

Dialectical Obligations in Political Debate

CHRISTIAN KOCK

University of Copenhagen

Abstract: Political debate is a distinctive domain in argumentation, characterized by these features: it is about proposals for action, not about propositions that may have a truth value; there may be good arguments on both sides; neither the proposal nor its rejection follows by necessity or inference; the pros and the cons generally cannot, being multidimensional and hence incommensurable, be aggregated in an objective way; each audience member must subjectively compare and balance arguments on the two sides; eventual consensus between the debaters is not a reasonable requirement. From all this follows a view of the rhetor's special obligation in democratic, deliberative rhetoric on which it becomes crucial, in the interest of the audience, that political debaters acknowledge good arguments on the opposite side and explain why, on balance, they deem the arguments favoring their own side to be stronger.

Résumé: Le débat politique est un type particulier d'argumentation qui se compose de suggestions à l'action, mais pas à l'examen de propositions qui pourraient être vraies; il peut inclure des points de vue opposés bien fondés, mais ni leur acceptation ni leur rejet s'enchaînent nécessairement; ces oppositions ne peuvent pas se concilier objectivement parce qu'elles sont multidimensionnelles et donc incommensurables; chaque membre de l'auditoire d'un débat politique doit comparer et peser subjectivement les arguments opposés; mais l'exigence d'arriver à un consensus éventuel parmi les participants des débats politiques ne serait pas raisonnable. Il s'ensuit de tout ceci que ces participants ont une obligation spéciale dans les débats démocratiques: il est dans l'intérêt de leurs auditoires qu'ils reconnaissent les bons arguments avancés par leurs adversaires, et qu'ils expliquent pourquoi, tout bien considéré, ils pensent que leurs propres arguments sont supérieurs.

Keywords: Political debate, dialectical obligations, rhetoric, deliberative argumentation, proposition, proposal, consensus, dissensus, value pluralism, incompatibility, incommensurability, multidimensionality, subjectivity, conductive argument, pragmatodialectics, Jürgen Habermas, Isaiah Berlin, Douglas Walton, Carl Wellman, Trudy Govier, Joseph Raz, Charles Larmore

The present paper has sprung from an intuitive sense that much is amiss in the way public political debate is generally conducted, even in societies with entrenched commitments to democracy and free speech. I believe any argumentation scholar who listens for some time to public debating by contemporary politicians, whether in legislative bodies or in the media, will agree that debaters routinely engage in dialectical moves that impede rather than promote the purposes of the debate, whatever they are. While subscribing to Johnson's seminal notion of a separate

”dialectical tier” in argumentation (2000; 2002), I nevertheless believe that current theories of argumentation are not sufficiently sensitive to the distinctive properties of political and other deliberative argumentation to provide meaningful criteria for a normative critique of debate in that sphere. Therefore, the aim of this paper is, on the basis of a discussion of these distinctive properties, to indicate what I see as the central dialectical obligations of public political debaters, so that argumentation theorists will have firmer theoretical grounds for criticism of what they hear.

Political debate, as a subcategory of deliberative argumentation, is ultimately about undertaking action, not about the truth or falsity of statements. Another way of saying this is that deliberative argumentation generally is not about propositions but about *proposals*. (An alternative term is *policies*; one advantage of it is that support of the *status quo*, i.e., the rejection of a proposal, can also be called a policy.)

To be sure, deliberative argumentation usually involves debate, often of a heated kind, over propositions that may be true or false, e.g., about whether a certain dictator has (or has had) weapons of mass destruction, or whether a certain tax reform will mainly benefit the rich; but the issues that deliberative argumentation is *ultimately* about are proposals for action, such as invading the dictator’s country or adopting the tax reform. What is at issue in regard to such actions is whether to undertake them, not whether they are ‘true’ or ‘false.’

The proposition-proposal distinction in itself is not unfamiliar to philosophers. It is related to Aristotle’s separation of the three domains of *theoria*, *poiesis*, and *praxis*, where proposals belong to the latter. It has correlates in contemporary thinking as well. Jürgen Habermas, for one, has emphatically pointed to the differences between various types of claims that people may argue for. In practical argumentation one does not, according to Habermas, argue about the truth of propositions, but about the rightness of actions (Habermas, 1997).

Not realized by many theorists, however, this distinction implies deep differences in the way argumentation works, depending on whether the issue is a proposition or a proposal.

