Concepts and Consistency in Political Argument

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Declaration

I declare that this thesis ‘Concepts and Consistency in Political Argument’ is entirely my own work and does not violate or infringe any copyright, trademark, patent, or other rights whatsoever of any person. Where reference is made to the work of others, due acknowledgement is given.

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Abstract

References to the philosophy of logic and language are common in political theory to help justify certain styles of conceptual analysis. Yet such references are usually done in a relatively unsystematic way. I propose a new brand of conceptual analysis called ‘destructive conceptual analysis’ for political theory from a systematic engagement with the philosophy of logic and language. It involves a significant inversion where instead of defining terms we eliminate them. The brand is derived from the coupling of two-dimensional semantics with the thesis of reasonable rejection to rigorously describe the property of political argument. Two-dimensional semantics provides the only theory of language that I am aware of that can interpret the problem of rhetoric where linguistic conjuring tricks are used to hide inconsistencies in arguments. Such an interpretation distinguishes between instances where political argument has been suspended in conversation (i.e. hijacked) by demagogic word play and where it has not. ‘Destructive conceptual analysis’ is a complementary method to this distinction that decisively proves whether political argument has been hijacked or not regardless of the protests of conversers. When competent individuals cannot rephrase their argument under the linguistic constraints of elimination this is proof that their conversation – whatever it was – was not substantive political argument. I call the overall framework of my approach ‘the veil of anal retentiveness’ (as it is a genuine alternative to the ‘veils’ introduced by the likes of John Rawls and James Buchanan). The second half of the dissertation is devoted to applying this framework to the sort of conceptual debates in political theory and science that Robert Dahl describes as giant globs of oily ambiguity. These chapters demonstrate the decisiveness and usefulness of my method.
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Chapter 1

Introduction

A project of conceptual analysis is empty without an aim. Without an aim no project would have constraints and without constraints there would be no indication of the project's success.

The aims of political theorists have often come across as especially murky. In part I think this is because the theorist has not made their concern or aim explicit. So to be up front, this dissertation is concerned with disagreement that is due to differing views of the meaning of certain terms like 'power', 'freedom', and 'democracy', terms that are – to use Robert Dahl’s (1957: 1056) expression – giant globs of oily ambiguity. My aim is to devise a method to overcome these glob debates in a way that is conducive to substantive and consistent agreement in political argument. This amounts to completing a framework for political argument.

The success of the framework will depend on arguments that transfer the burden back to the disputants to explain why they still disagree. Perhaps they still do disagree and perhaps I have been too hasty in suggesting they would not. For example, they might disagree with the parameters of the social contract (although I will argue that these parameters are so weak that if they do they contradict themselves) or they might be able to rephrase their disagreement in a way in which I do not. Nevertheless my hope is that at least some might agree that they have been trivially arguing over words rather than over substantive points and that political theory and political science might get on with more progressive arguments.

The introduction now is intended to give a philosophical background to this aim: where it comes from and why I think it is useful. This will involve a critical review of some of the important arguments in analytic political philosophy. It is not necessary
that you agree with this background; all that really matters is that you find my constraint of substantive and consistent agreement compelling.

In the second chapter I will introduce a problem that has been unwisely ignored in the literature. The third will outline the ‘destructive’ program of conceptual analysis that suggests itself from my interpretation of the problem. In the fourth and fifth I will criticize others for not making their aim explicit with their brand of conceptual analysis, not sticking to it, or having so many different and seemingly contradictory aims that it renders each deficient. I suggest that if they had not made these muddling moves an approach like mine would be a pragmatic choice. In part two, I apply this ‘destructive’ brand of conceptual analysis to certain glob debates in political theory. The results are not definitive as they depend on my competence to rephrase disagreement – and so potentially the amateurish butchering of conceptual points – however, in so far as a rephrase is not forthcoming from anyone else then we should provisionally discard the disagreement as far as the discipline of political theory is concerned. The conclusions then are more invitations to prove the analysis in the second half of this dissertation wrong (by falsifying my proposed hypotheses).

1.1 Reference Group as Constraint

Without a specified aim there is no way of determining the success of conceptual analysis. If we start out without one we will get nowhere; one false start will be followed by another. A project concerned with discovering the meaning of $T$ is empty unless it also asks the meaning of $T$ for what or for whom. To understand a theoretical constraint, in other words, you must first know who or what constitutes the theory’s reference group.

Say I were to brag to all my friends that I was going to go off to an isolated hut in the Black Forest for two years to ‘discover the meaning of truth’. There is an argument that I think is a decisive rebuke to such boasts. If one of my friends piped up and asked me how I actually intended discovering the meaning of ‘truth’ given I have no idea what to look for in the first place, I would have no response. There is no way to know what ‘truth’ might look like given that is the very reason I desire to find its
meaning – and if I do not know what it is, then I certainly cannot actively ‘look’ for it. This has been variously called the paradox of analysis (rather loosely) or ‘Meno’s Paradox’. The point of having constraints to the analysis of concepts is to avoid such rebukes. Perhaps the saying ‘I’ll know it when I see it’ suggests that such a constraint is unnecessary, but this just seems to be a case where the aim is not made explicit. The conclusion might simply be an uncritical restatement of the prevailing social opinion, some subjective and prejudiced intuition, or even a blatant lie. There is little point to such an undertaking since it would merely be a restatement of the author’s disposition to assent to whether something was ‘true’ or not. The steps to arriving at an opinion are what is of interest not the opinion itself. These steps need to be made explicit so that readers might be able to retrace them. Otherwise, the persuasiveness of the opinion is completely down to an appeal to the author’s authority and such appeals are not the slightest bit constructive to any academic discipline.

A more fruitful task would be to abandon any longing for tranquil isolation and resolve to find the meaning(s) of the word truth, say, for my friends (assuming the set of my friends is non-empty). The assent of my friends to hypotheses is constraint enough for this sort of project, providing I also have certain methods to screen for lying and mistakes. Being clear on the reference group when analysing meaning therefore is necessary if you are going to be clear on its standard of success. Flouting this requirement is my quarry in Chapter 4.

The following analysis though has no particular person or fixed group of people as its reference. It is not concerned with comparing what words like ‘freedom’ mean in one culture and what they mean in another. No doubt this is often a worthwhile task, with a constraint readily available: the assent of the reference group. Of course the task gets somewhat more complicated when the individuals in one’s reference group are all dead, as is the case with most studies of conceptual history. It is still possible though to create theories that might be falsified when some primary source emerges which happens to use the word differently to that predicted by the theory. The aim of conceptual historians, then, might be to propose theories of a word’s usage that defy easy falsification. Regardless, it is not the brand of conceptual analysis being pursued here. It is mentioned only to distinguish it from the following.
Instead, my analysis has an unfixed group of individuals as its reference. They are those who are, will be, or have been engaged in a certain sort of activity. That is, the activity of political argument. It is analysis for those wanting to reach substantive agreement over political issues, particularly the academic discipline of such activity—political theory. The groundwork section of this dissertation is devoted to analysing when we can describe individuals to be engaging in political argument and when we cannot.

1.2 The Political

At this point I dare say some might think I have already shot myself in the foot. I have just used the most contested term of them all and, what is more, used it uncritically. What does the predicate ‘political’ in political argument mean when I use it to state the activity of my reference group and how can it be justified that it is such when it is itself built into my constraint? Such a justification would surely be circular.

To take the two questions in order, ‘political’ by my usage applies to anything that is concerned with the solution of a rather difficult sort of coordination problem. The problem is the problem of politics: figuring out a way we might peacefully coexist despite currently having different views of the good life.

Categorizing the problem as such amounts to a theory of politics. It roughly follows John Rawls’ (1993; 1995) delineation of the political from other doctrines like the religious and the moral.\(^1\) It is discriminatory in a way that I suspect is intuitively

\(^1\) This delineation is similar to Rawls’ such that it almost could be a rough paraphrase: “I think of political liberalism as a doctrine that falls under the category of the political. It works entirely within that domain and does not rely on anything outside it. The more familiar view of political philosophy is that its concepts, principles and ideals, and other elements are presented as consequences of comprehensive doctrines, religious metaphysical, and moral. By contrast, political philosophy, as understood in political liberalism, consists largely of different political conceptions of right and justice viewed as freestanding. So while political liberalism is of course liberal, some political conceptions of right and justice belonging of right and justice belonging to political philosophy in this sense may be conservative or radical; conceptions of the divine right of kings, or even of dictatorship, may also belong to it. Although in the last two cases the corresponding regimes would lack the historical, religious, and philosophical justifications with which we are acquainted, they could have freestanding conceptions of political right and justice, however implausible, and so fall within political philosophy.”
appealing to most. First, the theory being proposed includes most arguments in favour of authoritarianism. Far too often theorists working from a largely liberal theory of politics assume that the theory naturally entails the liberal state. Yet there is nothing to rule out a solution to the political problem that selects one version of the good life (say, a Christian monarchy or Islamic Caliphate) and persecutes all those who do not subscribe to it until that one version reigns supreme. If everybody held the same view of the good life, one would suspect the issue of peaceful coexistence would be far simpler than if there were multiple and so the coordination problem would be by-and-large solved. Regardless, the fact that there are, at this moment, multiple views of the good life in circulation, does not mean a solution for peaceful coexistence needs to maintain this fact, only that it makes it much less feasible (in contrast with Rawls, 1993: xviii). Second, the theory excludes associations that do not have a mandate for a solution to the coordination problem. For example, fascism gets its mandate from a ‘constant struggle’ mantra that, if anything, actively tries to maintain the coordination problem instead of solving it. We can therefore say that fascism is politically unconstructive or more simply that a fascist party just does not count as a political association. This seems to fit with some folk intuition. I will leave ‘the political’ at this short introduction for it is all that is required for now. After all, the substance of any theory is the possible cases to which it applies (Jackson, 1996) and I have given a quick sketch of the limits of case inclusion and exclusion for the political.

Now to return to the second question: how can I justify this theory of the political when my analytical constraint cannot escape using the concept? The answer is that I cannot. At least, I cannot if I stick to the framework developed here. Hopefully there is some deductive merit to the dissertation, however this merit can only get going (Rawls, 1995: 133). The only difference I have is verbal – I think ‘political theory’ would be a more appropriate term here than ‘political philosophy’. It seems that Rawls shares my concerns with confusing the project with substantive moves in philosophy – “The central idea is that political liberalism moves within the category of the political and leaves philosophy as it is” (Rawls, 1995: 134) – so I tend to think he would not have any problem with my position.

2 You would suspect at least. If everybody held a view of the good life that did not include a view as to the just method for the distribution of scarce resources (perhaps scarcer than usual now that everybody wants the same thing), the possibility for peaceful coexistence would be all but dead. I want to steer clear of saying much about what exactly is required of a sustainable view of the good life when that view is the only one held in society. I think it goes without saying though that it will have to be robust. 3 Orwell (1944), for instance, says that it is usually assumed “Fascism is inherently warlike, that it thrives in an atmosphere of war hysteria and can only solve its economic problems by means of war preparation or foreign conquests.”
from those possible cases that are included within the extension of the concept I associate with the word ‘political’. I could always eliminate the word ‘political’ and rephrase political argument as ‘the particular form of argument that is concerned with solving the sort of coordination problem outlined in the introduction’ but that is rather long-winded and confusing. So to be as clear, I retain the predicate ‘political’ for stylistic effect. If some want to challenge me on the verbal issue of whether or not politics means what I suggest it means here, then the subscript gambit (discussed further in Chapter 3) can be used and my concept associated with the word ‘political’ can be distinguished from that of my challenger by adding subscript. I am talking about politics$_2$ and my challenger is talking about politics$_1$, say. Surely it is conceivable that in some whacky world ‘political’ means what I suggest it means. Just assume then that we live in this whacky world for the next 100,000 words or so. The same trick should be applied to any term the reader finds suspect in the first few chapters that outlines the dissertation’s groundwork (this introduction and chapters 2 and 3).

1.2.1 Further Refinements

Admittedly ‘views of the good life’ and ‘peaceful coexistence’ are probably ambiguous terms. They will have to remain grey areas, but a bit more detail is useful in order to couch the theory within a literature.

Take a view of the good life to be a particular subset of an individual’s preference schedule. It is not an individual’s view of his or her own preferences or what they believe their preferences should ideally be that constitutes their view of the good life.

Rather, it is a subset of their preferences as they actually are. While an individual’s assertions might give a good indication as to their real preference, they might well be mistaken or they might be blatantly lying about them. As Leonard Savage (1972: 17) said, “I think it of great importance that preference and indifference between $f$ and $g$ be determined, at least in principle, by decisions between acts and not by response to

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4 Of course, an individual might have a preference for a different preference schedules to the one they currently have. Preferences for preferences might well be part of the subset; however they are still an individual’s current preferences. A smoker trying to quit has a preference for a preference schedule that does not prioritise lighting up another cigarette so highly.
introspective questions". So the stated introspective view one might have of themselves is off the table as a candidate filler for 'views of the good life'. Luckily we do not have to methodologically rely on the stated opinions of individuals to discover their view either. Revealed preference analysis is probably the most popular method of discovering the preferences of individuals and it does so by way of analysing their choices rather than their opinions.\footnote{See Samuelson (1948) and Sen (1971). Compare though Don Ross (2005).}

The subset is the particular preferences an agent has for the (forced or unforced) conventions that coordinate aspects of both their behaviour and the behaviour of others. These conventions are coordinating constraints on social action. An individual's view of the good life, then, is equivalent to their preferences regarding the content of coordination. In other words, the subset of preferences relevant to the view of the good life is the agent's preferences for the conventions that are to make up the social contract. Social contract theory is the hallmark of analytical political philosophy (Pettit, 2012) and is the body of literature that best interprets the theory of politics described above.

Could I avoid any misdirection if I just substituted 'views of the good life' for a more basic term like 'social wants' or 'social desires'? Perhaps. However, I want to stress that the relevant kind of desires and wants are directed to conventional content rather than specific events. An individual's social wants or desires could encompass particular events like 'individual i winning the lottery', but one's view of the good life could not – it would only encompass a certain event indirectly if the event was endorsed by a conventional norm that constituted part of the view of the good life. Any term that has an extension of the preferences an individual has for the conventions of coordination I would happily accept into the characterization of the political problem described above.

Take peaceful coexistence to be a stable equilibrium point with respect to the grounds of coordination. Such ground will be a set of conventions, if we are to follow evolutionary theory's suggestion that the grounds of human coordination are naturally
evolved conventions (Skyrms, 1996). Rawls thought the outcome of political philosophy should be to "ensure stability from one generation to the next" (1987: 1) by reaching a "long-run equilibrium" (1987: 5) on the appropriate conventions of cooperation. Importantly, this is not just any old equilibrium. It must be a stable and lasting equilibrium and not subject to minute-by-minute fluctuation any less than generation-by-generation fluctuation. The preferred political outcome is an equilibrium because it is a state where it is common knowledge that there is no incentive to deviate from an agent's position, given the agent's knowledge (i.e. common knowledge) that just about everybody else equally has no incentive to deviate. It is a Nash equilibrium when the two strategies are the best replies to each other.

For example, say there was a Nash equilibrium between two countries that had mutually opposed interests to nevertheless sign a treaty with one another. It happened that the diplomatic services of both countries were vast and efficient and so both recognised that their interests were opposed and recognised that the other recognised and recognised that the other recognised that they recognised (and so on and so forth in this circle), and a treaty suggested itself as the dominant strategy for both countries. The equilibrium would count as a case of peaceful coexistence by my proposed theory. (Of course it might not be a unique equilibrium, but that is a complication we will ignore for the time being.) Perhaps without a treaty the two countries would have been locked in a long and bloody battle with the outcome being mutual destruction.

However, Rawls does not think such a treaty would count as a lasting equilibrium because there is no 'overlapping consensus' between the interests of the two countries. There is nothing to stop the interests of one of the countries, he argues, from arbitrarily changing at a moment's notice away from a rational commitment to

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6 The logical difference between a social contract and a convention is nicely put in Lewis, 1969: 88-97. Some evolutionary theory though seems to assume the two are equivalent. This is a serious mistake. It can be quickly overcome (for our purposes) if we take the footnoted sentence strictly and define a social contract as a set of conventions but not a convention itself. As far as our goal is to institute a social contract, any candidate content is as good as any other providing it preserves the contract. Yet a candidate state of affairs other than one where the social contract exists is not equally as good. If we are to believe Hobbes, such a state of affairs is one where life is poore, solitary, brutalish and short. It is definitional of a convention on the other hand that there is an equally good candidate available (Lewis, 1969 and Lewis, 1975). Therefore, the social contract cannot itself be a convention, but it can be comprised solely of conventions, providing the population is analytically constrained to those engaged in political argument.
the provisions of the treaty (1987: 11). I disagree. It is generally rare (if it occurs at all) that a country's interests will change in a way that is completely unpredictable. That is, in a way that is genuinely arbitrary or random. Part of the formulation of both countries' strategy surely must be to calculate whether they think the other country will maintain its current interests. In many instances there would not even be equilibrium were it not for the belief of both agents that the dominant strategy will be a lasting strategy. Part of the intelligence gathering in the diplomatic service will be concerned with working out the likely trajectory of their rival's interests. The equilibrium point's holding capacities, then, will depend on the quality of information available to the strategists, not necessarily on a set of shared beliefs and values like those that make up Rawls' notion of an 'overlapping consensus'.

Do solutions to the terms of peaceful coexistence ignore the plight of the oppressed? Does a society that reaches a 'long-run equilibrium' with the compliance of its members but that also actively endorses varieties of oppression such as slavery, patriarchal domination and class subjugation count as a peaceful coexistence? All sorts of grotesque acts of violence have been documented under such relations. The individuals on the receiving end cannot generally challenge the underlying coordinating conventions that make such relations possible (part of the problem is that the perpetrators think they can get away with such acts at minimal cost) and so they must conform into cooperation through fear of further sanction. Surely it would be a sick joke to call such relations a 'peaceful coexistence', if peaceful coexistence means a morally acceptable existence. Rawls can bypass this problem by invoking the 'overlapping consensus' to suggest there is no overlap between the oppressed and oppressor concerning the terms of their specific relationship and so no ground for stable coordinating conventions over time (or what he calls 'a political conception of

7 Rawls' 'overlapping consensus' was presumably a variant of W.V.O Quine's (see 1961 [1953]: 1-20) (his colleague at Harvard) logic of indeterminacy. More will be said on this logic of overlap in Chapter 4. It might be noted here that the idea that individuals (or countries for that matter) have prepared idiolects that meaningfully communicate with other idiolects by way of sharing various fragments is disputed by Donald Davidson in 'A Nice Derangement of Epitaphs' (1986). He contends that any belief system we have remains untranslatable into any other (our prior theories) but that from each belief system we can create passing and momentary theories to come to a shared understanding with others.

8 Perhaps both oppressor and oppressed might accept the state of affairs when it is put to a vote. We have the example of some of the 'untouchable' Dalit Indians who actively accepted their position in society despite it being a terribly oppressed one. However, generally acceptance does not entail overlap. For there to be overlap, acceptance must be explained by a shared set of reasons.
justice’). As argued though, I do not think the notion of ‘overlapping consensus’ should be used at all. Since I do not think there is a better explanation of stability than the rational choice one outlined above as a stable equilibrium, this commits me to biting the bullet and saying that these oppressive conditions are peaceful.

I agree, of course, that to equate certain sorts of peaceful coexistence (like those listed above) with morally acceptable states of affairs is a perverse thing to do. The two properties are not equivalent. With respect to societies that maintain peaceful relations among groups, moral criticism is still required; to think about what could be changed to better society by your view of the good life and if such change is feasible, execute it. For instance, as outside observers most contemporary moralities (except for perhaps the most ludicrous brands of postmodernism) would advise individuals to actively try and disrupt any stable equilibrium that led to the unequivocal acceptance of a slave trade even when the slaves themselves accepted the trade. While political theory does not have the analytical resources to explain why we should engage in moral actions, it certainly does not suggest that we should not act if such action is feasible. Indeed, I think Przeworski (1998) is right to say that political deliberation is not concerned with basic values but rather the means for instituting those values.®

Yet it is hard to imagine a morally acceptable state of affairs that is not at the same time a state of peace. War might be fought for the moral cause however it is only a moral cause if the state of affairs fought for is a state of peace. The Union’s wartime effort in the American Civil War is often considered moral not because of its war strategy but because of its ends to abolish (or at least reject) slavery in peacetime. We can conclude then that peaceful coexistence, or the goal of, is necessary for a morally acceptable existence, but at the same time not sufficient. If we were to say it was also sufficient we would strike Hobbes’ radical conservatism in Leviathan where morality is cashed out in terms of stability and where the status quo is put on a pedestal. This

® Przeworski quips, “The large part of political discussion concerns not goals but means, not the question whether motherhood is good but whether the best way to promote motherhood is indeed to throw mothers and children on the street” (1998: 143). This position might also follow a loose interpretation of Christian List’s (2002: 73) argument that deliberation should seek a metaconsensus concerning the way our preferences should be arranged rather than a substantive consensus concerning the particular content of our preferences.
is not a doctrine I think should be subscribed to\(^{10}\) and (whether you subscribe to it or not) it is distinct from the theory of politics so sketched.

Nor should anyone working strictly from the theory of politics ignore oppression. They should take it very seriously. After all, even if you are on the more amoral end of the spectrum you must concede that oppressed groups are usually the most likely to rebel and disrupt the social equilibrium when circumstances change and political analysis that assumes circumstances will not change would be limited indeed. All I want to emphasize is that asking ‘What is it to lead the good life?’ is distinct from asking ‘What features of the good life are feasible options for institutionalization given others have different views of the good life?’ The latter question of feasibility is central to the theory of politics so stated because any acceptable answer is a candidate solution to the political problem. This dissertation is principally concerned with consistency and substantive agreement in the social contract irrespective of whether the contract is a just one or not. What I maintain though is that if we are interested in justice in the social contract we have to be first clear on the dynamics of social-contract-making, which has as its subject matter both just and unjust contracts.

1.3 Political Argument

Brian Barry’s *Political Argument* (2011 [1965]), along with John Rawls’ *Theory of Justice* (1971) ushered in what is now known as analytic political philosophy (Pettit, 2012). Both books rejected the prevailing vogue of utilitarianism, which suggested values like ‘freedom’, ‘equality’ and even ‘justice’ were reducible to the single value of happiness.\(^{11}\) The thinking was that we only value, for instance, our freedom if we believe it adds to our overall happiness. Anything of interest in the area of politics therefore was puzzling only because it was not easily cashed out in terms of the

\(^{10}\) For one, the position Hobbes’ concept of ‘stability’ has in his political philosophy is a serious case of overreach. Almost everything can be boiled down to stabilizing and destabilizing forces. It is used to explain meaning and knowledge, for example. After a while the danger is that in explaining everything it cannot explain anything. Sentences using the term therefore do not ‘carve up’ the world in a meaningful way.

\(^{11}\) Of course, the labels and descriptions of that single value differ between utilitarians. Some do not think the base value is happiness and call it something else like ‘utils’ or ‘the minimization of pain’.
vocabulary of moral philosophy. Moral philosophy was the only game in town.\textsuperscript{12} However, both Barry and Rawls argued that we could remain value pluralists and separate the study of the political from the moral in spite of the leanings of most of the academics at the time and furthermore suggested that there was important work to be done in the area. First, there is a need to work out the feasible trade-offs between values. For example, we will often have to make trade-offs between equity and efficiency in a market economy. That is, working out which value packages are feasible input for institutions. Second, with help from empirical science, there is a need to check the feasibility of institutionalizing these value packages given the way the world actually is. (These areas will divide up the content of the second half of the dissertation.)

Each author is conspicuously silent though on one of the two words that make up this section’s title. Despite Brian Barry’s book literally being called Political Argument, he never tells us why his argument is ‘political’ as such. Perhaps it was just meant as a loose description of his subject matter, but for a book that is so strict with respect to the usage of other vocabulary, the silence is strange. Rawls on the other hand goes to great lengths to distinguish his work as distinctly ‘political’ – defined in a way similar to the previous section – but does not say much on the notion of argument. Instead Rawls thought we seek a ‘reflective equilibrium’ that is in isolation from the interest-prone arguments of the day. Rawls suggested that it happily turns out that we arrive at the same equilibrium as that of our fellow countrymen on the matter of a political conception of justice for any given society. Since I have mostly taken Rawls’ conception of the political and run with it in the previous section, the same will be done here in the first half of this section with Barry’s interpretation of argument and a reconciliation of the two terms in the second.

Barry begins Political Argument endorsing Jacob Viner’s account of the so-called ‘third kind of rhetoric’.

\textsuperscript{12} This was in stark contrast to Hobbes’ 1651 argument in Leviathan that instead considered political stability as the only game in town. In a sense, the utilitarianism of Bentham might be therefore thought to be the contrary counterpart to Hobbes with analytic political theory cutting in between the two arguments as middle ground.
"'Persuasion' The effective crusader for good causes will in any campaign of persuasion deliberately or by temperament or in ignorance select for emphasis as supreme above all others at least in the existent circumstances a single general principle, or a small number of presumptively harmonious general principles, and will leave to those hostile to his cause the search for intellectual or practical flaws in his argument. There is a third kind of rhetoric which also has the logical and practical claims to merit and to utility, whose task it is to explore the conflicts between principles, to search out the importance of degree, relation and proportion, to discover for particular values their appropriate place in the process for persuasion." (Viner, in Barry, 2011: 1)

This 'third kind of rhetoric' is precisely the activity of analytic political theory: working out the feasibility of institutionalizing various value packages. However, Barry believes persuasion is too broad a term to describe it. He goes on,

"The process of persuasion' is presumably any means by which one man gets another to change his mind, and though it is perhaps ironic to include overt threats, appeals to unconscious fears and wishes would certainly be part of the process, as would be outbursts of passion or rage, flattery and similar arts. No doubt this 'process of persuasion' might be studied by a psychologist, but I think philosophers are better adapted to dealing with only the part of the process which consists in providing reasons for thinking that some policy is desirable or undesirable. This may well have been what Viner had in mind in the passage quoted, but if so, the choice of 'persuasion' and, to some extent, 'rhetoric' was unfortunate." (Barry, 2011: 2)

Persuasion here is not equivalent with argument. For example, yelling at somebody to do something does not count as an argument but it certainly could persuade them to do it by way of fear or surprise. A study of argument is instead concerned with the reasons individuals can give for assenting or dissenting to various proposals and decisions. While argument may be a process of persuasion, it is a specific process that excludes other processes like threats, hunches and flattery. Reasons are not simply the conclusions of evaluations either, for such evaluative conclusions might rest on hunches or intuition and surely a hunch or intuition does not make for much of an argument. To count as having reasons, then, individuals must be able to express the reasons in some language. That is, for someone to qualify as having reasons that can be used to justify their position, they must be in a position to assert them. Individuals might well have un-articulable beliefs that explain their support for some action, but they cannot be said to have reasons ready to go for justification if they cannot assert these beliefs in some commonly understood language.

Giving reasons is an exercise of assertion. Barry distinguishes reason-giving, as the appropriate area of study for philosophy rather than evaluation broadly conceived because "the limits of language are also the limits of philosophical analysis." He goes
on, “It is no doubt frustrating that nothing can be said in detail about those elements in evaluating which are not susceptible of verbal presentation, but there is no help for it – as Frank Ramsey said, ‘what we can’t say we can’t say and we can’t whistle it either’” (Barry, 2011: 3). Any sentence we can meaningfully assert, then, is a candidate for being given as a reason. As Brandom (1994: 148) puts it, “Overt assertions are the fundamental counters in the game of giving and asking for reasons – they can be offered as reasons and themselves stand in need of such reasons”. Individuals engaging in argument therefore presuppose that a reason \( S \) given is framed by the presupposition ‘\( S \) is reasonable in the context of the prior conversation’. Throughout this dissertation I use the character \( \mathfrak{S} \) to symbolize the presupposition of political argument.

In this sense argument is an activity that tries to garner the acceptance of certain states of affairs given the acceptance of reasons for it. Following Rawls’ terminology (again) we can say that it is like a theorem, where a theorem is, to quote the Oxford Dictionary, “a general proposition not self-evident but proved by a chain of reasoning; a truth established by means of accepted truths.” For all intents and purposes I treat “accepted truths” as consistent reasons. Just what this entails will be outlined in chapter 2.

We can now join this interpretation of argument with Rawls’ conception of the political, roughly sketched and expanded upon in the previous section: Argument is political argument when the reasons it gives are concerned with aspects of the political coordination problem. When an argument’s subject-matter includes giving up or accepting the institutionalization of value packages because the acceptable packages are feasible solutions to the political problem and the rejected packages are not for reasons \( x, y \) and \( z \), then this counts as political argument. Thinking and arguing about which values should be institutionalized is, in effect, making judgements and decisions concerning the social contract and ways to ensure peaceful coexistence. In fact a necessary condition for the feasibility of institutionalizing certain value-packages is that they are accepted as feasible by those affected by that institutionalization. There may well be an individual who desire a particular value-package to be implemented in public policy and agree with all the technical decisions the government has drafted to implement it, but all the same reject it in argument.
because they do not think a sufficient number will accept its feasibility for it to be feasible. For example, in a democratic system with regular elections, you might reasonably reject the institutionalization of a value-package you strongly desire (say one that privileges equality over freedom, see Chapter 8) because you think a significant proportion of the voting public will not accept the party’s justifications and vote the incumbent party out of office before it had enough time to implement the policy.\footnote{This is perhaps not a strict example, but I think it adequately captures the point. Such reasoning leads to a significant collective action problem for when there is a sufficient level of non-strategic acceptance to carry the policy but when those who would otherwise accept do not because they think the others (if they believe there to be others) will be thinking exactly the same way as they are.}

1.4 Inconsistency and Reasonable Rejection

Reasons given for political solutions are acceptable so long as they are believed consistent with the predetermined common ground of conversation. Again, the analysis of consistency will have to be deferred to later (chapters 2 and 3). For now, its role as a constraint of political argument will be expanded on. I take what has been called a thin criterion of rationality in political arguments to be equivalent to a criterion of consistency.

In *A Theory of Justice* Rawls proposes a methodological approach to constrain his analysis of a political conception of justice. He was in some sense engaging in conceptual analysis. Yet Rawls’ constraints were unusually strong. They involved restricting the knowledge of the personal circumstances of individuals in the original position. Individuals are supposed to decide what kinds of laws they would want for society behind a ‘veil of ignorance’ where they do not know who they are in the society, what culture they belong to, what talents they have, what gender, ethnicity, job, etc. they have. The methodological approach is one that I agree with and will come back to. However, criticisms that Rawls’ constraints are too strict and abstract are difficult to overcome. Not least from Barry himself who argued that such restrictions ignore the distinctiveness of individuals (1995: 59). It is after all ludicrously difficult and perhaps impossible to abstract completely from one’s own
circumstances. The real-world extension of Rawls’ reference group then, if these criticisms hold, would be zero.

Rawls assumes that individuals in the original position are both rational and risk-averse. The latter assumption has been heavily criticized, but my focus is on the former. I take Rawls’ understanding of rationality to be what John Elster calls a ‘thin theory of rationality’,

"[Rationality is] thin in that it leaves unexamined the beliefs and the desires that form the reasons for the action whose rationality we are assessing, with the exception that they are stipulated not to be logically inconsistent. Consistency, in fact, is what rationality in the thin sense is all about: consistency within the belief system; consistency within the system of desires; and consistency between beliefs and desires on the one hand and the action for which they are reasons on the other hand.” (Elster, 1985: 1)

On this understanding the predicate ‘is rational’ says nothing about various systems of belief and desire other than whether or not an action is consistent by those systems. There is nothing (thinly) irrational, so the saying goes, with desiring the destruction of the world over the scratching of your finger (Hume, 1896: 416).

So long as individuals are thinly rational in the original position, their beliefs are constrained to such a degree that they will supposedly arrive at the same solution whoever they happen to be. The solution is a choice that works out to be a stable social equilibrium when it is used to fill out the coordinating content of society. Arriving at a political conception of justice does not require any social interaction, only the private consideration of such interaction once one has left the cushy confines of the original position and bringing it in line with their intuitions.\(^{14}\) So we have a methodological abstraction from the beliefs of individuals (the veil), an assumption about desires (risk-aversion) and the assumption of consistency that make up Rawls’ constraint for his analysis of a political conception of justice.

\(^{14}\) A quick qualifier: communicating with one another often solves political problems. Yet Rawls’ principles of justice are arrived at by way of private reflection from the original position. His solution to fundamental political problems is not the particular content derived from the original position but that such content was an equilibrium point under (seemingly) acceptable constraints. In so far as he can justify these constraints to others and convince them of the significance of the equilibrium, then he is well on his way to solving many a political problem. It is this justification that constitutes political argument. See Barry, 2011: 58.
In *Justice as Impartiality* Barry offers a far less abstracted approach to a just state of affairs. He gives us a guide for interpreting whether a non-abstracted society is just or not. To do this he does not propose a 'veil of ignorance' or any kind of restriction on the beliefs of contracting parties. Individuals are aware of their identities. Yet his constraint cannot be as simple as the assent of his reference group either – he cannot ask his reference group whether or not their situation is a just state of affairs or not since assent here would tell us very little other than the reference group likes to think of themselves as acting according to the principle of justice.

Barry’s constraint comes from Thomas Scanlon’s thesis of reasonable rejection (1982; 1998). The thesis was originally proposed as a definition of moral behaviour, which is behaviour stemming from “the desire to be able to justify one’s actions to others on grounds they could not reasonably reject” (Scanlon, 1982: 116). Barry thinks this principle can be extended to social groups in order to give a standard of social justice. Societies propose contractual rules to be institutionalized and discard them if they can be reasonably rejected. If no reasonable criticisms can be made regarding the proposed rules, then their institutionalization might be interpreted as a socially just one. When a criticism cannot be reasonably rejected, it must be accommodated institutionally into the constitutional framework or else we can interpret the constitution to not make provision for social justice. Barry’s major contribution to the thesis was to avoid a charge of circularity by purging the notion of ‘reasonableness’ of any moral “tinge”. Instead of following the ‘mutual advantage’ canon he suggests we should “suppose that the parties are *solely* motivated by the desire to reach agreement. Under this version we would not impute to them any substantive views at all about the acceptability of one outcome over another” (1989: 425). By supposing we desire agreement of this sort we suppose political argument is a pure co-ordination problem whose solution is chosen from a number of different candidates. By my account of political argument this assumption can be relaxed and replaced with the weaker assumption that agent’s simply desire to engage in political argument (whether or not they jointly desire substantive agreement from it) to sort out or prove whether proposed rejections can be justified as reasonable. They do not have

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15 It would be circular because the burden would then be for us to employ the ‘reasonableness’ criteria to explain the very moral tinge that makes up the concept of ‘reasonableness’.
to inwardly desire agreement, but they probably have to desire to appear to desire agreement.

Rejection is reasonable only if it is consistent (see Dowding, 2013). That is, if the rejection is not thinly rational it is not reasonable. So long as societies that are bounded by their culture and tradition can prove that there is no inconsistency in their legal framework or social practices given their beliefs, we can interpret things as being socially just by Barry's criteria. If they simply refuse to listen to suggestions that their framework is inconsistent or listen but refuse to accommodate reasonable rejections, then they do not engage in political argument and they do not aim to achieve social justice. Other desires like their own self-interest might well trump their desire for agreement. In so far as observers cannot fault the consistency of a political argument defending a certain society's conventions, then they seemingly must accept those conventions. When individuals give a reason \( S \) in a political argument there is the necessary presupposition that '\( S \) can be consistently inferred from the context of the prior conversation'. Interpreting social justice out of a disposition to engage in political argument is perhaps contentious (and has proven to be in the literature). I suggest political argument is a means to solving political problems and in so far as agents are unwilling to engage in such argument, they are unwilling to coordinate in order to solve the problems. This lends itself to a neutral interpretation of political argument: it sorts through competing conceptions of the good without building in a privileged position for any one conception in particular.

I find it difficult to fault the set-up for interpreting reasonableness in political argument. I take the reference group of political argument to be non-abstracted individuals, contra Rawls. We therefore must devise a method that helps individuals engaged in political argument reach some form of substantive agreement with one another with no restriction on the information available to them. Through word play and the abuse of language, arguments can be accepted as consistent even when substantively they are not. We need a way of discriminating between merely verbal consistency and genuine consistency. A consistent argument is not in itself a sufficient condition for an interpretation of \( \exists \): '\( S \) can be reasonably inferred from the context of the prior conversation' and, in turn, a decisive interpretation of political argument. To be reasonable, arguers must not only be substantively consistent, they
also must be open to proving this consistency. Substantive agreement, then, is the particular type of agreement that follows from genuinely consistent (not just seemingly consistent) reason giving. It is the sort of agreement that will hold despite significant changes to the agents’ environment and interests – be it changes on the stock market, changes in the international balance of power, or changes in day-to-day life – providing agents are constrained by a framework for political argument.

The methods so far proposed for proving substantively consistent agreement in political argument come up high and dry. Ideally, we would charge a rejection as unreasonable whenever an agent asserts both \( A \) and \( \text{not-}A \). Yet the propositions \( A \) and \( \text{not-}A \) will be couched in a vocabulary that is full of ambiguous terms. This is particularly the case with political vocabularies where there is something to be gained from such ambiguous terminology. Even when participants have the best of intentions (as in Habermas’ ideal speech conditions, say) they are liable to be led astray by language. Since it is rare that somebody will explicitly utter a sentence and then a few sentences on explicitly utter the negation of that sentence, interpretation and translation of utterances will usually be necessary to make inconsistencies (i.e. unreasonableness) perspicuous. Yet such interpretation can be just as contested and debated as the original subject of the argument (Gallie, 1955; Connolly, 1983: 10-41). This is roughly what I call the problem of rhetoric, which will be technically described in Chapter 2. I propose a method that is conducive to both substantive and consistent agreement with respect to reasonable rejection. It is conducive to such agreement whether or not political argument is a pure coordination problem and in spite of the problem of rhetoric. In claiming this I think I can also claim that my interpretation of political argument overcomes Alasdair Macintyre’s (1988: 351) critique of liberal political theory, that

> “each tradition can at each stage of its development provide rational justification for its central theses in its own terms, employing the concepts and standards by which it defines itself, but there is no set of independent standards of rational justification by appeal to which the issues between contending traditions can be decided.”.

