*Ibidem*) We would want to discuss further on the ambiguities related to this meaning of consensus.

Before getting to the core of our argument, we want to make a preliminary observation. By rule of communication the authors mean a criterion on the basis of which we choose the right understanding of a sign and/or the right action to perform. The action guided by such rules is intentional. This means that any communicational act is an intentional act.<sup>1</sup> If the whole communication is an intentional fact, there follows that communication rules, as part of it, are intentional facts. We will see that such a thesis is far from problem free.

If by consensus we understand that rules with social amplitude are adopted, rules which come up during communication, then it may follow that all the rules of communication are consensually given. The authors do not explicitly say this, but this follows from the previous consequence that all communication rules are intentional facts. To what extent can we say that all the rules are consensually given? We shall analyze further two options of understanding coorientation: as an intentional fact and as a non-intentional fact.

Consensus, in its meaning of co-orientation, can **first** be understood as an intentional explicit activity, situated on the linguistic level, the rules being the result of human will (be it collective or

individual). It is as if agent A, willing to take part in the communication acts of group G, adopts all the communication rules active in G. Hence, even the non-contradiction rule and the rule regarding the fact that first we have to listen the point of view of the interlocutor and only then can we criticize it, are socially shared rules, that is, are the result of consensus.

From the point of view of intentionality, coorientation is weaker than agreement, but it is still an intentional fact. From the very beginning the authors assert that communication is an intentional fact – communication is information transfer, but information is symbolically codified, that is, it is intentionally codified. Therefore, consensus (which means socially shared rules) results from information transfer.

Regarding this consequence, the following question arises: on what intentional fact is the fact of coorientation based? In other words, what rules guide this coorientation? If everyone takes part in communication with his/her own interests, with his own biography, how is it possible that there are a considerable number of rules shared by the whole group? If all the rules emerge from coorientation which we can compare with Habermas’ concept of communicative reason, then can we avoid the *regressus ad infinitum* fallacy? There follows that either 1. consensus emerges from information transfer, but in this case it cannot be the condition that makes all the rules of communication possible (because it must be information transfer guided by certain rules before consensus), or 2. it is the condition that makes all the rules possible, but in this case it does not emerge from information transfer. Any information transfer requires rules, and any rule requires coorientation; but coorientation is an intentional fact and, as such, it also requires rules. Therefore, from this first meaning there follows either *regressus ad infinitum*, or vicious circle. We observe that there may be rules of communication which do not emerge from information transfer, i.e. they are not given by consensus. Hence, if we want to see consensus as the unique source of all rules, we have to rethink the notion of consensus itself.

**The second meaning** of consensus-coorientation is the one that asserts the existence of a set of features common to all members of the linguistic community, but which is not itself an intentional fact. The problem of rules has prompted many controversies in philosophy. Wittgenstein shows that there is a paradox of following rules (Regelfolgen Paradox) and Chomsky finds a solution to stop regress by asserting the existence of an innate Universal Grammar. John Searle speaks about a Background partly genetically inherited, partly developed, which is not an intentional fact, but a biological one; it renders any intentional fact possible. It is not a sum of rules, but it renders any acquisition of rules possible. (Searle 2000, ch. 6).

We can say that the meaning of consensus given by Cushman and Whiting (by invoking the Standard Use of words and of non-explicit agreement) resembles the Searlian idea of Background. In this case, consensus is not an intentional fact anymore. Searle affirms that what makes me understand when someone asks me to cut down a tree is the very Background. I do not intend to cut the tree with a cake knife and I do not use an axe to cut a cake. We speak here of a standard use which guides my actions. The word "cut" has many meanings from among which we choose the right one depending on our acquired or borrowed experience and on the context we use that word. Starting from this experience (or standard use) we have the following rule: the word "cut" means, in context X, the action of using an axe and the action of striking the trunk of a tree and so on. But this rule is founded on the Background, which is not an intentional fact or a rule, but a neurobiological capacity to act in a certain manner. Thus, in communication, there are socially shared facts that are part of communication and which are not intentional facts.

Another relevant example for understanding the Background is the learning of foreign languages at a ripe age. In learning a foreign language at a ripe age, the majority of us begin with grammatical rules. We must already possess a language, i.e. a grammar, to be able to

use these rules. Roughly speaking, to acquire language X we need the meta-language X+1. The meta-language X+1 is the language in which we think the language X; it must be richer than X because it contains, besides all terms of X, also terms which correlate X with reality, such as "correct", "incorrect", "true", "false" etc. For every beginner, to speak a foreign language (X) means to think in the mother tongue (X+1) and then translate the thoughts in the foreign language. It is the level where the rules of X are consciously applied. At an advanced level of speaking language X the user does not make any translation from his/her mother tongue; he/she thinks in that language. At this stage, he does not apply rules anymore. It is the same with professional football players: the focusing on the rules of the game is actually a sign of lack of training. After long hours of intense training, intense repetition of rules, new patterns of behavior emerge. Consequently, the Background gets new biological structures and the rules are blurring out. It is the task of developmental psychology to explain the process. To summarize in, discussing the second meaning of consensus, we have the following route: the use of rules requires other rules; to stop regress we assert the existence of a non-intentional Background.