One difference is that, in the standard case, there are often not just arguments on both sides, but *good* arguments on both sides. The non-technical word ‘good’ reflects the fact that arguments about proposals are typically different from arguments about propositions. Arguments about proposals primarily refer to alleged *advantages* or *drawbacks* of adopting the proposal or of rejecting it.¹ This is why there are ‘good’ arguments both pro and con. If the proposal is for a war in a foreign country to depose its tyrannical dictator, then his elimination will be an advantage of that policy, but a drawback of it will be that in wars lives are lost. Notice that none of these facts can ‘cancel out’ the other.

This example also demonstrates another distinctive property of arguments about proposals: although they may be perfectly real, relevant, and hence ‘good,’ they are never what logicians call ‘valid,’ in the sense that if the argument is true, then

the truth of the conclusion follows by necessity (i.e., as an inference). Since proposals can be neither true nor false, validity is a misplaced concept in relation to argumentation about proposals. Not only could the ‘truth’ of a proposal not follow from anything, but neither does the *adoption* of the proposal ‘follow’ by any kind of necessity or inference from any number of ‘good’ arguments. The proposed action may have *n* undeniable advantages speaking in its favor, which hence earn the status of ‘good’ arguments, yet they are not ‘valid’ in the traditional sense, nor are they even ‘sufficient,’ neither singly nor in conjunction. The tyrannical dictator’s removal might, *per se* and all else equal, be seen as a great advantage of the war and hence as a very good argument in its favor, perhaps one of many, yet no number of convergent arguments would be sufficient to cause the war plan to follow as a *necessary* or ‘valid’ inference; many people would still, legitimately, withhold support from it.

This is because the advantages (benefits) of any proposed action are always offset by its concomitant drawbacks (costs). War, for example, always has costs, measurable in lives, welfare, money, and other dimensions.

Generally speaking, since any proposal is likely to have both benefits and costs, and since they can both be true at the same time, it will be appropriate for those who are to decide on the proposal, not only to *consider* the pro and con arguments, but to *compare* them.

In argumentation about propositions, on the other hand, pro and con arguments are typically not about advantages and drawbacks. Instead, their relevance depends on their *probative* or *inferential* force (or, with a word used by some theorists and derived from the same verb as ‘inferential’: their *illative* force). They are relevant *transitively*, i.e., by virtue of what they appear to point to, signify or suggest, not for what they are. This means that pro and con arguments cannot both signify truly at the same time. If several arguments speak argue for a proposition *P*, while several others speak for *non-P*, both sets may be well-considered, yet *P* and *non-P* cannot both be true at the same time. Once a dispute over a proposition has been decided one way or the other, the arguments signifying the truth of the rejected proposition have been determined to signify falsely or misleadingly and have been denied the illative force they were previously held to possess.

In contrast, an argument about a proposal, in referring to an advantage or drawback of it, refers to an inherent *property* of the proposed action. An action has many properties, instantiating many dimensions. Some of them will be seen as advantages/benefits, others as drawbacks/costs. Once the dispute over the proposal has been decided one way or the other (for example by democratic vote), the arguments referring to the advantages of the rejected policy have not thereby been judged wrong, nor have the arguments referring to the adopted policy’s drawbacks. We opt for a policy because we place a higher value on its inherent advantages than we do on its inherent drawbacks, but in the standard case there will be advantages and drawbacks that remain in force simultaneously and do not cancel out each other.

The reason why properties on the pro and con side do not cancel each other out is that the warrants that valorize them are values which are mutually incompatible. We are faced here with what Isaiah Berlin called the “pluralism” of values, meaning that “not all good things are compatible, still less all the ideals of mankind.” For example, “neither political equality nor efficient organization nor social justice is compatible with more than a modicum of individual liberty” (1958, repr. 1998: 238).

Value concepts, such as those cited here, constitute the warrants that deliberative argumentation relies on. For example, individual liberty, broadly defined, will serve as a warrant for many of those who support a war because it topples a tyrannical dictator. But Berlin insists that not only will a value endorsed by one individual or party often be incompatible with another value endorsed by another individual or party (this is value *diversity*); moreover, and more critically, the values held by any one individual (or one culture) may also be *incompatible*—in the sense that one of these values can only be fully realized at the cost of at least one of the others.

Several contemporary moral philosophers have argued that value pluralism, in this sense, is a condition of our everyday existence (cf., e.g., Sinnott-Armstrong 1988, Stocker 1990, Lukes 1991, Larmore 1996, Finnis 1998, Raz 1998). This is why arguments that we recognize as real and relevant about a policy may still be contradictory: argument A_1 for the policy is warranted by a certain value to which we are committed, but argument A_2 against the policy is warranted by another value to which we are *also* committed.

Even so, value pluralism might not be a major difficulty in deliberation (and in argumentation theory), and a form of value monism might yet be derived, if these values were not also *incommensurable*—meaning that no ‘common denominator’ can be found, providing “a common basis for determining, in given situations, the respective weights of the conflicting commitments” (Larmore 1996, 157).