I believe there is such a standard. I will summarize it in the following section and elaborate on it in chapters 2 and 3.
1.5 The Problem of Rhetoric and a Solution

A problem with the account of political argument sketched above is that rhetoric can convince an audience that, in principle, any reasonable rejection can be met without obvious inconsistency. There are seemingly never any full stops to political argument because a skilled demagogue can always, in principle, ‘idiom skip’ their way around sensible rejections of their position. This is especially the case with the rise of professional political theorists who take time (and are compensated with a salary for their time) to think up possible ways around reasonable rejections. Argument is not constrained by the quick thinking capacities of public speakers because, when backed into a corner, lobby groups can fall back on old dogma trumpeted in a recoated guise of academic respectability. If we pay no heed to how acceptance is wrangled then our standard of consistency really has no clothes and the prospects of a neutral interpretation of political arguments begin to unravel.

Consider a society that has just legislated a law to force everybody to only wear clothing sanctioned by their dominant religious text. Say that the society had also written freedom of expression into its constitution. I could raise the seemingly reasonable rejection that the proposed legislation is inconsistent. If there were some in that society who wished to maintain that their society was still defensible by way of political argument, but who did not wish to accommodate my rejection by vetoing the legislation, they might challenge my interpretation of ‘expression’ or ‘freedom’ in ‘freedom of expression’. Say they choose ‘expression’. They could retort that one’s choice of clothing is not in fact any form of ‘expression’ by their understanding. I mistakenly interpreted their constitutional proviso to exclude authorities having any sort of control over what one wears, but they argue that is my problem and not theirs.

Say you call their bluff and return fire by asking them to define ‘expression’. They might suggest that ‘expression’ is the act of communicating one’s thoughts. Alternatively, they could be even more obscure and say that it is something like ‘being artistic’ or some such in which it is easy to see how we would encounter an arbitrary account of case inclusion and exclusion. You might suggest that what one wears is one way to express one’s thoughts. After all many people judge others to be
carefree, particular, rebellious, etc. by the way they dress. The defendant is seemingly in trouble here. There is still, however, a way out. They might suggest that this sort of expression is not really communicating one’s thoughts at all, but rather communicating one’s feelings or values. We might want to call the interlocutor out on his use of feelings and values but I think he can play the same ruse there as well. In fact, there is always a way out.

Such dodge-ball tactics were treated as virtues by the classical humanists (Skinner, 2004: 19-26). There comes a point though where the philosopher’s interest would wane with the interlocutor since this regress of definitions is proof enough that they do not have anything interesting to say on the subject (or at least, will not say it). Somebody charged with keeping vigil over political argument, however, cannot dismiss the string for there is no pivot point where they can interject, pound their gavel, and bellow ‘inconsistent!’ If they tell the interlocutor to shut up, the interlocutor has won and to suggest political argument is simply a matter of stamina is surely unacceptable. Such accusations of the impossibility of decisive full stops to political argument are (to my mind) the best and most subtle argument communitarians have in their critique of liberal political theory.

This is the problem this dissertation seeks to address. Every description of a term will involve terms that themselves are substitutable for descriptions, and these descriptions will contain terms that are also substitutable, and so on. Agents can always meet attributions of inconsistency with attributions of bad linguistic interpretation. W.V.O. Quine thought that such a process with respect to any natural language would be circular, with definitions eventually relying back on terms that they are being employed to define. If any policy position can be rendered consistent by a skilled demagogue (which is possible in principle if this circularity is accepted) then we have to look to something other than consistency to give the standards for political argument. Brandom (1994: 28) calls this objection (or at the very least, a close associate) the ‘gerrymandering objection’: “There is simply no such thing as the pattern or regularity exhibited by a stretch of past behaviour, which can be appealed to in judging some candidate bit of future behaviour as regular or irregular, and hence, on this line, as correct or incorrect”. Without such a mechanism for linguistic behaviour it seems impossible to decisively reject arguments. Connolly (1983: 40)
says the problem occurs “when reasoned argument and coercive pressure commingle precariously in the endless process of defining and resolving issues” and that seems about right.

This problem frames the groundwork section (chapters 1, 2 and 3). I offer what I think is a solution. We can overcome the objection by claiming or assuming our opponent had an inconsistent position from the get-go (we have, after all, already called them out) despite our inability to reasonably reject their string of re-descriptions. The burden is on them then to explain why their position is consistent, not for us to prove that it is inconsistent. By assuming their inconsistency we do not take over their argument with our own; instead we wait for their position to unravel on its own terms.

Yet if the arguer continues to re-describe their way around the allegation forever and a day, how can we ever maintain our charge? My answer is that we make the theoretical assumption that two dimensions of meaning are at play. By this assumption, consistency has nothing to do with the first dimension but everything to do with the second: if what my opponent said is true according to the facts that make up the common ground between us (i.e. the second dimension), then we render their utterance to be consistent. They might have to do a bit of work establishing this common ground before we interpret the reason’s consistency, especially if we come to the conversation with very different beliefs about the way the world is, but such toil is not impossible. The first dimension comprises the facts that determine what is actually said rather than the facts that determine whether what is said is true. Perhaps one way to think about the difference is that the second dimension ranges over facts about the subject matter, whereas the first concerns facts about the tools used to discuss this subject matter. This is a distinction in the philosophy of logic and language that has a fair bit of contemporary backing (Soames, 2005). It makes sense of two philosophical curveballs: the necessary aposteriori sentence and the contingent apriori sentence (see Kripke, 1974). Chapter 2 will go into the distinction in some detail along with a rationale for using it. I bring it up in the introduction only to use it to cash out the accusation we can hurl at our opponent: they are tinkering around with the first dimension to stall ascriptions of inconsistency rather than doing anything about the second and arguing their way through our reasonable rejection with
Their reasoning is non-substantive which is to say it is purely verbal. Any disagreements that come of it are pointless and any agreements are unstable.

A theoretical assumption is all well and good, and a rigorous one all the better, but it is not sufficient for an accusation of rhetorical fudging: we need proof. My proposal is to impose constraints on the first dimension of argument. We restrict the available resources agents have to determine what is said, but in a way that does not restrict what can be said. Instead of asking, forcing or letting the agent substitute an ambiguous term for a description of the term's referent (a definition), we ask them to eliminate the term and substitute the whole sentence for a new one. For the remainder of the argument, the eliminated term cannot be reused. The opponent might well substitute the sentence for another that is just as rhetoric-laden, but then we play the elimination card once again. ‘Gently, gently’ we will eliminate terms and settle on more austere vocabularies. This austerity is an abstraction, but a piecemeal abstraction that I think is more appealing than Rawls’ artificial information constraints in the original position, Buchanan’s veil of uncertainty or even Habermas’ ideal speech conditions. Crucial to my position here is the assumption that not even the most deceptive of demagogues will be able to argue around reasonable rejections if they are forced to do so in a strict logical vocabulary (since they will not be able to construct rhetorical or verbal rejections to substantive reasonable rejections). If individuals cannot rephrase their inferences, then this is the proof we are after that licenses us to interpret their reasoning to be non-substantive and conclude they cannot consistently argue around our rejection if that is the only resistance they are going to give. This position will be expanded in chapter 3 with the help of David Chalmers’ (2011) analysis of verbal disputes and vocabulary exhaustion.

1.5.1 Stability and Coordination

This solution begs two questions. First, if we can theoretically argue our way around any jam without such a solution as the one proposed, given such a solution has not been hitherto rigorously applied, why all the stability? Second, even if we have substantive agreement, why should it promote stability any more than non-substantive
agreement? It is obvious that non-substantive disagreement is destabilizing given agents will not coordinate in Pareto-efficient ways when there is no belief except largely irrelevant beliefs about verbal convention that would suggest otherwise. However, the destabilizing character of non-substantive agreement is less clear-cut and it seems worthwhile to elaborate on in order to establish some framework essentials.

Starting with the first, it is true that if individuals could argue their way out of any legal predicament, the law would be trivial and we might as well all be at each other’s throats in the state of nature. Yet we are not. This is simply because we are not the mythological orators aspired to by the classical humanists of yonder. They hero-worshipped those like the Greek Carneades who one day (or so the story goes) argued for Roman justice at the Athenian acropolis, convincing everybody unanimously, then came back the next day and argued against Roman justice and was once again greeted with unanimity (Skinner, 2004: 9-10). Perhaps some of us have read How to Win Friends and Influence People by Dale Carnegie, passed the bar exam (and so are schooled in the language best equipped for getting people off the hook), and are under the general impression that we are better at arguing our way out of tight spots than others. Yet it is unlikely that any of us will be able to argue our way out of all the accusations that will be thrown our way over our lifetime. From experience it is doubtful that Carneades could have argued his way out of a parking ticket in some city councils. Furthermore, it is doubtful that all our social conventions are arbitrary since tangible evidence and strict reasoning is often (often) the best means to persuade an audience. We can take some solace from the fact that it is likely many social conventions are rigged (though not perfectly) according to tangible evidence rather than elite deception. The aim of the dissertation is to suggest strategies to rig it further in this direction.

The second question is more difficult. It is the objection that the distinction between substantive and non-substantive agreement makes little difference to overall stability. It is argued that either way the outcome is ultimately agreement and that is all that matters. This is the strong sceptical position that can be traced back to Hobbes (1985 [1651]) and can also be plausibly associated with Hayek (1944) and de Jouvenel
It holds that non-substantive agreement in the contracting situation is no less stable than substantive agreement. That is to say, even when what is thought is being agreed on is in fact not being agreed on because of miscommunication between the conversers, the fact that the conversers think they agree on something is good enough since they will shut up and produce a constitution that institutes government. At least this is the Hobbesian view: political argument is just window dressing for the centralization of power in the sovereign. After a period of time some individuals might realise that they have been duped but by then it will be too late. Once instituted, the government could rage a propaganda campaign and alter the beliefs of individuals to make them think they contracted with completely substantive reasoning. People can accept anything if the conditions are right or – more to the point – wrong. All that matters is that initial monopolization of resources that makes such a propaganda campaign feasible.

The view can be extended to modern social contract theory, despite few modern theorists accepting it. If contractors are behind something like Buchanan’s ‘veil of uncertainty’ (1987, 1988 and 1991) there is no reason why substantive agreement will be any more lasting than non-substantive. Behind the veil of uncertainty political argument is framed in a general and non-specific way such that there will presumably be unpleasant consequences for a few agents once the contract situation ceases without the agents themselves realising it during the negotiation (had they realized they would have exercised their ‘no questions asked’ veto). Even if everything was perfectly substantive during the negotiations and there were no linguistic conjuring tricks there is nothing to stop the adversely affected parties claiming that there were once they realised how the contract ends up affecting them. There is no decisive mechanism we can use to reasonably reject this sort of after-the-contract-situation manipulation. After all, it is a standard trick when the outcome of an argument turns

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16 See Barry, 2011: 54-55.

17 Hobbes had a particularly sophisticated account of language that was quite attentive to the problem of interpretation. There are many passages in Leviathan and even De Corpore where he addresses the regress of definitions. All political argument was to Hobbes was the interpretation of the sovereign’s will. Of course, linguistic quibbles can creep in over the terminology the sovereign uses to express its will and lawyers and bureaucrats can debate these quibbles forever and a day with an increasing array of definitions. The sovereign is the only one who can end this dispute, but they can end it decisively (see Hobbes, 1996: 111). Modern liberalism does not yet have such a decisive mechanism, as critics like Alasdair Macintyre have latched onto (see for e.g. Macintyre, 1988: 349). This dissertation attempts to develop just such a mechanism for liberalism.
out to entail and license unintended and unwanted actions for the affected agents to complain ‘but that is not what I meant!’ since it is almost impossible to argue with somebody about *their intention* (though we might note here and see in Chapter 2 that intention is not necessarily synonymous with meaning). It would be a blatant oversight to say this sort of thing does not happen in politics. Yet if this is always going to be the case, where the losers in a contract can claim verbal trickery or ignorance, then whether or not the veil of uncertainty yielded substantive argument in the first place should be of no great matter.

Despite the sceptical position\(^\text{18}\) (which is undoubtedly strong) I maintain substantive agreement in the social contract is the more stable type of agreement and leads to more durable social equilibriums. It is, after all, the position more attune with common sense. The way to sell it theoretically is to say we are not after stability *tout court*, but stability *with respect to agents' belief about solutions to the bargaining problem*.

The supposed agreements to come from contracting are not necessarily pure coordination games, but are defined in terms of a preference all agents have for agreement over non-agreement. There may well be partial and significant conflicts of interest. This triggers the Nash bargaining problem: working out the rational strategies that are the best replies to each other in a game of coordination where non-coordination is Pareto-inefficient. A standard example is the coordination game called ‘battle of the sexes’ where the man wants to go to the football and the woman to the opera, both will go to one, but both would prefer going to their second choice event than to go to either without the other (and it is just as lousy going to their preferred event without the other as it is to go to their non-preferred event without the other). The payoff matrix looks like so,

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<tr>
<th></th>
<th>Football</th>
<th>Opera</th>
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<td>Football</td>
<td>3, 1</td>
<td>0, 0</td>
</tr>
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\(^{18}\) It might turn out that this sceptical position is a brand of non-cognitivism (see Oppenheim, 1981) since there is no real regard for the truth conditional interpretation of what is said, but this would require some detailed investigation.
[Football, Football] and [Opera, Opera] are pure Nash equilibriums since they are the best replies to one another in a one-shot game. If there is no coordination beforehand, then the rational strategy (given the assumption that the other will be equally rational) is to randomize one’s behaviour conditioned by the payoffs: each should attend their preferred event with a probability of \( \frac{3}{4} \). This leads to a decidedly sub-optimal outcome. If, however, the two can decide beforehand on a randomizing device (a coin flip, say) in order to correlate their strategies in the game, then the outcome will be optimal (Skyrms, 1996: 69). This is a correlated equilibrium (Aumann, 1974; 1987). However, the most inefficient result is if the woman and man’s beliefs about the other’s beliefs about which device is going to play this correlating role – or how it is to play this role – are wrong. This stops them playing their rational strategy, which was sub-optimal, but not as sub-optimal as unstable beliefs about the randomizing device. In coordination over political affairs such a device is typically (though not always) played by the running total of political argument. In one sense the device is random. Individuals coordinate with respect to the states of affairs they think are justified. If they think different states of affairs (represented by propositions) are justified, then the coordination will be less fruitful as it would have been and indeed less fruitful than if there had been no assumptions about justification in the first place.

The social contract might be thought of then as the running total of arguments, a position, or a cluster of positions concerning the feasibility of solutions to the political problem that could not be or have not been reasonably rejected by anybody (including those who would strategically benefit from rejecting them). It must also be common knowledge that this is the case and can therefore be presupposed in most conversation and argument. To call the social contract a collection of presupposed policy positions (or, more accurately, presupposed unacceptable policy positions) might well water down social contract theory to naught. For example, some might think it necessary
that there is some reference to explicit consent for there to be any point to the theory. So be it. I defend destructive conceptual analysis in what is typically thought to be the social contract tradition but, if anything, it is a boon if it waters it down to such an extent since it could perhaps be a means to bridge divides across philosophical literatures. What is clear though is that ‘reasons all could accept’ is the wrong frame for the contract and political argument more broadly. The correct frame is, rather, ‘reasons all do accept’ and the investigation of the relations these reasons have with one another. Even if we have never before articulated these reasons or even thought about them we will either accept them or not as a presupposition of conversation. I have always believed that my conversers accept, and believe that I accept, and believe that I believe that they accept, and so on that aardvarks cannot whistle Beethoven’s 9⁹ despite myself never having thought about it up until writing this very sentence. That is, acceptance does not imply explicit assent or consent to some sentence; what it implies is a disposition to such assent or consent to the sentence if there is a demand to.

The specifics of a social contract discussed in political theory will vary depending on the particular population that is the reference group for the conversation. Philosophically the question should always be posed ‘The social contract for whom?’ For instance, the upper classes might have an especially snobby social contract. The standard population though – at least in analytic theory – is anyone counted within a particular legal jurisdiction.

1.6. Conceptual Analysis

The subject of conceptual analysis in political theory has traditionally concerned itself with a different method to the one proposed in 1.5. The way around loose language in political argument has been to ensure that everybody adheres to the maxim of defining one’s terms. Definitions (i.e. descriptions) have been considered the tonic for demagoguery. I suggest instead that such tonic is the method of elimination.

¹⁹ This distinction was (to my knowledge) first proposed by Bohman and Richardson, 2009.
²⁰ This circle is requisite for common knowledge as defined in Lewis (1969).
Defining terms was a central concern in *Political Argument* and subsequently for much of analytic political theory. It has been considered (sometimes explicitly, sometimes implicitly) the exact methodology needed to make sure that the constraint of consistent reasoning has any clout.

Following this consideration and often actively promoting it are what I call ‘political dictionaries’. These dictionaries are books that detail the author’s preferred descriptions of a selection of political terminology. Discussions of terms like ‘freedom’, ‘interest’, ‘equality’ and ‘power’ are stock chapters. The styles range from Felix Oppenheim’s precise definitions that aspired to scientific rigour, all the way to William Connolly’s historical descriptions of the baptisms and re-baptisms of political terms as used in ordinary discourse. Authors posed descriptions they thought could be substituted for political terminology in a way that preserved the truth conditions of what was said in the sentences in which the terms were used. The hope was that by making these descriptions explicit, political vocabularies would become more respectable as a frame for argument and that arguers would be held accountable to them. In other words, political terms were not just (to use A.J. Ayer’s wonderful quip) “emotive ejaculations”.

Chapters 3 and 4 are devoted to a critique of these political dictionaries. My principal objection is that (with little exception) each book has a foggy aim or goal for its analysis, getting dangerously close to the precipice of Meno’s Paradox. They fudge any accountability by claiming their descriptions promote understanding or clarification without telling the reader why this is so and when they do get around to mulling over their aims they do so vaguely and in the very terms they are set on defining. With such fudging it is difficult to have any standard to critically evaluate each description and so their recommendations have the suspicion of infallibility about them.

The second half of this dissertation then is concerned with actual disagreements in political theory that can be put down to differing attributions of meaning to political vocabulary. As far as the goal of substantive agreement is concerned, any alternative description of a term is arbitrary and not overly constructive. In fact, the political dictionary tradition seems to have confused questions about the political world further
rather than remedied them for the better. For example, many of the disagreements concerning Dahl’s famous question, ‘Who governs?’ turn on different definitions of social power rather than on genuine empirical patterns. Different answers to the feasibility of the trade-off between liberty and equality also seem to depend on varying ascriptions of meaning. When this is the case those involved do not necessarily disagree on the way the world happens to be or how it might be, just the appropriate method of expressing how the world is or how it might be.

This is needless disagreement that can be overcome with the method of elimination. Analysis using this method of elimination can easily be falsified. If anybody can continue to rephrase the disagreement in spite of the elimination of stock terms, then I readily concede that there is something substantive to disagree over and any suggestion to the contrary probably ignores an important facet of the political world.

The aim then is to unsettle some dogmas. These dogmas seem to have led to a real stagnation in political theory. It is arguable that seminars and journal space often crumble into debates over the appropriate meaning of a certain word rather than anything of substance; when this is the case we have no well-defined method to call participants out. A good demagogue quickly becomes a good theorist in such settings. John Maynard Keynes’ criticism of the Moorean school of ethics seems to ring true for some contemporary political theorists:

“In practice, victory was with those who could speak with the greatest appearance of clear, undoubting conviction and could best use the accents of infallibility” (Keynes, 1951: 433).

Instead of relying on “direct unanalysable intuition about which it [is] useless and impossible to argue” (Keynes, 1951: 433), we should subscribe to some perspicuous methodology that renders the arguments fallible. My claim is that the method of elimination introduces the accent of fallibility to conceptual analysis in political argument and, in turn, political theory itself.
Chapter 2

The Problem of Rhetoric

So we have a general concern for the consistency of reasons given in political argument. This concern forces us to attend to the problem that arguers can just ‘play with words’ to make their arguments appear acceptable even when they are flat out inconsistent. For political argument to have any academic clout we need a way of holding these charlatans to account. However, it is not immediately obvious what we are trying to hold them to account for. For example, some might argue they are perverting any determination of the meaning of what they say and others might disagree and suggest that the perversion is part of the meaning of what they say. ‘Who cares? It’s perversion either way!’ may be the immediate retort. Answer: anybody who is after a way to call these charlatans out. To devise a method in which to do this we first need to have an explicit interpretation of what the problem is. Unless we are clear here we will have no starting point to distinguish between genuine political argument and the more bogus varieties. This chapter will sift through the terminology of the philosophy of logic and language to set up the problem. This chapter is not concerned with overcoming the problem; it is concerned with conceptualizing it precisely enough to work out a non-arbitrary solution in the next chapter.

The problem serves as constraint for the interpretation of the sentence ‘S can be consistently inferred from the context of the prior conversation’, which is a necessary condition for the interpretation of the presupposition of political argument, i.e. ‘S can be reasonably inferred from the context of the prior conversation’. The interpretation of the latter sentence will be closed off in the next chapter.

I should first stress that not everyone who masks his or her inconsistency will be doing so deliberately. Most (I imagine) do it with no intention to mislead their fellow arguers. Their endeavour is to defend their position by giving it the best airing they can and sometimes will unintentionally muddle their language in the process or have muddied language to begin with. The problem of rhetoric should be thought of as the
abuse of language in argument *irrespective* of whether the arguer intended it or not. So individuals might have made genuine attempts to engage in proper political argument but failed and this failure could well lead to unstable agreement or pointless disagreement. These observations should apply then not just to agents using political argument as a smokescreen to get what they want, but also to Viner’s “crusader of good causes”. We want to screen for blunders just as much as for sham.\(^{21}\)

The problem of rhetoric is tripped when language is misused. I will argue that this occurs when the facts that determine what is said are ambiguous, not when the facts that determine the truth-value of what *is* said are ambiguous; a seemingly subtle difference in print, but a rather significant one in practice. It is a problem of context rather than content where the vehicle of meaning is the crux of the problem, not meaning itself. To make any sense of this claim requires a formal apparatus known as two-dimensional modal semantics, which strongly suggests a theory of substitution a bit like the descriptivists of old. This poses a difficulty concerning methodology (already sketched in 1.5), but it will be set aside for the next chapter. I repeat though that the two-dimensional apparatus is only utilized in order to pose the problem in a formal way, not solve it in one fell swoop.

2.1 The Problem Described

The problem is the rotten underbelly to the virtue of rhetoric prized by the classical humanists. Often words are creatively used in a way that engages an audience and where the content of what is said is perfectly clear. This is the first sense of rhetoric as defined in the *Oxford English Dictionary*, “the art of effective or persuasive speaking or writing, esp. the use of figures of speech and other compositional techniques.” Such art is generally encouraged and praised. The second sense of rhetoric, however, is not: “language designed to have a persuasive or impressive effect on its audience, but often regarded as lacking in sincerity or meaningful content: *all we have from the opposition is empty rhetoric.*” What this sense of

\(^{21}\) Hence why Habermas’ ideal speech conditions will not solve the problem alone. Ensuring participants have no incentives to lie (perhaps by hooking them up to a lie detector) or be disingenuous does not change the fact that they might well be fooling themselves or others unintentionally.
rhetoric amounts to, at least by the *OED* definition, is being persuasive for reasons relating to language but unrelated to meaningful content. At first blush, this might strike the reader as contradictory, but it deserves serious attention since it problematizes the method of reasonable rejection and seems to pop up regularly in political and academic discussion. For example, it is more or less what George Orwell concerned himself with in his legendary 1949 essay 'Politics and the English Language', where the arguer "either has a meaning and cannot express it, or he inadvertently says something else, or he is almost indifferent as to whether his words mean anything or not", calling it nothing more than a procession of "swindles and perversions". My concern is that competent demagogues can theoretically utilise these "swindles and perversions" to deftly avoid accusations of inconsistency for *any possible argument* no matter how ridiculous. This concern constitutes the problem of rhetoric.

I am not so much concerned with giving a precise definition of rhetoric. Perhaps it will be possible to glean a candidate update to the *OED* definition from this chapter's argument, but I will only come back to it in passing. What we can do though is describe the problem associated with it.

**THE PROBLEM OF RHETORIC**: The intentional or unintentional misuse of language by a speaker, which has a persuasive effect on its audience, but which makes consistency ascriptions of the speaker's utterances indeterminate.

This description seems to me to best capture the problem associated with the second sense of rhetoric in the *OED* (language that is persuasive but not because of its meaningful content). Ascriptions of inconsistency are often impossible when individuals do not pay due regard to the semantic accuracy of the language in which they frame their reasoning. When an audience accepts inconsistent reasoning or

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22 It is therefore a different phenomenon to the ambiguity studied by argumentation theorists such as Toulmin (2004). These theorists investigate ambiguities in the way sentences are strung together to form arguments but assume that the meaningful content of these sentences is obvious (Toulmin explicitly assumes the claimant has a well-defined claim from the get-go).

23 He goes on to say that most political words are meaningless since "they not only do not point to any discoverable object, but are hardly ever expected to do so by the reader". However, all Orwell's recommendations amount to, after a wonderful essay bristling at humbug, is to be stricter with grammar and avoid pretension. This is rather a disappointing conclusion given the gusto with which he starts. Indeed, such recommendations do not overcome the problem of rhetoric.
cannot reasonably reject a seeming inconsistency because the arguer is exploiting ambiguous or misleading language – what I term having ‘a persuasive effect’ in the above description – we have a paradigm instance of the problem of rhetoric. I think the problem is what William Connolly was getting at in *Terms of Political Discourse*. He says that it is “when reasoned argument and coercive pressure commingle precariously in the endless process of defining [and re-defining] issues” then we “cannot expect knockdown arguments to settle these [issues], we must come to terms somehow with the political dimension of such contests” (1983: 40). Connolly’s analysis of the problem of rhetoric and his scepticism towards knockdown arguments seems to constitute a resignation that the problem cannot be overcome. I disagree with Connolly (see section 4.1), but he certainly seems to appreciate the problem more than most and, indeed, more than most liberal political philosophers. To my mind it is one of the largest oversights of liberal political theory that it has only ever engaged the problem of rhetoric in its margins.

We need knockdown arguments for those who are in a position to reasonably reject policy. We cannot have the beneficiaries of certain states of affairs being able to contest any reasonable rejection to those states of affairs by exploiting rhetorical loopholes. Yet such loopholes encompass a special sort of ambiguity that is actively tolerated within a lot of political analysis. It is argued that ambiguity does not always imply confusion with this ambiguity being instead logically entailed by ‘essentially contested concepts’ (Gallie, 1957; Connolly, 1983; Collier, *et al.*, 2006). Appraisive political terms like ‘democracy’, ‘justice’ and ‘freedom’ supposedly pick out these concepts. They are not just essentially contested words but essentially contested concepts, so whenever we are talking about democracy and freedom (whether or not we actually use the words ‘democracy’ and ‘freedom’ to do so) we are describing the world in a way that is going to “inevitably involve endless disputes” (Gallie, 1957: 169). These concepts supposedly have a common core but also have a number of different but equally sufficient conceptions or interpretations of that common core (Swanton, 1985: 812). Contending parties also supposedly recognise this difference (Gallie, 1957: 172; Collier, *et al.*, 2006: 212). Such reciprocal recognition gives a vague nod to a brand of pluralism (Connolly, 1983: 125-6): given there are no arguments that can reasonably resolve such differences, reasonable institutions must be designed to tolerate these differences (otherwise they face swift rejection).
The problem though is how to institutionalize this pluralism given the concepts traditionally used to conceptualize such an institutional demand – namely, democracy, freedom, rights, etc. – are just those concepts that were hijacked by the perspectives constituting the pluralism and creating the problem in the first place. Such institutionalization seems doomed to circularity and, indeed, failure. While reciprocally recognizing essential contestedness gives individuals the leeway to reject policies in their own idiom rather than in, say, the dominant idiom (since the dominant idiom might well reinforce the status quo with selective interpretations of political concepts) it does not provide a standard for judging between the two idioms when, say, one is used to consistently reject the status quo and the other is used to consistently reject all the alternatives to the status quo.

Furthermore, there is nothing to stop arguers changing their conceptions of essentially contested concepts ad hoc to accord with whatever suits their interests. If the beneficiaries of the status quo were suddenly confronted by a group that could consistently reject the management of the existing economic institutions, there is a lot of latitude to adjust and reciprocate with a consistent rejection of the alternatives proposed by tweaking a few of their conceptions. In 1996 the then Australian Prime Minister John Howard reneged on his promise to refrain from cutting the previous government’s social policy initiatives. As McMullin (2007) reports, “During the 1996 campaign Howard was asked whether this pledge was qualified in any way, whether he may have to modify it in response to unforeseen contingencies that he might encounter in office. Not at all, he insisted. The guarantee was absolute and unconditional”. After he was elected he did not re-word his guarantee but instead re-interpreted it. Howard argued that there was a distinction between ‘core’ promises and ‘non-core’ promises and ‘core’ and ‘non-core’ mandates where his pledge to leave the legacy of Keating’s social policies in tack was plainly ‘non-core’. Such definitions (or re-definitions) offered leeway for Howard to appear – to many, at least – to be perfectly consistent with his election commitments. Of course it is possible to be charitable to Howard and assume that he always interpreted the terms ‘promise’ and ‘mandate’ with this distinction in mind, but I think it is just as plausible (if not more so) to assume he changed it ad hoc to ensure his narrative continued to appear consistent. Howard’s Prime Ministership was littered with such re-definitions (with
the change in the definition of ‘unemployment’ being foremost in my mind). Such political moves can have lasting effects on the way political argument is conducted. For example, the merchants in Elizabethan England tried to redefine their punctual, strict, and industrious behaviour of profit-seeking as ‘religious’ rather than self-serving (Skinner, 1974: 298-9; Skinner, 1989: 21). Some of our contemporary positive connotations typically attributed to entrepreneurship could well be partially derived from this linguistic sleight-of-hand rather than substantive argument. Connolly (1983: 201) describes another example of such a sleight-of-hand with his story of a group of black activists introducing the term ‘institutional racism’ to refine the conventional term ‘racism’ “to revise the old requirement that ‘racist’ actions with adverse consequences for blacks must reflect personal prejudices, and to apply the culpability for such consequences to bureaucratic organizations rather than merely to individuals”. Of course, such a revision might complement substantive argument, but Connolly maintains that the argument turns on the introduction of the term ‘institutional racism’.

My claim is that such linguistic moves exist just as much in political theory as they do in the ‘real-world’ wheeling and dealing of politics. Some might argue that political theory is a realm unto itself where the virtue of sincere and substantive argument is preserved. Yet there are incentives in-built for the same sorts of moves. New arguments that seem to be consistent get published and are points towards an academic career. Such arguments constitute either a new defence of an old political position or a new defence of a novel political position. This involves proving that such positions cannot (at least currently) be reasonably rejected, which usually involves arguing around the current stock of rejections in the literature. This process usually invites various responses from that stock. Such responses typically argue their argument was ‘misconstrued’ and try and ‘clarify’ it in a particular way by defining and re-defining their crux terms, much like Howard and the Elizabethan merchants. The longer a theorist’s argument reigns supreme, the longer they will have a readership and so the more they have an incentive to epicycle. There comes a point where both sides must concede with the cop-out, ‘well that’s your definition and this is mine’ and sometimes, ‘don’t you even try and interpret inconsistencies in my

24 More recently, the Gillard government tried to re-define the notion of ‘responsible economic management’ with varying degrees of success (Walter and Uhr, 2013).
reasoning because you have already proven yourself to misunderstand the language that I use and so are inevitably going to caricature me.’ Such a refrain amounts to the suspension of political argument.

Such a stalemate kills political argument and with it the prospect of reasonable compromise. This is a difficulty that is perspicuously captured by Gallie (1957: 172) when he says essentially contested concepts are “open” in that they admit to “considerable modification in the light of changing circumstances; and such modification cannot be prescribed or predicted in advance” [italics mine]. The changing circumstances referred to here might simply be to a new political argument popping up sporting a consistent rejection of a state of affairs one holds dear. It also might constitute your financial stocks taking a plunge and your policy preferences changing as a consequence. It is not obvious how to constrain which circumstances are to affect such modifications.

What is more, there seems to be no cap on which terms pick out essentially contested concepts. Waldron (2002: 148) suggests ascriptions of essential contestedness have “run wild”.25 It would not surprise me, for example, if deconstructionists like Derrida and Foucault would not only have been willing to ascribe essential contestability to all our political terms, they would also be willing to ascribe it to our most basic logical terms. Indeed, some even charge that Gallie’s idea is itself essentially contested and different conceptions of it amount to differing sets of concepts falling within its domain.26 The implication here is that ascriptions of essential contestedness seem to be arbitrary in so far as they are described as ‘open’ ascriptions. In the next chapter I suggest a strategy for closing ascriptions of essentially contested words (i.e. bedrock terms) but not essentially contested concepts. What we can conclude for now though

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25 Waldron ran a Westlaw check for articles in legal theory that ascribed essential contestedness to terms. The list is staggering, “alienation, autonomy, author, bankruptcy, boycott, citizenship, civil rights, coherence, community, competition, the Constitution, corruption, culture, discrimination, diversity, equality, equal protection, freedom, harm, justification, liberalism, merit, motherhood, the national interest, nature, popular sovereignty, pornography, power, privacy, property, proportionality, prosperity, prostitution, public interest, punishment, reasonable expectations, religion, republicanism, rights, sovereignty, speech, sustainable development, and textuality” (2002: 149). It is almost certain that a definition of an agent’s conception of any one of these terms will rely in part on others from the list.

is that accepting the openness of these concepts makes it impossible to call out skilled demagogues using them to disguise inconsistent arguments.

The problem of rhetoric is tripped by the open nature of our language. When we are ambiguous or liable to modify the interpretation of the words we use at a whim in argument, there is going to be indeterminacy with respect to the consistency of the reasons we give. While run-of-the-mill ambiguity is actively weeded out in political theory, the seemingly endless modification of political vocabulary is tolerated and even, at times, encouraged. Swanton (1985: 815) puts it nicely saying “political theorists are always in the habit of adding to the chaff” with the chaff being the varying interpretations of political terms.

Of course it is of the utmost importance that our language evolves to track our changing circumstances: we do not want to be forced into a permanently depleted vocabulary like 'Newspeak' in Orwell’s Nineteen-Eighty-Four. However, as it evolves the ability to be looser and looser with our arguments increases to the point that it is impossible to interpret whether or not we really are being consistent. Certain groups will adopt various patterns of language that are significantly different to the patterns adopted by others. This adoption is often politically motivated and the differences are therefore likely to be even more pronounced with our political vocabularies. These linguistic habits seep into our day-to-day conversation and we can trip the problem of rhetoric even when we have the best of intentions. We need a way to close this open-ended nature of language when we engage in political argument. To do this though we need to interpret the problem with respect to a theory of language. We need to know what exactly it is about language that makes the problem a ‘misuse of language’ in order to work out a way to overcome it in political argument. Before this though I will contrast the problem with the phenomena of bullshit to place it conceptually.

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27 This is technically a type of ambiguity. I separate it here to distinguish it from run-of-the-mill ambiguity like ‘put the box on the table in the kitchen’. This could mean either 1) ‘put the box (which is in the kitchen) onto the table’ or 2) ‘put the box (which is on the table) in the kitchen’. However, it would be a stretch to say it could mean anything else. With the special type of ambiguity associated with essentially contested terms, there is no limit to the number of possible interpretations it could have.
2.2 The Problem Contrasted

At first glance, Harry Frankfurt’s essay ‘On Bullshit’ seems to pinpoint the problem of rhetoric with his interpretation of ‘bullshit’. He makes a neat distinction between lying and bullshitting,

“What bullshit essentially misrepresents is neither the state of affairs to which it refers nor the beliefs of the speaker concerning that state of affairs. Those are what lies misrepresent, by virtue of being false. Since bullshit need not be false, it differs from lies in its misrepresentational intent. The bullshitter may not deceive us, or even intend to do so, either about the facts or about what he takes the facts to be. What he does necessarily attempt to deceive us about is his enterprise. His only indispensably distinctive characteristic is that in a certain way he misrepresents what he is up to” (Frankfurt, 1988: 130).

Since bullshitters are unconstrained by the truth or falsity of what is said, reality is no constraint on their arguments. Bullshitters give descriptions of states of affairs “without genuinely submitting to the constraints which the endeavour to provide an accurate representation of reality imposes” (Frankfurt, 1988: 125). The problem of rhetoric has similar repercussions. Yet what this entails with respect to bullshit is not immediately obvious since the examples Frankfurt uses seem to run against this description.