If the concept of consensus as coorientation is equivalent to the Searlian concept of Background, the following question is justified: is this really consensus? Basically, consensus means acceptance (be it implicit or explicit); but there are rules of communication which we cannot say to have emerged from acceptance. We are referring here to constitutive rules of thinking (the rules of logics) that cannot be reduced to something else, because they enable us to think that something else. We cannot step outside them and see their origin in consensus, will to power, tradition or something else. For example, someone wants to deny the rule of non-contradiction (which asserts that you cannot affirm a proposition and at the same time deny it) because it is the expression of Western imperialist thinking. He wants to take distance from it. However, he must invoke arguments in



favor of his thesis, furthermore, he must be consistent with his arguments. He cannot obtain coherence without respecting the rule of non-contradiction. Therefore, he cannot explain this rule as cultural expression because he cannot dispense with it.

These constitutive rules are, basically, the rules of rationality, such as the rule of non-contradiction, the law of identity and the law of excluded middle. In Kantian terms, the universality of these rules do not emerge from consensus, because any consensus (even if it means coorientation) necessitates these rules. As rational being, I decide to take part in communication and I consent to respect some rules, for example the minimal rule (presented by the authors themselves) of understanding the other's point of view before criticizing it. But, acceptance cannot appear in a vacuum. I have to decide whether this rule is justified or not. So, I have to possess the framework which enables this reasoning. I cannot get everything from information exchanges. If everything is obtained from information exchange, then what makes the information exchange itself possible? Cushman and Whiting reject any form of innatism, but there are authors (Noam Chomsky, Jerry Fodor) who affirm that linguistic capacity is enabled by a Universal Grammar (UG), a set of innate rules. We discover them by studying our linguistic behavior. Their functioning is implicit and we do not need to represent them, to accept them to use them. According to Chomsky and Fodor, even newborn babies possess UG, though they cannot speak.

We can dispense with such a cartesianism of Chomsky and Fodor, because it is difficult to accept that a newborn implicitly possess the rule of non-contradiction. As Devitt and Sterelny (2000) emphasize, the Chomskyans put a too heavy burden on their shoulders. It is not the aim of this paper to discuss this ontogenetical problem.<sup>2</sup> We choose Kantian strategy of invoking the universal reason to support the idea of non-consensual universal rules.

According to Thomas Nagel, the concept of Universal Reason is not a metaphysical entity. By this concept he understands a mechanism, a

procedure of founding ideas: "To think rationally means to think systematically using methods which everyone looking over my shoulder can recognize as being right." (Nagel 1998, 16). The possibility of other people to recognize what is systematical, what is right is based on the fact that the others share the same criteria of rationality as me. We accept these criteria as we accept human rights (right to existence, liberty, happiness etc.). These rights are universal not by virtue of a human metaphysical essence, but due to a capacity to see what is right and rational beyond any socio-cultural conditioning. Obeying/enjoying of human rights is based on ethical decision. Kant has taught us the categorical imperative. In the context of communication, the categorical imperative is as follows: as we claim that our arguments should be listened to, the others claim this too, so we are obliged by our reason to listen to his/her arguments. Universality of democracy means universality of reason, i.e. the fact that everyone shares the same ratiocinative stock, the same rules of systematic argumentation. Any other rule of communication starts from this stock.

Jurgen Habermas criticizes the idea that reason is the result of an infinite augmentation of individual consciousness. Following the Kuhnian thesis according to which a paradigm loses its force when it is replaced by another paradigm, Habermas proposes the replacement of the paradigm of consciousness with the paradigm of understanding. This paradigm has as its core the idea of a reason not constructed by reflection, as Western metaphysics affirmed (for example, Descartes with his *ego cogito*, Kant with his transcendental consciousness), but a communicative reason, constructed through the intersubjective exchange of opinions. (Habermas 2000, 294). No more reason does mean an infallible force to uphold certain arguments; it also admits alterity, accept being criticized in its claims. Such a reason is able to recognize the best argument, because the reason itself is discursively constructed. (Habermas 1983, 351). However, Habermas cannot avoid the consciousness paradigm just by basing his

concept of reason on a communicative intersubjectivity.

If all communication rules emerge from communication, there follows that communication does not depend on them. Given this, how is communication possible? The agreement regarding mutual interest presupposes the reciprocal understanding of the participants even before they have established what the criteria for judging the claims raised by any particular consciousness are. Habermas' problem is that rationality cannot be at the same time a result of communication and a fundament of it.