Incompatibility and incommensurability are often confused, and both concepts are sometimes confused with value diversity. Drawing on Lukes (1991, 10-11) we may distinguish between them as follows. *Diversity* means that different people are committed to different values (which may be incompatible). *Incompatibility* means the potentiality of conflict between two values; if they are held by the same individual or group, we have value pluralism, meaning that the values to which that individual or group is committed are not one, but many. Value pluralism may be superficial if the conflicting values may both be converted into a common denominator; but it is profound if *incommensurability* also obtains, that is, if the arguments relying on the conflicting values are not “rankable with respect to a common denominator of value” (Larmore 1996, 159). As a result, we cannot do what John Finnis describes in the following way: “Aggregate the pluses, subtract the minuses, and pursue the option with the highest balance” (1998, 216). That is, in deliberative argumentation there may be no objective or intersubjective way to determine which side outweighs the other.

The underlying reason for this is that arguments for and against a proposal often belong to different ‘dimensions’: they refer to properties of irreducibly different kinds. That is, we are not talking about situations like a business investment that has involved a cost of a certain size and brought a return of a certain size; return and cost have the same dimension (money), and when one is deducted from the other we get the net result: the profit. Also, we are not just talking about the sort of incommensurability first identified by the ancient mathematicians who found that, e.g., the side of a square and its diagonal are incommensurable. Although the ratio between the two can never be expressed by rational numbers, they still instantiate the same dimension: length. Hence they are objectively comparable, and it is easy to demonstrate that the diagonal is longer than the side (cf. Stocker 1990, 176).

In contrast, the benefit gained by freeing a foreign country of its tyrannical dictator versus the loss of many lives (one’s own troops as well as the foreign country’s citizens) are two arguments (among many) which, while relating to the same policy, represent qualitatively different dimensions. There is no intersubjective, algorithmic way of measuring them on the same scale. They do not have comparable ‘lengths’ or ‘weights.’ The cost on one dimension is not restored on the other dimension; to outweigh the cost, a qualitatively different benefit is sought (cf. Stocker 1990, 272-277). We may refer to this property as the irreducible *multidimensionality* of deliberative argumentation (Kock 2003).

But although relevant arguments in deliberative argumentation may be incompatible, as well as incommensurable, they are not, as everyday experience will remind us, *incomparable*. When facing a choice where relevant arguments are contradictory, individuals do compare them and choose. So incommensurability precludes neither comparability nor choice; this observation is made emphatically by, e.g., Larmore (1996), and Raz (1986, 1998).

What is less strongly emphasized in moral philosophy is that since there is no intersubjectively compelling reasoning determining such choices (and if there were, they would not be choices), they are in fact subjective. In deliberative debate over a proposal to go to war each legislator and, ideally, each citizen, must choose individually (‘subjectively’) which policy to support. This is so not because ‘truth’ is subjective (e.g., on whether the dictator has weapons of mass destruction) but because the values that function as warrants in deliberation are subjective as well as incommensurable.

Add to this the facts that all individuals may not *interpret* the values they share in the same way when applying them to specific phenomena (this is the central issue in Warnke 1999); and that although they may be committed to shared values, their commitments may be differently *ranked* (this is the meaning of Perelman & Olbrechts-Tyteca’s ‘value hierarchies’); and that they may not be committed to *all* the same values. All this means that when deliberating individuals compare pro and con arguments—and they do, defying incommensurability—the choices ensuing from these acts of comparing will differ from one individual to the next; in other words, the choices will, in all these respects, be subjective—and *legitimately* so.

A last, important characteristic of deliberative argumentation is that, for all the reasons just laid out, it cannot be expected, not even as a theoretical ideal, that it will lead towards consensus. For example, even individuals sharing the same values will, facing a proposal of war in a distant country, opt for different policies, if for no other reason because their value hierarchies (or ‘priorities’) are different. Some will decide that large-scale war, with heavy foreseeable losses, is a sad but acceptable cost to pay to win democracy for that country; others will accept some casualties, but not on the scale anticipated by the first group; and some will not endorse any war for such a gain. Very likely only a minority in each of these groups will change their stand, even after prolonged debate (although some might); and their different stands may be grounded in *legitimately* different ways of comparing pros and cons. Hence any theory of argumentation which sees it as a theoretical norm that they should reach agreement seriously misunderstands the nature of deliberative argumentation.