For instance, Frankfurt tells the anecdote of Ludwig Wittgenstein who once called up to see how a friend was getting on after they had had their tonsils out. When his friend told him she felt “as sick as a dog” Wittgenstein abruptly replied, “But how do you know how a dog feels?” Frankfurt suggests Wittgenstein thought his friend was talking bullshit given her statement (when taken literally) did not pinpoint a precise state of affairs for anyone other than an English speaking dog. Bullshit, by this example, is an interpretation an audience can give to the utterances of speakers when they cannot determine the truth conditions of what was said. It is fundamentally dependent on the beliefs (and tolerance) of the audience, given anyone other than Wittgenstein would probably have believed (tolerated) that the phrase conveys that the speaker is in pain and accepted it as an answer to how their friend felt. However, the danger by this account is that whenever the audience does not understand an utterance they have license to call bullshit on it. This is counterintuitive. We would not want to say that bullshit is synonymous with misunderstanding because often the
fault is with the audience, not the speaker. For example, a student falling behind in class does not have license to call bullshit on everything their teacher says.

Frankfurt gets around the problem by positing that bullshit is precipitated by “misrepresentation intent” and that the bullshitter must “attempt to deceive” an audience about his or her enterprise if what is said is to be counted as bullshit. Yet it is hard to imagine Wittgenstein’s friend had any intention to deceive Wittgenstein about her enterprise. More to the point, somebody with good intentions might endeavour to air an argument as favourably and accurately as possible but slip up and use misleading language to do so. The friend’s fault was that she used misleading language for the overly sensitive Wittgenstein, not that she was unconcerned with the truth or falsity of what she was saying. The problem was purely linguistic rather than factual (she was, after all, intending to state an easily comprehensible truth). It is puzzling that Frankfurt conflates linguistic scrambling with factual disinterest because they seem to play very different conceptual roles. Perhaps he got carried away with the ordinary use of the word ‘bullshit’ for it is often used in a way that ranges over both senses. However, this descriptive point does not overcome the counterexamples (the failing student, etc.) so we either have to accept a counterintuitive theory or a contradictory one.

At the very least, linguistic mishaps and factual disinterest have different roles to play in the problem we are seeking to clarify. The former scrambles consistency ascriptions while the latter does not. When somebody cooks up facts on the spot – botched statistics can be very persuasive – they are bullshitting their audience since they have no concern for the truth or falsity of what they are saying. They are not lying because for all they know the statistics could be true. Yet we still have many ways to call out their disingenuous fact claims and force them into either revision or inconsistency. We can still interpret the truth-conditions of what is said even though the arguer was not directly concerned with the truth of what they were saying. In other words we can reasonably reject their statements. We could ask them for their references or provide counter-evidence from other sources and ask them to give reasons why we should accept their version over our own sources. We can show, say, that they are being inconsistent if they concede a certain book of statistics to be authoritative and yet maintain that their stats are correct despite the book clearly
stating otherwise. We can demonstrate inconsistency because we know what was said. Wittgenstein on the other hand could not impute consistency or inconsistency to his friend because he could not (or at least pretended he could not) adequately interpret what she was saying.

Frankfurt’s theory of bullshit, then, cannot plug the hole for political argument since it does not pinpoint the phenomenon that does the scrambling. Bullshit sometimes scrambles consistency ascriptions, but often does not. Anticipating this chapter’s conclusion, it scrambles such ascriptions when the bullshitter is bullshitting in the first dimension of discourse, but not when the bullshit is exuding from the second (say, where the bullshitter uses phoney statistics). Furthermore, bullshit requires hostile intent whereas the problem of rhetoric does not. Arguers genuinely motivated by agreement over descriptions of the world with definite truth-conditions can trip the problem of rhetoric just as easily as those with “misrepresentational intent”. At times I co-opt the term ‘linguistic bullshit’ for the phenomena that trips the problem of rhetoric, but the reader should be aware that I am not strictly adhering to Frankfurt’s terminology.

To be as specific as possible with respect to alternatives, the problem should also be contrasted with the rhetoric described by Alfred Hirschman (1991) in his book Reactionary Rhetoric. The rhetoric that social reform will put society into jeopardy, lead to distinct perversities, or ultimately prove futile is often used in political argument to stifle progressive movements. If the claims are inconsistent or do not mesh with the empirical data I do not see any problem for the political theorist – they can reasonably reject the position by demonstrating the position’s inconsistency. The dissemination of false or indeterminate information is either a lie, bullshit, or a mistake, all of which can be easily identified so long as the arguer does not engage in linguistic gerrymandering.

2.3 The Problem Interpreted I

The problem of rhetoric serves as a constraint for a sufficient interpretation of political argument’s framing presupposition ‘S can be reasonably inferred from the
context of the prior conversation’. I will drop the stricter condition of ‘reasonably’ here and replace it with ‘consistently’.\(^{28}\) In the next chapter I will revert back to the stricter condition of reasonableness, but for now it makes sense to concentrate on consistency, given it is a necessary condition for reasonableness (see 1.4). So we can say the problem of rhetoric serves as a constraint for a sufficient interpretation of ‘S can be consistently inferred from the context of the prior conversation’. A philosophical account of language would be rather lousy if it could not fill out what a consistent inference from the context of the prior conversation amounted to. Indeed, most do. My selection criteria though will be to ascertain which interpretations of an utterance’s context-bound consistency can also yield an interpretation for the problem of rhetoric. It seems to me that this is the true test of the worth of a theory of language’s ability to complement political argument and, indeed, political theory. References to the philosophy of language are common in a lot of political theory. However, there is a tendency to do it in a rather unsystematic and blotchy way with little justification given for the use of various – and often disputed – insights about language. This section looks to reverse this tendency.

Theories of language should be able to yield an elaborated account of the problem of rhetoric described above since the problem is essentially a problem of language. Non-linguistic rhetoric is just a combination of factual bullshit and emotive appeals,\(^{29}\) which does not scramble consistency ascriptions. It can quite easily be weeded out of argument by way of reasonable rejection (as interpreted by Barry and Scanlon). Linguistic rhetoric is a special case of rhetoric that problematizes reasonable rejection. This is the problem with rhetoric: it renders the traditional interpretations of reasonable rejection linguistically indeterminate. If the presupposed framework of political argument cannot interpret this problem, then it will go unaddressed and there will always be a hitch or ‘get out’ clause to reasonable rejections of even the most ludicrous arguments. We need a theory of language that can adequately interpret the above definition of the problem of rhetoric. If a theory can also interpret ‘S can be

\(^{28}\) As discussed in 1.4, consistency is a necessary condition for reasonableness but not a sufficient condition. Being reasonable means that, in addition to S being a consistent inference, you are open to proving that it is.

\(^{29}\) No matter how upset somebody is when they plead the case for A and not-A, they are still being inconsistent, even if we are more likely to accept their inconsistency than when they are not so emotional.
In scouring the philosophical literature for a theory I have adhered to Rawls’ requirements of liberal political theory. He says, “The central idea is that political liberalism moves within the category of the political and leaves philosophy as it is” (Rawls, 1995: 134). It is nevertheless mandatory to select certain philosophical theories from the literature to establish conceptual points, which is my rationale for selecting a theory of language that already exists within the literature. This selection should not be arbitrary. This section is a cleaning up exercise but a necessary one if my interpretation of the problem of rhetoric is not to be shouted down by rival accounts randomly using alternative theories of language: I need to show how we can be discerning with our choice rather than random. This requires a comprehensive demonstration of the rejection process, which also serves to nip certain protests in the bud before too much ink is spilt. I do not wish to suggest that somebody partial to one of these theories could not introduce a caveat that subsequently renders it appropriate, only that I haven’t been able to do so for our current purposes.

2.3.1 Use Theories of Meaning

We can start the rejection process with Wittgenstein’s unhelpful suggestion in *Philosophical Investigations* that language “has not the formal unity that [we] imagined, but is [a] family of structures more or less related to one another” (2001: 40 [§108]). Such suggestions have led some to lump him into the deconstructivist camp, suggesting that he along with the likes of Derrida think there is no boundary between what we call ‘language’ and what we do not call ‘language’ (Staten, 1984: 21). Whether you agree with the lump is no great matter (I do not, for what it is worth). What matters is that there is a wealth of philosophical literature following Wittgenstein that would pour scepticism on my hope that the description of the problem of rhetoric can pinpoint any practice with much accuracy given the description’s use of the word ‘language’. If it cannot then the goal of a methodological process towards clear ascriptions of consistency in political argument is hopeless. We would not be able to detect when ascriptions of consistency have

*consistently inferred from the context of the prior conversation*, then it is ripe for filling out a necessary component for the framework of political argument.
been scrambled. In theory it would be possible to stretch ‘language’ to cover many social interactions and the ‘misuse’ of such interaction would take on strong overtones of moral universalism. Yet surely we need a theory that can clearly distinguish between stealing a loaf of bread and using obscurant metaphors. There is no issue concerning consistency ascriptions with the former, but there is with the latter and this is the distinction we are trying to get at.

Wittgensteinians consider the meanings of most words to be their use. Just like we look to the way a spanner is used rather than mulling over its intrinsic nature, we should look to how words are used rather than trying to find their essence (Wittgenstein, 2001: 36 [§90]). As Soames (2003: 5) explains, “Mastery of the numeral ‘five’ is not explained by finding some unique object for it to name; rather, mastery is a matter of engaging in certain sorts of routine that govern its application”. The activity of speaking a language then should be no more mysterious than the activity of tightening a screw with a spanner. Wittgenstein accordingly thought philosophical puzzles (which turn out to be nothing more than linguistic tricks) should be deflated to the same level. It is this deflation that leads him to loosen his demarcation of the word ‘language’. However, if the meanings of words are to be determined by their use, then the notion of misusing language is dubious at best. If we use our words in a way to obscure inconsistent political reasons, then this forms part of their very meaning and so there is no way to hold demagogues to account other than by some particular moral standard, or at least some standard independent of linguistic considerations. We have to judge the routine that governs the application of the word, not the particular use of the word itself. Since the whole point to political argument is to mediate between particular judgements and moral points of view, we cannot commit to one in order to conceptualize the problem of rhetoric. It seems to me that all ‘use’ theories of meaning need to turn on theories unrelated to language to

30 In fact, there are many so-called ‘left Wittgensteinians’ still mulling around in political theory who suggest social criticism is always underdetermined by reason and that we should therefore abandon the ‘argumentative’ ship altogether, focusing instead on a better understanding of these societies (see Williams, 2005: 34 for discussion). I agree that we should understand societies and cultures better than we currently do (of course: and I have trouble understanding why this is a novel discovery worth publishing), but not that we have no rational grounds to critique societies other than our own. I intend on filling out the dots and showing that it is quite possible to ensure reasoned criticism in terms of the concepts of consistency and reasonableness in the next chapter.
make sense of what is happening with rhetoric. They therefore do not fit our (technical) bill and should be discarded for our purposes.

2.3.2 Causal and Behavioural Theories of Meaning

Continuing with our purge, it is also impossible to interpret an assertion as being either consistent or inconsistent in light of the problem of rhetoric by way of behavioural theories of meaning (at least in their classical guise). In its most naïve sense, the theory amounts to the ascription of meaning to linguistic tokens in terms of the response those tokens would evoke in an audience,

“A sign’s disposition to affect a hearer is to be called a ‘meaning’... only if it has been caused by, and would not have developed without, an elaborate process of conditioning which has attended the sign’s use in communication.” (Stevenson, 1944: 57 in Barry, 2011: 17)

We understand language and meaning like we understand Pavlov’s dog salivating when he hears the bell that ‘means’ its dinner is ready. The theory does not provide adequate conceptual resources to distinguish (in terms of language) between rhetoric and non-rhetoric or between brute acceptance and meaningful acceptance. If a rhetorical statement’s effect on its audience is for the audience to accept the same state of affairs, to the same degree, and in the same way as the effect of a distinct non-rhetorical statement, the meaning of the two utterances are, for all relevant purposes, equivalent in that particular context. Appealing to a behavioural theory of meaning, then, cannot interpret the problem of rhetoric.

Quine’s ‘meaning scepticism’ shares a number of features with behavioural theories. I will take the investigation further in chapter 4, but a few provisional comments need to be made here. Quine’s most important and systematic work is generally considered to be Word and Object where he attempts to make sense of languages with scientific theories for translation. That is, he tries to make sense of language using

“theories which attempt to translate the words and sentences of one language into the words and sentences of a different language. Like all scientific theories, translation theories are tested against observational data – in this case, observations about the linguistic behavior of the speakers of two languages.” (Soames, 2003: 226-227).
By this scientific approach to semantic problems "a language is viewed as a set of verbal responses to verbal and non-verbal stimuli" (Soames, 2003: 226). This could be interpreted as a behavioural theory of meaning. The idea that translation of one language into the next is underdetermined by such stimuli is one of the principle arguments in Quine’s book. For every translation guide that can fit all the data there will be another translation guide that is incompatible with the first but can likewise fit the data equally well. The exact reference of what somebody is saying will therefore always be indeterminate in principle. We will never be able to tell whether what we are accepting is rhetorical since one of two equally acceptable translation manuals will render what is said rhetorical and the other will not. The main problem here is that Quine does not think it possible to distinguish between facts of language and empirical facts about the world. Donald Davidson’s notion of radical interpretation (see Davidson, 2001) likewise stresses that there is no decisive way to distinguish the two types of fact and that a theory of language should not try. He therefore encounters the same problem. Philosophically and even scientifically Quine and Davidson might be right to stress this point. However, if we are going to be in any position to have a description of political argument that distinguishes between cases where political argument has been hijacked by verbal bullshit and when it has not we must assume that it is possible to separate linguistic and empirical facts when filling out that description.

2.3.3 Speech Act Theory

A ‘perlocutionary act’ is an act performed by saying something (Austin, 1962: 118). It is not the act performed in saying something – that act is called an illocutionary act (Austin, 1962: 107). Getting an audience to accept my argument, then, is a perlocutionary act. Persuading in general is a perlocutionary type of speech act (at least, when the persuading is done because of what was said) because it is what happens as a consequence of my saying something. Urging somebody, on the other hand, is an illocutionary act since it is unclear that the urging has been successful. A useful way of understanding the difference is that we can urge somebody by saying ‘I urge you to clean your teeth’, but we cannot persuade them by saying ‘I persuade you to clean your teeth’ (Mitchell, 2009). It is still up in the air whether I am successful in
persuading you since acceptance is something that happens after the assertion is made, whereas urging is an attempt that is made during the very assertion. At first glance this distinction seems quite helpful in making sense of the problem of rhetoric. We could say when there is no fact of the matter about what the illocutionary act actually was (no fact of the matter concerning what was done in saying S) and yet there is still perlocutionary force (the audience was affected by the act of saying S in a way that was dependent on the audience thinking there was an illocutionary force to the utterance where in fact there was not) then the problem of rhetoric is tripped. Getting an audience to accept your reasonable rejection, say, is a perlocutionary act: the variable up for grabs in whether they accept it because of the illocutionary force of what you are saying. Austin’s terminology gets tantalizingly close to a thoroughgoing interpretation of the problem of rhetoric. The catch though is that by Austin’s terminology the illocutionary force of some sentence full of, what Orwell calls, “swindles and perversions” is considered no different to a sentence without such humbug. We can perhaps distinguish between the way somebody utters a sentence (e.g. in a way that was full of emotion, with pained expressions, etc.) and the actual content of that utterance, but linguistic rhetoric will still comprise that content. What we are after is a theory with terminology that can distinguish between rhetorical and non-rhetorical content and for the reasons stated above I doubt Austin’s can do this.  

2.3.4 Intentional Theories of Meaning

Another candidate is an intention-based theory of meaning (also known as ‘intention based semantics’, henceforth ITMs). These theories typically interpret the meaning of S as the belief x produced in an audience by the audience’s recognition of the speaker’s intention for them to believe x by way of that very recognition (Grice, 1957). Accordingly, consistency is simply communicating compatible beliefs about the world in such fashion. I should add a quick caveat on my use of intention in describing the problem of rhetoric since it is relevant to the following discussion. The description is cluttered by the disjunction ‘The intentional or unintentional misuse of

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31 John Searle’s speech act theory (1969; 1976) hits the same problem. Despite his useful distinction between illocutionary force and propositional content, the “swindles and perversions” of linguistic bullshit constitute propositional content just as much as perfectly substantive assertions.
language...’ since it is possible to engage in rhetoric without intending to. I think this possibility needs to be emphasized. There are plenty of turns of phrases, dead metaphors, memes and the like that are common in everyday conversation (see for example, Orwell, 1946). The referents of these terms or the ways in which the referents are determined are often far from obvious. Nevertheless, the terms stick. Well-intentioned agents can often unintentionally pick up imprecise and misleading linguistic habits indirectly from self-serving demagogues. Ambiguity scrambles our ability to ascribe consistency to others. Yet it would surely be ridiculous to claim we cannot be unintentionally ambiguous or that we cannot meaningfully accept reasons that use ambiguous terms. Terms that are precise enough to us might be extremely baffling to our audience and it is ridiculous to assume we always know exactly how our utterances affect our audience.

ITMs generallyanalyse what ‘meaningful communication’ entails. We can substitute ‘language’ in the description of the problem of rhetoric for ‘meaningful communication’ without any substantial change. We get,

(A) The intentional or unintentional misuse of meaningful communication by a speaker, which has a persuasive effect on its audience, but which makes inconsistency ascriptions indeterminate.

The question from (A) then is, if we are communicating with one another meaningfully how can we be said to be misusing language? (A) seems clumsy but I think sense can be made of it with the framework developed in the final two sections of this chapter. However, I do not think an ITM can. We need to be able to substitute something for ‘meaningful communication’ that preserves an ascription of rhetoric regardless of the agent’s intention. Given this, we can prove the inadequacy of ITMs in filling out the framework of political argument.

If we substitute ‘meaningful communication’ in (A) for ‘an utterance where the effect of that utterance is what the speaker intended it to have on their audience by virtue of their audience’s recognition of that intention’ (a rough-and-ready ITM) then we get,

(B) The intentional or unintentional misuse [by a speaker] of an utterance where the effect of that utterance is what the speaker intended their utterance
to have on their audience by virtue of their audience’s recognition of that intention, which has a persuasive effect on its audience, but which makes inconsistency ascriptions indeterminate.

The phrase “which has a persuasive effect on its audience” is now redundant since we are already assuming that the speaker has been successful in persuading their audience and so the phrase can be dropped. Now, removing the disjunction ‘or’ in (B), the burden is on the ITM to make sense of the following puzzle if it is to remain a candidate theory for political argument,

(C) The unintentional misuse [by a speaker] of an utterance where the effect of that utterance is what the speaker intended their utterance to have on their audience by virtue of their audience’s recognition of that intention, but which makes inconsistency ascriptions indeterminate.

To suggest a speaker who intended to produce some belief in their audience through their utterance, and who ultimately succeeded, unintentionally misused that utterance is bizarre. The only way I can think of doing this would be to appeal to some standard that is independent of any theory of language – something like a moral claim about what is morally right to assert. With such an appeal we are forced into saying that the speaker misuses their utterance because it is an immoral or bad action to utter whatever they happened to utter. If the speaker is using their linguistic means correctly, we have to instead condemn their ends. Condemnation of ends has nothing to do with the sort of raw consistency we are trying to interpret in the presupposition of political argument and if this is what an ITM commits us to, then so much the worse for ITMs as candidate theories to complement political argument.

2.3.5 Brian Barry’s ‘Gricean Hodgepodge’

This is as far as political theory has got (despite for a few brief and overly superficial excursions, see chapters 3 and 4 for review) with candidate theories of language. Brian Barry outlined a couple of these (naïve behavioural and intentional theories) back in 1965 in the second chapter of Political Argument. The literature in political theory has not got very far since. Hopefully this chapter will serve as something of a literature review since Barry’s analysis is insufficient for what is now required. He
comes to a ‘Gricean inspired’ theory of meaning to make (what was then, much needed) sense of the prescriptivist/descriptivist division in political terminology. Accordingly, the content of a speaker’s statement is the effect the speaker intends to produce in the hearer by means of the hearer’s recognition of that intention (2011: 22). Barry distinguishes between two methods used to interpret this content: linguistic and social. An audience that knew the dictionary meaning of the words ‘large’ and ‘spoon’ might not know exactly what somebody meant when they asked for a ‘large spoon’, since the meaning of the phrase depends on the culinary context (which is part of the social context) in which one is speaking.

“The meaning of ‘large’ is (roughly) “larger than the average member of the class in question” where the class in question depends of course on the noun which ‘large’ modifies”. Someone who knew that ‘large’ meant this and also knew the meanings of the other words in a certain uttered sentence would be able to understand its linguistic content, but he might still not know its complete normal content; and it is to cover this contingency that one has to introduce the idea of social content.” (Barry, 2011: 23)

Roughly, linguistic content is conventional content (which can usually be looked up in a dictionary) and social content is everything else that is relevant to the intention that the audience is supposed to recognize in the speaker.

Barry concludes that words are neither prescriptive nor descriptive in their own right, but rely on the social context in which they are utilised for their evaluative purchase. The conventions that ground the normal usage of a word do not in and of themselves render it a descriptive or prescriptive word. For example, saying that something is ‘good’ is not simply describing that something as what is normally described with the use of the term ‘good’ in itself nor is it the prescription that the general use of ‘good’ should include that something. Consider the evaluation that a dozen eggs are all ‘good’. In most contexts this means that the eggs are edible (i.e. not rotten). A grocer is justified then to contest somebody telling him that the eggs he sold them were not good if those eggs were not rotten. The grocer contests this on descriptive grounds; the term ‘good’ in this context is almost always used with the intention to communicate that ‘the eggs were not rotten’.\(^\text{32}\) It is the context that determines the

\(^{32}\)This amounts to a description of ‘the property of not being rotten’.
nature of the justification required.\textsuperscript{33} Perhaps the justification would take on a prescriptive hue if it were discussed in a philosophy seminar with a title something like ‘The Ethics of Egg Selection’ but that is certainly not the case with the grocer example. So, Barry (2011: 31) concludes, “Instead of thinking of some words as evaluative rather than descriptive, “we should think of some words requiring less contextual information before we can know that they occur in an evaluative utterance, and others as requiring more”. He makes sense of the division between prescriptive (evaluative) and descriptive statements in terms of social content. He therefore sets his task for the remainder of Political Argument to describing the different senses of political terms that are used in different social contexts.

Social context is obviously an important component in meaningful communication. Barry’s book described these differing contexts lucidly and led the flight away from the greedy reductionist tendencies of utilitarianism. However, social content can be used to scramble inconsistency ascriptions and a description of that social content will not in itself overcome the issue. The problem is that we have no tool to work out what sort of content is permissible and what sort is not. Furthermore, descriptions of this content will themselves depend on social content, which cannot itself be guaranteed to be immune from rhetoric. This critique will be expanded in chapter 5.

Barry’s descriptive endeavours do not overcome the problem of rhetoric in political argument. When they are backed into a corner arguers can simply claim their accuser misinterpreted the social content of their assertion. Indeed, Barry’s theory of language – which is just another ITM – cannot conceptualise the problem of rhetoric. The division between social and linguistic context is only a salient division because they constitute two different sorts of facts relevant to working out the speaker’s intention. Once you have worked out the content of an agent’s intention, Barry supposes their reasons can be interpreted without difficulty. While his use of this ITM seems to make sense of the prescriptivist/descriptivist division, it does not make sense of the problem of rhetoric. We need to continue the search for a theory of language that can do both.

\textsuperscript{33} I might ask, ‘Which word?’ Given there is usually more than one word in a sentence; does the context determine which word the justification turns on? Surely the grocer has pick here and can choose any word to show the accusation was ill-founded (or, as I might argue, ill-worded).
2.3.6 Molecular Accounts of Meaning

Michael Dummett construes language to be one big lattice of interconnected concepts. To know the meaning of certain words one must master a certain fragment or ‘molecule’ of that lattice. He says, “on a molecular account, one knows the language by knowing the meaning of each sentence of the language taken separately” (Dummett, 1978: 378). The account is a counter to the holism advocated by Quine (see chapter 4) who argued that perfectly understanding a single sentence of a language technically required understanding the whole language since every concept was connected to the broader web of collective concepts that make up the language. For Dummett language is some sort of external social good with which individuals can master the use of certain fragments or ‘molecules’ of it. Such an interpretation of language cannot distinguish between linguistic bullshit and non-bullshit. Linguistic bullshit might be a genuine and stable pattern embedded within the social institution of language. There is nothing here to rule out that mastery of a word or phrase might be mastery of bullshit and therefore nothing to help overcome the problem of rhetoric.

2.3.7 Brandom’s Theory of Assertion

It would be remiss to ignore Robert Brandom’s influential book *Making it Explicit* (1994) in this (albeit brief) review given the support and interest it has had in political theory particularly from Habermas (2000) and other deliberative democrats (see for example, Bohman, 2003). While Brandom pays close attention to conceptualizing the misuse of language, he does not continue the story of the problem of rhetoric and explain how such misuse might scramble consistency ascriptions. Brandom does not distinguish between reasoning that is acceptable (or accepted by the common opinion) and reasoning that is consistent. For all (of his) intents and purposes, they are the same thing. He does not have a standard of consistent and inconsistent reasoning, only acceptable and non-acceptable reasoning. As argued, acceptance can be wrangled through all kinds of non-rational means (brainwashing and torture come to mind as the more unsavoury) and we would not want to equate the property of
consistency with such tactics. We need a theory that can distinguish between the different sorts of persuasion and I do not think that Brandom’s can do this.

He takes assertion rather than belief to be the primitive concept to understanding language. He quotes Michael Dummett (1973: 362) that assertion is “not the expression of an interior act of judgment; judging, rather, is the interiorization of the external act of assertion”. Brandom explains that an assertion is like a ticket in that it licenses us to do something but requires license (say, an authentic watermark) in the first place to count as a ticket. Consistency in this respect would presumably be using these tickets as one was entitled to use them by a community of speakers and not using them out of place. If one asserts that ‘All Republicans hate freedom’ consistency would involve assigning hatred of x to Republicans when x falls under the extension of ‘freedom’ in the community.

Brandom’s analysis is distinctly one-dimensional in that he takes an assertion as essentially the expression of a belief. We could imagine a piece of paper that counts as a ticket in one possible world not being counted as a ticket in another. The watermark might not have the same significance in one world that it does in the actual world. It is perhaps counterintuitive to imagine a belief being exactly the same mental-state in a possible world but it not being a belief due to differing significances placed on it by a community. Consistency here would be using assertions – be they inner-assertions or socially expressed – as one is entitled to and only as one is entitled to. The standard of entitlement is distinctly normative and one that would depend on acceptance profiles, whether or not individuals accepted the norms of entitlement for substantive reasons or not.

Following Wittgenstein, Brandom argues that we do not explain the correct or incorrect use of language independently of the way in which a community of language users employ it. The validity of various discourses is therefore something

34 “The leading idea of the account to be presented here is that belief can be modeled on the kind of inferentially articulated commitment that is undertaken or acknowledged by making an assertion” (Brandom, 1994: 157). Compare this with Stalnaker’s notion of acceptance in Inquiry (1984).
35 It is perhaps worth mentioning that this interpretation of language would be in strong opposition to the method of elimination sketched in the next chapter. In such a case, my proposal to remove terms from a conversation would be tantamount to conversational lobotomy. In certain contexts it would destroy the normative force of one’s belief.
internal to each discourse. The problem is that if the validity of political discourse is something that is internal to it, then how might we criticise bullshitters or demagogues using it with no regard for the way they are representing the world to be? What a skilled demagogue can do is make their arguments *seem* valid and if they seem valid then they accord with the normative practice of a community and cannot be faulted. On Brandom’s account there is no room to distinguish between substantive and non-substantive agreement.

2.3.8 No Fit

None of the above theories of language fit the bill with respect to the problem of rhetoric. It should be noted, however, that this argument by fit does not say anything about the philosophical credentials of each theory, only that they are inappropriate for the demands of liberal political theory.

In sum then, appealing to the following concepts as candidates to interpret the ‘misuse of language’ in my description of the problem of rhetoric will lead to conceptual tension: the causes of an utterance, the intentions behind an utterance, the type of force of an utterance, or the use (broadly construed) of an utterance. We should also avoid conflating belief with assertion for it appears to render the notion of consistency redundant. More should be done to emphasise this tension in political theory, but for now it serves as justification for why I have turned away from such concepts and the theories of language in which they are used and towards a more discerning choice. We are after a way in which we can interpret meaningful utterances to be consistent or not and not just *seemingly consistent*. The outcome of genuine consistency in a resolved argument is substantive agreement, i.e. agreement that could hold firm despite significant changes to the environment. Surprisingly then, as far as I am aware, traditional theories of language cannot conceptualise the important concept of substantive agreement for political argument given we cannot make any sense of its bugbear (the misuse of language) while retaining a notion of consistency.
2.4 The Problem Interpreted II

We are after a way of interpreting the misuse of language that leads to the problem of rhetoric, then, without falling back on ascriptions of intention, act-type, use, cause, or the conflation of belief and assertion without further qualification. I suggest that individuals instead trip the problem of rhetoric when their argument is accepted because of a particular sort of defection with what is called the ‘context-set’. In this section (2.4) I demonstrate that formally specifying this particular defection gives a sufficient interpretation for the problem of rhetoric and therefore also for the sentence ‘S can be consistently inferred from the context of the prior conversation’. This defection is described in terms of belief and acceptance rather than intention, use, act-type, cause or with terminology that conflates beliefs and assertions. Robert Stalnaker introduced the notion of the context-set and the particular kind of defection of it that we are interested in to overcome the implication of Kripke’s necessary aposteriori sentences for interpretations of possibility and possible worlds. This amounted to an interpretation of the formal apparatus of two-dimensional modal semantics. As I shall argue, this interpretation gives us the best chance to make sense of the problem of rhetoric in political argument by introducing distinctions pertinent to distinguishing between rhetoric and non-rhetoric. Before explaining this rationale, I will expand first on what is meant by the context-set, which is a useful formalization of what constitutes the common ground between individuals in conversation. I make no attempts to depart from Stalnaker’s interpretation in this section aside from drawing out relevant implications.

2.4.1 The Context-Set

Modern semantics typically relativizes meaning to possible worlds. It is a dominant if not unanimous assumption in analytic philosophy. There are three preliminary points to note on what is entailed by this assumption. First, the unit of semantic meaning is the sentence rather than the word. Words do not in and of themselves represent the world. Second, the meaning of a sentence is captured by its truth-conditions. As Soames (2010: 1) puts it, “for S [where S is a sentence] to be meaningful is for it to represent the world as being a certain way, which is to impose conditions that the
world must satisfy, if it is to be the way $S$ represents it". These conditions are $S$'s truth-conditions. Third, these conditions are possible worlds and so a meaningful sentence involves a function (i.e. its proposition) that divides possible worlds into those that would render $S$ true and those that would render $S$ false. Following from these three points, Stalnaker described an assertion as a proposal to exclude all those possible worlds in which the proposition asserted is false from conversation, or as Stalnaker puts it, from the context-set.

When somebody asserts a particular policy position $\phi$ and is willing to defend or justify it with reasons, they are engaging in political argument. They enter into a conversation with others where they have to go from the presupposed context-set that it is believed all accept and which grounds the conversation to a narrowed context-set that renders their policy position $\phi$ explicitly acceptable. This narrowing occurs with the discarding of all possible worlds in which the accepted sentence comes out false. Stalnaker puts it accordingly,

"It is common ground that $\phi$ in a group if all members accept (for the purpose of the conversation) that $\phi$, and all believe that all accept $\phi$, and all believe that all believe that all accept that $\phi$, etc." (Stalnaker, 2002: 716).

Imagine a deck of cards where each card represents a possible world (perhaps with a complete description of that world on the card). This deck of cards stands as a good metaphor for the context-set. Every meaningful assertion will make a single split in the deck, dividing those cards that represent worlds where the assertion would turn out true from those where it would turn out false. If an audience accept the assertion, those cards in the false pile will be discarded from the rest of the conversation. The remaining cards constitute the context-set for the rest of the conversation. With each accepted assertion the pile of cards shrinks. The longer an argument goes for, then, the narrower and more precise the context-set will become.

Providing there is no dissent to any of the steps in the argument, the reason-giver will be in a position to believe that the context-set that they share with their audience has updated so that their policy position $\phi$ is now accepted. That is, any rival positions

\[36\] I will assume that any policy position touches on the problem of politics.
would have been discarded in the reasoning process and it is accepted (though not necessarily believed) in the context-set that those rival candidates and your own are exhaustive of all possible positions regarding the policy. Furthermore, your audience must also believe that you believe that they accept \( \phi \) and you must believe that your audience believes that you believe that they accept \( \phi \), and so on... This regress is what is known as the Gricean circle and is a common heuristic amongst philosophers of language to describe meaningful communication. The modern flourish of the theory is the distinction between belief and acceptance, which distances it from any reference to Gricean style ‘intention’.

At some point reasons in political argument have to be substantive in the sense that they represent the world as being a certain way. We can think of truth-conditions and the representational nature of reasons and language more broadly as the partitioning of possible worlds (or possibilities) into those in which a proposition is true and those in which it is false.\(^{37}\) Propositions, then, are functions from possible worlds into truth-values.\(^{38}\) However, as yet this does not distinguish a reason from any old sentence. A sentence becomes a reason when it serves a certain function in conversation. A sentence is only a reason if it is *for* some end. In terms of political theory, that end is the audience’s acceptance of the speaker’s position (\( \phi \)). Political argument takes the form of a theorem as it is defined in the *OED*: “a general proposition not self-evident [as common ground] but proved by a chain of reasoning; a truth established [as common ground] by means of accepted truths.”

Given the concept of acceptance is doing a lot of work here, it is important to also be explicit with respect to its interpretation. Indeed, acceptance plays an important role in replacing the concept of intention. Acceptance is a propositional attitude. To *accept* a proposition “is to treat it as true for some reason. One ignores, at least temporarily, and perhaps in a limited context, the possibility that it is false” (Stalnaker, 2002: 716). It is therefore a broader concept than belief: if you believe something you also accept it, but you can accept something for the sake of an argument even if you don’t believe it. People don’t necessarily believe idealizations,

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\(^{37}\) Soames takes ‘\( S \)’ to stand for sentence rather than proposition. This is technically very important and will be addressed later.

\(^{38}\) They have quite a different structure to that of the sentence and so do not preserve the Orwellian “swindles and perversions” that were preserved in the speech act theory of Austin and Searle.
but accept them into conversation for various reasons. Keep in mind though that the
common ground is not simply a description of what is accepted and what is not, it is
the shared beliefs over what is accepted and the beliefs concerning the beliefs about
what is accepted and the beliefs about the beliefs about what is accepted, etc. There is a flourishing literature on belief revision that gives strict and
formal interpretations of consistency. Consistency over one’s beliefs, however, is not
the type of consistency being analysed here. We are concerned with consistency over
what is accepted in conversation.

The context-set also gives the interpretation for utterances in conversation. So it is
updated by utterances and simultaneously interprets them. An utterance \( U \) needs an
interpretation \( \langle \mu, \tau \rangle \) to qualify as a sentence (ergo reason) otherwise it will lack any
communicable meaning. Here \( \mu \) stands for a sentence’s mood. A mood can range
from an assertion to an imperative, an interrogative, a commissive, a permissive and so
on.\(^\text{39}\) The representative quality of \( U \) is cashed out by \( \tau \) where \( \tau \) is the set of possible
worlds in which \( U \) is true and appropriate with respect to \( \mu \) (Lewis, 1969: 162-163).
Say I utter gibberish like ‘Hurm waddle pongolia gavagai’. An interpretation is not
forthcoming because we do not have any common ground that gives us rules for such
an interpretation. That is, there is no card in our current deck that describes rules for
giving the utterance truth-conditions: with all interpretable utterances there must be
such cards in the context-set with cards advising to the contrary having been already
discarded.\(^\text{40}\) So the precise way the deck is to be split depends upon instructions from
the deck itself (the pre-split deck).

The context-set will not simply assign blanket interpretations to sentences; it will
assign interpretations relative to the possible occasions of utterance. Indexicals like ‘I
am here now’ and demonstratives like ‘That thing over there ran over my foot’ have
different content in different possible occasions of utterance. The only way we can
make sense of these kinds of statements is by assuming the context-set updates

\(^{39}\) See Lewis for the game theoretic analysis. He expands on the moods by the ‘making true’
convention. Somebody uttering an assertion will communicate an intention to ‘make true’ \( \tau \), somebody
uttering an imperative will communicate to their audience that they expect them to ‘make true’ \( \tau \), etc.
My use of intention here is secondary to my use of communication: the intention is what is being
communicated, not what is doing the communicating.

\(^{40}\) If there are a few cards still advising to the contrary, the utterance might still be interpretable, but it
will be ambiguous.
passively, not just via the overt acceptance of assertions. Possibilities will be being discarded from context-sets during interaction irrespective of whether assertions are being made. I believe that somebody I am talking to has much the same belief about the current time, location and speaker as I do and a belief that I accept this belief in the conversation, and believe that they accept it, and so on. If a car just ran over my foot, I would also assume that we both accept a car just ran over my foot (it was quite the event, where I crumpled up into the foetal position while howling in agony). Under such circumstances the context-set would be well placed to give precise interpretations for ‘I’, ‘here’, ‘now’, and ‘that’.

In sum then the context-set can be “explained in terms of the contents of the beliefs that define the common ground” (Stalnaker, 2002: 720).\(^{41}\) We have beliefs about the deck of cards (i.e. the context-set), which are just as much beliefs about our conversers’ beliefs about the deck and their beliefs about our beliefs, etc. Utterances can be interpreted, then, by appealing solely to the contents of belief and beliefs about the beliefs of others rather than intention, cause, convention, acts, uses or by conflating belief and assertion. Stalnaker’s framework of discourse therefore avoids the pitfalls (outlined in 2.3) encountered when trying to jointly interpret the problem of rhetoric and the sentence ‘S can be consistently inferred from the context of the prior conversation’. The phrase ‘the context of the prior conversation’ can simply be substituted for the context-set. The interpretation for ‘consistently inferred’ will be described in 2.5. The task now is to demonstrate how this framework can precisely interpret the problem of rhetoric, since showing that it avoids the snares that led me to abandon the other theories does not mean it will not hit snares of its own.