Thomas Nagel puts forward the view that there exists a form of rationality which cannot be the result of convention, but simply constitutes any human act. (Nagel 1998, 26-27). A convention may begin when I and the other have in common a rational framework. We cannot step outside rationality, we cannot look at it from outside and say that it is based on something else, because this "anything else" justifies itself through reason. From this point of view, we understand the following assertion: "The essential feature of rational thinking is its generality. If I have reasons to conclude, to believe, to will or to do something, they cannot be reasons just for me, but they should justify everyone in my place to act in the same way." (*Ibidem*, 15)

I cannot claim that my action is rational if it has only a particular value, relative to my condition, because, if it were so, I would implicitly recognize that my action is not sufficiently grounded, that it is lacking in a reliable argument. We find here a certain ideality without which rationality would not be possible.<sup>3</sup> It consists in the belief that the others have the same reasons as me. It is a presupposition which goes beyond my particular condition; it is a position from a deontological stance. It is indeed possible that nothing in the concrete life can convince us that things are this way, but, in order to communicate with others, to make decisions regarding community, we *have to* consider us as rational

beings and act as such. This is the ethical characteristic behind the concept of universal reason.

We have to accept the distinction between the fallibility of a particular person and the universality of reason.<sup>4</sup> Sometimes our ideas are less grounded, or the arguments we call forth are inadequate. In other cases, our claims for universality are psychologically biased. For example, a socialist ideologist could be determined by the difficulties in his life (his struggle to find a job, a big family etc.) to argue in favor of communism. His situation may be a personal proof for his position, but we must not mix this up with the universal arguments he should formulate. His situation alone is not sufficient to uphold the validity of communist ideology. He will try to transcend his particular condition and seek the arguments which can convince everyone. The genesis of an idea presupposes particularity, but argumentation requires universal validity. This is a requirement of our reason. This is the very rationality Nagel refers to. It is precisely the perspective which transcends subjective idiosyncrasies. The particular condition is relevant for the context of genesis, not for the context of argumentation. You may reject his ideology (there are plenty of arguments), but, be careful, we must not mix up the two contexts. We look for flaws in argumentation and not for hidden intentions. To reject his arguments by referring to hidden intentions or to his particular condition means to live in confusion.<sup>5</sup> You look for flaws in argumentation from the perspective of the best argument. "Best argument" cannot mean the best argument for you, but for all others. Otherwise, you will get adhesion to your ideas only by force and terror and this means abandoning rationality.

We admit that we should start studying the rules in order to understand communication, but we have defended here the position that 1. Not all socially shared facts occurring in communication are rules and 2. Not all rules occurring in communication are given by consensus.

**Bibliography**

1. Chomsky, Noam. *Cunoașterea limbii*. trad. Alexandra Cornilescu et. București: Editura Științifică, 1996,
2. Cushman, Donald and Gordon Whiting, „An Approach to Communication Theory: Toward Consensus on Rules, “*The Journal of Communication*, 22 (1972): 217-238.
3. Devitt, Michael and Kim Sterelny. *Limba și realitate*. trad. Radu Dudău. Iași : Polirom, 2000.
4. Fodor, Jerry. *The Language of Thought*. Sussex: Harvester Press, Hassocks, 1975.
5. Habermas, Jürgen. *Cunoaștere și comunicare*. trad. de Andrei Marga, Walter Roth și Iosif Wolf. București: Editura Politică, 1983.
6. Habermas, Jürgen. *Discursul filosofic al modernității*. trad. de Gilbert Lepădatu, Iosif Zamfir, Marius Stan. București: All, 2000.
7. Nagel, Thomas. *Ultimul cuvânt*. trad. Germina Chiroiu. București: All, 1998.
8. Searle, John. *Speech Acts: An Essay in the Philosophy of Language*. London: Cambridge University Press, 1970.
9. Searle, John. *Realitatea ca proiect social*. transl. Andreea Deciu. Iași: Polirom, 2000.

**Endnotes**

- 1 Something is intentional when it is about something else. For example, the sign of a white dove on a flag which stands for peace, has intentionality in certain cultures. From this point of view, all the symbols and the propositions are intentional entities because they indicate something else. Also, a big part of our thoughts (opinions, beliefs, hopes etc.) are intentional entities.
- 2 John Searle stresses that the Background solves the problem of *regressus ad infinitum*. Chomsky's intention is the same, but he resorts to innate syntax (which means rules), which are still intentional entities. The user applies a rule by means of another rule. That is why, asserting the existence of a biological, rule sensitive Background, which guides the application of rules, represents a better option for stopping the regress. (See above the example with the axe).
- 3 Habermas (1983, p. 206) makes the same point.
- 4 See also Nagel 1998, p. 18.
- 5 The same holds good when we speak about rationality and the critique that it is the sign of western culture. We must criticize this rationality in what it affirms, not because it has a certain origin. And, when we want to criticize it in its core ideas, we have to do it from the perspective of the best argument, not just for me and you, but for everyone in every culture. A universality which basically and implicitly says that we all have the capacity to understand a well founded thesis.