But if not consensus, what could then be the purpose of proponents of different policies engaging in deliberative debate? Briefly stated, the main reason why such debates are potentially meaningful is that *other* individuals facing such a choice (legislators and citizens) may hear, consider and compare the arguments relating to the choice. How debates may best fulfill their function vis-à-vis these third parties will be the subject of the last part of this paper.

The above overview of the properties of argumentation about proposals, and by extension, of all deliberative argumentation (indeed all practical reasoning), has focused on a handful of distinctive features which may be summarized as follows:

There will always be several good but contradictory arguments.

Contradictory arguments do not cancel out each other.

A good argument never entails a policy by necessity or inference.

Contradictory arguments often rely on plural values which are not objectively commensurable.

Contradictory arguments must nevertheless be compared for choices to be made.

Choices rely on individuals’ value commitments and are subjective.

Debates between exponents of opposite policies cannot be expected to lead towards agreement, but may help other individuals consider and compare arguments the pro and con arguments relating to a policy.

The view that these statements reflect will recall the notion of ‘conductive argument,’ coined by Wellman (1971) and adopted for textbook use by Govier (2005). The acceptance of several good arguments on both sides and the abandonment of the notions of validity and sufficiency are the same (although Govier retains notions like ‘cogency’ and ‘enough reasons’). The nuances that my view of deliberative argumentation adds to their ‘conductive argument’ are primarily

these: First, I insist on the distinctive, non-alethic nature of the issues in deliberative argumentation and on the consequent 'non-probative' and 'non-cancelable' nature of arguments in that domain; Wellman and Govier offer no clear demarcation of the domain of conductive argument, although they note that, for reasons they do not analyze, it tends mainly to occur in practical and moral reasoning. Further, because of the evaluative nature of warrants in deliberative argumentation, I insist on the pervasiveness in those warrants of subjectivity, and, because of their multidimensionality, of their incompatibility and incommensurability. Finally, the legitimacy and the frequent inevitability of dissensus follow from all this.

A look at these views of deliberative argumentation will soon reveal that they are at odds with several dominant assumptions in contemporary argumentation theory. I will briefly consider some current theories of argumentation and try to show that they need revision as far as deliberative argumentation is concerned. If that is so, then it is to be expected that their views of dialectical obligations in that domain would be off the mark as well, despite the fact that reflection on the dialectical nature of argumentation as such is a common and central concern of contemporary argumentation theory.

For example, the pragma-dialectical school sets up 'critical discussion' as the model for all argumentation. As is well known, in critical discussion the shared aim of both discussants is the *resolution* of their difference of opinion. Also crucial in Pragma-dialectics is the concept of *reasonableness* in argumentation; being reasonable means avoiding fallacies, which again are defined as argumentative speech acts that obstruct the goal of critical discussion: resolving the difference of opinion. So the notion of 'reasonableness' and the normativity that are both intrinsic to the pragma-dialectical approach are similarly bound up with the ideal of resolution of the difference of opinion (in another word, consensus). In what we might call the 'classic' stance of Pragma-dialectics (as in, e.g., van Eemeren & Grootendorst 1992, and most recently van Eemeren and Grootendorst 2004, an older work edited and published 4 years after Grootendorst's death), it remains an alien and suspect idea that both discussants' driving motive might be to 'win' the discussion rather than to reach consensus. However, several publications by van Eemeren and Houtlosser (e.g., 1999, 2000, 2001, 2002) represent a newer phase characterized by a wish to integrate rhetoric in the theory, where 'rhetoric' is identified with a wish to 'win' that results in 'strategic maneuvering.' Such maneuvering is now seen as legitimate so long it is not 'derailed.' My contention is that although this new version of Pragma-dialectics shows great understanding for rhetorical devices and has contributed insightful analyses of strategic maneuvering, it has no way of explaining how both discussants may at the same time be legitimately strategic, i.e., legitimately committed to 'winning,' and yet also committed to consensus, as Pragma-dialectics continues to insist that they are. What Pragma-dialectical theory does not take into account, I suggest, is precisely the fact that rhetoric is rooted in deliberative argumentation, a domain where consensus is not to be expected, even

as a theoretical ideal, owing to the domain's distinctive properties, as laid out above.

It is a curious fact that outside of argumentation theory proper, there is another school of thought which has central notions in common with Pragma-dialectics, and which has had an even wider resonance, yet the two schools seem to have almost no cognizance of each other. The political philosophy of Jürgen Habermas and many who are inspired by him is centered around the ideal of a public discourse where participants obey 'den zwanglosen Zwang des besseren Arguments' ("the unforced force of the better argument") (1972, 161), reaching (or approximating) consensus along this road.