\(^{41}\) I note that Stalnaker is not strict in making no reference to intention, use, causality and whatnot. In fact, after the last quote he goes on to say, “If we understand contexts, and the speech made in contexts, in terms of the speakers’ beliefs and intentions, we have a better chance of giving simpler and more transparent explanations of linguistic behavior” (2002: 720). I do not think we need to bring intention into the argument though. We can talk of context-sets and the interpretation and consistency of utterances without mentioning the word ‘intention’ at all.
The aim of a sincere conversation is to refine the context-set through various possibilities relevant to the subject matter being discarded so that fewer possibilities are contained in the shared context-set once the conversation ceases. Refining the context-set is the whole point of communicating. The possible worlds that are incompatible with what is asserted will be eliminated providing what is asserted is accepted (Stalnaker, 1999: 86). In an argument the conversational subject matter is the position being defended. Yet especially in political argument it is common that the context-set is refined in terms of possibilities regarding the conversation or argument instead of the possibilities about the way the argument is representing the world to be. As Stalnaker (2002: 708) notes, “Even the most closed-minded party to a conversation – one who is unmoved by the arguments of his interlocutor to change any of his beliefs about the subject matter of the conversation – will still change his beliefs about the ongoing conversation itself: when something is said, he will come to believe that something has been said.” Sometimes it is quite appropriate to be close-minded to what somebody is saying and not accept any of it – not even for conversation’s sake. Few would accept assertions by a bigot trying to justify the virtues of slavery for instance. Yet we would all accept that the bigot had said what they had said and believe that they believe that we accept that they had said it, and so on. The context-set is certainly updating in such a case but not in the way that it would have updated if we had accepted the content of what the bigot was saying. There is a difference here in the way the status of a conversation updates. We accept facts about the conversation but do not necessarily accept what was said during the conversation. This difference constitutes two separate dimensions of the context-set.

This difference is an important logical difference with respect to determining the truth-value of an assertion. It is modelled by two-dimensional formal semantics. The generality of this formal apparatus is considered one of the major fault-lines in modern philosophy (see for example, Soames, 2005: 1-3). The two-dimensional framework, along with its interpretation in terms of the context-set, solves the puzzle of Kripke’s (1974) necessary a posteriori sentences for possible worlds semantics, which was the motivation behind its introduction. Those who question its generality suggest that its resolution of the Kripkean puzzle comes at too great a cost. I am
unconcerned here whether Stalnaker’s interpretation is general enough to capture all communication, only whether it is general enough to capture what I describe as political argument.

The Kripkean puzzle is as follows. The sentence ‘Hesperus is Phosphorus’ expresses a truth in all possible worlds because both Hesperus and Phosphorus refer to one and the same body – the planet Venus. However, the Ancient Greeks who named the morning star Hesperus and the evening star Phosphorus did not know they were the same planet. An Ancient Greek astronomer would therefore greatly benefit from a conversation with a modern astronomer and find the sentence ‘Hesperus is Phosphorus’ very informative. However, the statement is a necessary truth and so when uttered in a conversation seemingly would not narrow the context-set at all. It seemingly would not discard any possibilities and we would not have updated the context-set with any new information. Such an account suggests that we would be in exactly the same epistemic position with the Ancient Greek astronomer as before we uttered the sentence. Saying ‘Hesperus is Phosphorus’ would seemingly be equivalent to uttering something useless like ‘A peanut is a peanut’. Yet this is patently false. The former sentence is informative while the latter is not. So the puzzle is that there seems to be a point to such astronomical conversation but nothing has happened to the conversation such that there could be a point. This appears to be the case with all identity statements like ‘water is H₂O’, ‘lightening is electricity’, ‘63,124 x 7 = 441,868’, etc. There are also contingent apriori statements like ‘I am here now’ that have the same structure only in reverse: one can know they are true without knowing anything about the world, but the statement is not true in all possible worlds (I could have been somewhere else). The two-dimensionalist solution to the puzzle is to posit that the context-set of conversation is made up of two dimensions and is altered on the first, but not on the second by such an assertion. Instead of positing two different kinds of possibility (two different kinds of content-type or ‘card-type’) as Kripke (1974) did, two-dimensionalism posits two different conversational functions. The first being all the shared facts that determine what is said and the second all the shared facts that determine whether what is said is true or not (with respect to what has been accepted for the sake of conversation).⁴²

⁴² On this view, acceptability can be cashed out in terms of truth-conditions.
The distinction is mapped formally on a two-dimensional matrix. Consider O'Leary and I are engaged in a conversation which is overheard by Daniels.  $i, j, \text{ and } k$ are sets of possible worlds, where $i$ is the world as it actually is, $j$ is the world O'Leary thinks we are in and $k$ is the world Daniels thinks we are in (you could say $i, j \text{ and } k$ are our belief-states). I utter the propositional concept D, *You are a fool* to O'Leary.

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The story represented in D is as follows. O'Leary is a fool, but he himself does not think so. Daniels overhearing the conversation thought that my utterance was directed at him. Yet he is no fool and he knows it. Therefore, both O'Leary and Daniels think I said something false. Yet their disagreement with me is different. O'Leary disagrees with me about the way the world is, though shares my understanding of the utterance. Our disagreement is therefore substantive. Daniels agrees with me over the way the world is but misunderstands my utterance. He disagrees (though not overtly and would probably be ready to be corrected) with the facts that determine what is said. Our disagreement is therefore non-substantive. He thinks the facts are such that the utterance was directed at him. This is false. We ‘dispute’ Daniels on the first dimension (the vertical axis) of the matrix and O'Leary on the second (the horizontal). The vertical axis represents the possible worlds with respect to the proposition expressed by D. This is the first dimension of an utterance’s meaning – the context or the facts that determine what is said. As I shall argue, this is the domain a political theorist tries to restrict in order to ensure substantive agreement. The horizontal axis determines the truth-value of the content of what is said. This is the domain of substantive agreement and the domain a constraint of consistency ranges over. The propositional concept D (in the above matrix) is therefore a function from a pair of possible worlds to a truth value: the possible world that determines which proposition was in fact said and the possible world that determines whether the proposition that was in fact said is true or not.
Say the bigot claims that they have won the argument and proved the virtues of slavery. Any sort of claim like this is a claim with respect to the first dimension of discourse, just as much as definitions and identity statements are (despite this dissertation being mostly concerned with the latter two given its subject is conceptual analysis). It is an assertion about the conversation rather than an assertion about the subject matter of the conversation. The bigot is not establishing a fact that contributes towards determining whether what was said is acceptable or not, for they supposedly think it is already acceptable since they have already claimed victory. They are claiming that the shared facts that determine what was said should be adjusted so that it is accepted in the context of the conversation. The claim is that if they were interpreted in the way they believe is reciprocally accepted, then their substantive position is acceptable. Pre-empting Chapter 3, we might say the bigot is appealing to its audience to be reasonable. As we will see by the end of this chapter though, it is not altogether obvious how we can constrain the bigot’s appeals to reasonableness.

Contrast this first-dimensional assertion with bullshit statistics (see 2.2). If the bigot claimed that 4 out of every 5 slaves enjoyed their serfdom, they are presumably making this statistic up on the spot. However, they are bullshitting in the second dimension of discourse since if we were to accept their assertion, it would narrow the possibilities that determine whether what is said is true or not (in the context of the current conversation) rather than the possibilities that determine what is said.

2.4.3. Two-Dimensional Modal Logic’s Interpretation

With Stalnaker’s pre-semantic distinction in mind we can turn back to the problem of rhetoric. Since I will deal with consistency in the next section, the concern here is what this benign brand of two-dimensionalism tells us about the misuse of language. When the first dimension is not sufficiently interpreting what is being said and yet the second dimension is seemingly being updated (the assertions are being accepted) then language is being misused. This is a way of describing the misuse of language irrespective of intention, cause, convention, action, or use. The three concepts that make this benign two-dimensionalism float are belief, acceptance (which can be analysed in terms of truth), and possibility. Sometimes context-sets will be defective.
Individuals will believe their audience accepts certain things that they in fact do not. That is, the interlocutors can have differing beliefs about the makeup of the deck of cards that constitute the conversation's context. They may accordingly reject reasons they perhaps should accept and *vice versa*, they might accept reasons they perhaps should reject. Their standard for acceptance should be consistency within the context of the conversation, which will be expanded upon in the next section. What is important for now is to be clear on what a defective context-set looks like. We have a non-defective context set when (to re-quote),

> “It is common ground that \( \phi \) in a group if all members accept (for the purpose of the conversation) that \( \phi \), and all believe that all accept \( \phi \), and all believe that all believe that all accept that \( \phi \), etc.” (Stalnaker, 2002: 716).

So when some individuals wrongly believe all members accept \( \phi \), then the context-set is defective. The necessary and sufficient conditions for a non-defective context-set are when all conversers' beliefs about the acceptance of propositions relevant to the subject-matter and beliefs about the beliefs about such acceptance, and the beliefs about the relevant subject-matter are all true. The necessary and sufficient conditions for a defective context-set, then, are when *any* of these beliefs are false.

When a conversation ends in disagreement – or agreement for that matter – the disagreement may simply be down to the fact that the context-set is defective. This was the case with Daniels in the example above. At a party I might say 'The man over there drinking the martini is a philosopher' and then to my shock my audience disagrees. I had meant the man directly opposite us, but was unaware that he was in fact drinking water, not a martini. Another man (a mechanic, say) to the right of the water-drinking philosopher was in fact drinking a martini and was therefore whom my audience believed I took to be the philosopher. I had believed that my audience accepted (if not believed) the man was drinking a martini. Even if they had known that he was drinking water, I would have believed they would have accepted that he was for the sake of the conversation. I was wrong, and as a consequence, our registered disagreement can be explained by a defective context-set. That is to say, the registered disagreement was concerning something irrelevant to the information I was trying to convey. I was trying to narrow the accepted context set to one that excluded (by predicating falsity to) all possible worlds in which the man in front of
me was not a philosopher. The important point though is that there was nothing substantive about the information I was trying to communicate that my audience disputed, only facts unrelated to the subject matter – namely, what was in fact said. Flipping this example on its head and applying it to a case of acceptance rather than non-acceptance, we might say: there was nothing substantive about the information I was trying to communicate that my audience accepted; they only accepted it because of differing beliefs over what was actually said.

A defective first dimension can be utilised by an inconsistent demagogue to get off the hook. We can accordingly rephrase the problem from the way it was put in 2.1.

THE PROBLEM OF RHETORIC: Occurs when assertions (which are perfectly heard/read) update the second dimension of a context-set with respect to the subject matter of the conversation despite the first dimensional content interpreting the utterance being defective, which make consistency ascriptions of the assertions indeterminate.

The defective first-dimension makes ascriptions of consistency indeterminate because what was actually said is not fixed. We attribute the problem to problems with the first dimension of discourse. So the dimension that makes necessary aposteriori sentences informative on Stalnaker’s model of discourse also trips the problem of rhetoric. When somebody dabbles in factual bullshit, by cooking up facts and figures on the spot, but does so clearly, this updates the second dimension of discourse in a way that is relevant to the subject matter of the conversation and is therefore susceptible to ascriptions of inconsistency. Given the second dimension is updating, the assertion is persuasive, however it is not persuasive because of its meaningful content because it has no content since the rules that frame the conversation’s context are insufficient to determine it. An important feature of the problem is that it is not a defect isolated to either the speaker or audience; it is a defect of the conversation in which both the speaker and audience are engaging.

Since we have not yet specified a description of consistency (and use the problem to justify the particular description chosen) it is worth trying to interpret the problem without appealing to it. So: the problem of rhetoric is tripped when an assertion is perfectly heard or read and updates, or will update, the second dimension of conversation, but where all the while the first dimension is defective in a particular
way. This needs to be unpacked. The first dimension of the context-set is defective in the ‘particular way’ that there are not enough facts in it to interpret the assertion into the second dimension. There will be insufficient facts in two situations. Both occur where conversers have defective beliefs about the accepted rules for the assertion’s interpretation. In specifying these two situations I depart from Stalnaker’s explicit writing on two-dimensionalism but nevertheless take it to be tacit.

2.4.3.1 Different Interpretations

The first is where conversers update their beliefs about the accepted facts that determine the truth of what is said in conversation differently, leading to a defective second dimension. This occurs when the conversers have different beliefs about the facts that determine what was said. This could well lead to inexplicable disagreement concerning the acceptability of future reasoning within the context of conversation. What is more, there will be no fact of the matter as to which party is correct. They accept the offending assertion (it is persuasive) but not because of any shared interpretation of its content. All believe that all accept the same interpretation of the assertion, but some do not. This is a description of one of the two circumstances without the notion of consistency, but it is worth now asking, how exactly this circumstance makes ascriptions of inconsistency indeterminate. When an audience calls out a speaker for being inconsistent the speaker can acknowledge that their audience finds what they are saying unacceptable but accuse their audience of ‘misinterpreting them’ at some prior point in the conversation. If they can get back onto solid ground (a non-defective second dimension) by defining what they meant and eliciting a response something like ‘oh by T you meant x, I see now and realise you were consistent after all’, then charges of inconsistency can be reversed. However, the issue is whether charges of inconsistency can be made to stick not whether they can be reversed. Any arguer can play this definitional manoeuvre over and over continually claiming that their audience have misinterpreted them. My example of John Howard in 2.1 serves as an example, but there are countless like instances. What is more, in a long string of reasoning, it is often impossible to identify which is the offending sentence. Who can then say they are being inconsistent rather than, as claimed, misinterpreted? Nobody.
2.4.3.2 No Interpretation

The second situation is where there are insufficient facts shared by the conversers to interpret the assertion into the second dimension at all. Say O’Leary cannot interpret the sentence ‘All democracies are socially just’. O’Leary may well have beliefs concerning certain necessary conditions for such an interpretation, but his current beliefs are insufficient to interpret it into the second dimension. Given the assertion has been accepted into the conversational score, there is a shared belief that the assertion does update the second dimension, just that more clues are needed in order to update it. It is ‘banked’ into the first dimension of conversation in its uninterpreted guise. It then plays the role of a wildcard in conversation. It functions a bit like the blank tile in Scrabble. The blank tile is used to fill in for any letter the player needs to make a word. The rhetoric-laden sentence slots in to discard any possibilities that need to be discarded for the truth (framed within the context of the conversation) of a follow up reason. If this follow-up reason accords with some weak first dimensional beliefs about what sorts of reasons appropriately follow from such an assertion, the follow-up reason is accepted without scrutinizing the way such reasoning is representing the world to be.43

This is the phenomenon of presupposition for accommodation (Lewis, 1979; Stalnaker, 1999: 47-63; Stalnaker, 2002). The phenomenon is described accordingly, “If at time t something is said that requires presupposition P to be acceptable, and if P is not presupposed just before t, then – ceteris paribus and within certain limits – presupposition P comes into existence at t.” (Lewis, 1979: 340). Say I were to utter to somebody ‘I hope my sister will be able to proofread this chapter’, if they did not know that I had a sister, they should accommodate this fact into the presupposition of the conversation. Otherwise a perfectly informative sentence would be rendered meaningless. While accommodation is usually a benign phenomenon in sentences

43 Notice that this is a bit like mathematical proofs. We derive conclusions from axioms following formal rules that we are not necessarily interpreting into the second dimension. Indeed, by Stalnaker’s framework, mathematical truths are all first dimensional (1999: 237-238). Mathematics though is strict and its terminology relatively unambiguous. Political terminology, on the other hand, is not and this is the problem.
designed to inform, it is more insidious in sentences designed as reasons in an argument. The question is then where the “certain limits” in Lewis’ description of accommodation fall. The first dimension of discourse will set these limits for the ‘banked’ wildcard sentences that trip the problem of rhetoric. The facts that determine what is said include facts that determine what kinds of assertions count as follow-up assertions from these wildcard sentences. While we may not be able to interpret these sentences we accept that they have nothing to do with representing certain possible worlds. For instance, the sentence ‘democracy is the will of the people’ will presumably not accommodate for ‘there is more annual rainfall in the north of Australia than in the south’ since even in their uninterpreted senses we all know the two sentences have nothing to do with one another. Sentences utilizing the word ‘democracy’ and ‘the will of the people’ are almost never used to prove a point about rainfall. Yet when two sentences are commonly used in the same argument accommodation will often occur. As Lewis says (1979: 347), “conversational score does tend to evolve in such a way as is required in order to make whatever occurs count as correct play”. In a political argument this sort of ‘wild card’ accommodation is cheating.44

2.5. Consistency

An explicit account of consistency is now possible. Providing we are held to this constraint of consistency we have grounds for substantive agreement. That is, agreement that will hold firm despite changing circumstances.

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44 Lewis argues that the main difference between a baseball score and a conversational score is that the latter involves accommodation:

“Suppose the batter walks to first base after only three balls. His behavior would be correct play if there were four balls rather than three. That’s just too bad – his behavior does not at all make it the case that there are four balls and his behavior is correct. Baseball has no rule of accommodation to the effect that if a fourth ball is required to make correct the play that occurs, then that very fact suffices to change the score so that straightway there are four balls. Language games [and conversation is] different” (Lewis, 1979: 346-347).

My hope is to make political argument less like conversation on this front and more like baseball.
Consistency gives the standard by which statements are accepted given past statements in a relevant conversation. In terms of the accepted propositions of the context-set, we can follow Stalnaker and define consistency as adherence to the following conditionals,

C1. If $P$ is a member of a set of accepted propositions, and $P$ entails $Q$, then $Q$ is a member of that set.
C2. If $P$ and $Q$ are each members of a set of accepted propositions, then $P \& Q$ is a member of that set.
C3. If $P$ is a member of a set of accepted propositions, then not-$P$ is not a member of that set.
(Stalnaker, 1984: 82).

Now, to be sure, consistency does not entail that individuals have to believe or desire $P$ just that they are willing to commit to or accept $P$ for the sake of the argument. This set of accepted proposition are propositions in the second dimension of the context-set, not the first (see next paragraph). C1, C2, and C3 all rely on the notion of a ‘set of accepted propositions’. This set is my interpretation of ‘the context of the prior conversation’ in the sentence ‘$S$ can be consistently inferred from the context of the prior conversation’. With each consistent and meaningful assertion the ‘set of accepted propositions’ will narrow.

Following my analysis of the two-dimensional theory of discourse in the previous section, we can describe this set as constituting the running conversational status in the second dimension of discourse. That is, the running total of different representations of possible worlds that are true/acceptable inferences in the conversational context. By this interpretation, C1, C2 and C3 constitute conditions for substantive consistency and substantive agreement over reasons in political argument not just some loose and easily gerrymandered sort of linguistic or verbal agreement. The first dimension on the other hand does not have anything to do with this sort of consistency. It functions at once as a means to communicate information (not to be confused for a proxy of that information), but at the same time is a firewall between such information and the pure content of a statement. By the ‘pure content’ of a statement I mean a function from possible worlds into truth-values or the statement’s propositional content. The running conversational status in the second dimension will be the deck of cards, with the firewall preventing a pure and noiseless
interaction with that deck. Codes for breaking down this firewall will be written into
the cards in the deck, but if there is a lot of noise distorting information of the card
deck in the first place, then these codes will not always help. It is this noise that
makes it tricky to ascribe consistency conditions to political argument. When there is
a defective context-set in the first dimension, then it is easy to make consistency
ascriptions indeterminate.

We do not want to equate acceptance with consistency. Yet C1, C2 and C3 are quite
passive conditions. They are like the economist's notion of consistency in that any
proposition that has been accepted can be explained in terms of these conditions, just
like any choice a consumer has can be explained by beliefs and desires that make it
consistent.45 This constitutes a significant chunk of the problem of rhetoric: any
statement can be interpreted as being consistent if one makes enough adjustments to
their assumptions about the meaning of terms. The economist just has to change their
assumptions about the consumer's tastes or desires to interpret consistent choice.
They re-configure the dials and switches of their hypothesis to make sure they keep to
this theoretical constraint — if too much needs to be rejigged though the hypothesis
fails. Likewise, the heavy theoretical lifting in political argument comes from
adjusting and toggling the dials and switches to make reasons and positions
consistent. For example, Rawls adjusted the dials on the information available to
agents to create an environment where agents could come to consistent (thinly
rational) decisions. Since I have already rejected the Rawlsian adjustment for
political theory (see 1.4) the burden is to draw up a new set of dials and switches for
the interpretation of reasons in political argument.

The problem of rhetoric serves as the principal methodological problem to ensuring
consistency. Roughly, any assertion can be made out to be consistent with enough
interpretative accommodation. Where do we set the limits? Just as much as
somebody can charge the economist for a narrow-minded refusal to update
assumptions about belief and desire when interpreting consumers to be inconsistent

45 In epistemic logic the closure condition 'If P is a member of a set of accepted propositions, and P
entails Q, then Q is a member of that set' (C1) is quite controversial. Nevertheless, I do not think such
controversy renders C1 any less passive, since the consistency conditions we are concerned with here
have nothing to do with entailment with respect to individual knowledge. Their scope is instead
restricted to acceptance in the context of conversation and any difficulty adhering to it in political
argument will presumably be because of first-dimensional complications.
with their choices, a demagogue can accuse their audience for narrow-mindedness in their assumptions about meaning if their audience accuses them of inconsistency.

As Macintyre (1988: 380) puts it,

“Examples of... incommensurability can be drawn from the beliefs expressed in rival schemes of naming. The translator from language-in-use A to language-in-use B of such a scheme will have to explain the scheme of naming in A to those whose language is B in terms of the beliefs of the members of this latter community. The scheme of naming in A, that is, will have to be explained in terms of its differences from naming in B, but so to explain will be to exhibit A’s scheme of meaning as lacking in justification, as in some ways defective. To understand the translation-plus-explanation into B will entail for those whose language is B rejecting the beliefs so explained.”

So simply defining terms does not help the situation if somebody claims a clash of traditions is afoot. If a demagogue is accused of inconsistency, they can just return that they have been misinterpreted and that – if they cannot cut it with definitions – they will always be misinterpreted on the point even if they were to try and define their terms. The demagogue’s assertions remain banked in the first-dimension and their audience is expected to accommodate it as a permanent wildcard. The demagogue therefore has a permanent ‘get out of jail free’ card from reasonable rejection.

This is a problem that dogged the early descriptionists in analytic philosophy. They could give various descriptions of a term but it was always an arbitrary decision which descriptions were necessary and/or sufficient to give the meaning of that term. The name Aristotle usually substitutes for the descriptions ‘the teacher of Alexander the Great’, ‘the student of Plato’, ‘the founder of the Lyceum’, and ‘the author of the Nicomachean Ethics’ but precisely which descriptions are necessary and which cluster of descriptions are sufficient to give the meaning of the name Aristotle and how these necessary and sufficient conditions are to be chosen was a hotly debated philosophical quandary. As Searle (1958: 171) writes,

“Referring uses of ‘Aristotle’ presuppose the existence of an object of whom a sufficient but so far unspecified number of [descriptive] statements are true. To use a proper name referringly is to presuppose the truth of certain uniquely referring descriptive statements, but it is not ordinarily to assert these statements or even to indicate which exactly are presupposed... The question of what constitutes the criteria for ‘Aristotle’ is generally left open; indeed it seldom in fact arises, and when it does arise it is we, the users of the name, who decide more or less arbitrarily what these criteria shall be.”
Which descriptions to keep as definitional and which to drop can turn into a deeply divided political issue as the essential contestedness theorists made plain around the same time these descriptionist positions were being formed. Definitions of this sort are the conventional way to repair a defective context-set, according to Stalnaker (2007: 258). To take Stalnaker's example: when somebody is under the mistaken impression that the word 'optician' refers to a specialist dealing with diseases of the eye, they might get worried if I told them 'I am going to the optician this afternoon'. The first-dimension of our conversation is defective, but it can be repaired by telling them something like, "An optician fits glasses, they are not doctors dealing in eye disease". This amounts to defining your way out of a defective context-set. Repairs for ambiguous terms in political argument though are not always as clear-cut. This is because agents are not primarily trying to convey information; they are trying to win the argument. There are genuine incentives to attaching certain criteria to political terms that have nothing to do with informative communication. Each cluster of descriptions for a political term chosen by the user of the term is likely to betray their conception of the good. The question of which criteria to use in these 'cluster concepts' therefore quickly descends into a political argument in its own right. This cluster is not simply limited to the certain descriptions that are supposed to count for the term in question, but also those terms used in the descriptions (as we saw in 1.5). These terms (the definiens) are often equally as ambiguous as their definiendum, e.g. “A democracy is a political association governed by the will of the people”. Defective first-dimensions are not as easy to repair when somebody is not simply trying to convey information but is also trying to win an argument.

Conceptual analysis is one approach to 'repairing' defective first dimensions of context-sets. Yet when somebody is skirting inconsistency by repairing the first dimension from an equally defective context-set, there is a problem. For example, J.S. Mill’s definition of liberty as 'the absence of tyranny' does not necessarily get any closer to repairing the first dimension since 'tyranny' is probably just as ambiguous as liberty. The idea that through each repair we are using less value-laden terminology will be criticized in chapters 4 and 5. If we accept a repair from a defective first dimension, we are no more the better than if we had just accepted the initial reason in the first place – and we can go on asking for repairs ad infinitum without getting anywhere in our analysis of the argument. Individuals can
intentionally or unintentionally play the ‘conversational defect’ strategy to avoid any charge of inconsistency. Political theorists are in the business of repairing defective context-sets in science and everyday conversation, yet if their ruse is to substitute complicated terms for definitions, then there is no way to ensure they are doing this with a non-defective context-set. This licenses the political theorist to dabble in professional demagoguery by cooking up new ways around reasonable rejections. The result is a collection of clever conjuring tricks and not necessarily anything substantive. The tactics engaged in by the early-descriptionists and (to a degree) Stalnaker in his analysis of the context-set are not sufficient to meet the demands of political argument. We have a solid theoretical framework but still no method to overcome the problem of rhetoric. Our only alternative is to change tactic.

The answer to this tactical demand comes by flipping the issue. While non-consistent assertions are still seemingly consistent with some artful fudging of language, can consistent assertions nevertheless be judged to be non-consistent? If we were having a perfectly polite conversation, with you asking how I was, and then suddenly I started barking ‘WOOF GROAR ROWWWAR’ at you, you would be quick to dismiss it as non-consistent (let alone inconsistent) and quick to check me into a mental institution. Yet say I believed that these words translated into English as ‘I feel fine’. I was being perfectly consistent but my belief (genuine or not) that you should interpret what I said into the second-dimension of conversation was unreasonable. I was unreasonable even if I was consistent. Indeed, an attempt at rejecting a policy position by barking would count as an unreasonable rejection in any political community (that I am aware of) even if it were consistent barking.

When somebody is seemingly consistent, what is a reasonable way to prove that they have not hijacked substantive argument with rhetoric? We can interpret the problem of rhetoric now, but this does not mean we have a real-world method for holding agents to substantive consistency. If there were a real-world method to check this it seems like it would fill out what reasonable argument is. We can be both consistent and unreasonable if we are not willing to subject our arguments to this method. So consistency is not sufficient for reasonableness. We can obviously be inconsistent and unreasonable. However, I think that it is impossible to be both inconsistent and
yet reasonable when facing a scrupulous audience. In such a situation, the demagogue will be unable to produce a reasonable rejection.

As I shall argue in the next chapter, such a method exists. The method is one of elimination: eliminating offending terms from an argument and then rephrasing the depleted sentences in a way that preserves their disagreement and/or agreement profiles (i.e. the acceptance or non-acceptance of the sentences by the audience and speaker) without re-using the eliminated terms. This process shrinks the first-dimension of the context set without affecting the second dimension, and makes pivoting with the first-dimension to avoid ascriptions of inconsistency impossible. It does not restrict what we can say. Rather, it restricts the way in which we say it, leading to a more austere language in a piecemeal and structured way. This is a tonic for political theory that can constrain the conjuring tricks that are used to avoid reasonable rejection.
Destructive Conceptual Analysis

"It's a beautiful thing, the destruction of words."\(^{46}\)

It is a common platitude that good political theorists concern themselves with two basic tasks. That is, (1) to make the vocabulary of politics respectable for philosophical analysis in order to (2) assess the coherence of trade-offs between political values and unambiguously interpret empirical questions about such values. We should surely take (2) as a given. Such assessment is necessary in order to ascertain the logical and empirical feasibility of institutionalizing these value-packages (see 1.3). However, doing this does not require that we do (1) first, in fact quite the reverse.

As good political theorists we should ruthlessly eliminate political vocabulary when it is unhelpful to the end of substantive agreement. This does not imply we are greedy reductionists with political values like the utilitarians of old. It is just to put great faith in the expressive power of more austere vocabularies to fill the conceptual boots of such higher-order terminology. Linguistic sensitivity in political argument is only helpful in two specific contexts: during the opening stages of political argument and when agents are not in a position\(^ {47}\) to engage in dialogue (and we have to work out their claims without their involvement). In all other contexts of political debate we should be open to eliminating words whenever, wherever and with whomever we choose. Very few words are sacred in political argument. As I will argue in this section, the only way to call out and reject reasoning that trips the problem of rhetoric as it was posed in the previous chapter is to shrink the first dimension of the context-

\(^{46}\) Syme telling Winston about ‘Newspeak’ in George Orwell’s Nineteen Eighty-four.

\(^{47}\) Just what this ‘position’ entails is not especially mysterious. Probably the most obvious position where this applies is when the agent is dead. Some might suggest that competence in the dominant language is a prerequisite for meaningful argument and they are usually right. However, this does not mean ‘linguistic sensitivity’ should be a one-way street. Communicating, eliminating and rephrasing is a practice just about all human beings can engage in, and the burden should not be solely designated to minority groups. Majorities must accommodate likewise.
set in a piecemeal way that does not restrict what can be expressed in the second dimension. This is a solution that can be formalised in terms of the two-dimensional modal semantics in which the problem was posed.

This is a particular brand of conceptual analysis. Standard conceptual analysis involves substituting words in a sentence for descriptions or synonyms in a way that preserves the meaning (or truth-conditions) of that sentence. What is peculiar to my brand is that we substitute the whole sentence, not just the single word. Certain words are picked from the initial sentence that are to be eliminated from further analysis and then, with these constraints in mind, the sentence is substituted for another sentence that shares the same relevant truth conditions (i.e. it would come out true in the same possible worlds relevant to the subject-matter). In so far as speaker or audience cannot give a reciprocally acceptable substitute sentence without using the words that have already been eliminated, then any posture (be it acceptance or contestation) they took towards the initial sentence was of no substance. Any disagreement over the sentence is pointless and any agreement is unstable.

Instead of giving definitions for suspect terms then, which leads to the rhetorical regress (as in 1.5), we eliminate them from further argument and rephrase any statements that happened to use them in the past. Coupling this method with Scanlon’s reasonable rejection thesis we fill out the requisite constraints of political argument, and bottom out at substantive and stable agreement. This method overcomes the problem of rhetoric. With it we can decisively interpret the sentence 3: ‘S can be reasonably inferred from the context of the prior conversation’. Such a sentence (3) is presupposed with every assertion (S) in political argument and so a decisive interpretation of it gives us a decisive interpretation of the framework of political argument.

The brand closely follows David Chalmers’ (1996, 2011 & 2013) analysis of verbal disputes and vocabulary exhaustion but is chosen more for practical reasons than philosophical. By the piecemeal elimination of terms in an argument the first dimension of an argument’s context-set contracts. The fewer terms and phrases arguers have to draw on, the less opportunity there is for them to fudge their arguments by way of defective context-sets. By removing tricky terms the means
arguers have to mislead themselves and/or their audience will be restricted. The rub is that we do not constrain what we can say, just the manner in which we say it. One of the most important features of the two-dimensional framework is that it clearly distinguishes between the vehicles of meaning (which we are trying to restrict) and its content (which we are not). The position arguers find themselves in after dabbling with this sort of conceptual analysis resembles the straitjacket of Rawls' original position, but unlike the original position there is no artificial restrictions on information or any sort of dubious hypotheticals at play. Contractors reach their position gradually and methodically (they strap and buckle their jackets themselves) in a way that is almost as natural as the procession of any old conversation.

The method leads to an inversion for political theory. In the face of confusion and disagreement, many political theorists have given great store to the explication, clarification and reconstruction of political terminology (1). The argument in this chapter, on the other hand, gives great store to its destruction.

3.1 The Right Sort of Abstraction

There are currently three dominant approaches to abstraction in political theory. Each is used to "facilitate the potential bridging of the difference between identifiable and general interest" (Buchanan, 1987: 247) in argument. John Rawls' original position (1999 [1971]) bridges this difference by imposing artificial constraints on information so that contractors are unaware of their own identifiable interests. Jürgen Habermas (1984) does the bridging by imposing 'ideal speech conditions' that ensure an equal footing and amicable intention for all arguers regardless of their social positions. Finally, James Buchanan's 'veil of uncertainty' (1987, 1988 and 1991) abstracts from

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48 This is my problem with the scientific theory-building approaches to conceptual analysis (see Chapter 4). They claim that certain schemes, possessed by certain well-informed arguers, are superior to other arguers, which I think is assumptive at best.

49 Habermas suggests these conditions ensure that "the structure of the ideal speech situation (which means that the discourse is) immunised against repression and inequality in a special way... The structures of a ritualised competition for the better arguments... The structures that determine the construction of individual arguments and their interrelations" (1984: 25). It should also be noted that Habermas does not align himself with the contractarian tradition however I still find his arguments relevant to the discussion at hand.
the actual effects of constitutional choice to a level of generality where arguers cannot be sure of the choice’s specific impact on their identifiable interests.

These abstractions are ideals only and are usually practically unrealizable. While there is nothing wrong with it as such it does give opponents of liberal theory grist to work with. Incompletely meeting the ideals can often rig the abstractions to serve certain interests at the expense of others. Restricting information on an arbitrary basis, generalizing to uncertainty only some of the time and removing only a few special interests from the speech situation will rig the choice situation arbitrarily in favour of the certain lucky interests that are served by such an arbitrary distribution of information (Lukes, 1972; Nagel, 1973; Pettit, 1974; Sen, 2009), certainty (Müller, 1998) and representation (Sanders, 1997; Przeworski, 1998; Mouffe, 1999; Young, 1996, 2000, 2001). Accusations that the mechanisms rig the deck in favour of ‘Western individualism’ (Macintyre, 1988; Taylor, 1989; Sandel, 1998) that typically get hurled over from the communitarian side of the fence are therefore not altogether easy to overcome. I call this (rather loosely) the communitarian critique. I must note though that many of the authors cited in this paragraph strongly reject the communitarian critique of liberalism. However, I suspect they would concede that the particular critiques referenced could, in isolation, be used to bolster the communitarian position.

My proposal is a fourth type of abstraction for political theory that functions within the scope of reasonable rejection. On top of other benefits like precision I do not think it leaves the door open to a communitarian critique. In fact, I think it overcomes all the criticisms of abstractionist strategies in liberal political theory referenced above. What is more, it completes the thesis of reasonable rejection that has been frequently criticized for not abstracting and makes it ripe for application in political theory. Indeed, as the thesis of reasonable rejection has so far been developed (Scanlon, 1982 & 1992; Barry, 1996; Dowding, 2013) there has been no candidate abstraction to supplement it with. This has left the thesis incomplete. The critic can charge anybody waving the reasonable rejection card with simply imposing his or her own biased interpretation of ‘reasonable’ onto the argument. Indeed, Phillip Pettit suggests such a complaint is common,
“A problem for Scanlon’s approach that is often raised is that he needs to be able to explain what it is that makes an objection or complaint reasonable, without appealing to non-contractual matters; otherwise, his theory won’t be a properly contractual account of what rightness or justice is. A similar difficulty arises for Barry. He doesn’t ever explain how to tell if a complaint is reasonable, and this means that the heuristic he claims to use is underspecified. Good as his discussions of particular issues are, it is not unequivocally clear that they are governed by an independent heuristic. In leaving the notion of what is “reasonable” undefined, he gives himself a suspect degree of freedom in developing his views; he leaves himself free to go where intuition leads, bending the heuristic to his purposes.” (Pettit, 1996)

Rawls, Buchanan and Habermas used their abstraction devices as analytical constraint to fill out the specification of reasonableness and rationality in a way that did not just rely on their intuition. Reasonable rejection theorists are yet to offer such constraint. Where Rawls and Buchanan’s contractors could exercise a ‘no questions asked veto’, the reasonable rejection thesis maintains that any veto exercised in the contract situation must be justifiable in political argument. This is a strategy to ensure vetoes could only ever be exercised in the general interest rather than in self-interest. Yet if somebody were to completely bullshit me with fine-tuned obscurant rhetoric I might have to cave and accept their position as reasonable because they say it is and I have no way to call them out on it. The so-called general interest supposedly preserved in argument can quickly become the demagogue’s own self-interest. What we need is some sort of device that we can constrain the demagogue with to make sure they do not impose their particular interests into considerations of reasonableness.

Dowding (2013) has suggested Barry’s interpretation of ‘reasonable’ in *Justice as Impartiality* can be filled out by the notion of consistency developed in Barry’s earlier work *Political Argument*. As I have suggested in the previous chapter though this account of consistency is quite complex especially when it relies on a Gricean theory of meaning (as Barry does, see 2.3.5). If we update it to fit with benign two-dimensionalism things start to look more promising. Consistent conversation is conversation constrained by C1, C2 and C3 in the second dimension of discourse. Yet individuals could still circumvent any decisive interpretation of inconsistency by gerrymandering the first dimension. They can re-define their way out of trouble and claim they were simply the victims of faulty interpretation. If we cannot determine what has been said, then we cannot determine whether what was said was consistent or not.
This is a problem that does not warrant giving up on the thesis of reasonable rejection. In fact, it gives us the hook we need to pursue the proposed fourth type of abstraction. What we need to abstract from in order to overcome the problem is the opportunity for arguers to idiom skip their way around reasonable rejection. That opportunity comes in the first dimension of discourse. We are therefore not concerned with any sort of abstraction on the second dimension, unlike Rawls, Habermas and Buchanan who all abstract from the second. With their abstractions, the common ground between arguers over the facts that determine whether what is said is true is being restricted. I suggest we should instead restrict the facts that determine what is said.

So this fourth kind of abstraction must be abstraction in the first dimension (unlike the other three) to overcome the principal objection to reasonable rejection. If we can do this in an acceptable way I see very little prospect for any sustained critique of this interpretation of political argument: the thesis of reasonable rejection will be complete.

### 3.2 Verbal Disputes and Non-substantive Reasoning

While benign two-dimensionalism has so far provided the machinery of the account, it is still missing its key. We have located the problem of reasonable rejection in the first dimension of discourse but so far have not argued for any method to overcome it. The context-set discussed in the previous chapter gives the interpretation of context of the prior conversation in the sentence ‘S can be reasonably inferred from the context of the prior conversation’ however a decisive interpretation of ‘reasonably’ and reasonable inference is still blowing in the ether. This section proposes a decisive interpretation, which serves as the key to the machine.

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50 I suppose Habermas' ideal speech conditions do not technically restrict what can be acceptably said and rather restrict the position from which something is said. Some might suggest then that he shares my lack of concern with respect to abstracting in the second dimension. However, changing the conditions from where a speaker is speaking from does not change the facts that determine what was said. Perhaps what was said would not have been said (or said very differently) if there were greater inequalities present, but nothing has changed with respect to the facts that determine what was said. What it does is increase the level of trust that what somebody is saying is true (especially when they are talking about themselves) or at least concerned with the truth. This is a function on the facts that determine whether what is said is true or not and acceptable or not. Ideal speech conditions therefore pertain to the second dimension of conversation rather than the first.
Definitions will not start the engine. If a term is being hijacked for political gain and we think we can strictly constrain the first dimension by asking the hijackers to give us a definition, we are being naïve. We can be led in circles quite easily. William Connolly (1983: 85-139) suggests the term ‘social power’ is given an inflated definition when arguers want to attribute responsibility to agents and deflated when agents want to avoid responsibility (with the deflated version usually being the one trumpeted by authorities). The terms that are added and removed might include persuasion, manipulation, coercion, deterrence, anticipatory surrender, force and so on. Yet none of these terms have a hard and fast definition either (especially manipulation and coercion) and so can likewise be inflated and deflated to serve political interests. The statement, ‘All those with social power must be held accountable in ways a, b and c’ might therefore be quite empty despite seeming to be a well-formed and meaningful sentence. In theory, a political leader could make this statement and – if their demagoguery and linguistic gerrymandering is good enough – avoid the inference with no inconsistency that they, despite being a political authority, must be accountable in ways a, b, and c. Of course there will be some constraint and I am by no means suggesting that it would not help if a politician defined some of the terms they were using, but it is not strict constraint in a way that is aspired to by most (most) political theorists. Given academic discourse usually aspires to more rigorous and precise discourse than parliamentarians, the linguistic gerrymandering problem is more pronounced in academia. I will further critique this strategy of ‘description finding’ or definition giving for political terms in the following two chapters and so will leave the discussion here for now.

The key is not in finding descriptions that preserve the truth conditions of sentences when they are substituted for political terms, but to find candidate sentences that can be substituted for the initial sentence in a way that preserves agreement profiles. By agreement profile I mean the sentence’s acceptability with respect to the second-dimension of the context-set – whether or not the sentence is still true given the presupposed facts (see 2.4.2). Political theorists should therefore subscribe to the mantra of ‘sentence finding’ rather than ‘description or definition finding’. This strategy has been adopted by David Chalmers (2011 & 2013) to identify a set of pointless disputes in philosophy. Instead of substituting a political term T for a
description, we eliminate $T$ and substitute the whole *sentence* in which $T$ was used. We rephrase the sentence in a way that preserves its truth-conditions but which does not re-use the term $T$. Crucially, the term $T$ is then eliminated from the remainder of our argument. Slowly our vocabulary will be diminished and we will start speaking in increasingly austere ways. If we cannot rephrase the sentence $\exists$ without using $T$ in a way that preserves $\exists$'s agreement and disagreement profiles then this is evidence that the agreement or disagreement was purely verbal in nature and not at all substantive. The agreement or disagreement we register over $\exists$ is explained "in virtue" of our agreement or disagreement over some trivial linguistic fact (Chalmers, 2011: 523). This trivial linguistic fact is part of the first dimension of discourse so we ideally shrink the first dimension by removing that fact from the context-set and with it the possibility of disagreement over important political subjects being explained in virtue of that trivial disagreement. While Chalmers does not explicitly utilize Stalnaker's framework, his analysis fits neatly within it.

An agreement profile catalogues each agent’s disposition to agree or disagree with the sentence $\exists$. Say the set of agents in an argument contains $i, j$ and $k$. A complete agreement profile for a sentence $\exists$ used in the argument would look something like the following,

Agent $i$ agrees with $\exists$, agent $j$ disagrees with $\exists$, agent $k$ agrees with $\exists$.

When argument takes the guise of justification the subject sentence $\exists$ of the acceptance profile is not directly representing anything about the argument’s subject matter. Instead $\exists$ contains an embedded sentence $S$ where $S$ directly concerns the argument’s subject. The profile would contain the agents' agreement to the sentence $\exists$: ‘$S$ can be reasonably inferred from the context of the prior conversation’, rather than their agreement with the truth of $S$ itself. Agents do not have to agree or disagree with the truth or falsity of what is said with respect to the subject matter (i.e. $S$). They only need to agree or disagree over whether or not what is said ($S$) follows from what has been said ("the context of the prior conversation" or in other words the context-set). In political theory we must therefore substitute the embedded sentence $S$ for another without using the eliminated term and see whether we can preserve our
agreement or disagreement over the embedding sentence 3: ‘‘S’ can be reasonably inferred from the context of the prior conversation’’. That is to say, to see whether the supposed second dimensional function of \textit{S} can be preserved once the first dimension has been adequately constrained (i.e. shrunk). This way we can make it increasingly difficult to tolerate the two first-dimensional defects to the context-set described in sections 2.4.3.1 and 2.4.3.2.

This is no doubt a complication that is not needed in Chalmers’ philosophical account – which focuses more on factual claims independently of argument and justification – however I do not think it should dent the plausibility of my account. The correct interpretation of the embedding sentence 3 has been one of the principal concerns for the dissertation so far. The proposed interpretation suggests individuals must be open to substituting the embedded sentence \textit{S} for another in a way that preserves the agreement profile of the embedding sentence 3 and also does not contain the chosen word \textit{T} eliminated from \textit{S}. Unless this occurs there is no adequate interpretation of ‘reasonableness’ that I can think of and the whole process of political argument is left in the theoretical doldrums. This proposed interpretation is what I call destructive conceptual analysis.

Destructive conceptual analysis is the proposed fourth type of abstraction for political theory. It ties off the interpretation of reasonableness in the thesis of reasonable rejection. The sentence 3 ‘\textit{S} can be reasonably inferred from the context of the prior conversation’, which is the presupposed sentence framing all reasons that are given in political argument, therefore has a precise and methodological interpretation.

We tie the interpretation of reasonableness off by introducing the elimination constraint on top of the three conditions of consistency introduced in 2.5. If political theorists cannot rephrase their point then we can assume there was not much of a point to begin with. If they nevertheless maintain that their point should be accepted into the second dimension of the context set then they are simply being unreasonable and their proposed justification can be rejected as unreasonable. Arguers must be willing to engage in elimination if they are to frame their argument in a way that is open to reasonable rejection. In the same way that scientists propose falsifiable
hypotheses, political theorists must propose rejectable argument and to do this they must be willing to eliminate. What is more the process of elimination proceeds gradually (word by word, rephrase by rephrase). In this sense it does not leave the door open for the communitarian critique outlined in the previous section. It is a different brand of abstractionism that can sidestep the criticisms hurled at the ideal abstractions of Rawls, Buchanan and Habermas. This brand occurs gradually and by piecemeal. It pays heed to Simone Chambers’ (1995: 250) suggestion that “consensual agreement, if and when it does emerge, emerges gradually and is fragmentary and partial”. It does not restrict information, generalize to uncertainty or represent particular interests in an arbitrary way but still aims towards an ideal where there is no room for self-serving rhetoric or unequal bargaining positions.

3.3. Bedrock, Formality, Subscript and Competency

This section will follow Chalmers’ paper ‘Verbal Disputes’ to defend the method of elimination against potential philosophical qualms. It is not to defend the method in philosophy \textit{per se}, but to defend its philosophical respectability for use in political argument. In particular, the austerity aimed at encourages the charge of ‘reductionism’ that has developed into an insult in many academic departments, particularly in the social sciences, and one that has (in my mind, hastily) been directed at my approach. Frankly, I am not sure why my proposed abstraction could be construed as reductionist and, for instance, Habermas’ could not but the only way to defend the account from such a charge is to explain the philosophy behind it as best one can and show that there are no unappealing assumptions lurking in the fog.

The set of pointless disputes Chalmers is concerned with is what he calls verbal disputes. He defines them accordingly,

“\begin{quote}
A dispute over \(D\) is (broadly) verbal when, for some expression \(T\) in \(D\), the parties disagree about the meaning of \(T\), and the dispute over \(D\) arises wholly in virtue of this disagreement regarding \(T\)” (2011: 522).
\end{quote}

\textsuperscript{51} Where I use \(D\) Chalmers uses \(S\). I have changed the symbols here to accommodate the differences between political and philosophical argument and maintain the usage of \(S\) for the embedded sentence as per the previous section.
For example, Frank says to Jill in conversation ‘I got to the bank this afternoon’ but Jill does not accept the assertion. Jill knows Frank did not go because she was there all day trying to take out a mortgage on her house. Frank however meant that he had finally been able to swim from his jetty to the riverbank on the other side of the river. The disagreement is entirely verbal and would be overcome by eliminating the term ‘bank’ since there are no other words that range over both the financial institution and the land that slopes down to a river. The quote seems to imply that disagreement has to be dependent on one term $T$ and one term alone. However, I see no reason not to allow for there being multiple terms in the contested sentence that are sufficient to render the disagreement verbal.

While Chalmers focuses on philosophical disputes and disagreement, he suggests (in passing) that acceptance and agreement can also be merely verbal (Chalmers, 2011: 526). So if agents accept $\mathcal{S}$ in virtue of some disagreement over the meaning of some term $T$ in $\mathcal{S}$, then this acceptance is just as non-substantive as a verbal dispute. As suggested in the introduction (1.5.1) this sort of non-substantiveness is plausibly even more destabilizing than non-substantive disagreement. Take another example: Frank and James are getting ready to go camping. Frank finishes loading the car and exclaims loudly ‘Let’s go camp!’ James nods but then returns to his room. An hour later he returns dressed completely in drag. Verbal agreements can lead to inefficiencies (to the tune of an hour for the campers) just as much as verbal disagreements. With the addition of purely verbal agreement and acceptance some might query whether Chalmers’ definition applies to reasons that are accepted in discourse but have no interpretation from the first-dimension into the second-dimension (see. 2.4.3.2). This query demands an innocuous revision to Chalmers’ definition,

A dispute over or acceptance of $D$ is (broadly) verbal when, for some expression $T$ in $D$, the parties have defective beliefs about the meaning of $T$, and a necessary condition for the particular dispute or acceptance over $D$ is the defective beliefs regarding $T$.

Since there need not be any genuine “disagreement regarding $T$” to trip the problem of rhetoric, this revision is mandatory for my interpretation of political argument but does not seem to significantly alter Chalmers’ position. The above definition generalizes the phenomenon of verbal disputes into a large (possibly exhaustive) class
of linguistic gerrymandering that, as I have defined it, constitutes the problem of rhetoric. Without the benign two-dimensional framework’s interpretation of defective beliefs about the meaning of $T$ (a defective first-dimension of the context-set) I doubt such a generalization would be possible. It captures both scenarios that trip the problem of rhetoric, as described in 2.4.3.1 and 2.4.3.2.

The principal philosophical qualm with this account is probably with respect to the idea of vocabulary exhaustion. If we are so ruthless with our elimination of words surely there will come a point where we can no longer say anything at all given we have eliminated every possible candidate word for making our point. If somebody has eliminated all their words (and the first dimension is completely empty) they obviously cannot say anything more because they have nothing with which to say it. The question then becomes where the stopping point is along with the caution that if we specify a stopping point we have to explain why it is not an arbitrary and non-neutral stopping point. Another way of putting this is that the first dimension of the context-set cannot be shrunk to such a degree that it removes the possibility of making proposals to discard certain possible states of affairs from the context-set’s second dimension.

There are terms that cannot be eliminated. There are terms where we have to say something like, ‘No, this one’s bedrock.’ This begs the question though, if there are certain words that cannot be eliminated then why not claim terms like ‘freedom’ and ‘equality’ are bedrock? Surely they are important terms with important histories that take on conceptual distinctions that cannot be captured with other words. Political terms have, perhaps more than any other set of terms, stood up to “the long test of survival of the fittest” in our ordinary discourse, as J.L. Austin put it, and are therefore “more subtle, at least in all ordinary and reasonable practical matters, than any that you or I are likely to think up in our armchair of an afternoon” (1970: 182). They are important terms with important histories, but I maintain any conceptual distinctions that they capture can be described with alternative ‘non-political’ terms. Perhaps these terms might require more complicated sentences that are far from elegant, but elegance and complication are not the concern of the political theorist.
The privileged set of non-eliminable terms does not include any of the stock political vocabulary. They are not ‘bedrock terms’ that are used in, what Chalmers calls, ‘bedrock disputes’. If we were to eliminate bedrock terms on top of every other term we would lose our ability to make substantive distinctions concerning our subject matter in the second dimension of conversation. If we were say to eliminate all moral terms like ‘right’, ‘ought’, ‘good’, etc. then we may agree on all the non-moral facts but still disagree on what the right thing to do is and have no way of stating our disagreement. It would be philosophical overreach to say all moral agreement and disagreement is non-substantive. Eliminating all our moral terms aside from ‘the good’ gets us to bedrock: “a substantive dispute involving a concept so basic that there is no hope of clarifying the dispute in more basic terms (Chalmers, 2011: 543).

We can play the ‘bedrock’ card (which might be considered argumentative trumps by some) only rarely. Some might suggest that there is no hope of clarifying disputes using political terminology in more basic terms. They might suggest that there is no reason to attribute the predicate ‘verbal’ to certain disputes in political argument anymore than there is reason to attribute them with the ‘bedrock’ predicate. Such a claim implies a theoretical indeterminacy to Chalmers’ account and suggests that the bedrock card can be played indiscriminately – thus stagnating my hope of a decisive method to judge reasonable political argument. Given we cannot rephrase moral disagreements without the term ‘good’ and its cognates, why say that these are bedrock disagreements whereas when we cannot rephrase disputes once we drop the term ‘social power’, for example, we say that they are verbal disputes?

One answer I think is to simply point to instances where disputes between competent speakers have or could have been explained by using more basic terms. Cranking up the competency metre, assume arguers take their interpretation of ‘social power’ from one of the prominent interpretations in the academic literature. One arguer might be shocked to hear the other assert that S: ‘the owners of capital have just as much – if not more – social power in modern liberal democracies as voters do’ and register strong disagreement. Say they have been reading Chalmers (or this chapter) and suggest the method of elimination to sort out this odd disagreement. They find it odd because they were agreeing on everything up to this point. So they eliminate the term ‘social power’ and attempt to find an acceptable rephrase but to no avail. Arguer i
rephrases the dispute as A: [the owners of capital have just as strong – if not stronger – an ability to overcome resistance (Weber, 1978, Barry, 2002; 2003) in modern liberal democracies as voters do] whereas arguer j rephrases it B: [the owners of capital have just as strong – if not stronger – an ability to deliberately alter the incentive structures of others (Dowding, 1991) in modern liberal democracies as voters do]. Neither accepts the other’s rephrase which proves that their original disagreement was verbal. Yet why is this not a bedrock dispute? The answer is that competent users can give candidate rephrases whereas with bedrock disputes they cannot.

3.3.3 Conceptions of the Good as Bedrock

Consider again a moral dispute. Agent i says ‘It is morally wrong to eat meat’, which arguer j disagrees with. I do not think this dispute can be put in more basic terms other than more specific descriptions for ‘to eat’ and ‘meat’. One intuitive way to bring this out is by eliminating ‘morally wrong’ and trying to rephrase the disagreement. If we bar rephrasing in terms of cognates of ‘morally wrong’ like ‘immoral’, ‘should/ought not’ and of course ‘good/bad’, I do not think arguers i and j could even propose candidate rephrases. After ‘social power’ was eliminated i and j proposed A and B respectively, but neither one accepted the other. The very ability for i and j to propose A and B is enough, I suggest, to render their disagreement over S as being verbal. On the other hand, once the moral primitives are eliminated the possibility of proposing candidate rephrases – whether or not they are accepted – is off the table. This inability of competent language users to propose candidate rephrases is a consequence of attempting to eliminate bedrock expressions. Such a consequence is not explicitly sketched in Chalmers’ account but I think it follows quite naturally. A dispute is verbal when there is a set of candidate rephrases, where to be a candidate one of the arguers has to deem it acceptable (a condition of it being proposed in the first place!) A dispute is bedrock if the set of candidate rephrases among competent arguers is empty. This puts any suggestion that essentially contested concepts are bedrock expressions on the wrong track (this will be pursued further in 5.1).
Some might accuse me of fudging my way around their philosophical qualms by introducing the term 'competency' to explain the difference between bedrock and verbal disputes. I suppose this might skew some armchair political arguments. However, as I hope I have made plain, the method I am proposing is for academic discussion more than parliamentary discourse or pub debate and so a degree of competency can be assumed (at the very least, it is usually assumed by the broader public). If somebody can state a rephrase for a dispute that was assumed to be bedrock once the assumed bedrock expression had been eliminated, then the assumption of bedrock was obviously wrong. Questioning the platitudes of bedrock ascription is one of the jobs of philosophy. Other disciplines (like political theory) are well served to assume such ascriptions are the most competent ascriptions humankind can produce and so the use of the term 'competency' is here justified.

There is one problem left over. If political terms are appraisive (i.e. they praise certain states of affairs as 'good') why not rephrase disagreements over 'the good' in terms of political terminology rather than vice versa? I think the latter – which is my suggestion – is certainly the more intuitive, but to bolster this intuition we need a technical justification. A thought experiment fits the bill. A linguistic community without a simple expression referring to freedom but with a robust natural language would still be able to meaningfully refer to the same property (with a conjunction or disjunction of other terms) and represent the same possible worlds as those communities that possessed the expression. That is, they would still be able to describe the property of freedom with a complex of other expressions including some expression for the good. A linguistic community without an expression for the good on the other hand might be able to talk about 'social justice' and 'freedom' but they would not be able to describe these properties as appraisive and accordingly explain why they count for points in political argument. Somebody who disagrees with their arguments would be able to swiftly reject them by demanding an explanation why such properties serve any function in justifying their position. The individual would be able to reasonably reject the community’s political arguments whenever they so chose. Another way to put the distinction is that political terminology is ‘essentially contested’ (as far as Gallie is concerned) in so far as individuals have different definitions for the terms whereas conceptions of ‘the good’ might be construed as essentially contested in so far as individuals pick out different extensions with the
term despite being unable to give a definition for it. Chalmers does not (to my knowledge) subscribe to this rationale for breaking the indeterminacy between bedrock and non-bedrock disputes/expressions and seems to rely on intuition to make his case, but we share the same conclusions concerning the method of elimination’s analytical prowess and the existence of these bedrock expressions.

Chalmers draws up a rough and provisional list of suggestions for these bedrock expressions. One of the powerful things about his account is that “the question of which concepts are bedrock is a successor to the question: what are the concepts in terms of which all other concepts can be defined or analyzed? But unlike that question, it does not require that definitions and analyses are possible” (2011: 550). It flips old philosophical debates about the interpretation of primitive expressions on their head. A laundry list of primitives will do with no definition necessary. Unless someone can come along and propose candidate rephrases of bedrock disputes without using any of the proposed primitives, the list stands.

Here is a candidate list gleaned from Chalmers’ article,

1) ‘Consciousness’
2) The ‘good’ (and cognates like ‘moral’, ‘right’, ‘better than’, etc.)
3) Existential and universal quantifiers (‘There is an x such that’ and ‘For all x such that’)
4) Basic indexicals (‘I’, ‘me’, ‘here’, ‘you’) and demonstratives (‘that’, ‘this’)

Possible additions might include,

5) ‘Possibility’ and ‘necessity’
6) ‘World’ or ‘state of affairs’

Some might note that I have not included sentential connectives like negations, conditionals, conjunctions, disjunctions, etc. in the above list of primitives. Sentential connectives can be interpreted in terms of Stalnaker’s model of discourse, so they have not been included (Chalmers does not include them either). The above list exhausts the extension of ‘essentially contested concepts’ and therefore closes the

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52 Although note Dennett’s retort in *Intuition Pumps* (2013: 310-318).
open-ended nature of language in political argument that otherwise rendered Gallie's thesis so inclusive that it was meaningless (see section 2.1).

There is one set of bedrock expressions that are especially important for my interpretation of political argument. They are the set of moral cognates introduced in this section's opening paragraph. Different conceptions of the 'good' are treated as basic along with its cognates like 'moral' and 'better than'. This mirrors the bedrock nature of the 'good' in liberal theory and the political problem introduced in the introduction (1.2), namely, how can we peacefully coexist given we have different interpretations of the good? We should avoid focusing on what these conceptions of the good ought to be or what the correct interpretation of the word is and instead focus on what can be done given these differing conceptions exist – which are bedrock disputes for all intents and purposes. Destructive conceptual analysis shares with liberal theory an agnosticism towards conceptions of 'the good'. It is accordingly a perfect fit: we can use it to complete the thesis of reasonable rejection without violating any of the liberal assumptions that led to the thesis in the first place.

Say we agree on all the relevant empirical facts but I claim it is morally wrong to eat meat and you disagree. The political question is not who is correct, but rather how to ensure a peaceful coexistence given this difference of opinion over the good. It might happen that there is no way to peacefully coexist if one interpretation is tolerated. We can quite meaningfully talk of our conceptions of the good and therefore which conceptions can be tolerated and which not, but we cannot expect to be able to change such conceptions with the mechanism of political argument. It is the job of political argument to justify to those whose interpretations of the good are not tolerated why their conceptions had to be chopped and why they should tolerate the compromise. That is, pre-empt any candidate rejections from the losers' conceptions of the good.

When we remove the term 'good' and its cognates like 'moral', the verbs 'should' and 'ought', and the two-place predicate 'x is better than y' it seems highly unlikely that a

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53 For example, budding economists might prefer to use the two-place predicate 'x is better than y' that is a rough cognate of the term 'good'.

54 The circularity of this statement is hopefully obvious. The 'should' here implies a conception of the good to interpret other conceptions of the good, which is of little interest (presumably) to adherents of the other conceptions.
candidate rephrase of a sentence that initially used those terms could be proposed. We can still give reasons for and defend our conception of the good, but there is no room for a decisive reasonable rejection of that conception because we cannot hold such reasoning to account through the rephrasing constraint. We cannot constrain them accordingly simply because they will not have the linguistic resources needed to rephrase. They cannot rephrase irrespective of whether other arguers could accept a rephrase (if a rephrase were possible) or not.

3.3.1 The Subscript Gambit and Tradition

Arguers may not wish to drop eliminated terms from their argument altogether. The process of elimination might be - despite yielding a decisive result - messy and pedantic to maintain over the course of an ongoing conversation. This is especially the case when there are large numbers of participants (as there usually is with political arguments). For example, arguers might wish to retain the word ‘justice’ in conversation even though they accept they have different interpretations of the word. In such a case we introduce subscript for the different interpretations: arguer i is talking about ‘justicei’ and arguer j is talking about ‘justicej’, say (Chalmers, 2011: 532). Ideally, we would be aware of all such subscripts and how they link up with one another. That is, we would ideally be able to draw up classifications of homonyms. This roughly amounts to the Cambridge School’s programme of historical exegesis (see chapter 4).

A set of subscripts attached to their respective political terms seems like it would specify what Macintyre refers to by ‘tradition’ or at least be an acceptable alternative. He says, “Names are used as identification for those who share the same beliefs, the same justifications of legitimate authority, and so on. The institutions of naming embody and express the shared standpoint of the community and characteristically its shared traditions.” (Macintyre, 1988: 378). Identifying different naming schemas amounts to identifying different traditions. Such schemas might look a bit like the following,
The listed words can be translated into their equivalents in other natural languages (like French, Chinese, Arabic, etc.) so long as their subscripts are preserved. That is, if we were to translate the above three traditions into Arabic, there must be no change in the classifications given above. Certain schemas might not utilize a word that is typically used to demarcate traditions, in which case we just have to denote the word with the subscript 0, as in ‘Equality₀’.

By my interpretation, such schemas should not constrain political argument. Arguers do not have to use a tradition as their guidebook on ‘how to argue’. That is a horribly conservative idea. All these schemas are good for is to track the verbal disputes that would arise if these traditions were to encounter each other for the first time. Provided argument has a method to deal with verbal disputes, nothing more needs to be made of it (contrary to Macintyre, 1988; Taylor, 1991).

3.3.2 Semantic Externalism and Specialization

Consider the following infamous quote,

"Hee that in his actions observeth the Lawes of his Country, make but one Name, equivalent to this one word, Just" (Hobbes, 1996: 103).

Hobbes thinks that justice is whatever the Sovereign wills. Bureaucrats and lawyers can squabble over what they think justice is, but they will be either right or wrong depending on their guess of the sovereign’s decision. When there is irresolvable conflict, the Sovereign steps in and decides the issue:
One might say that the man on the street in Hobbes’s Commonwealth is a layperson on matters of justice, the bureaucrat or lawyer a junior specialist and the Sovereign itself the only bonafide specialist. When non-chemists talk about ‘gold’ they do so in a way that allows chemists to be the ultimate arbiter of the term’s extension. I may well think what I have in my hand is gold and assert just that, but I would stand corrected and admit that what I said was false if a chemist came along and assessed its chemical composition and it turned out to be fool’s gold. Millikan (2010: 47) explains, “there is a ‘division of linguistic labor’, whereby certain experts are in charge of really knowing the meaning of certain words while the rest of us take out loans from experts”. We accept that what we say can be determined as true or false by reference to authorities in the matter. That is, we might be communicating perfectly with our audience from a non-defective context-set but all the while be unable to perfectly determine the extension of what we are saying (see Kripke, 1974; Putnam, 1975: 448; Stalnaker, 1999 [1978]: 78-96; Millikan, 2010). An individual in Hobbes’ Commonwealth accepts that only the Sovereign can decisively determine the extension of the word ‘justice’, but this does not stop the individual meaningfully talking about justice. If the reader is finding such talk of justice too antiquated, think of the way in which we talk of ‘the law’ and ‘valid law’. We cannot determine the extension of the law in all cases and often rely on judges and other legal experts to do so.

This tangent is designed to dodge a possible counter to my interpretation of ‘tradition’ in 3.3.1 and to give a theoretical underpinning to my appeal to competency in this section (3.3). Some say (and Macintyre appears to hint at it from time to time) that the dominant texts in a culture are also necessary to filling out a tradition. For example, the bible was central to determining the extension of the word ‘justice’ for the tradition of Augustinian Christianity. Especially in the pre-reformation period, the bible remained in Latin and the layperson was forced to “take out loans” (Millikan, 2010: 47) from the educated elite, the Latin-speaking clergy. It is not just religious
texts that ground traditions – all kinds of literature (legal, philosophical, political, etc.) have had influence over traditional patterns of justification. Yet I still maintain that a schedule of subscripted terms can capture this phenomenon. If the Sharia ‘tradition’ of Islam looks to the Quran to determine the extension of their word for ‘justice’ and the Hobbesian realist ‘tradition’ looks to the Sovereign, then the Sharia tradition uses ‘justice₁’ and the Hobbesian tradition uses ‘justice₂’.

The way the extension of the word is determined is a first-dimensional matter. It is a fact that determines the content of what is said rather than a fact that determines whether what is said is true (in the context of the conversation). If I were to claim ‘The just response is to avoid subsidizing healthcare essentials’ in a Hobbesian Commonwealth, I am making a claim the content of which I expect the Sovereign to corroborate, but if the Sovereign does not, then I admit that my statement was false. If somebody disagreed and retorted, ‘It is the just response to subsidize healthcare essentials’, with the expectation that some Ayatollah somewhere would interpret the Quran accordingly, then we are having a purely verbal dispute (see also Hirsch, 2005; 2009). We would be unable to rephrase the disagreement without the word ‘justice’. This is not to say that verbal disagreements do not occur within traditions as well. Often disagreements will turn on mistaken views of a linguistic community’s determination of a word’s extension and such mistakes will also constitute verbal disputes (Chalmers, 2011: 519-521).

3.3.3 Political Theory as ‘Hair-splitting Pedantry’

If the extension of ‘justice’ is to be determined by the Sovereign, say, ‘the law’ by certain judges, and ‘equality’ by the broader linguistic community, what is the point of political theorists? This is a pressing question even if you do not buy into Hobbes’ authoritarianism. What justifications can political theorists give for being authoritative over political terminology? As I shall argue in the following two chapters: none. Political theory is tasked with analyzing the feasibility of institutionalizing certain value-packages (both with respect to their logical coherence and in setting the parameters to assess their real-world practicality). However, if it does not determine the extension of the vocabulary used in value trade-offs or the
vocabulary used in the questions that frame political science, how can it? Indeed, if it cannot, is there any point to the discipline?

By my interpretation of political argument there is a point to political theory so long as it is characterized by hair-splitting pedanticism. We can only be confident of substantive policy positions if our agreement and disagreement has been thoroughly—to the point of pedantically—subjected to the method of elimination. If political theory subjects justifications of trade-offs and empirical questions to the destructive brand of conceptual analysis, we can say there is much import to it. Political theorists would be specialists in whether particular political arguments are substantive or not. Philosophers, political scientists, commentators and the broader public all lodge claims to the political theorist, who then assesses their feasibility, much like an accountant assesses their client’s financial records. Furthermore, we can only be confident in our ascriptions of verbal disputes if we assume competency with respect to the activity of rephrasing (see 3.3.3). Political theorists would ideally spend countless hours wracking their brains for possible falsifications of ascriptions of non-substantiveness. If they cannot find any, then it is a good working hypothesis that no one can. We need to be able to assume that some people are competent rephrasers and I think that political theorists seem to fit the bill better than anybody else. The political theorist complements my interpretation of political argument then not by being the trailblazer, but by being the nit-picking pedant.

3.3.4 Cut Off the Author’s Head!

The original intention of an argument’s original author quickly becomes redundant when this sort of framework is properly adhered to. Rephrases might be proposed that lead to the same conclusions from the same premises but which have implications in areas the original author might not have wanted to broach. Too bad for the author. If the argument would otherwise wither away under the pressures of elimination, then the rephrase becomes the argument or perhaps, more precisely, replaces it. If there is an argument that can reasonably defend a conclusion from the same set of assumptions it should obviously replace arguments that cannot. One should be open to the original author being included in the rephrasing process, but others can take the
author's place - as suggested in 3.3.3 - and need not worry too much about preserving the author's original intention. The second half of the dissertation does engage in some textual interpretation to try and distil how the original authors would have rephrased their assertions, but texts are limited and the expansion of points usually and thankfully constrained by the anticipated attention span of readers. Most of the pioneers of modern political theory are now unfortunately dead, but that certainly doesn't mean we should try and preserve their points if they fail the elimination test. To be content with "rolling the classics round the tongue like old brandy" (Barry, 1965: 203) would lead to a highly regressive and ultimately redundant field of inquiry.

Success with conceptual analysis is often judged with respect to whether or not the intention of the author has been preserved. A good definition, for instance, is a description the original author would have substituted for the term had they been around to do so. The next two chapters critique the substitutionist strategy in general, but it should also be noted that intention isn't a particularly good standard of success in the first place. What should replace it then? The previous chapter (especially 2.4) gives the clue: we should replace the concept of intention with the concept of acceptance. The rephrases I propose in the second half of the dissertation then are adequate if proponents of the conclusions and assumptions accept them. If they do not - and no other rephrase is to be found - then the argument should be rejected. There is no deductive method to determining the rephrases' acceptability, only guesswork to be subsequently confirmed, much like the guesswork involved with a scientific hypothesis that can only be subsequently confirmed by its non-falsification.

3.4. Gently Does It

Destructive conceptual analysis does not force every political argument to be boiled down to the formal language proposed above. That would be a long-winded and bothersome way to resolve some relatively simple arguments. It would probably lead many to give up on argument simply because they resent the pedantic meanderings. It does, however, propose the formal language as an ideal, an ideal that we verge towards the longer we engage in destructive conceptual analysis. It is an ideal much
like Habermas' ideal speech conditions or John Rawls' original position and even, in some sense, Buchanan's veil of uncertainty. Despite quoting a passage from *Nineteen Eighty-four* about Newspeak in the chapter's epigraph, my approach is very different to Syme and Big Brother's in that I do not want to rid English or any other natural language of the words that make useful and significant conceptual distinctions; and it may well turn out that all words are useful and significant. It is just plain wrong to say that I am advocating for all claims to be framed in the sort of bedrock language proposed above. That would be a perverse *Nineteen Eighty-four*-esque suggestion to make. What I do maintain though is that all substantive claims could be framed in terms of it and that as an argument (or any conversation, for that matter) proceeds, if it begins to carefully eliminate certain terms, it will become increasingly difficult for demagogues to flex their rhetorical muscle. Ultimately though, if a claim cannot be framed in terms of the bedrock language then it is not substantive.

Traditions give input to the argumentative process. They frame new questions and provide the vocabulary to make important claims. If a government does not want to address such claims in policy, the burden is on them for a justification if they want to claim any sort of 'legitimate authority'. As individuals from different traditions engage in argument Macintyre (1988: 384-285) says their

"conceptions of truth and rationality become not part of a presupposed framework of beliefs to which the author appeals in addressing an audience who shares that same framework but are relegated to an explanation to an audience characterized as not possessing any such framework. The particular history out of which the author wrote and which it is his or her purpose to carry one stage further also disappears from view as the presupposed context of the work and appears instead, as an explanatory appendage to it."

He suggests that in trying to translate such a text into an 'internationalized language of modernity', an argument is "turned into a text which is no longer the author's, nor such as would be recognized by the audience to whom it was addressed" (Macintyre, 1988: 385). He then suggests that such translation renders the speaker's argument into a text that would be neither recognized nor accepted by audience or speaker alike. The former claim however is patently false. We accept and reject arguments across traditions all the time from the internet forum to the seminar room to the pub to parliament or congress. The rephrasing required by destructive conceptual analysis keeps the translation in the speaker's own court. They can utilize their framework to
rephrase in any way that they wish. The burden is on them to use their tradition – or update their tradition – in a way that is consistent with the conversational context (i.e. the argument up to that point).

Destructive conceptual analysis does not translate a tradition’s claims and justifications into another tradition’s vocabulary. I agree with Macintyre that such an approach could well distort the claims being made. What it does instead is put a conversational straitjacket on individuals to search the resources of their traditions to rephrase under increasingly tightening constraint. Under such constraints positions that have relied on rhetorical tricks for their coherency will begin to unravel in their own terms. If this rephrasing occurred with no time limit then all argument could be conducted in the bedrock language – or what Macintyre calls the ‘internationalized language of modernity’ – but given the patience of arguers and the pressing time limits of politics (especially now with the 24 hour news cycle) this can hardly be expected. Nevertheless, it remains as an ideal and academic deliberation can certainly approximate towards it.

As words are eliminated, the conversation does not begin to rig itself towards certain interests. It does not privilege any particular intuitions (as per Scanlon and Barry’s incomplete theses of reasonable rejection), certain states of knowledge (as per Rawls and Buchanan) or participation (as per Habermas). It simply becomes harder and harder to rhetorically gerrymander the acceptance of inconsistent argument. The interests that are served by ambiguities and inconsistencies will gradually drop out of argument piecemeal.

If we were to accept Macintyre’s account of tradition and translation then his indictment of liberalism is certainly plausible. He says,

“[S]o liberalism, beginning as a repudiation of tradition in the name of abstract, universal principles of reason, turned itself into a politically embodied power, whose inability to bring its debates on the nature and context of those universal principles to a conclusion has had the unintended effect of transforming liberalism into a tradition.” (Macintyre, 1988: 349)

Accordingly, liberalism is exactly that which it repudiates. Yet this is only if we accept Macintyre’s account of tradition and translation and my suggestion is that in
political argument we should not. According to this account, straightforward translation between traditions is often incommensurable,

"Examples of such incommensurability can be drawn from the beliefs expressed in rival schemes of naming. The translator from language-in-use A to language-in-use B of such a scheme will have to explain the scheme of naming in A to those whose language is B in terms of the beliefs of the members of this latter community. The scheme of naming in A, that is, will have to be explained in terms of its differences from naming in B, but so to explain will be to exhibit A's scheme of meaning as lacking in justification, as in some ways defective. To understand the translation-plus-explanation into B will entail for those whose language is B rejecting the beliefs so explained." (Macintyre, 1988: 380)

As such,

"There is no standing ground, no place for enquiry, no way to engage in the practices of advancing, evaluating, accepting, and rejecting reasoned argument apart from that which is provided by some particular tradition or other." (Macintyre, 1988: 350)

Instead of explaining the scheme of naming involved with each claim or attempted justification – which in many cases will trip the problem of rhetoric – we should just eliminate the names that need explaining and rephrase.