As we have seen, Habermas, unlike the pragma-dialecticians, recognizes differences between various types of claims that people may argue for. Arguing about actions is different from arguing about the truth of propositions, in that the warrants we appeal to will not be other propositions we hold to be true, but *norms of action* we hold to be 'right.' This rightness is a very different kind of validity claim (*Gültigkeitsbedingung*) from the truth that validates constative speech acts; and both are different from the sincerity that validates expressive self-representations and from the adequacy of value standards that validates evaluative expressions.

Argumentation theorists might pay more attention to the distinctions that Habermas lays down here. However, his main thrust is to say that even though a proposal for action makes a distinctive kind of validity claim, it is still just one form of a communicative practice "which, against the background of a lifeworld, is oriented to achieving, sustaining, and renewing consensus—and indeed a consensus that rests on the intersubjective recognition of criticizable validity claims" (1997, 17).

Several contemporary thinkers in political philosophy—especially those concerned with 'deliberative democracy'—have either followed this consensus-oriented line of thought in Habermas, or have thought along parallel lines; these include, Joshua Cohen (e.g., 1989a, 1989b, 1998), Joseph Bessette (1994), and Seyla Benhabib (e.g., 1994, 1996), or a rhetorician like Thomas Goodnight (e.g., 1993). Then again, other recent thinkers, united mainly by their background in moral philosophy and their acknowledgment of real moral conflict, have pointed to the intrinsic incompatibility, incommensurability and subjectivity in practical reasoning based on plural values. I have drawn on some of these thinkers in the discussion above.

In argumentation theory proper, another widely held notion is 'presumptive reasoning' as discussed in particular by Walton (1996). As one of the few philosophical argumentation theorists today, Walton sees practical reasoning as a separate domain (Walton, 1990) and has (recently) recognized the simple fact that in practical reasoning people argue about a proposal, not about a proposition or assertion (2006). But Walton's attempt to see practical argumentation in terms of presumptive reasoning leads to rather counterintuitive results. As in argumentation theory generally, a 'good' argument in his model of practical argumentation is one

that licenses an inference; however, the inference is *presumptive* or *defeasible*, and what is inferred is not a proposition but an action. Thus if we have a goal *G*, and if an action *A* may serve to bring about *G*, then it is an inference that we should do *A*—a presumptive inference, that is. This, one might object, implies that any action which may serve to bring about any agreed goal may be presumptively inferred from that fact. But the presumption is cancelled again for arguments that can be rebutted, and that happens when any one of a list of critical questions about the argument has an affirmative answer. One such question is whether the agent planning the action has *other* goals that should be taken into account (since the action might interfere with them). That, however, is, as we have seen, the standard case: the benefits conferred by *any* action always have concomitant costs and hence interfere with other goals. So presumptive inference as a model of deliberative argumentation implies that, in the first round, *any* action may be (presumptively) ‘inferred’ if it brings *any* benefit, i.e., serves *any* goal; but then, in the second round, for each of these actions the benefits/goals cited on their behalf are rebutted and cancelled because of the other goals interfered with. Presumptively, then, *any* action that might bring *any* benefit should be undertaken; eventually, however, *no* arguments for any action are any good, so *no* action should be undertaken at all.

Such a model of deliberative argumentation is of little help in describing how we actually use and evaluate deliberative arguments. Argumentation theory paints itself into this kind of corner because it has not taken seriously these intuitive insights: (1) that in deliberative argumentation it is the standard case that there are good arguments on both sides; (2) that a good argument for an action does not license an inference to that action; and (3) that good arguments on opposite sides do not cancel out each other. (For a fuller statement of my criticism of Walton’s ‘presumptive’ view of practical reasoning, see Kock 2007.)

In this final section of the paper I will discuss what the view of deliberative argumentation presented above implies in regard to debaters’ dialectical obligations, and I will point out some of the ways in which the current assumptions just discussed need, in my view, to be amended.

Because good, non-cancelable arguments are likely to exist on both sides in deliberative argumentation, it follows that in order to come to a reasoned decision one will need to juxtapose, compare and balance them; and this goes for the audience as well as for the debaters themselves. It is not enough that each argument relating to the issue is appraised singly, or even that all the arguments on one side are appraised conjunctively to see if there are ‘enough’ or ‘sufficient’ grounds for the proposed action to be inferred.