Of course, Macintyre and fellow communitarians might cry afoul given I started the analysis with what could be considered a liberal interpretation of the political problem (see 1.3). After all, I interpret 'views of the good life' in terms of individual preferences. However, my claim is that such an interpretation can be supplemented by a brand of conceptual analysis that completes an explicit picture of how political arguments can be brought to a reasonable conclusion in a way that does not privilege one conception of the good life over another. By taking the thesis of reasonable rejection, coupling it with Stalnaker's account of context and consistency and finishing it off with the method of elimination, I think my claim holds. Taking these philosophical arguments as a bundle we have a decisive interpretation of the sentence that frames all reasons given in political argument 3: "'S' can be reasonably inferred from the context of the prior conversation'. Such an interpretation overcomes the communitarian critique of the liberal approach and also the various qualms directed at specific attempts at abstraction. Robert Frost once wrote that a liberal was someone who can't take their own side in an argument; if this is to say liberalism is its own tradition and therefore cannot remain impartial to other traditions, the above interpretation of political argument demonstrates that Frost is mistaken.
3.5 Recap

Before criticizing other brands of conceptual analysis, the destructive brand needs to be put plainly: when there is a mysterious term in political argument that seems to be important but is ambiguous, we try and substitute the assertion in which it was used for another assertion that does not re-use the term, but which preserves the assertion’s argumentative function and acceptability. We do not need to clarify the particular term, understand it, or re-construct it, which is to say we are not after a definition of it or a description of its meaning. All we need to do is to eliminate it from the argument and rephrase.

Once it has been eliminated we cannot reuse it. As we eliminate words from our arguments the first dimension of conversation gets smaller and smaller. When we say ‘Water is H₂O’ or ‘Hesperus is Phosphorus’ we discard the possible worlds where the conventions of language governing the application of ‘water’, ‘H₂O’, ‘Hesperus’ and ‘Phosphorus’ do not pick out the same object. When we eliminate words we discard all the possible worlds from the first dimension of conversation where that word has any purchase in the context of the argument. If it turns up in argument again it has no interpretation since there is no possible world arguers believe the other believes that they accept and there is no possible world arguers believe the other believes that they believe they accept (and so on and so forth in the Gricean circle) where that word has an interpretation. The context particular to the argument has been restricted in a way that the word no longer has any interpretation with respect to the argument.

So long as destructive conceptual analysis is adhered to a standard of consistency is readily apparent for political argument. That is,

C1. If P is a member of a set of accepted propositions, and P entails Q, then Q is a member of that set.
C2. If P and Q are each members of a set of accepted propositions, then P&Q is a member of that set.
C3. If P is a member of a set of accepted propositions, then not-P is not a member of that set.
Typically liberalism has been criticized for not being able to establish sufficient platitudes to inspire decisive political arguments – too much has been in flux.\(^5\) This standard (C1, C2 and C3) gives liberal political theory a method to establish at least a few platitudes that might constrain political discourse.

People in different times and in different places may well count considerably different justifications as reasonable. The accepted arguments from one tradition to the next might well vary even when both traditions adhere to the above standard of consistency. What this standard ensures though is that members of respective traditions will be able to constructively argue with each other by reasonably rejecting inconsistent justification, and reply to Foucault’s (1980: 114) warmongering – “The history which bears and determines us has the form of a war rather than that of a language: relations of power, not relations of meaning” – with a fiddledeedee.

\(^5\) For one, this is Macintyre’s chief quarrel with liberalism in Whose Justice? Which Rationality?
Chapter 4

Conceptual Schemes

"Philosophers of many persuasions are prone to talk of conceptual schemes. Conceptual schemes, we are told, are ways of organizing experience; they are systems of categories that give form to the data of sensation; they are points of view from which individuals, cultures, or periods survey the passing scene. There may be no translating from one scheme to another, in which case the beliefs, desires, hopes and bits of knowledge that characterize one person have no true counterparts for the subscriber to another scheme. Reality itself is relative to a scheme: what counts as real in one system may not in another." (Davidson, 2001: 183)

4.1. Introduction

The previous three chapters have been concerned with devising a brand of conceptual analysis that is falsifiable. When an audience suspects the problem of rhetoric has been tripped in a political argument they can ask the speaker to prove that it has not and that the speaker is arguing genuinely. The audience might have a provisional hypothesis that the speaker is bluffing their way through the argument with a series of linguistic tricks and this provisional hypothesis is confirmed if the speaker cannot rephrase once certain terms are eliminated. The more this provisional hypothesis is tested (by competent and rigorous political theorists, say) the more confident we can be that the speaker was being non-substantive.

With all this talk of provisional hypotheses and falsification it would be easy to think of political theory as a kind of science. If W.V.O. Quine investigates semantic interpretation from a scientific point of view (see 2.3.2), then why not do the same for liberal political argument? For two reasons. First, it concedes too much to critics of liberalism by dabbling in what is pejoratively described as 'scientism'. Second, it seemingly dissolves the distinction between political science and political theory. This is an important distinction that needs to be reclaimed from a number of salient arguments in political theory. Proponents of arguments with these kinds of

56 As mentioned in 2.3.2, Quine does not admit a distinction between language and empirical fact and if we are to make any sense of political argument we need this distinction (and this was the reason I could not use it to interpret the problem of rhetoric).
conclusions tend to fiddle erroneously with Quinean conceptual schemes to fill out their position. Davidson’s quote in the epigraph above roughly describes such schemes (section 4.2 does so more thoroughly). The respective positions of the proponents amount to methods for substituting political terms for descriptions to ‘clarify’ the sentences in which they are used. Substitution is possible back and forth between the political terms and their descriptions in a way that is not possible for the asymmetrical method of elimination. The term ‘freedom’ is substitutable for the description ‘the power or right to act’, say, in so far as both phrases can be substituted for the other in a way that preserves the meaning (or truth-conditions) of the sentences in which they are used. The controversy between the ‘substitutionists’ is, of course, which descriptions are to be chosen (see 2.5). In this chapter I want to go some way to demonstrating that such controversy is debilitating by linking one group of substitutionists to a fallacy concerning conceptual schemes. I call this fallacy the ‘magnitude fallacy’. It has been typically used to brush over what are otherwise evidently messy and incompatible aims.

Quine’s study of meaning and science has had considerable influence over the social sciences. More so, I think, than is often acknowledged. Both Giovanni Sartori and Felix Oppenheim, for instance, appear to use a distinctly Quinean framework to advance particular brands of substitution. They themselves have had considerable influence over the direction of conceptual analysis in political science and, in turn, political theory. A critique of their respective brands is therefore the subject of this chapter. Three conclusions are reached. First, both tacitly use the logic of Quinean conceptual schemes. Second, both commit what I call the magnitude fallacy when trying to connect empirical political science with the normative questions it is trying to address. The third is that any analysis that relies on Quinean conceptual schemes will not be able to approximate either towards value-freeness nor value-neutrality. I will use Oppenheim’s book Political Concepts: a reconstruction (1981, hereafter PC) and Sartori’s collected works in Concepts and Method in Social Science (Collier and Gerring (eds.), 2009, hereafter C&M) as primary sources for my exegesis. I will sum up with a rundown of why destructive conceptual analysis is the superior position.

57 The two were important in the establishment of the IPSA research committee Concepts and Methods – formerly known as COCTA.
58 All references to C&M in this chapter are references to Sartori’s principle works contained in the edited volume. For brevity’s sake I have departed from conventional referencing.
and how it in fact bolsters scientific claims. This rundown justifies my philosophical pedanticism in bothering with what amounts to rather finicky analysis.

4.2. Quinean Conceptual Schemes and the Magnitude Fallacy

If my accusations are to hold any weight it needs to be shown that Sartori and Oppenheim’s analysis can be neatly subsumed by the logic of Quinean conceptual schemes. Just what a Quinean conceptual scheme (hereafter QCS) is needs to be described first. This section elaborates on my description started in 2.3.2.

One of the first descriptions of QCS came in Quine’s article ‘Two Dogmas of Empiricism’. The article is now widely considered to be one if not the most important philosophical paper of the 20th Century (Godfrey-Smith, 2003). It posed a strong counter to Carnapian semantics, the doctrine that all meaningful statements could be logically reduced to basic units of empirical significance. Quine (1980: 42) instead argues that “the unit of empirical significance is the whole of science” rather than isolated sense-data. If we were working from basic units up to complexes using logical constants, we might say we were working analytically or even a priori. The first half of Quine’s paper is to show that attempts to elucidate the family of terms containing ‘analytical’ (by the analytic/synthetic distinction), the a priori, ‘necessary’, ‘meaning’ and even ‘synonymy’ are circular. Each term depends on another for their definition, in a way that (if probed far enough) would rely back on the very term being defined. The family of terms cannot therefore be described or explained “using terms outside the family” (Soames, 2003: 244). Given the unit of empirical significance is the whole of science a family of terms distinct from the rest is grounds for suspicion. Indeed, Quine rejects the notion of analyticity because it cannot be grounded by a scientific explanation. There is no distinction between language and fact then because we cannot distinguish between truth in virtue of meaning alone (analyticity) and truth in virtue of corroborated empirical theories (see 2.3.2).

Quine connects his conclusions in the first section of the article to his argument
against reductionism. Given the rejection of analytical and a priori statements, Quine (1980: 43) believed that no statement was immune from revision and that "any statement can be held true come what may, if we make drastic enough adjustments elsewhere in the system". This system is what (for the purposes of this article) I call a conceptual system or QCS. It is precisely what Davidson describes in this chapter's epigraph. The conceptual system is the object of knowledge and belief. It is constructed entirely out of reactions to, and the sorting of, sense data. All concepts are created and revised to help order the world as it is presented to our senses. Consequently, there are no a priori rules (rules prior to experience). All rules have some connection to other rules, which are connected (usually indirectly) to propositions about sense data. However, Quine (1980: 43) thought that "no particular experiences are linked with any particular statements in the interior of the field, except indirectly through considerations of equilibrium, affecting the field as a whole". The "interior of the field" means just those propositions that are more immune to revision (like logical and mathematical axioms) than others (like observation statements). The descriptions we give of empirical observations will constitute the periphery of the conceptual scheme as they are less immune to revision than those logical observations that constitute the core. Yet the way we describe these peripheral observations will, in turn, depend on our core concepts and propositions. For instance, describing the sun as "especially hot today" relies on assumptions about thermodynamics and neurology, which also rely on basic laws of inference, and so on. Sorting empirical data within conceptual schemes is all there is to rational deliberation on the Quinean account.

So why do we deliberate? Why must we sort the sense data presented to us? Quine (1980: 44) gives a strong empiricist response: "I continue to think of the conceptual scheme of science as a tool, ultimately, for predicting future experience in the light of past experience". We sort data in order to increase our ability to predict the outcomes of our own actions and other events. Our knowledge is a "man-made fabric which impinges on experience only along the edges" (Quine, 1980: 42), but which is entirely guided by the ability to predict what follows from what. It is through this process that we can engage in purposive action. By this process, we rationally alter or create

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59 Michael Dummett thinks the first half of Quine's paper is in fact only supplementary to the second (Dummett, 1976).
concepts if they are used to enhance our predictive prowess. Following Quine, Daniel Dennett (1991) calls this the scientific point of view. So far as we can talk of the reality of concepts (like 'centres of gravity', 'median voters', 'states', etc.), what counts as real are concepts that are useful for prediction. By this view prediction is linked with interpretation. As Dennett (1991: 29) puts it, "Without [folk psychology's] predictive power, we could have no interpersonal projects or relations at all; human activity would be just so much Brownian motion; we would be baffling ciphers to each other and to ourselves - we could not conceptualize our own failings... I claim that our power to interpret the actions of others depends on our power - seldom explicitly exercised - to predict them". When the chemist forms a belief about which chemicals will react with each other they are placing mental bets on what will happen if these chemicals were actually mixed. This, according to both Quine and Dennett, is equivalent to our everyday ability to interpret what an individual's action means - we predict what will happen, and what had to happen. The action's significance/meaning is determined by its role in our prediction manuals.

In QCS everything is subordinated to the goal of predictive prowess. Even seemingly analytical truths - statements that are true in virtue of their meaning alone - can be tinkered with in order to make stronger bets. Therefore, seemingly analytical truths are in fact not analytic at all. As Quine (1980: 43) puts it, "It becomes folly to seek a boundary between synthetic sentences which hold contingently on experience, and analytic statements which hold come what may. Any statement can be held true come what may, if we make drastic enough adjustments elsewhere in the system . . . no statement is immune to revision". In rejecting the analytic/synthetic distinction, the scientific point of view distinguishes itself from Carnap's conceptual analysis.

Yet Quinean skepticism no longer has much influence in analytic circles (Soames, 2010: i). His trivialization of meaning is largely considered one step too far. There are a number of lines of attack in the canon. I want to focus in on one (less known) technical criticism because it appears to pinpoint the fallacy committed by some political theorists playing the scientific trump card. By no means do I want to suggest science is not a trump – it is – just that some uses of the trump can be reasonably rejected. It is important to discard these uses in order to bolster the claim of genuine trumps. The criticism amounts to the accusation that Quine arbitrarily expands and
then arbitrarily shrinks the QCS as he sees fit (Dummett, 1978: 425). If we are to think of QCS as balloons, he seems to infer they can be either inflated or deflated in order to suit pragmatic purposes. The problem then is this: analysis in an expanded QCS is not applicable with analysis in a smaller QCS since each QCS is incommensurable with the next. To think that they are compatible is to commit the magnitude fallacy.

Sometimes Quine talks of QCS in terms of language as a whole, at other times in terms of the natural sciences specifically, other times in terms of paradigms within physics, and at other times in terms of the individual. This leads to problematic applications of his logic in the sciences, especially social science. Does QCS apply to the individual, models, science generally or language generally? Another way of posing this is asking how normative questions are resolved – whether the questions are answered at the level of the individual, model, science or natural language. QCS are used in order to provide predictions for events (past, present and future). When there is a grey-area in QCS’s explanation of the world that individuals have questions about, we deliberate. They deliberate by formulating a theory from their other theories making up the QCS in order to make bets about this grey-area. Such deliberation only occurs when the agent has or group of agents have normative questions about the grey-area, otherwise there is no incentive. The magnitude fallacy comes into play when the question is posed at one level and then resolved at another. If the unit for conceptual construction keeps arbitrarily expanding and then arbitrarily deflating it seems impossible to pinpoint where and in what sense problems are being addressed.

A conceptual problem leading to questions for an individual might be unexplained phenomena, with no prior predictive theory ready at hand. A conceptual problem leading to questions for natural language might be contested and incompatible concepts (like freedom or justice) with no theory to adequately resolve the disagreement. For both, the problem disrupts the equilibrium of the whole body and leads to a whole host of questions requiring answers to maintain order. The two different QCS will have two distinct, often opposed, solutions even if both were to...

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60 For example, see his paper ‘Epistemology naturalized’ (in Quine, 1969).
61 For example, see Word and Object (2013 [1960]) pp. 23-66.
have equivalent data sets in forming their solution. Thinking a little more politically these solutions will boil down to the interests attached to the QCS. When the QCS is a natural language, then the relevant interests are all users of that natural language. When the QCS is the individual’s belief-system, then that individual’s interests are the only interests that need consideration. A solution to the question of appropriate government policy will almost definitely differ depending on which QCS is selected (the larger communal version or the smaller individual version) because the optimal solution according to one set of interests is likely to be different to the optimal solution to another set of interests, especially when there are significant disparities in information.

As will be argued, both Oppenheim and Sartori fit comfortably within the QCS framework. QCS were developed more for natural science than social science though and they are accordingly difficult to mobilize to answer normative questions on a broad societal scale (though extremely good to optimize predictive success). While they can solve normative problems posed within the conceptual scheme itself, it cannot solve those exogenous to it because the concepts used in the exogenous idiolect may be different to its own. Yet resolving social problems, rather than simply problems inherent to particular conceptual schemes, should be the precise point of doing political analysis. I find it hard to believe that anyone would disagree. As a result, both approaches have no normative framework to respond to a challenge from wider society – by a layman, politician, or whoever – that their conclusions need not be taken seriously since they were only produced by a mish-mashing of definitions or by definitions that imply a value-system unacceptable to the wider public. Both Sartori and Oppenheim think that conceptual analysis done in a subset is acceptable to conceptual demands exogenous to that subset. This is a mistake and is glossed over with the magnitude fallacy.

4.3. Giovanni Sartori and Conceptual Travelling

Three aims underpin Sartori’s efforts to systematise concepts for comparative analysis of political systems. They are (1) to ensure a favourable normative assessment of political science, (2) to make sure concepts do not ‘stretch’ too far within models and
to (3) stabilise concepts central to anchoring our historical identities. These are his constraints. Sartori thinks these aims can be achieved via imposing a single revamp of the conceptual systems within political science – what he calls models – using his ‘ladder of abstraction’. He argues that such a ladder clarifies the political concepts being investigated. Yet, as with Quine, in pursuing these three aims the conceptual system appears to be stretched and then shrunk indiscriminately to avoid incompatibility. I will first describe (1), (2) and (3) before explaining why I take them to be incompatible.

With respect to (1), Sartori is concerned with distinguishing a way to positively evaluate the state of political science (see Sartori, 1984: 9-11; C&M: 64-65). He regrets what LaPalombara (1968: 66) calls “indiscriminate fishing expeditions for data”, which he thinks have increasingly become normal practice for the political scientist. Sartori (C&M: 20) thinks these expeditions lack taxonomical backing. This ‘indiscriminate fishing’ might work well for handling private research problems, “but remains a very inconvenient strategy from the angle of the additivity or comparability of… findings” (C&M: 20). While the individual researcher might be able to optimise their own predictive theories by slightly altering the meaning of the terms they use, Sartori thinks that explaining the significance to others becomes an issue because there is no set translation manual to translate the meaning into a model with which other researchers can interpret the significance found in the data.

He thinks this indiscriminate alteration of meaning usually comes by ‘stretching’ a concept. To stretch a concept is to increase its extensional coverage all the while retaining its intensional precision (C&M: 118-119). In other words, to stretch a concept is to botch its analysis. The legalistic institutionalism took political concepts to be given by the legal framework of the particular state in question before the so-called ‘new’ political science of the behavioural revolution got its foot in. What was meant by ‘power’, ‘party’, ‘politics’ and ‘freedom’ could simply be read off from legal convention. Conceptual analysis was simply an interpretation of what legal authorities meant when they used certain terms, nothing more. Sartori calls the post-1950’s behavioural revolution a renovatio ab imis to this way of thinking, where political analysis was granted legitimacy to reconceptualise political terms, regardless of their interpretation in the courts (C&M: 14). According to Sartori (C&M: 16) this
was a reaction to the ‘expansion of politics’, since now – given more participation, mobilisation and state intervention, coupled with a tendency to study everything that was not just actually political, but also ‘potentially political’ – like the potential mobility of certain social groups – concepts needed to travel further than ever before. Using terminology sketched in chapter 2 we might say that there were demands for political concepts to be modally profiled. The behavioral revolution also sought to utilise concepts that could travel across legal jurisdiction and culture. Political parties, for instance, could now be cross-compared over different cultures and legal systems because they were defined in terms of behavioural dispositions common to all, rather than legal definitions common to few.

The revolution gave great stock to increasing the extensional coverage of concepts. Yet this imperative was “matched by losses in connotative precision” (C&M: 15) – the intension associated with a term. An intension is decreased by chopping out properties – e.g. ‘black cat’ cut down to just ‘cat’ obviously broadens the set of things the concept refers to (i.e. its extension) but overall the term is less precise. Conceptual stretching is “an attempt to augment the extension, without diminishing the intension.” In short, stretching a concept is to make the intension confusing in order to license greater scope without a loss of normative precision. This normative precision is needed if the research is going to help answer pointed normative problems and puzzles. Removing the precision (by reducing the number of attributes associated with a concept’s meaning/intension) makes findings and comparisons insignificant to normatively pointed arguments. The principal standard for a normative assessment of political science is surely how well the discipline addresses the normative questions the discipline is demanded by the broader public to answer. Conceptual stretching is therefore the bugbear to achieving (1).

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62 This is to say, the truth-conditions are relativised to possible worlds. To use Quine’s famous example, ‘creatures with kidneys’ (renates) and ‘creatures with hearts’ (cordates) have the same extensions in the actual world. The terms ‘renates’ and ‘cordates’ can, in effect, be substituted one for the other and preserve the truth-value of the sentences in which they are substituted, providing the domain of the sentence is restricted to the current actual world. However, it is conceivable that in some future possible world some creatures with hearts will not have livers and vice versa. The sentence, ‘It is possible that in the future some creatures with kidneys will not be creatures with hearts’ is true. Yet in this sentence ‘creatures with kidneys’ cannot be substituted for ‘creatures with hearts’ despite sharing the same real-world extension. The difference is that the domain of the sentence is not restricted to the current actual world, but to a number of possible worlds. We say, then, that while the terms share their extensions, they do not share intensions.
Sartori’s solution to this stretching is to place all concepts used within a model on a ‘ladder of abstraction’. The ladder is a bit like the taxonomical ladders of biology that separates flora and fauna into species and then classifies them in decreasingly abstract groups, starting from ‘kingdom’ all the way down to ‘genus’, ‘species’ and (sometimes) ‘sub-species’. A corresponding motif running through much of Sartori’s work is a desire to place political science on the same footing as the natural sciences. The ladder of abstraction ensures a strict inverse relation between the intension and extension of political concepts – when the intension goes up the extension decreases and *vice versa*. By systematising concepts in this strict taxonomy Sartori thought the tendency to ‘stretch’ (2) will be curbed. All concepts will have other concepts forming their intension with many concepts also acting as attributes for the intension of other – more abstract – concepts. At the top of the ladder will be the most generalized and abstract of concepts, like ‘politics’ and ‘society’. Beneath them (on the second highest rung of the ladder) will be those attributes that are used to define them – e.g. ‘market’, ‘law’, ‘people’, etc. This ladder will descend in a way that will supposedly dictate the proper place for concepts both in a normative and comparative sense. The ladder provides a guide for substituting these terms in sentences in a way that preserves the meaning of those sentences constructed by the model.

By systematising these concepts it was thought that (3) concepts would no longer be stretched from their etymological anchorage in our historical understanding. As Sartori (C&M: 62) claims, “The behavioral revolution, with its ahistorical training and emphasis, has severed another kind of anchorage – our understanding that meanings are not arbitrary stipulations but *reminders of historical experience and experimentation*... [Words] are often misused, i.e. their historical substance and message is ignored”. A benefit of the legalistic institutional approach was that this was never a problem since concepts were borrowed from historical institutions. Even if terms are used differently in different contexts, by rigidifying our use of them it was thought that we could understand their relation to our own historical experiences more clearly.

However, (1), (2), & (3) are incompatible as aims if the framework of QCS applies. As I shall argue in the next section, what Sartori means by ‘political science’ (in 1),
'model' (in 2) and 'etymological anchorage' (in 3) are in fact Quinean conceptual systems at different magnitudes. By Quine’s logic, concepts cannot be swapped from one system to another given they rest on their systems as a whole for their meaning – i.e. however low on the ladder of abstraction, no concept will be systematically cointensional with concepts in another system. Those concepts that make up our common historical experience, those that are used to assess how well comparative political science as a whole addresses normative questions, and those that are used to buttress the predictive power of models are functioning at incommensurable wavelengths.

4.4. Incompatible Aims

Researchers often break concepts like democracy and politics down into different attributes and connotations. Sartori thinks the major disagreements over which attributes best fit these high-end concepts constitute their own distinct taxonomies or, as he sometimes puts it, their own ‘semantic fields’ (C&M: 124). He calls these taxonomies ‘models’. According to this view, all comparative work is (or should be) bound by the model/taxonomy in which the researcher is working. In order to achieve (1), (2) and (3) concepts are systematised along a ladder of abstraction in ways specific to particular models. It is at the modeling stage where we have license to manipulate concepts in ways we choose; that is to say, we can create and alter concepts so long as they adhere in some way to a models’ ability to explain the world. Sartori (C&M: 66) says, “While I do not praise the freedom of unsettling the vocabulary, nor the freedom of disregarding logical rules, I believe the acid test of real creativity comes in the modelling stage. That is, the model-paradigm level”.

4.4.1 The Model-Paradigm as QCS

Now, this “model-paradigm level” is a QCS if we are to follow the description given in 4.2. Explanation is taken to be equivalent with prediction. Somebody working at

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63 I.e. being able to predict phenomena in retrospect.
this level engages in systematic conceptual analysis so long as it is directed at maximising predictive prowess. A model is “a key that opens hitherto closed doors” (Sartori, 1993: 10). It does “more than ordinary concepts, more than humble variables: they unveil, they cut through the fog, they decipher” (Sartori, 1993: 10). In other words, models are guides for predicting the future and explaining the past with all conceptual analysis being delimited to this project. This is the barebones of a QCS (see 4.2). These barebones are filled out into an industrial-strength QCS by Sartori’s ‘positional’ account of meaning.

The meaning of concepts within a model of the sort Sartori described depend on their position vis-à-vis all other concepts contained within the model’s field. Sartori wants to shape the equilibrium of the field by imposing the ladder of abstraction fit. Concepts on the ladder of abstraction are connected by links going vertically down the hierarchy, yet also have connections to neighboring concepts horizontally. The meaning of the concepts or attributes that make up a higher-end concept’s intension will depend on their position in relation to the other concepts in the model/ladder overall. As Sartori says, “If we alter the meaning of a key term, then a whole constellation of neighbouring terms needs reallocation and redefinition” (C&M: 65). He then goes on to say that all terms in “the semantic field” come in “strings” (C&M: 65). Lower-rung properties are dependent on their position with respect to their neighboring concepts. Their meaning only makes sense when they are clumped together and joined together in a string. If one were to change their definition of a ‘conservative party’, for example, one would assume that this would probably impact upon the definition of a ‘progressive party’. Changes to the concept of labour will often require accompanying changes to the concept of capital. Changing the meaning of participation will often impact upon the meaning of mobilisation, and so on and so forth. There are countless examples of this ‘string’ function. The function seems mandatory since it is hard to believe that any concept could be altered completely in isolation.

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**Footnotes:**

64 A model perfectly predicting the world is theoretically possible although realistically impossible. If we had perfect knowledge, such models would be perfect predictors. However, given the inevitable imperfections of our knowledge we need to make pragmatic trade-offs to maximize predictive usefulness overall (see Dennett, 1991).

65 If we were to follow David Lewis’ article ‘How to Define Theoretical Terms’ (1970) we would need to explicitly use the other terms to introduce and/or alter these concepts in a Ramsey-Sentence. The Ramsey-Sentence is a sentence that specifies all the existing terms in relation to the introduced/alternated
These neighboring concepts will themselves have neighbors, and a whole string of concepts will consequently need adjusting. Now, concepts on this string will range from concepts at the lower-end of abstraction, to those at the higher. There is no strict hierarchy of independence, where concepts on one level cannot be affected by the alteration of concepts on a lower. Concepts on the higher rungs therefore do not necessarily supervene over concepts on the lower rungs in the way that density supervenes over mass and volume (see Jackson, 1996). The vertical arrangement of the ladder of abstraction ascends or descends according to property inclusion and property exclusion, nothing else. The further we descend the ladder, the more properties will be specified including the initial higher-order properties to pick out the concept and narrow the extension. Lower-level concepts are therefore dependent on higher-order concepts because the former literally contain the latter. Changing the meaning of ‘cat’ will obviously change the meaning of ‘black cat’ on the lower rungs. Changing the concept of ‘democracy’ is likewise going to change the concept of ‘participatory democracy’. Given this vertical connection and given the connections concepts have to their neighbours the holding capacities of a model’s equilibrium depend in part on the position of every term within the system. One small conceptual tweak could well set off a chain-reaction that spirals the whole model into conceptual disarray. The meaning of every concept depends on its relation with every other concept in this holistic web. Even the basic interpretation of data is just as conceptual as higher-order analysis of terms like ‘democracy’ and ‘power’, “data are nothing but information and observations collected within and processed by ad hoc ‘conceptual containers’” (C&M: 69). This is the logic of holism that is the hallmark of a QCS.

Sartori’s paper ‘What is Politics?’ demonstrates this point well. The conclusion runs accordingly, “[T]he current predicament of politics is reflected in at least three
discordant views... heteronomy, or outright extinction... autonomy, primacy, or outright triumph; and... dilution emasculation, and eclipse” (C&M: 57). These three views are described by the interplay between the concepts ‘politics’, ‘society’, ‘state’, ‘ethics’, ‘law’ and ‘market’. A stable equilibrium is posited at three different points of conceptual interplay. Throughout most of Western political history the concept of the ‘market’ was well below, say, ‘law’ and ‘the state’ on the ladder of abstraction, but with the rise of the “outright extinction” view it has risen to be a close neighbor for ‘politics’ itself in a stable equilibrium (the Virginia School of public choice springs to mind as a modern-day exemplar). In sum, a stable equilibrium of conceptual interplay amounts to a stable model. This is QCS logic to a tee.  

So concepts used by a particular model are dependent on the position of all other concepts for their meaning (or as a strict Quinean might say, their ‘significance’). The only way to really understand the meaning/significance of a concept – and be welcomed into the lofty ranks of Sartori’s ‘conscious’ thinkers (C&M: 13) – is to understand everything going on in the model as a whole. To know the meaning of a more abstract concept’s intensions, the conscious thinker has to understand its position in relation to neighboring concepts, which have connections to higher-end and lower-end concepts leading to the requirement that individuals understand the whole lot if they are to understand any at all.  

A diluted version of this argument has been taken up by David Collier and James Mahon (1993). Their main argument is that Sartori employs his ‘ladder of abstraction’ too strictly. Often conceptual categories should be made where there is no common set of intensions that constitute its use. For example, the term ‘mother’

66 There are a number of places where Sartori puts this quite explicitly (see C&M: 68, 70, 92, 124). For instance, he says,  

"Any science is required to be ‘systematic.’ We endlessly ask: what do we call this [property], and why? The answer lies in systematic considerations which in turn relate to a given semantic field. Since words come in strings, any allocation or reallocation of meanings entails a systematic arrangement or rearrangement guided by logical considerations" (C&M: 70).  

67 Compare this with Michael Dummett’s ‘molecular’ account of meaning sketched in section 2.3.6.
has a lot of attributes that seem sufficient for their intention, but not necessary. The central category of mother - ‘true mother’ - is a woman, contributes to half the child’s genetic makeup, bears the child, is the wife of the child’s father, and nurtures the child. Yet there are also radial categories like ‘stepmother’ that still count as a mother of some sort, yet do not require to have any genetic link, bear the child or even nurture the child. Other radial types include ‘genetic mother’, ‘birth mother’, and ‘nurturing mother’. None of these descriptions are necessary to the concept of mother (not even that the mother be a woman), though many of them, especially when clumped together, are sufficient. Ostiguy (1993) has suggested that democracy is a concept that ought to be broken down in terms of radial categories like ‘participatory democracy’ and ‘popular democracy’. Another type of conceptual category in political science is a family resemblance category. This category, much like radial concepts, consists of a set of concepts that have many similarities with each other, but that do not necessarily have a single common attribute. As Collier and Mahon put it, “A category, defined in a particular way, may fit a number of cases reasonably well, but on close examination it can become clear that for most cases the fit is not perfect. Nonetheless, the category captures a set of commonalities considered by the researcher to be analytically important” (1993: 847). The literature on corporatism might be thought of as a family resemblance concept. Despite having different corporative structuring, subsidies and control of groups, it was still reasonable for Collier and Collier (1991) to call the labor relations of Argentina, Brazil, Chile and Mexico corporatism. There was no distinct commonality, but the grouping was important because the normative questions it addressed presupposed the commonality.

The point here is that concepts are formed and altered if the researcher finds them useful in advancing their interests. This of course begs the question: what are their interests? In other words, what is the aim of the researcher? The logic of the QCS gives a partial answer. The researcher is after predictive accuracy concerning the concepts employed in normative questions. Answering ‘Why is there a big long shadow here?’ involves predicting that a long flagpole in its observed position, coupled by the position of the sun and various assumptions about optical theory and geometry (that are at least tacitly incorporated into most QCS) will cast a ‘big long shadow’ of the sort described in the question. This is all well and good for the individual (and presumably science in general) if the scientists can work out which
"big long shadow" the questioner is referring to. The problem with political science though is that the referents (i.e. extension) of, for example, ‘participatory democracy’ is quite often different model to model and person to person. When there is the demand for political science to answer questions like ‘Does participatory democracy cause economic development?’ it is quite likely that the discipline will produce rival and incommensurable answers (with rival answers producing rival policy solutions).

4.5.2. The Fallacy Played Out

The problem is that in travelling down Sartori’s ladder of abstraction there are no concepts that we arrive at with intensions in common with any other model. The intensions at the bottom rungs are dependent on intensions at the top, which are in turn linked to all their neighbours.

This is problematic for Sartori’s aim to normatively evaluate political science as a single body (1) since there are technically no shared concepts we can use to assess the different models that constitute the discipline as a whole (see Davidson, 1973). One model may well predict better than another, but it is difficult to be sure whether it is at the expense of conceptual stretching. What is more, if I were to call out another researcher for a case of conceptual stretching, there is nothing to stop them model/idiom-skipping and claim that my accusation merely came from a different taxonomy and misses the normative distinctions they believe to be important. My claim is that if we insist on rebooting the discipline by diagnosing particular cases of conceptual stretching in such a way we trip the magnitude fallacy.

If anything, imposing a ladder of abstraction stresses the differences between the meaning of concepts in different models rather than their similarities. Sartori’s strategy to achieve (1) seems to be to have a ‘bottom rung’ vale-free vocabulary with which the empirical conclusions of political science can be judged to answer normative questions that can similarly be described in such a vocabulary. This relies on the question-asker being first able to map their terminology onto a ladder of abstraction (Sartori hints that this constitutes a condition for being a ‘conscious thinker’) and second that the vocabulary can be interpreted distinct from their higher-
order value-laden terminology. We should be sceptical of both.

Sartori avoids admitting such reliance by arbitrarily inflating and deflating the unit of conceptual analysis. The first expansion is from the model/paradigm level to the level of political science in general to meet the demands of (1). Overcoming conceptual stretching (2) by imposing the ladder of abstraction allows social scientists the chance to finally set “the cards of the game” with which to play science (and mimic its older siblings, the natural sciences) and rectify the tendency to instead “invest more and more of our energies simply in altering the cards” (C&M: 64). The idea seems to involve reducing a number of different normative questions down to different ‘card combinations’ where each card is perfectly translatable from model to model. To deal with (2) Sartori shrinks the QCS down to the level of the model. He wants to encourage flexibility with language in order to maximise predictive efficiency and address normative questions as accurately as possible. He does not want to have to explicitly admit that calling out conceptual stretching essentially involves the whine, ‘your set of concepts are not the orthodoxy!’ The whine would be necessary because otherwise such accusations could always be met by the accused claiming they are dealing with a different model to that of their accusers. So Sartori sets the logic of a QCS to the level of the model-paradigm. However, to deal with (1) he inflates the QCS to the level of political science in general, where each model is just another tree of the broader ladder of political science, with each tree eventually meeting up at the value-free and shared rungs (cards) at the bottom. Conceptual stretching by this account involves the conservative whine. Logically you can do one or the other, not both simultaneously. To randomly inflate and deflate the QCS to hide such conservative implications is to commit the magnitude fallacy.

Banning the fallacy also rules out any possibility of providing what Sartori calls etymological anchorage to our political language more broadly (3). He thinks that language has fragmented to an extent that we are now facing a Tower of Babel-type situation:

“Over the years our mutual understanding and lines of communication have not improved, but mightily deteriorated... The stabilizing and constraining force of this anchorage, of this semantic viscosity, can hardly be overstated... [The behavioral revolution in political science has severed] our understanding that meanings are not arbitrary stipulations but reminders of...
Normative questions are formulated out of our historical understanding. Problems about politics that arise in conversation are the problems political science gets its mandate to answer. The idea that political science has been severed from such a conversation is no doubt troubling and cause to raise questions what its mandate or aim is if not that. A political argument is hijacked if scientific terms are forced in and superimposed over the language in which the argument initially arose. As I stressed in this chapter’s introduction, political argument is not a scientific theory. The ladder of abstraction is a device for scientific theories working out how we might predict phenomena; it is not a device for political argument. And yet Sartori not just content with imposing his ladder of abstraction heuristic on political science broadly speaking seeks to inflate the logic of QCS further to encompass the very natural language we use to argue with in order to reverse the severing of our own “reminders of historical experience and experimentation” with the discipline of political science (3). Again this is arbitrary and again this trips the magnitude fallacy. Sartori essentially implies that all argument should be conducted in terminology that has been already mapped on the ladder of abstraction and that anybody not submitting to it rejects “the cards of the game” of empirical evidence.

Sartori starts with a seemingly small QCS – the model/paradigm – and thinks we can rigidify it in the name of science. In so far as this overcomes the tendency of ‘conceptual stretching’ for individual scientists it is plausibly a worthwhile exercise for scientists after analytical precision. However, he also thinks we can then inflate this newly-rigidified QCS to the level of the discipline as a whole and then, further, to the linguistic community that constitutes society. This inflation allows him to pursue (1), (2) and (3) simultaneously. This is to impose a particularly rigid scientific outlook on units (like natural language) that should not be rigidified. If such an outlook is to be superimposed over liberal political argument then I think we can conclude that this is an unjustified use of the scientific trump card and the pejorative label of ‘scientism’ is appropriate. Destructive conceptual analysis skirts such a label

68 Even Rawls seems to have missed this point, with his account of justification suspiciously resembling Quine’s (his colleague at Harvard) account of scientific theory (see 1999: 506-517). At times Ronald Dworkin (e.g. 2004: 18) also buys into the dogma of political theory as a conceptual scheme at equilibrium.
by disagreeing that “the juncture at which we fruitfully diverge [from ordinary language] is the model-paradigm level” (C&M: 65) and that we need to “define the cards of the game”. We fruitfully diverge at the level of political argument. That is, the level of conversation with all its historical anchorage and semantic viscosity. Instead of imposing and describing certain connections and relations between political terms by constructing a ‘ladder of abstraction’ destructive conceptual analysis finds no need for such impositions and instead advocates a ‘jump into abstraction’ with no conventional definitions required (see 4.8).

4.6. Oppenheim’s Value-Neutral Conceptual Analysis

In *PC* Oppenheim, like Sartori, is concerned with systematising political concepts so that they are conducive to scientific research. For concepts to be conducive he thought it essential that all researchers in political science agree to use a single set of definitions in their research. The unit of political science here is broader than Sartori’s models/paradigms. As I shall argue though, Oppenheim also describes the unit in terms of a QCS. The difference is that in *PC* Oppenheim argues that individual researchers are responsible to the scientific discipline as a whole for conceptual use, rather than a model existing within the discipline. His work is therefore explicitly concerned with overcoming taxonomical difference between models rather than describing and rigidifying that difference. This is not just limited to differences with respect to scientific models, but also with respect to the scientists’ normative viewpoints. The point to doing this work is to make it possible for “fruitful communication” between scientists with different normative views (Oppenheim, 2001: 218). *Prima facie*, then, the agenda in *PC* appears to overcome the problem of indeterminancy between Quinean conceptual schemes by expanding the conceptual system to encompass all values and taxonomies in political science. Starting at this magnitude, it might at first glance appear plausible that Oppenheim can regenerate the normative point to the discipline as a whole. As we have seen, Sartori could not regenerate it without committing the magnitude fallacy.

Oppenheim believed it possible to give a broad set of value-neutral definitions for salient political concepts. Where different researchers might have different
definitions for a term like ‘political power’, Oppenheim thought we could re-define (or as he puts it ‘reconstruct’) the term to encompass as many of the definitions as possible. In so doing we supposedly stress the similarities involved with the various definitions and, likewise, the similarities of the different normative positions in a way that encourages agreement conducive to scientific endeavor. Instead of specifically refining a term by adding definitional properties (e.g. T is x and y and z) Oppenheim thought we should broaden the definition to encompass all the refined definitions that have been made in the literature (e.g. T is x or y or z). His project of value-neutrality would therefore have probably been condemned and described as conceptual stretching by Sartori. I follow Carter’s definition of value-neutrality, which distinguishes it from the value-freeness aspired to by Sartori. Carter (forthcoming: 2) defines the two accordingly,

Value-freeness: a concept is value-free if it is defined in such a way that the definiens contains no ethically evaluative terms (where a definiens is understood as specifying the necessary and sufficient conditions for a thing to be covered by the concept).

Value neutrality: a concept is value-neutral if it is defined in a way that is acceptable from any substantive ethical point of view.

If political terms are not value-neutral then it is difficult to see how different normative frameworks can reach agreement over their correct definition. If such moves are not value-neutral then they imply a particular point of view that might be easily dismissed by another agent if it is not their point of view. Yet the argument in PC seeks to define these concepts as broadly as possible so that all normative viewpoints might agree to them in order to engage in constructive research in spite of their differences.

The reconstructionism in PC was aimed at political philosophers just as much as it was at political scientists. For instance, Oppenheim says that his analysis of power and related concepts should be acceptable to both "defenders as well as critics of existing power structures... [as well as] political scientists engaged in describing and explaining power phenomena independently of normative considerations" (PC: 152).
While Sartori seems to stress science more than philosophy, his whole project revolves around making the conclusions of science susceptible to philosophical treatment. Nevertheless, the methodological implication is to broaden the definition of contested terms to include as many of the properties involved in the debates as possible. While I have rejected Sartori's apparently 'value-free' primitives since they rely on their meaning only by the grace of the position of value-laden concepts (relative to their position), this does not mean that the value-neutral goal in PC should be dismissed out of hand.

Terrence Ball (2001) has criticised the conceptual systematising in PC for making 'normative moves' despite Oppenheim's insistence that his concepts are value-neutral. Ball thinks Oppenheim makes a move to a particular point of view - namely, a scientific one - which discounted the normative distinctions individuals have found worth making throughout history. While this 'scientific' tag is appropriate (as will be discussed), the criticism is misplaced. Making a move from a non-neutral concept to a neutral concept is value-neutral, despite potentially being value-laden (i.e. not value-free). It is hard to deny that neutrality is itself a value and so any move towards it will be value-laden. However, it is just about a contradiction to say a move motivated by neutrality is not a neutral move.

This assumes though that Oppenheim does in fact reconstruct concepts to accord with a neutral viewpoint. My claim is that he does not devise a programme to systematically achieve value neutrality. The first sign of confusion is that he links the project in PC to the early-Wittgenstein's Tractatus Logico Philosophicus rather than and in contrast to the later-Wittgenstein's Philosophical Investigations (PC: 177). I believe this particular link to be fallacious, a fallacy that makes the arguments in PC seem more respectable than they actually are. For one, PC espouses a method for a scientific programme and not a philosophical one (despite the scientific programme being tailored for philosophical respectability), whereas the analysis in the Tractatus is certainly philosophical. Ultimately the logic behind the conceptual arguments in PC can be linked back to the logic of Quinean conceptual schemes. That Oppenheim believes he has achieved value-neutrality in a systematic sense comes down to his

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69 Wittgenstein had something of an intellectual mid-life crisis where Philosophical Investigations is often considered a critique and refutation of the Tractatus.
arbitrary inflation and deflation of the QCS.

4.7. QCS not *Tractatus*

In the *Tractatus* Wittgenstein is concerned with resolving broad philosophical problems for all users of language. We might accordingly think of his project as the value-neutral reconstruction of language since it was not intended to advance a particular viewpoint, but to instead demonstrate that certain problems were the result of a misuse of language irrespective of the viewpoint adopted. Wittgenstein is dealing with the logic for *all* language, not the specific language of a certain subset of the whole community, a taxonomy, or an individual. The project of the *Tractatus* is for *any* sentence uttered in a philosophical argument that does not strictly conform to philosophical logic should be reconstructed to do so, if philosophy is to get anywhere.

The arguments in the *Tractatus* recommend an ideal logical language distinct from everyday language to solve the problems of philosophy. Wittgenstein thought philosophical problems arise because of the abuse of natural language. The typical example is Russell’s analysis of the phrase, ‘the present King of France is wise’. The phrase seems to have some kind of meaning and yet it is neither true nor false since a King of France no longer exists. If a statement could not be proved either true or false, the prevailing opinion was that it lacked meaning (see also 2.4). Since the term ‘the present King of France’ seemingly lacks a referent it cannot be proved true or false and yet it still seems to mean *something*. Russell argued that while ‘the present King of France’ might be grammatically correct, it was not a legitimate referring expression. It does not express the proper logical form of the proposition(s) it contains. Instead, the phrase is actually shorthand for *three* propositions: 1) There is a King of France, 2) there is only one King of France, and 3) that this King of France is wise. Since 1) is false, then the shorthand for the three propositions is false – i.e. it is not the case that (1 & 2 & 3) and therefore ‘the present King of France is wise’ is false. Russell thought it the task of the philosopher to reformulate the propositions in ordinary language into this precise (logical) form in order to deal with philosophical problems thoroughly. Ordinary language – with its imprecise and ambiguous reference – creates these kinds of problems, the problems themselves need not exist.
This is the programme Wittgenstein largely endorsed in the *Tractatus* and therefore is also the programme Oppenheim aligns himself with.

This alignment is mistaken. Some consider the *Tractatus* to be an early version of possible worlds semantics. A statement's meaning is given by separating those states of affairs (i.e. possible worlds) that the statement is true in from those in which it is false. Propositions are what we usually call the meaning of a sentence, or the thought *behind* the sentence – as opposed to the written or uttered sentence itself. The *Tractatus* argues that objects exist in these possible worlds and a description of a possible world involves predicating relations between sets of objects (see 2.4). Nothing meaningful can therefore be said of terms like 'the good' and 'the bad' because, according to Wittgenstein, they do not refer to objects. He did not think that the details about the good and the bad are nonsensical in themselves, but the attempt to *say* anything about them is: “They are, indeed, things that cannot be put into words. They *make themselves manifest*. They are what is mystical” (Wittgenstein, 2010 [1922]: 111). They are mystical and language is being misused in so far as it is trying to represent these mystical properties. Wittgenstein thinks that they have no place in the domain of logical conceptual analysis. This domain seeks to map tautologies and contradictions. The *Tractatus* argues that tautologies and contradictions are the scaffolding upon which the world is based – the logic of language, *but also* the logic of the world itself. It is only by language sharing this logic with the world that Wittgenstein thought propositions could accurately picture states of affairs. Consider a trial where a man is convicted of manslaughter for running over a pedestrian. The prosecutor uses stick figures and a toy car to play out the death to make it clear to the jury what happened. This demonstration is supposed to *picture* the actual event. The demonstration does this by virtue of sharing the same logic as the actual state of affairs, in the same way that a proposition shares the same logic as the state of affairs it pictures.

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70 It is tempting to appropriate Wittgenstein here for my interpretation of political argument. We might likewise say 'the good' and 'the bad' are "mystical" in the context of a political argument. Of course, Wittgenstein’s is a much more general point than mine and applies to philosophy and all conversation, not just the particular subset I am concerned with. We can certainly express what our conceptions of the good *are* still, just not evaluate them or evaluate around any problems that might arise about their content in political argument.
While the analysis in *PC* tries to reconstruct our vocabulary in order to solve analytical difficulties – just like the *Tractatus* – things are not so simple as saying the similarities between the two programmes make them equivalent. In whole they are miles apart. A telltale sign that Oppenheim is mistaken in grouping the two together is that an ‘explicative definition’, the reconstructionist’s main tool, is assessed in *PC* by a criteria of good and bad, not one of truth and falsity. Explicative definitions are “appraised as good or bad in terms of their suitability for scientific communication” (*PC*: 179) not in terms of their ability to preserve the truth and falsity of sentences when substituted for the defined word. Explicative definitions do not report the way in which terms are currently used (reportative definitions), nor do they attempt to group a number of pre-existing expressions under a new definition (stipulative definitions). If we were to go around knocking on doors to ask people what ‘justice’ meant to them and then formulate a definition which best reports the response given, then this would be an instance of reportative definition. This is the type of description given by conceptual analysis taking the ‘contextual turn’ (see chapter 5). A stipulative definition is like Dahl’s definition of a ‘polyarchy’ – introduced as a watered down version of democracy – which he says refers “to political systems with widespread suffrage and relatively effective protection of freedoms and opportunities” (Dahl, 1976: 81). Objects falling under the pre-existing concepts of ‘political system’, ‘widespread suffrage’ and ‘relatively effective protection of freedoms and opportunities’ are classified as polyarchies. Stipulative definitions are a bit like a marker to represent a group of statements by shorthand – there is really no justification for this grouping outside of convenience.

Explicative definitions are the third type of definition. According to Oppenheim, recognising explicative definitions as a relevant third type of definition distinguishes the reconstructionist project of *PC*. He describes them accordingly, “Like stipulative definitions, explications are not verifiable as either true or false; but unlike the former, they can be appraised as good or bad in terms of their suitability for scientific communication” (1981: 179). There is an ambiguity with his three definitions, namely that the difference between stipulative and explicative definitions appears thin at best. I think the correct reading of the distinction is that a stipulative definition introduces a new word into the vocabulary and fixes it with a certain description (or
perhaps even directly fixes it with a referent). An explicative definition instead takes an existing word with a contested usage that nevertheless is relevant to the subject matter of scientists or philosophers and redefines it in a way that will overcome any tendency users might have to ignore significant results from other scientists who use the term in a way they do not like. That is, explicative definitions stress the commonalities rather than the differences between different uses of political terms. For example, Oppenheim’s definition of ‘power’ is probably the broadest definition of agential power in the literature,

“P exercises power over R’s doing x iff... P influences R to do x or coerces R to do x or punishes R for not having done x. P exercises power over R’s not doing x iff P influences R not to do x or restrains R from doing x or punishes R for having done x” (1981: 10-11).

This disjunction encompasses just about all the extensions of agential power in the literature and tries to encourage scientists to look for the commonalities between them. A doctor advising their patient that they should eat more vegetables is, by this definition, an exercise of power in as much as a highwayman coercing someone to surrender their wallet is. The theorists reviewed in the next chapter stress the obvious difference between these two types of events, but Oppenheim stresses the commonalities arguing that we “need a single concept bringing together all relationships in which one actor determines another actor’s behavior” (Oppenheim, 1978: 594). The intuition here seems to be that scientists will agree to a definition so long as the definition includes what they think is power, no matter whether or not it contains what they do not think is power (see Chapter 6 on the problems specifically associated with this intuition).

4.7.2 The Aim of Predictive Efficiency

Yet this all begs the question in a big way, why are explicative definitions that stress commonalities good for scientific communication? The only way we can answer this question is to ask a further one: what is the aim of political science? Fruitful

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71 See my discussion of Kripke’s baptisms of rigid designators in 5.2.

72 Oppenheim thinks the more disjunctive properties (x or y or z) there are, the more neutral the definition is. Descending Sartori’s ladder of abstraction on the other hand involves increasing the number of conjunctive properties (x and y and z).
scientific communication is only helpful if it helps achieve what science - and more specifically for our purposes, political science – aims at. It is a weakness of the arguments in PC that such an aim is never explicitly given.

From time to time in PC Oppenheim refers casually to what might be construed as his take on the ends of scientific research. A charitable reading demands that we try to fill out his position. Otherwise we cannot attribute a point or aim to his conceptual analysis and accordingly cannot render his programme anything more than a bunch of arbitrary definitional suggestions. He references Feinberg's belief that conceptual analysis should aim at coherency (PC: 80). This 'coherency' though is coherency of the scientific community, with no broader aim for that community being given. The (vague) impression Oppenheim's conceptual analysis gives is that it is tailored to maximising predictive efficiency for the political scientist. Oppenheim thinks that there is, as a matter of fact, substantial similarity between the standard criteria for constructing good explicative definitions and for constructing good empirical theories (PC: 181). This passage gives us the requisite prompt that Oppenheim’s conceptual analysis was, in the end, in aid of maximising the scientist’s predictive capabilities. He quotes Kuhn’s standard for a ‘good empirical theory’ – “accuracy, consistency, scope, simplicity, and fruitfulness” – which were checks to ensure predictive efficiency. If an explicative definition aids the overall agenda of predictive accuracy by picking out common nodes upon which political scientists can share their data and conclusions, then political science’s predictive prowess will be maximised as opposed to individual scientists working in isolation.

Note though that Kuhn does not conflate a ‘good empirical theory’ with a ‘relevant empirical theory’. A theory can be accurate (by making accurate predictions), consistent (in not yielding inconsistent predictions), large in scope (by covering a large domain of events), simple, and fruitful (by leading to further discoveries) and in sum be a good empirical theory without answering any pressing questions exogenous to the science itself from, say, those wondering how to make a profit out of it or trying to resolve an argument. The same goes then for good explicative definitions. I believe this reading of the conceptual analysis in PC is correct. By this reading political science aided by such conceptual analysis is a QCS par excellence. Everything is judged and arranged in the ‘web’ of political science in order to produce predictive theories to explain political phenomenon. To use Sartori’s phrase, it is a
key to deciphering the grey areas of our social world.

My problem now is with the relevance of political science if we were to accept Oppenheim's brand of conceptual analysis. If it 're-constructs' the terminology typically used in the questions we want answered by way of explicative definitions, then it is difficult to maintain that political science is actually answering the questions we want answers to – namely, answers that will sort out political argument. If it cannot serve such a function I do not think there is much justification for engaging in political science let alone financing it. The QCS deciphering the social world with fine-tuned predictions might itself need deciphering if there is no inbuilt mechanism to anchor the cipher to the ordinary language in which we formulate our questions. The QCS might well explain a broad range of political phenomena, but not the phenomena that is brought up and contested in political argument. Oppenheim's programme hijacks genuine questions that could resolve genuine deadlocks in political argument with a terminology that is so broad that it rules out any hope for political science to decisively dissolve pointed deadlocks. Oppenheim's reconstructionism therefore actively serves the interests of those who benefit out of such deadlocks (usually the beneficiaries of the status quo). In this sense it is non-neural.

It seems that Oppenheim thinks that every language-user should subscribe to the QCS of political science when asking questions. That is, political terms in our everyday political argument should substitute for the descriptions designated as the best fit for the QCS of political science. This is an even more ambitious attempt to superimpose science on political argument than Sartori's programme. The magnitude fallacy is tripped by inflating the QCS of the political scientist to the level of ordinary discourse. Such inflation is scientism at its worst. Political argument seeks to work out reasonable compromises between different conceptions of the good. Often what is reasonable will depend on science's ability to predict and explain political phenomena. Political science gets its mandate by explaining phenomena relevant to the argument, not phenomena that can best show off the scientist's predictive prowess.

Oppenheim avoids this implication with his allegiance to the Tractatus and his obscure references to the aim and mandate of political science. Whereas Wittgenstein dealt with the logic of all of language – which would apply as much to normative
questions and political argument as scientific explanations – Oppenheim deals with the logic of the language for political scientists. Conflating the two trips the magnitude fallacy and allows Oppenheim to suggest all of political discourse should be rerouted to the broad explicative definitions he gives for political terms.

The appeal to scientific authority in *PC* is something that is not properly explained – it *would* have been explained, however, had it been consistent with the *Tractatus*. Wittgenstein's logic was meant to resolve all conceptual problems for *all* users of language. As it stands, however, Oppenheim's reconstructionism appears to resolve conceptual problems for only a subset of language users, namely political scientists. Sartori's reconstructionism was (initially) intended to resolve conceptual problems *within* models, while possibly creating *more* problems *between* models by pushing them further apart. Conceptual problems addressed in *PC*, on the other hand, are resolved not between science and society overall, but within the QCS of political science. There is still the normative dilemma left over then concerning why society and/or parts of society (including legislators and contractors) should pay any mind to the conclusions reached in political science. That Oppenheim does not think this is an issue - or at least did not feel it an issue needing justification - can be explained by his failure to see that his conceptual system is far more restricted than that proposed in the *Tractatus*. His proposed system is of a completely different magnitude to Wittgenstein's.

### 4.8 Conclusion

Sartori and Oppenheim simply get things the wrong way around. They think that science informs individuals and renders the arguments of those individuals more reasonable as a consequence. Sartori and Oppenheim think science provides the information to make reasonable agents and – once reasonable – the agents go forth and air their opinion in political argument. Those conspiracy theorists among us are unreasonable, for example, because they denounce established scientific facts, as are Young Earth Creationists who argue the earth is only 10,000 years old and reject Darwinism as ‘just a theory’ rather than fact. Sometimes it seems this dismissal is swallowed up as a platitude of liberal theory. Yet it is the wrong way to think about
the division between political argument and science and one that leads to indefensible attitudes. The worst is that liberals sometimes think it impossible to argue with such individuals because the individuals are ‘unreasonable’ or, at the very least, so different ideologically that they are impossible to have a meaningful conversation with. Even the reasonable rejectionists flirt with this attitude (e.g. Scanlon, 1982: 111; Barry, 1995: 68-69, 114). If liberals dismiss the ‘antiscientific unreasonables’ out of hand, those ‘unreasonables’ are well justified in believing the liberal position cannot reject their opinions in political argument.

Of course I do not think (most) conspiracy theorists and those claiming religion as trumps over science have a reasonable argument (i.e. in the sense of the property I describe in chapter 3). But that is exactly my point: they are unreasonable because they cannot present a consistent political argument when they try and justify their position, not because they do not use scientific facts or method to inform their position. Reasonableness is a property only indirectly related belief. The burden is on those dismissing the Young Earth Creationists to prove that the Young Earth claims are unreasonable and the best (even only) proof involves the Creationists floundering but floundering only once they have been given the chance to justify their claims in political argument. They might claim that teaching that the Earth is no older than 10,000 years is reasonable because ‘It is the truth!’, but policymakers can easily reject this argument by saying something like ‘but others – indeed the vast majority – have a different conception of the truth and should not have it institutionally imposed on them just because you think they should’. The Creationists would then be hard-pressed to give reasons why the majority should accept their testimony as authoritative aside from restating their claim ‘because our truth is the actual truth!’ Re-stating the initial claim does not update the context-set in any substantive sense and is therefore no argument for their claim.

Accordingly, political argument comes before political science. The latter complements the former rather than vice versa. We argue and in so doing we

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73 Scanlon (1982: 111) puts the point strongly, “The idea of ‘informed agreement’ [which is a requirement for reasonable rejection] is meant to exclude agreement based on superstition or false belief about the consequences of actions, even if these beliefs are ones which it would be reasonable for the person in question to have.” Such a requirement cannot be presupposed by a neutral description of political argument. Barry (1995: 114) is even more explicit, “Since justice as impartiality requires the parties not to have false beliefs, it is hardly surprising that there should be people to whom it is not accessible, given their existing beliefs”.

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formulate questions which demand empirical investigation. This is where political science gets its hook; it is where it meets a demand. It quantifies over terms central to the political arguments that demand an empirical response. In doing so political science might need to introduce technical terms like Tsebelius' influential 'veto-players' (2002) to give greater flexibility for prediction and explanation, yet these are stipulative rather than explicative definitions. Contrary to Oppenheim the former is the main tool of the political scientist rather than the latter. Stipulative definitions introduce new terms – ideally according to Lewis’ (1970) technical prescriptions – that are given in terms of the existing theory. The existing theory is bestowed to the scientist from political argument. If the terms in the theory are inadequate then the scientist will have to get their hands dirty and engage in conceptual analysis within the context of the argument itself to refine the questions being asked. I assume the austere vocabulary that results from the method of elimination is a vocabulary that is easier to quantify over than the ambiguous vocabulary most political arguments initially start with (for instance, a bedrock conversation would involve quantification over properties introduced for quantification).74 This refinement, however, occurs within the parametres of argument rather than within the parametres of science. In a sense the austere bedrock language could be described as Carnapian, but it is a language strictly refined in argument rather than (as Carnap and Sartori would have put it) in science. In Chapters 6 and 7 I demonstrate specifically how this method works.

By inflating what is conceptually good for models and/or political science into what is good for political argument, Sartori and Oppenheim commit the magnitude fallacy. They take scientific success as argumentative success. As suggested, this is to conflate an important distinction between political science and political theory. Somebody might know the truth but that does not imply they are reasonable.75 Sartori aimed for a value-free vocabulary and Oppenheim for a value-neutral one but both impose a scientific logic on an argumentative one. In other words, they advanced the

74 Again I encourage the reader to consult Lewis (1970).

75 For example, Barry (1995: 142) says, "Suppose you were to say: 'The reason why I should be able to practise my religion but you should not be able to practise yours is that mine and yours is wrong.' You would, obviously, reject a claim made in similar terms by somebody else with opposing ideas about what was right and what was wrong. In rejecting that claim you would be acting reasonably. But then it follows that you cannot reasonably object when others reject your claim. The argument here appeals to a certain notion of consistency [not truth per se]."
view that if you do not accept what is good for science you are hijacking political argument. What they are doing amounts to systematically defining around the possibility of being fallible in argument: If somebody disagrees with scientific evidence for reasons $x$, $y$ and $z$, redefining their reasons in terminology amenable to scientific explanation makes it impossible to maintain the disagreement (since the reasons presuppose their negation). This is a subtler version of the toy example of the absurd idiom skipping given in 1.5.

Conceptual analysis that is genuinely value-free and value-neutral is impossible if you are imposing your own conceptual scheme on others by way of forcing them to accept your definitions and descriptions. If you straitjacket potential interlocutors with the maxim ‘Either you conform to my terminology or I will not argue with you and assume you do not have an argument to offer’ you rig the deck against opinions that vary from your own. You are the one hijacking political argument. Destructive conceptual analysis however is both value-free and value-neutral. It does not force one arguer’s conceptual scheme onto their opponents. Both arguers eliminate terms from their own schemes when called to. If this elimination has an effect an arguer’s position will begin to unravel in their own terms according to their own values. Such analysis then is surely both value-free and value-neutral. Some might protest that it assumes that arguers value political argument, but that is just one of my empirical assumptions. It seems to me that individuals want to be seen to have a political argument to defend their position but if they do not then they do not.
Chapter 5

Ordinary Language Analysis

There has been a turn in political theory towards analysing political argument by studying the contexts in which speakers use political terms. The turn is strongly opposed to attempts to rigidify political discourse (surveyed in the previous chapter). The argument tends to be that such rigidification ignores the subtle normative distinctions that have been made through the natural evolution of our ordinary language. Instead of re-structuring the definitions of political terminology to accommodate a broader range of interests, as per Sartori and Oppenheim, the contextual turn advocates leaving political terms as they are and instead describing the different ways the distinct interests use them. Such descriptions were thought to clarify the debates in which the terms are used. As with the scientific theories reviewed in the previous chapter though the contextual turn under-describes just what ‘clarifying debates’ is supposed to do. The historical descriptions are supposedly substitutable for the terms themselves but how this changes the status of a political argument goes unexplained.

It is common among political theorists to accuse other theorists of hijacking crucial words to bolster their arguments. The accusation is then often followed by what some (especially those who have taken the contextual turn) consider a winning move. The move is to claim they have used the term as it is ordinarily used in the relevant context and that therefore theirs is the superior position. However, it should by no means be a winning move. There should be at least three more. First, some solid work is needed to demonstrate that it is indeed the predominant way the word is used in the relevant (presumably fixed) reference group. Second, an explanation is required as to why any deviant use of the word by, say, minorities is ignored. Finally and crucially, they need to keep on arguing. Squabbling over whether or not the theorist is hijacking a word to justify their position does not resolve the initial disagreement. This chapter investigates whether the turn to the study of rhetoric and

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76 Following Oppenheim (1981), one might wish to call such descriptions ‘reportative definitions’ (see 4.7).
political ideologies in political theory covers these three mandatory moves. A selection of the seminal works in the turn will be discussed, including William Connolly's interpretation of essentially contested concepts and the Cambridge School's methodology of historical analysis. Both encourage the theorist to go soft on the last requisite move. They do this by skirting the issue of what their analysis is supposed to achieve.

5.1 Terms of Political Discourse

William Connolly's *Terms of Political Discourse* (1983 [1974]) was one of the first books to take the turn. Taking prompts from ordinary language philosophers like Strawson and the later-Wittgenstein, he argued that unpacking the varying uses of terms like 'power', freedom', 'interest' and 'politics' would clarify political disagreements. Again though he does not specify for what end the political agreements are being clarified: one person's clarification is another's obfuscation. The best interpretation I can give is that he was after clarification that encouraged individuals to agree to disagree when agreement was not initially forthcoming. This seems to be an implication of the following passage (and many others, especially in the first and last chapters),

We often cannot expect knockdown arguments to settle these matters [in debates featuring political vocabulary]. It is possible, and I believe likely, that the politics of these contests would become more enlightened if the contestants realized that in many contexts no single use can be advanced that must be accepted by all reasonable persons. The realization that opposing uses might not be exclusively self-serving but have defensible reasons in their support could introduce into these contests a measure of tolerance and a receptivity to reconsideration of received views. Politics would not be expunged, but its character would be enhanced. (Connolly, 1983: 40).

Connolly thinks we should tolerate the differences in our terminology that lead to disagreements in our political discourse. We will inevitably commit to certain sides of the contest (Connolly, 1983: 205), but we must tolerate differences for there is no fool-proof method by which to trump one interpretation of a political term with

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77 And if we are to believe Aumann (1976) (and assume common priors) it is irrational to agree to disagree. However, when the initial disagreement can be partly explained by the means of communication (the terms of discourse), then the rationality of agreeing to disagree becomes more plausible. Indeed, Aumann's theorem assumes that the mode of communication with which individuals communicate their probabilities to one another is a perfectly transparent.
another. As theorists it is supposedly not our place to accuse others of misusing words, with it instead being to just describe how those words are being used to ‘enlighten’ our opponents of the differences between us. The end of such enlightenment or clarification can be described as a perspicuous agreement concerning our disagreement. Yet while we can specify the end of such description-giving, it is difficult to specify the means and therefore why the means gives us any special clout in political argument.

Describing the different ways in which individuals use political terminology is all well and good, but the question is whether we can rely on this practice to overcome rhetoric in political argument and I think the answer is a resounding ‘no’. Yet Connolly’s analysis towards enlightenment seems to – at first glance – fall under the framework of political argument that I have developed in the first two chapters. The goal of such descriptions of ordinary usage is still agreement – even if it is agreement to disagree – and this assumingly means substantive agreement. Furthermore, Connolly is at pains to stress that his practice of description-giving is itself part of the political process. He says, “To examine and accept, or to examine and revise, the prevailing terms of political discourse is not a prelude to politics but a dimension of politics itself” (Connolly, 1983: 3).78 Such passages suggest Connolly’s brand of description-giving constitutes political argument rather than discussion about the means of political argument. If it is indeed the former, we can classify Connolly’s project of ‘enlightenment’ as political argument. If it were the latter though we would not.

If Connolly’s project is indeed a series of political arguments, then his doctrine of toleration is a doctrine for tolerating verbal disputes. It forces points of contention into pointless holding patterns that makes things impossible to resolve. That is, he suggests we should agree to disagree over political issues where this disagreement is a

78 He goes on to put the case even stronger,
“'The controversies, moreover, are unavoidable for anyone who seeks to comprehend our politics and who is willing to announce his findings to us. For one can hardly study our politics without staking out a position on some of these contested concepts, and the position one endorses will not be neutral in its political import. To enunciate a public position on these issues is to implicate oneself to some degree in our politics. In the political sphere, intellectual work and political work, embodying somewhat different standards of craftsmanship and excellence, are nevertheless bound intimately together” (Connolly, 1983: 205).
purely verbal sort of disagreement. I obviously have some major qualms with this position. However, it is completely above board to tolerate disagreement over the terms of political argument if we are upfront that this is all we are doing and the disagreement we have is over linguistic convention rather than (non-linguistic) political matters. If this is all Connolly is claiming, he avoids error. He just adheres to the first two moves after an accusation of verbal hijacking has been tripped: working out the predominant conventional use of the word and comparing it to other minority conventions. So long as argument continues after this point all’s well that ends well. The trouble is I do not think this rather deflationary reading of *Terms of Political Discourse* is the right reading and the conclusions drawn (that have turned out to be very influential in political theory) suggest the claims are directed towards political argument in general. The trick for Connolly is to maintain political terms are necessary for political argument and cannot be done away with.

In *Terms of Political Discourse*, references to ‘clarification’ and ‘enlightenment’ amount to descriptions of disagreement over political concerns. To my knowledge the book never makes it explicit whether or not picking out different usages of key terms just helps identify these differences or whether the key terms themselves also explain said differences, but I am not sure whether that really matters. What matters is that Connolly seems to think such descriptions give the theorist license to come down hard on one side of the contest. So long as the theorist does a good job giving an overview of the disagreements they can reasonably hold any side so long as they acknowledge it is not the only one. This is the old pluralist chestnut. The pluralist then expects those who they have a political disagreement with to reciprocate in agreeing to disagree or else be labelled unreasonable or (in Connolly-speak) unenlightened. This is entirely unconstructive and is often a ‘get out of jail free’ card for a position crumbling under reasonable rejections. Political argument gets cut off by those thinking they have the pluralist ‘high ground’, so to speak, when really nothing has been sorted out at all, with the cut off allowing the pluralists to avoid the burden of reasonable justification. Connolly thinks that such practice is political argument *par excellence*, whereas I think it an example of where political argument has been cut off despite what conversers (like Connolly!) might claim. Such an example, by my interpretation, is an instance where political argument has been hijacked.
If we were to subject such high-grounded pluralists to the method of elimination, their dodge-ball argumentative tactics will be quashed. We can grant them their description of our disagreements and thank them for it since it gives us good clues as to which political terms would be expedient to eliminate first, but we must maintain that it has not ended the argument and it has only given weak prompts as to the direction it should take. Yet much of Connolly's argument in *Terms of Political Discourse* blocks such a move (see 1983: 129-130), particularly with his position that political terms are necessary for our political discourse (1983: 35-36). It is here that I think the book descends into debilitating confusion.

He starts the descent with a curve-ball: confusing a word with a concept. Now some philosophers of language might nod approvingly to such a curve-ball (perhaps for example, Dummett, 1978). However, they surely would not approve of the way Connolly applies it. There are many passages in *Terms of Political Discourse* stressing the following,

“To explain [and discuss] the politics of a society we must be able to make the actions, projects, and practices of its members intelligible. But a single act or pattern of action embodied in institutions is not made intelligible merely by observing overt behaviour. Actions and practices are constituted in part by the concepts and beliefs the participants themselves have” (Connolly, 1983: 38)

Connolly (1983: 38) uses the idea of a protest to demonstrate his point,

“Suppose we observed a line of people walking in a slow circle around a government building. If those walking lacked the concept of protesting government policy, we could certainly not characterize their activity correctly as an act of protest.”

This seems to be a flat-out mistake. If those walking in a circle around the government building were angry at the government and thought this might make the government listen to them, then this is a protest. If they wanted to get back at the government by inconveniencing it, then this is a protest (at least by some standards). It does not matter whether they have a word or term for what they are doing – or that they are aware that what they are doing can be described in a certain way – they are doing what they are doing! The term ‘boycott’ was not used until 1880. It was named after Captain Charles Boycott a land agent who represented English landlords that owned property in Ireland. In 1880 peasant members of the Irish Land League coordinated to isolate Boycott by refusing his business because of the exorbitant rents
he charged. Their success was celebrated in the media and led to similar activities being henceforth described as 'boycotts'. Connolly uses this as a further example of how terms enter into our vocabulary to constitute new actions and practices (see 1983: 186-188). The term 'boycott' was introduced to refer to these coordinated efforts to ostracise landlords in a way the peasantry could easily comprehend (words like 'ostracism' were apparently too complex). Now, it would be ludicrous to say the first boycott happened only *after* the decision was made to call such events boycotts. All events involving the ostracism of landlords were boycotts, even those that occurred before the captain had been born. The term might have made boycotts easier to mobilise among the peasantry, but it certainly was not a precondition for such mobilisation or for such mobilisation being amenable to being described as a boycott (since such action can be described in retrospect once the term has entered into our vocabulary).

Actions and practices are certainly constituted in part by the beliefs of the actors, but only rarely the terms the actors have to describe their actions. A belief that picketing a fence around parliament house will force politicians to take notice of your cause is important to describe such fence picketing as an act of protest. However, it is not important that the actor has relevant terms for what they are doing. Connolly mistakes the content of a belief (a proposition) with a word. We have beliefs about politics, words to express those beliefs, and beliefs about those words. Connolly conflates these distinctions.

If our political terminology were necessary for political argument, variant uses of political terminology might indeed lead to unbridgeable divides. Unbridgeable divides do occur over some terms that are necessary for certain types of discourse. For example, liberal political argument takes the (roughly) cognate predicates 'good', 'x is better than y', 'moral', 'ought' and 'should' as bedrock and therefore necessary for moral claims. We cannot do away with them in when we are reasoning morally. Yet political terms are done away with all the time. For instance, Gallie's thesis of 'essentially contested terms' (from which Connolly ultimately derives his core framework) suggests that speakers substitute political terminology for descriptions in a way that presupposes some moral framework. The description might not be acceptable to the audience, but the point is that a speaker can substitute the term in
assertions and preserve the content of what they said as far as they are concerned. In so far as this is the case, there are probably going to be audiences out there that find such a substitution equally acceptable.

I have paid the liberal concession when interpreting political argument (See 1.3). That is, I have remained agnostic to different conceptions of ‘the good’ with respect to solving the problem of peaceful coexistence. Once this move has been made there is not much room left for further concessions. Connolly wants to make room. There is a distinct danger with Connolly’s approach that all political argument will end up being concession after concession; toleration after toleration; which will just turn into empty posturing and bar any mechanism of compromise getting some traction. Once again this serves the beneficiaries of the status quo. Perhaps some will defend Connolly by arguing that he is not a liberal. So be it. In so far as he does not describe what he means by political argument, enlightenment, and clarification though, we do not know what he is and therefore have no way to work out whether his brand of conceptual analysis has a point. I actually like to think of Connolly as a liberal since the problems he addresses in Terms of Political Discourse are problems principally for liberals. There are many passages in the book where Connolly expresses concerns very similar to mine. For example,

“In such settings each party also accepts, though, often not in exactly the same way, a more basic set of understandings pertinent to the contest in question. They confront, say, a new situation that provides the occasion for conflict over the grammar of ‘power’ or ‘freedom’, but the occasion itself can arise because they disagree about the import of more basic and partly shared ideas for this new, unanticipated setting. When the notion at issue is conceptually connected to shared ideas about [for example] persons and responsibility, the shared, more fundamental ideas provide a common court of appeal to which the conflict can be brought and within the confines of which the disagreement can be subjected to a measure of rational control.” (Connolly, 1983: 191)

I do not accept many of the points made in the above passage, but the principal idea that we can overcome disagreement by changing the vocabulary in which an assertion is made is one I wholly endorse. If we define power and freedom in terms of persons and responsibility though – which is what Connolly proposes – we must be able to substitute the terms back again to the original assertion in a way that preserves our new found agreement. In so far as the terms are “conceptually connected” we must be able to translate the assertions using the terms ‘persons’ and ‘responsibility’ back into assertions using the terms ‘power’ or ‘freedom’ in a way that preserves the
measure of “rational control”. Yet the above passage suggests that such control would not be preserved. My method of elimination overcomes this puzzle of substitution and – if my hunch about Connolly’s liberal inclinations is correct – is one I think he should accept to avoid debilitating problems with his method.