Walton’s model based on presumptive inference suggests, misleadingly, that if an argument for the opponent’s policy is recognized as good, then, by virtue of this very fact, it already triggers an inference to that policy (albeit presumptively). Such a view would urge a debater to seek to ‘rebut’ every counterargument at any

cost (possibly by turning it into a 'straw man' that is easy to rebut), or alternatively to ignore it. In fact this kind of behavior is what we often see in public political debaters, to the frustration of their deliberating audiences. Another misleading implication of the 'presumptive' model is that an argument which has been 'rebutted' is henceforth counted as null and void, having no strength at all, as if a toggle switch had been clicked. Rather, the standard case is that some arguments on both sides have *some* strength; they do not trigger an inference, but they are not null and void either. So the audience very much needs to hear what a debater has to say in regard to such arguments presented against him from the other side; nothing short of this will be trustworthy help for the audience in assessing whether arguments in the debate are in fact relevant, and if so, how they compare and balance. What audience members do not need is to hear each debater either systematically deny the acceptability or relevance of all the opponent's arguments, or distort them (in order to avoid recognizing them): this will compromise the individual audience member's chance to *compare* the pros and cons. If each debater instead offers his own comparison of pros and cons, trying sincerely to advise the audience as to why he sees the arguments on his own side as outbalancing those on the other side, then audience members will be substantially helped in making their own comparison of pros and cons. They will have two contrasting bids for an appropriate comparison to consider; and they will have the opportunity to see how well each debater can make his case stand up against counterarguments. Only by fulfilling these duties can the debater be trustworthy and hence helpful to the deliberating audience member.

The fact that the comparison of pros and cons will often involve an essentially subjective weighing of them is just another reason why the audience will need the debaters' help and advice in this process: the debaters presumably are individuals who have themselves found or devised ways to compare the pros and cons on the issue, in spite of their incommensurability, and reached assessments they are confident with (however mutually contradictory). The debaters can be helpful advisers in offering their individual assessments and the considerations that led to them, while recognizing that alternative assessments are legitimate. Audiences will not need an attitude on the part of the debaters which suggests that the comparison can only have one correct result, and that consensus on that result ought ideally to ensue; any such view, which effectually delegitimizes continued dissensus, suspends the anchoring that individuals' deliberative decision-making cannot do without: their value hierarchies, such as they are.

In sum, precisely because there usually are, in the nature of the case, legitimate, non-cancelable arguments on both sides (or all) in political debate, and in view of all that follows from this, it becomes central to a political debater's dialectical obligation that he should pay proper and explicit attention to arguments supporting the opposite side. I suggest that the main consequent specifications of this general requirement are the following:

1. *The debater's main dialectical obligation is to make motivated comparisons between contradictory arguments.* As we have seen, it is a standard situation that contradictory arguments do not (because of their incommensurability) cancel each other out and cannot be objectively aggregated and weighed against each other; on the other hand, individuals who would choose between rival policies must, and usually somehow manage to, compare the arguments supporting them in ways that assist their choice. Public debaters, who cannot be required or expected to find a consensus, might instead see it as their primary function to help individuals who are third parties to their debate in this choice. This the debaters could do by explaining how contradictory arguments compare in *their* subjective view, and why.

2. *Often it is not appropriate to try to rebut, refute or deny arguments that contradict one's own policy.* As we have seen, good arguments contradicting a debater's policy are often grounded in values shared by the debater himself; it is just that the con arguments do not register in the debater's subjective comparison of pros and cons with the same strength as the pro arguments, or the values grounding the con arguments are lower in his value hierarchy than the values grounding the pro arguments. Whichever is the case, the appropriate thing for that debater to do is probably just to explain why it is so. 'Appropriate' in this context means: likely to serve the purpose of the debate, insofar as the purpose of the debate is not to achieve consensus between the debaters, but rather to help the third parties in their process of choice.

Some of the things the debater might do in this attempt at explaining might be to offer *specifics* about the benefits and/or costs involved in adopting either his own or the opposite policy, thereby enhancing the *presence* of these benefits/costs, and thus perhaps causing others to share the assessment on which the pros subjectively outweigh the cons. He might also try to invoke *parallels*, either of a similar or opposite nature, adducing analogies, precedents, similarities, contrasts, or differences; or he might employ *metaphors* and other verbal devices to enhance the pros or attenuate the cons relating to his policy. In many cases it will probably be to his own advantage and to the audience's enlightenment if he chooses the same devices in addressing the audience as have perhaps caused himself to assess the present case as he does, thereby possibly causing individuals in the audience to adopt a similar assessment. It might also happen that, on a somewhat deeper level, the listener is caused to revise the hierarchical ordering of those values in terms of which he sees the issue, because the specifics and parallels that have been adduced make him, e.g., find the costs in terms of one value unacceptable compared with the benefit in terms of another value that he has so far favored.

The attentive reader will not have failed to notice that the devices I have mentioned here, which are just a sample of the moves a rhetor might employ, are all central resources in the traditional discipline of rhetoric. The justification of all these devices, and of rhetoric as such, is that they are all we have in situations where no objective algorithm can determine our choice, i.e., in deliberation.

3. No quantity of good arguments on one side is in itself sufficient to decide the matter. Just as attempts at mere rebuttal of counterarguments are often not appropriate, because the counterarguments are in fact perfectly good, so also does a debater not sufficiently honor his dialectical obligation merely by marshalling all the good arguments speaking for his own policy. A *comparison* of the arguments on the two sides is still called for, and if this is not offered, the third parties have still not been helped in making their own comparisons. Failing an objective, algorithmic procedure for the commensuration of incommensurable pros and cons, a special act of incommensurability-transcending comparison remains necessary, employing, e.g., strategies based on specifics or parallels, as described above.

Looking back, one might skeptically ask what purpose is actually served by political debate, even when dialectical obligations like those discussed above are respected. Since debaters cannot be expected to reach consensus, and since audience members cannot expect sufficient grounds to be offered for any one policy but will still have to choose subjectively, might public political debate not be dispensed with altogether? My answer is of course negative. While public political debate as brought to us by the media is often at its worst, a kind of debate that would respect the dialectical obligations as sketched in this paper might indeed help deliberative democracy become just that: a democracy that not just votes but deliberates, i.e., considers contradictory arguments and tries to weigh them against each other, as in a *libra*, a pair of scales. Although the decision that the individual makes about deliberative issues will be subjective, it can still be a reasoned decision; just because no objective balancing of contradictory arguments is possible, we should not conclude that individuals facing political decisions are left with mere gut feeling to help them decide, or rather, simply plump for one or the other policy. Public reasoning by debaters in front of decision-makers about the decisions they face is still possible and can be helpful. True, individuals' decisions will be subjective, but the subjectivity comes in because the warrants relied on in deliberative reasoning are *values*, and because individuals' sets of values, their interpretations of them, and their hierarchical rankings of them are not identical. Nevertheless, it is a need for every individual facing a decision to gain understanding of what is implied by competing proposals and policies in terms of that individual's values —such as they are, or

such as they may dynamically evolve as a result of the reasoning offered. Public debate in respect of obligations like those discussed above would promote that kind of understanding.

Note

¹ This is a simplification: by focusing on ‘telic’ arguments, i.e., the ‘advantages’ and ‘drawbacks’ of proposals, we bypass arguments of a deontic nature, e.g., that a proposed war might be a contravention of international law. But acknowledgement of this and other types of arguments only lends increased strength to the points made in this section: that arguments for or against proposals refer to inherent properties of the proposals and do not cancel out each other.

References

- Benhabib, S. (1994). Deliberative rationality and models of democratic legitimacy. *Constellations* 1, 26-52.
- Benhabib, S. (1996). Toward a deliberative model of democratic legitimacy. In *Democracy and difference: Contesting the boundaries of the political*, pp. 67-94. Princeton NJ: Princeton University Press.
- Berlin, I. (2002). Two concepts of liberty. In *Liberty, Incorporating four essays on liberty*, pp. 166-217. Oxford: Oxford University Press.
- Bessette, J.M. (1994). *The mild voice of reason: Deliberative democracy and American national government*. Chicago: University of Chicago Press.
- Cohen, J. (1989a). Deliberative democracy and democratic legitimacy. In A. Hamlin and P. Pettit (Eds.), *The good polity*, pp. 17-34. Oxford: Blackwell.
- Cohen, J. (1989b). Moral pluralism and political consensus. *New York University Law Review* 64: 233-55.
- Cohen, J. 1998. Democracy and liberty. In Jon Elster and Adam Przeworski (Eds.), *Deliberative democracy*, pp. 185–231. Cambridge: Cambridge University Press.
- Eemeren, F.H. van and R. Grootendorst. (1992). *Argumentation, communication and fallacies: A pragma-dialectical perspective*. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Eemeren, F.H. van and R. Grootendorst. (2004). *A systematic theory of argumentation: The pragma-dialectical approach*. Cambridge: Cambridge University Press.
- Eemeren, F.H. van and P. Houtlosser. (1999). Strategic manoeuvring in argumentative discourse. *Discourse Studies* 1, 479-497.
- Eemeren, F.H. van and P. Houtlosser. (2000). Rhetorical analysis within a pragma-dialectical framework. *Argumentation* 14, 293-305.
- Eemeren, F.H. van, & P. Houtlosser. (2001). Managing disagreement: Rhetorical analysis within a dialectical framework. *Argumentation and Advocacy* 37, 150-157.

- Eemeren, F.H. van and P. Houtlosser. (2002). Strategic maneuvering: maintaining a delicate balance. In F.H. van Eemeren and P. Houtlosser (Eds.), *Dialectic and rhetoric: The warp and the woof of argumentation analysis*, pp. 131-159. Dordrecht: Kluwer Academic Publishers.
- Finnis, J. (1998). Commensuration and public reason. In Ruth Chang (Ed.), *Incommensurability, incomparability, and practical reason*, pp. 215-233. Cambridge, MA: Harvard University Press.
- Goodnight, Thomas. (1993). A “new rhetoric” for a “new dialectic”: Prolegomena to a responsible public argument. *Argumentation* 7, 329-342.
- Govier, T. (2005). *A practical study of argument*, 6th ed. Belmont, CA: Wadsworth Publishing Company.
- Habermas, J. (1972). Wahrheitstheorien. In *Vorstudien und Ergänzungen zur Theorie des kommunikativen Handelns*, pp. 127-183. Frankfurt/M.: Suhrkamp.
- Habermas, Jürgen. (1997). *The theory of communicative action*. Vol. 1: *Reason and the rationalization of society*. Translated by Thomas McCarthy. Cambridge: Polity Press. (Original: *Die Theorie des kommunikativen Handelns*, Band I: *Handlungsrationalität und gesellschaftliche Rationalisierung*. Frankfurt: Suhrkamp, 1981.)
- Johnson, R. (2000). *Manifest rationality: A pragmatic theory of argument*. Mahwah, NJ: Lawrence Erlbaum.
- Johnson, R. (2002). Manifest rationality reconsidered: Reply to my fellow symposiasts. *Argumentation* 16: 311-331.
- Kock, C. (2003). Multidimensionality and non-deductiveness in deliberative argumentation. In Eemeren, F.H. van, J.A. Blair, C.A. Willard & A.F. Snoeck Henkemans (Eds.), *Anyone who has a view: Theoretical contributions to the study of argumentation*, pp. 157-171. Dordrecht/Boston/London: Kluwer Academic Publishers.
- Kock, C. (2006). Multiple warrants in practical reasoning. In Hitchcock, D., & B. Verheij (Eds.), *Arguing on the Toulmin model: New essays on argument analysis and evaluation*, pp. 269-280. Dordrecht: Springer.
- Kock, C. (2007). Is practical reasoning presumptive? *Informal Logic* 27, 91-108.
- Larmore, Charles. (1996). *The morals of modernity*. Cambridge: Cambridge:University Press.
- Lukes, S. (1991). *Moral conflict and politics*. Oxford: Clarendon.
- Perelman, C., & L. Olbrechts-Tyteca. (1958). *La nouvelle rhétorique: Traité de l'argumentation*. Paris: Presses Universitaires de France. American edition, transl. by John Wilkinson and Purcell Weaver (1969): *The new rhetoric: A treatise on argumentation*. Notre Dame: University of Notre Dame Press.
- Rawls, J. (1993). *Political Liberalism*. New York: Columbia University Press.
- Raz, J. (1986). *The morality of freedom*. Oxford: Clarendon Press.
- Raz, J. (1998). Incommensurability and agency. In Chang, R. (Ed.), *Incommensurability, incomparability, and practical reason*, pp. 110-128. Cambridge, MA: Harvard University Press.
- Raz, J. (2000). *Engaging reason: On the theory of value and action*. Oxford: Oxford University Press.

- Sinnott-Armstrong, W. (1988). *Moral dilemmas*. Oxford: Basil Blackwell.
- Stocker, M. (1990). *Plural and conflicting values*. Oxford: Oxford University Press.
- Toulmin, S.E. (1958). *The uses of argument*. Cambridge: Cambridge University Press.
- Walton, D.N. (1990). *Practical reasoning: Goal-driven, knowledge-based, action-guiding argumentation*. Savage, Maryland: Rowman and Littlefield.
- Walton, D.N. (1996). *Argumentation schemes for presumptive reasoning*. Mahwah, N.J.: Lawrence Erlbaum Associates.
- Walton, D.N. 2006. How to make and defend a proposal in a deliberation dialogue. *Artificial Intelligence and Law*. DOI 10.1007/s10506-006-9025-x.
- Warnke, G. (1999). *Legitimate differences: Interpretation in the abortion controversy and other public debates*. Berkeley: University of California Press.
- Wellman, C. (1971). *Challenge and response: Justification in ethics*. Carbonale, IL: Southern Illinois University Press.

Christian Kock
Department of Media, Cognition and Communication
University of Copenhagen
Njalsgade 80
2300 Copenhagen S
Denmark

kock@hum.ku.dk