5.2 Cambridge School

In describing different uses of the same term, there is the danger that the descriptions will use the exact class of terms that they are supposed to be a substitute for. This is a danger that is regularly toyed with by the Cambridge School’s method of conceptual analysis. Note that this is not a critique of the Cambridge School method of the study of political texts, but an offshoot that applies the same argument to conceptual analysis in political theory. I have no problem with the method for studying the so-called ‘meaning’ of political texts, but I do have a problem with this particular extension of it.

Quentin Skinner’s article ‘Language and Political Change’ (1989) is a strong exemplar of the Cambridge School’s arguments with respect to conceptual analysis. In one sense, it is a superior position to Connolly’s because it distinguishes between a word and a concept. Skinner (1989: 7) says, “if we wish to grasp how someone sees the world – what distinctions he draws, what classifications he accepts – what we need to know is not what words he uses but rather what concepts he possesses.” He then goes on to say, “it cannot be a necessary condition of my possessing a concept that I need to understand the correct application of a corresponding word [i.e. term]” (Skinner, 1989: 7). Skinner follows this by making the point that the development of new terminology is the surest sign that a linguistic community is in the grips of a new concept. This all seems right. Indeed, it seems to be the point that Connolly is often trying to get at, just without making his confusing conflation: while the word is not the concept the word could well be evidence that there is a tendency to make conceptual distinctions of a certain kind in a certain linguistic community.

Skinner goes on to express another distinction that should have elevated his account over Connolly’s even further. He says,
So far I have tried to isolate the main debates that arise over the application of our appraisive vocabulary to our social world. I turn now to what I take to be the crucial question: in what sense are these linguistic disagreements also disagreements about our social world?" (Skinner, 1989: 11).

Skinner (1989: 8) uses this notion of 'linguistic disagreement' to specify the aim of the Cambridge School with respect to conceptual analysis: “Our aim is to illuminate ideological disputes through the study of linguistic disagreements”. Quite what Skinner means by 'linguistic disagreements' though is not obvious. For one, it is at first glance quite different to what Chalmers and I mean by a ‘verbal disagreement’. Take the following passage,

"[The disagreement over whether Duchamp’s urinal counts as art] arises at the linguistic level. It centres on whether or not a certain criterion (the exercise of skill) should or should not be regarded as a necessary condition for the correct application of an appraisive term (a work of art). But this is certainly a substantive social dispute as well. What is at issue is whether or not a certain range of objects ought or ought not to be treated as having a rather elevated status and significance.” (Skinner, 1989: 11-12).

If individuals disagreed about whether or not an object should have an elevated status in society this would be a substantive (non-verbal) dispute by my interpretation. Providing both individuals were aware that this is the implication of describing that object as art, then the dispute is not a verbal dispute. We could eliminate the term and rephrase in a way that preserved the disagreement. Yet this is not the issue in the above quote: the issue is purely whether or not Duchamp’s urinal can be described as ‘art’ and the dispute arises over different beliefs concerning whether the ‘exercise of skill’ is necessary for something to be labeled ‘art’. The dispute is irrespective of whether the disputants disagree that Duchamp’s urinal should or should not have an elevated status or whether or not Duchamp demonstrated skill. Whether or not the term ‘art’ applies when an exercise of skill is absent is a purely verbal dispute if this is what the debate over the artistic quality of Duchamp’s urinal turns on. If both parties agreed that Duchamp displayed no skill with his urinal and also that it was nevertheless a praiseworthy artefact worthy of an elevated status, and yet still disagreed over whether it was a work of art then this is a paradigm example of a verbal dispute. It is a non-substantive dispute despite what Skinner says. Claiming that such a ‘linguistic disagreement’ is substantive conflates the consequence of the disagreement with the disagreement itself. Verbal disagreements obviously have social consequences. We might verbally disagree over what a just contract is because
we have different beliefs about what the meaning of the word ‘just’ is and you might consequently end up trying to fight me whereas I try and flee. Yet our disagreement did not range over our reactions to the disagreement, it ranged over the word ‘justice’ and its application to the contract we were trying to strike.

The Cambridge School’s aim then is to ‘illuminate’ ideological disputes by describing the history of the words used to state ‘linguistic disagreements’. Such a history amounts to describing the way the terms’ extension has changed through time to serve certain interests. Genealogies of this sort perhaps serve a useful function in identifying which parties have a vested interest in certain words used in contemporary debates and to encourage arguers to be wary of them. Yet the term ‘illumination’ here plays the same sort of fudge tactic as the term ‘enlightenment’ did in Connolly’s analysis. It is not at all obvious what such a genealogy does for the disputes themselves. Such an analysis might well help out those arguing non-substantively over Duchamp’s urinal but I do not see how such analysis can function on a “substantive social dispute” – descriptions of a term’s causal history can only ever function on non-substantive social disputes. Part of the problem is that the notion of a linguistic disagreement is also underspecified, but even if we were to pry substantive and non-substantive disputes apart analytically (as per my interpretation) and then focus in on one, the word ‘illumination’ reveals no clues concerning why describing the contexts in which the terms are used is helpful. The way words are used are no doubt good indicators of changes in “social or intellectual attitudes on the part of those who use the language” (Skinner, 1989: 19) and this might well be useful to complement a number of investigations, but the status of any dispute arising in political argument remains unchanged in light of such analysis.

One way to state my opposition to the Cambridge School is to say that describing the history of some word has no role to play in describing the semantic content of a disagreement. Skinner and his followers seem to think otherwise. I will defer analysis of a concrete case to Chapter 8 (particularly 8.3.2 concerning the republican rejection of negative freedom) and focus here instead on a parallel debate in the philosophy of language. It should be noted though that this debate focuses more on names and natural kind terms than terms referring to political values. If anything though this just implies that my scepticism towards proposing substitutions for political terminology
in terms of causal-historical descriptions is justified. In extending the discussion I am admitting that the causal-historical thesis could plausibly apply though by no means think it definitely does. The discussion will require a brief detour that will retrace a few of the issues in semantics discussed in 2.4 but I think it is useful to state my opposition to the Cambridge School in a more analytical light.

Saul Kripke introduced the idea of rigid designators to describe terms like ‘Richard Nixon’ and ‘H₂O’: terms that designate the same individual or property in any possible world. Up until Kripke’s *Naming and Necessity* (1974) the conventional view was that the meaning of a name was a description that picked out the unique referent of the name. A decent interpretation of ‘clarification’ and ‘illumination’ by this conventional view would be the substitution of terms for descriptions that preserved the truth conditions of the sentences in which the terms were used. The more descriptions given that can substitute in for the terms in sentences, the better an audience can fill in the relations between the sentences and reasoning of the speaker. Yet there is a dilemma at the heart of this conventional (Fregean) account. I know that Gödel discovered the incompleteness of arithmetic and that this description is good enough to uniquely pick out the man Gödel, but that is all I know about the man. I know nothing else about his life. Can we say this description suffices to give the meaning I attribute to the name Gödel? If it did we could substitute ‘Gödel’ for ‘the discoverer of the incompleteness of arithmetic’ in all sentences that use the name. We might then formulate following sentence,

(a) If Gödel existed, Gödel discovered the incompleteness of arithmetic.

We then substitute ‘Gödel’ for ‘the discoverer of the incompleteness of arithmetic’ and get,

(b) If the discoverer of the incompleteness of arithmetic existed, the discoverer of the incompleteness of arithmetic discovered the incompleteness of arithmetic.

Now, (b) is a necessary truth. That is to say, there is no possible world in which it would turn out false. However, (a) is not. It is a contingent truth. Gödel might well have died before his mathematical powers had developed, he might have spurned academia for a life of dangerous adventure, or we could have faulty information and Gödel did not in fact discover the incompleteness of arithmetic, and so on. It is possible that he did not. Once truth is relativised to possible worlds (see 2.4)
substitution of names for descriptions does not suffice to give the meaning of a term anymore. It does not suffice because (a) and (b) have different truth conditions and (as per 2.4) the meaning of a sentence amounts to its truth-conditions.

The Kripkean revolution holds that the meaning of Richard Nixon is the referent the name picks out. The name was baptised to refer to the individual $i$ who actually became the 37th President of America when that individual was first born. When sentences use the name ‘Richard Nixon’ they refer to that individual, not necessarily the 37th President of America. For instance, hat individual $i$ might never have become an American president. In fact it was surely improbable at the point that individual $i$ was baptized with the name ‘Richard Nixon’ that individual $i$ would become president. Furthermore, it is (minutely) possible that we are all under a collective delusion and Richard Nixon never was the American President. We can make sense of all these claims when we talk about baptisms and re-baptisms of certain objects with names. Such a practice is called ‘reference fixing’ in the literature. It is one of the most crucial tenets to the Kripkean revolutions that there is a “distinction between semantic and pre-semantic senses of ‘reference fixing’”. The pre-semantic involves actions and decisions on behalf of individuals in a linguistic community to fix some term with a reference of some object. These actions and decisions will not necessarily be semantic descriptions like ‘water is a chemical compound of oxygen and hydrogen with the formula H$_2$O’ but be demonstratives like but by demonstratives like ‘This substance is water, that substance is water, but this substance is not water’. The reference-fixing usage of the term ‘water’ is then passed back and forth throughout a linguistic community until it becomes an established fact. In 1750 the term ‘water’ referred to the compound it now refers to even though in 1750 it was still unknown that water was H$_2$O. We can explain this by assuming the term ‘water’ played the role of a rigid designator for the kind common to the standard exemplars we use – and have always used – for the term ‘water’. Stalnaker (2007: 254-255) lucidly describes the overall lesson of the Kripkean revolution,
specify possibilities is, I think, the source of a posteriori necessity, and the fact that the only way to specify a possible world is by using materials that the actual world provides is the reason why the phenomenon of necessary a posteriori truth cannot be explained away, or factored into a part that is necessary, but purely conceptual, and a part that is empirical, but contingent.”

So the actual world plays an important role in fixing terms to referents and individuals can quite competently use these words without having a description ready to substitute for it in a sentence in a way that preserves the sentence’s meaning. It is not descriptions all the way down, so to speak, since at some point in our discourse we will need to rely on terms that designate referents by virtue of some social decision rather than some description.

Every now and again though there is the suggestion that a description of this reference-fixing event of some name can substitute in for the name itself in sentences in a way that preserves the truth-value of those sentences. Scott Soames rejects this type of ambitious descriptivism. He argues that we must be careful not to conflate (i) and (ii),

“(i) the facts that originally brought it about that water stands for what it does, and that have sustained the reference of the word since it was initially established, and (ii) the facts about the meaning of water that speakers must master in order to understand the word... What is uncontroversial is that since water didn’t get its reference by magic, some facts of type (i) must exist, or have existed. If we knew these facts, they could, of course, be described. But it does not follow from this that such descriptions are parts of the meaning of the term, or that speakers who understand water must associate them with the word” (Soames, 2005: 182-83).

I believe (i) and (ii), or the pre-semantic and semantic respectively, need to be distinguished in political argument. I have reasons over and above those of Soames. Principally, descriptions of the reference-fixing events of political terms – the baptisms and re-baptisms – are conducive to being described by the very class of terms they are supposed to be substituted in for.

Kripke’s examples do not attract much controversy in and of themselves. ‘Water’, ‘gold’, and ‘electricity’ are all pretty uncontroversial cases. We all have a rough idea of the exemplars of the terms and experts in mind to trust with determining their true referents (namely chemists and physicists). Given no significant (at least no significant social) controversy rages over the application of Kripke’s rigid designators the terms can be translated from one tradition to the next without problem. This is rarely the case with political terms though. For example, part and parcel of describing
some state of affairs as ‘socially just’ is to appraise that state of affairs. Certain
traditions will undoubtedly have differing exemplars for the term ‘socially just’ and
different experts responsible for determining the extension of the term. Furthermore,
even within traditions the extension of terms like ‘state’ and its close synonyms
change gradually through time. As R.G. Collingwood (1939: 64) puts it, it is just as
absurd to translate the Ancient Greek ‘polis’ that Plato criticised into what Hobbes
describes as ‘the state’ as it is to translate all Ancient Greek references to a ‘trireme’
as a ‘steamboat’ ‘Water’, on the other hand, has had a stable pattern of reference-
fixing from early on in (surely) every linguistic community.

I think one of the reasons political terminology has been so unstable is that political
terms are usually bound up with appraisals of states of affairs. Consequently, there
has been no fixed ‘basic stuff’ that political terms refer to in order to correct
misinformed parties using the terms. If I said ‘Water is not H₂O’ or ‘Richard Nixon is
6 ft tall’ there are certain things in the world that we can uncontrovertially refer to
in order to check whether the sentences are true or not. This rather bland fact renders a
program of ambitious descriptivism completely – which seems to me to be exactly the
Cambridge School’s program – inappropriate for political terminology. Take the
form of ambitious descriptivism for granted and imagine a disagreement between a
fundamentalist Muslim and an atheist over whether or not the criminalization of
apostasy is ‘socially just’. Understanding the educational curriculums the two
individuals were subjected to during their schooling and the history of their respective
cultures might provide a description of how the term ‘socially just’ was fixed to a
property that ranged over the criminalization of apostasy for one of them and did not
for another. If we were to substitute the respective reference-fixing stories into the
disagreement we seemingly have revealed that the two individuals were talking past
one another and therefore we have ‘clarified’ the disagreement by demonstrating that
there was none to begin with. Yet of course there is still a disagreement. It is absurd
to think that the issue is here settled with two sets of causal descriptions. The point is
that given both take the term ‘social justice’ to be appraisive, they both think their
historical chain is the correct chain for determining the extension of the term. Yet in
what sense is their historical chain ‘correct’? The answer is inevitably, “My culture
and the chain of learning I have been subjected to is the socially just one.” The terms
that the causal descriptions substitute in for still require the substituted terms to make
their disagreement evident. This is in part due to the facts that have sustained the reference (or lack thereof) of political terminology are best described in terms of that terminology.

The interesting descriptions the Cambridge School give for the contexts in which political terms are used are typically descriptions of power, class, markets, freedom, and so on. So the descriptions of the causal histories of political terminology are prone to utilising political terminology just as much as the political arguments that supposedly need 'clarifying'. Thinking that such histories can change the status of any argument relies on this circular brand of ambitious descriptivism. Historical analysis no doubt helps with destructive conceptual analysis given it gives arguers a clue which terms they might want to eliminate first. However, it is not necessary and my hunch is that it is more efficient just to eliminate blindly than to go into a detailed historical analysis of the terms used to state the disagreement and/or agreement. What is most important to stress here though is that it does not do the work of the method of elimination. Historical descriptions of a term's usage does not end or alter the running political argument (the descriptions are first-dimensional facts rather than second-dimensional).

5.3. Elimination, not Substitution

This chapter and the last have been concerned with substitution. That is, the idea that substituting terms in a political argument for descriptions can somehow improve the argument. It is the orthodox solution for problems of a conceptual nature in the literature. As we have seen with the examples of this and the previous chapter, when somebody suspects an argument hangs together because of sophistry and linguistic cunning the typical response is to substitute terms used in the argument for descriptions that preserves the truth-conditions of that argument. I have canvassed two different approaches to this description-giving exercise in political theory and have found them both wanting. The scientific programme that substitutes terms in political argument for those most amenable to political science commits the magnitude fallacy. The ordinary language approach substitutes political terms for descriptions of the way in which the terms are used but does not change the status of
political argument despite what its proponents claim. Both approaches to substitution crumble when subjected to pretty basic issues in the philosophy of language: the demarcation of idiolects and the causal-historical thesis.

The arguments I have reviewed defending these brands all under-describe their aims. In so doing they get dangerously close to running into Meno’s paradox (see 1.1). My claim now is that these brands need to fudge their aims in order to make their conceptual analysis appear fruitful and impartial. Admittedly it is a generalisation from a small selection of the literature to a broad claim, but I think that all substitutionists need to engage in these fudge tactics if they want to import their brand of conceptual analysis into political argument. To my knowledge destructive conceptual analysis is the only available alternative.

Here ends the ‘methodological’ considerations of the dissertation. What follows are applications of destructive conceptual analysis to demonstrate its use in political theory and political science. I think that the analysis in each chapter constitutes a useful contribution to the various literatures covered. The literature is typically quite sophisticated because I want to make the point that while the method of elimination can technically tear apart the arguments of charlatans and outright demagogues, it can also make a positive contribution to important and ostensibly substantive academic debates. In fact as I have already argued (3.3.2) this is probably where the method has the most traction.
Part 2
Chapter 6

Who Governs?

Howard Lasswell’s definition of politics as ‘who gets what when and how?’ is probably the most asked and rephrased question in all of political analysis. Robert Dahl’s interpretation of the question ‘Who governs?’ is most likely the second. The two questions are the heart of empirical political science. The following chapter will analyse them conceptually. It will use the abbreviations WG for Dahl’s question and WWWH for Lasswell’s for brevity’s sake.

WG is often considered a part rephrase of WWWH where certain disagreements over WWWH may be explained in virtue of disagreement over WG. That is, if we want to know why certain groups get more resources than other groups, we should narrow our investigation to discerning which groups control government policy. This is simply a mistake. Rephrasing ‘who gets what, when, how?’ in terms of ‘who governs?’ narrows – quite unnecessarily – the scope for explanation. If an analyst is only ever looking for some agent or agents to lump responsibility for government policy onto, they will disregard the role structure can play in explaining why some get more than others and consequently cloud the crucial issue of institutional change. What licenses the rephrase of ‘who gets what when and how?’ into ‘who governs?’ is fast and loose interpretations of the terms ‘power’ and especially ‘social power’. The aim of this chapter then is to apply destructive conceptual analysis as tonic.

Dahl begins his book Who Governs? Democracy and Power in an American City with his question in full,

“In a political system where nearly every adult may vote but where knowledge, wealth, social position, access to officials, and other resources are unequally distributed, who actually governs?” (2005[1961]: 1)
He elaborates further in the introduction: citizens may well be equal in the formal sense that they have equal voting rights, but given the vast inequality of resources

"must there not also be great inequalities in the capacities of different citizens to influence the decisions of their various governments? And if, because they are unequal in other conditions, citizens of a democracy are unequal in power to control their government, then who in fact does govern?" (Dahl, 2005[1961]: 3)

It is obviously an important question, one that cuts to the heart of our democratic aspirations, and one that attracts a lot of (usually healthy) disagreement. The answers range from each voter as much as the next, capitalists or other social classes, national elites, international elites, elite representatives, the state machine, special interest groups, and so on.

Lasswell’s book *Politics: Who Gets What, When, How*, on the other hand, is probably better known for its title than its content. The question is rephrased from the get-go as a study of the patterns of “influence and the influential” (Lasswell, 1950 [1936]: 25) where “the influential are those who get the most of what there is to get” (1950: 3). He takes the terms ‘influence’ and ‘power’ to be interchangeable (1950: 24). The powerful are those who have more of whatever the researcher happens to think is worth valuing in society. The answers are therefore somewhat arbitrary. As Lasswell says, “Political analysis could make use of other combinations [of values], and the resulting elite comparisons would differ” (1950: 6) and then “Different results can be obtained by using different values. An elite of deference is not necessarily an elite of safety” (1950: 18). Accordingly, an elite of resources is not necessarily an elite of governance.

Most of the disagreements over Dahl and Lasswell’s questions are by no means pointless. Yet it is troubling that those who agree on all the local facts (such as the raw empirical data) might still disagree on a respective answer. It is therefore tempting to conclude that disagreements over the questions are often due to non-substantive argument. Such non-substantive argument seems to be in part due to WG and WWWH being conflated. Both questions are typically boiled down to different interpretations of the term ‘power’ and the conflations of the questions then occur
when these interpretations are used interchangeably. Dahl introduced the term to measure the capacities of actors to control public policy whereas Lasswell used the term to designate who got more of whatever the researcher thought worth getting: two eminently distinct uses that are not interchangeable.

The questions WG and WWWW should be translucent with respect to recognised empirical patterns. In so far as raw empirics cannot determine a decisive answer the questions are defective, a defection that should have been weeded out in political argument before it got onto the agenda of empirical science (see 4.8). Why should we bother about empirical patterns in the first place? Answer: they supplement our arguments concerning when we need to act and when we do not need to act – when we have justified a certain principle, we need to know whether or not the actual world comes up to snuff and whether it would be inconsistent not to do anything about it. Without empirical evidence there is no point to political argument and without political argument empirical evidence cannot be adequately interpreted.

This chapter is concerned with rephrasing these questions in a way that weeds out non-substantiveness and gives empirical research a chance to yield decisive answers rather than simply replicating deadlocked propaganda. WWWW and WG can be rephrased by introducing the words ‘power’ and ‘social power’. The standard and largely undisputed distinction in the power literature is between outcome power (or simply just power) and social power. Outcome power is the power to effect outcomes. Social power is the power somebody has over another agent in order to effect outcomes. The more social power somebody has the more power they have to bring about the outcomes they want and so social power is a subset of outcome power. If I were to manipulate you, I would be exercising social power over you as part of my power to bring about some desired outcome. Outcome power then is associated with the phrase ‘power to’ and social power with the phrase ‘power over’. WWWW can be rephrased in a way that preserves a broad range of agreement profiles in terms of outcome power: ‘who gets outcome power, to what extent, when and how?’ Given outcome power is a means to what one wants, it is a proxy way of saying those who get more outcome power can get more of what they want. On the

79 The government typically does not directly satisfy consumptive wants. It distributes resources by which agents can accordingly satisfy them.
other hand, WG can be rephrased in terms of social power: 'Who has social power over government?'\textsuperscript{80}

Rephrasing from this point on is not so easy, with many purported disagreements over assertions involving social power and (outcome) power appearing to be verbal. From the results of the destructive conceptual analysis applied in this chapter, I suggest that such disagreement often turns on the conflation of WG and WWWH. Both explanations do not justify the disagreement since the disagreement has got nothing to do with the way the world is. When the external world cannot be brought to bear on an answer, the answer will inevitably be either irrelevant or unconstructive to political argument. I tie my analysis off with a closer look at what constitutes an empirical pattern.

6.1 Do Capitalists have Power over Governments?

Brian Barry suggests the rosy image of North American and western European political-economic systems where consumers and voters have power over policy and market direction but capitalists do not is a pure hoax. It is "nothing more than ideology, in Marx's sense of a fantastical picture of the world designed by the beneficiaries of the status quo to protect their privileged positions against legitimate demands for revolutionary change" (2003: 323). If such a fantastical picture straitjackets us, then it is unlikely reality and science can do much to constrain our arguments. Governments give business what business wants because they fear being punished – losing economic investment or campaign contributions – and government gives this to business because business have power in the same way that voters and consumers have it. The unequal distribution of resources that Dahl acknowledges, therefore contributes to unequal representation in policy decisions. The disadvantaged do not seek to change the capitalist system – which supports scared governments that toady to the interests of capitalists – because the fantastical picture dupes them into denial. Who governs? Capitalists govern.

\textsuperscript{80} 'The government' clearly refers to the group of politicians in a position to determine executive policy decisions. It does not refer to politicians elected to parliament who are not in a position to make such executive decisions.
Barry’s purported concern is to constrain claims made about the distribution of power relations in society with empirical evidence. In a three-part exchange in the journal *Politics, Philosophy and Economics* he criticises Keith Dowding for introducing epicycles into the interpretation of social power by constantly redefining the notion of a ‘resource’ too broadly in a way that ends up encompassing “all the things that lie between the ability to change people’s utilities and the ability to change their behaviour” (Barry, 2003: 339). His accusation is that whenever there is evidence that mass behaviour does not conform to the rational choice framework pioneered by John Harsanyi (1962a and 1962b), Dowding’s strategy is to re-define what counts as a power resource to *make* it fit. He goes on to say that this “seems a completely pointless endeavor, and one that makes it impossible to say the right things in a straightforward way, because they have to be somehow contorted to fit the framework [Dowding] wants to impose” (Barry, 2003: 339). The accusation is that Dowding gets blind sighted with developing a strict framework for the interpretations of ‘power’ and relations of ‘social power’ that are supposed to fill in all the empirical gaps. The rigidity of the framework is pushed to the point where the questions the analysis was trying to address in the first place are lost and never recovered.

Some exposition is required to make a bit more sense of this accusation – particularly which questions were being addressed in the first place. As the reader probably guessed, Barry does not think the ability to change people’s utilities is identical with an ability to change their behaviour. He considers social power to be a subset of the latter but not necessarily the former. It is common ground that A has power over B when A can make B do something B would not otherwise have done (see for e.g. Dahl, 1957; Barry, 1989; Dowding, 1991 and 1996; Morriss, 2002; Lukes, 2005). Different interpretations of social power typically turn on the means A has to do this that are to count. For Barry, social power is the ability of A to change B’s behaviour by *means of B’s belief* that A can make B worse off. A persuading B to do something by way of rational argument is therefore not an exercise of social power over B. Nor is a hotdog vendor who hands over a bun to a paying customer – which the vendor would not have otherwise done had the customer not offered to pay for it – the subject

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81 That is, relations that can be acceptably associated with the word.
of social power. The customer offers money for the hotdog and so increases the utility for the vendor to hand it over, but does not exercise social power over the vendor. An important feature of Barry’s interpretation of social power, then, is that individuals have a preference not to be subjected to it. He tinkers with Weber’s definition of social power\textsuperscript{82} to neatly rephrase this interpretation as the ability to bring about desired outcomes despite the resistance of opposition. That is, “an actor has more power the greater the range of unfavourable distributions of preferences within which he is decisive, in other words the more opposition he can overcome” (Barry, 1989: 272). A paradigm example of social power then is a threat where A gets B to do something B would not otherwise have done by means of B’s belief that A will carry out the threat if B did not do the deed. B wanted to do something that A did not want her to (or wanted her to do something else) and so A was in opposition to B vis-à-vis B’s choice. Therefore, B’s threat was an exercise of social power. There is no such opposition in the case of the rational arguer or the hotdog vendor and so there is no relation of social power. The giveaway is that typically those being persuaded by the force of reason and those freely consenting to a market transaction do not have a preference not to be in such a relation. B, on the other hand, has a preference not to be threatened.

This is apparently the most charitable interpretation of social power Barry can think of for those trying to defend the market order. It gives theoretical coherency to the claim that voters exercise power over government and that consumers exercise power over firms. If politicians believe members of their constituencies are likely to punish them for poor performance, they are less likely to slouch on the job or dabble in corrupt behaviour. Politicians believe that voters can make them worse off. When voters go to the ballot box they undertake collective behaviour that signals to politicians that if they behave in ways that they might otherwise have behaved, then the collective behaviour of voters will punish them. Granted, it is not rational for voters to punish poor performance\textsuperscript{83} since voters should be looking to the future and to what the competing candidates can offer them during the next electoral term rather than looking back and punishing past performance. However, it is commonplace that

\textsuperscript{82} The definition by one translation goes “any chance to impose one’s own will in a social relationship, even against resistance, regardless of what that chance is based on. (1922, in Zimmerling, 2005: 31).

\textsuperscript{83} However, if we are to follow Dowding’s analysis, it might sometimes be rational to sacrifice your vote in such a way as to build a collective reputation.
"voters use the past as a signal for future policy outcomes" (Jacobs and Shapiro, 2000: 14). It therefore pays a politician to pander to their constituent's belief that they are the preferable candidate come election time by performing and legislating favourably. So far as this belief reins in the heads of politicians (and I think it is safe to say that it does), then voters have power over politicians and therefore government. Likewise with business: if firms start to lower the quality of their produce or hike up its price, consumers will switch to different products. In so far as a sufficient number of loyal customers notice the difference and switch to a competitor's product instead, this is incentive enough to keep produce at a reasonable quality and at a reasonable price. The belief that consumers will punish the firms deters those firms from behaving in a way they otherwise would and gives purchase to the term 'consumer power'.

Of course, both these ascriptions of power assume that there is already a government and already an entrenched market with established businesses. We can accordingly infer that consumers can make firms worse off and that voters can make governments worse off. This inference allows us to reject some of the classic liberal arguments commonly deployed. For example, one defence of the seeming control and manipulation employers have over their employees is to argue that they do not really have any power over them at all. As Lindblom (1977: 48) puts it, "the classical liberal argument postulates a population not yet engaged in economic cooperation and asks how they might be organised by being drawn into mutually advantageous voluntary exchanges. Does such a method of organisation impair their liberties? Not at all, for each enters into exchange for his own advantage, hence voluntarily". Someone could quite reasonably raise this to argue that employers never really have any real power over their employees, which is an age-old strategy used against Marxian opponents to deny that the bourgeoisie had any power over the proletariat rather than the more modern strategy of problematising the demarcation of the classes (see 8.5). However, if they do they can no longer consistently maintain that voters have any power over government. If we postulate a population not yet with a government then we cannot postulate that voters will use the past as a signal for the future and that politicians will be fearful of voters punishing poor performance. If
voters do not have any power then it is difficult to ascribe an electoral system with any sort of democratic credentials.\textsuperscript{84}

In more modern times it would be odd to deny that employers did not have any power over their employees. It is not odd though to deny that capitalists exercise much power over government. Barry quotes Donald Wittman as one of the deniers,

"The Marxists [who say capitalists exercise power] have it about 98 per cent right, but the remaining 2 per cent makes all the difference to the analysis. It is true that democratic governments are severely constrained in their policy choices by economic forces. But the Marxists are wrong in attributing these forces to capitalists or to capitalism itself. Capitalists don't control, markets do."

The flight of capital can cripple budgets – not to mention nations – making it difficult for politicians to implement reasonable policy packages. Barry cites a few examples like the run on the franc in 1981-1982 where the French government started dabbling in light socialism and investment started bailing shortly after. The amputees in Sierra Leone are also a direct consequence of the financial aid the rebels received from capitalists who were after the diamonds from the mines the rebels controlled. Countless examples of the perils of capital flight can unfortunately be drawn from the developing world. Recently, the global financial crisis in 2008 has been the most prominent example of how concerns for the stability of investment can influence the policy of governments. The American government invested an estimated 80% of its GDP to prop up the financial sector by direct capital injections, the guaranteeing of loans, cutting interest rates, and ensuring liquidity provision. After Lehman Brothers filed for bankruptcy confidence in the market dwindled with other banks withdrawing their assets from and declining loans to any banks that might have been adversely affected by cancelled trades with Lehman Brothers. The US treasury then stepped in when the next wave of banks began to unwind. Policy makers got it in their heads that the banks were too big to fail and accordingly spent substantial amounts to bail them out. The belief was strong enough to make government do something they would not have otherwise done (nobody likes to empty their financial reserves) and so by Barry's interpretation the bailout can be partly explained in terms of the power of

\textsuperscript{84} Barry notes the etymological link between democracy and the power of the people. In Greek, 'demos' can be translated as 'the people' and 'kratos' as power. So literally, ascribing a measure of democracy is ascribing a measure of how much power the people have over the government.
capitalists over government. Yet the more natural explanation – or at least the more common – is to maintain that the government was forced into their significant fiscal spending because of the signals of the market rather than the signals of capitalists. The argument in ‘Capitalists Rule OK?’ is that it may well be natural to talk in this way but such talk is inconsistent with the equally natural tendency to assert that voters have power over politicians that constrains their decisions over legislation (and likewise for consumers having any sort of ‘consumer power’ over firms).

6.1.1 Verbal Attacks on the Liberal Democratic Picture

The claim then is that there are no available linguistic resources that can justify the description of the distribution of social power-relations a champion of the free market and democracy might have. Typically, power theorists have developed their interpretations of the term ‘social power’ to attach it to a conceptual space they find particularly useful for answering either WG or WWWH. If there is a question to which Barry addresses ‘Capitalists Rule OK?’ the question concerns linguistic patterns and whether we can consistently assert the sentence ‘Consumers have power over firms, voters have power over government, but capitalists do not have power over government’ on any reasonable interpretation. His answer is no. Yet Keith Dowding offers an alternative framework that might well suggest otherwise – it marks out the territory one would need to take in order to pursue the alternative. Barry needs to go on the attack then to defend his thesis against the prospects of Dowding’s rational choice interpretation of social power to explain why it is not a feasible alternative.

The claim and argument in ‘Capitalists Rule OK’ can be summarised into two assertions.

**B1:** The sentence, "Consumers have power over firms, voters have power over government, but capitalists do not have power over government’ is inconsistent on any reasonable interpretation of the phrase ‘power over’ (i.e. social power)."  

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85 See Barry (2003: 323).
B2: Keith Dowding’s interpretation of ‘social power’ is a candidate interpretation that interprets (or at least could interpret) B1 to yield a consistent sentence. However, the interpretation is unreasonable because of the epicycles it introduces into political theory with respect to what counts as a power resource and what does not.86

My argument is that the assertions B1 and B2 both rely on purely verbal inferences. B1 takes the sentence defending the fantastical picture out of context. It does not address the conversational context the sentence is embedded in and the flexibility of a converser’s ability to rephrase their point. Dowding’s interpretation of social power is intended to address the question of ‘who governs?’ whereas Barry appears more concerned with ‘who gets what, when, how?’. Had the context of B1 been elaborated, this conflation of the two questions would have been avoided. The implications of this difference will be teased out with the method of elimination. B2 does not survive the pressures of elimination either.

I will begin with B2. Dowding (1991; 1996; 2003) tries to fill in the gap between the ability to get somebody to do something they would not otherwise have done with the ability to alter their incentive structure. More precisely, social power is the ability to achieve desired outcomes by deliberately changing the incentive structures of others. Consider again the case where A threatens B. Suppose $t_1$ is the measure of disutility B suffers if A’s threat is carried out, $u_1$ is the utility of B carrying out their preferred action and $u_2$ is the utility of carrying out the action coercively suggested by A. The threat would likely be effective if B is rational and $t_1 > u_1 - u_2$. Agent A has exercised social power over B by changing the incentives B has for acting in various ways (i.e. B’s incentive structure) such that B does something they would not otherwise have done.

A credible threat is a means for social power. The greater ability an agent has for credible threats, the greater their means for social power. Likewise, the more an agent can make credible offers (like the promise of payment or a quid pro quo service) the more options they have to make others do something they would not otherwise do. The means for social power then are the tools by which we change the incentive structures of others. As Dowding puts it, “the difference $u_1 - u_2$ that A can make to

B’s welfare is a measure of A’s power” (1991: 75). Note that this quote does not imply power *is* the difference but the difference is a good, albeit rough, measure of whatever power is. According to John Harsanyi (1962a, 1962b) these tools can be grouped into four types: conditional incentives or disincentives (offers and threats), unconditional incentives or disincentives (e.g. price subsidies for solar panels and taxes on cigarettes), provision of information, and appeals to legitimate authority.

Such means are often costly for the individual exercising the social power (the one carrying out the threat, or paying out the offer, or securing the intelligence, etc.) and so will require resources to cover the costs. The more resources an agent has the greater their opportunities to exercise the means for social power. This gives us an explanation why certain individuals are in a position to make more credible threats or offers than others and so have *more* social power than others: they have more resources to punish non-compliance and/or reward compliance. For instance, money is a resource given individuals can use it to make offers or pay for punishment. While not equating power with resources and committing the ‘vehicle fallacy’ (Kenny, 1975: 10; Morriss, 2002: 18), the account does endorse resources as a good proxy for *measuring* social power.

By Dowding’s account of social power an agent’s reputation is also a resource that can be used to cover the costs for the means of social power. A threat will be effective even if you do not have the resources to honour it so long as the threatened thinks you do and thinks you will honour it. So long as the agent believes the threat is credible, then they will act as desired, even if you do not have the resources to honour it. The Sicilian mafia, it is sometimes said, are all but powerless but for their reputation for harsh punitive action on two-timers and non-compliers (Gambetta, 1993).

It makes little sense to honour a threat were it not for rational concerns about reputation. Punishment costs time, effort and often money and unless you derive a good deal of pleasure out of inflicting pain or causing hardship, there is no rational reason to go through with it other than a concern for your reputation. Likewise, there

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87 Power is rightly taken to be a dispositional concept. Kenny and Morriss use the analogy of the disposition of whisky to introxicate to draw out what is at stake with the vehicle fallacy.
is no good reason to honour a conditional incentive ("I'll pay you 5 million dollars if you blackmail that politician") other than a loss of reputation for delivering on future offers if there is no chance of reprisals from the agent you were incentivising. Losing reputation makes the tools of social power less credible and therefore less effective, weakening an agent's social power. Even when \( u_1-u_2 \) results in disutility an agent might not rationally comply with a threat or offer since having a reputation for stubbornness makes an individual less of a target for future would-be blackmailers.

These factors introduce an element of rational indeterminacy into the interpretation of social power, particularly with respect to the relation between A's ability to make a difference to B's welfare and A's ability to get B to do something B would not otherwise have done. If an individual or group does not cede to a threat or take up an offer despite \( t_1>u_1-u_2 \), this does not necessarily render them irrational. Again, Dowding is interested in giving an interpretation of power that is framed by the methodology of rational choice. While individuals might not always act rationally, it is a good approximation for mass behaviour that most individuals will (even though there will undoubtedly be fluctuations from the norm). Once resources have been counted and preferences determined, if mass behaviour does not follow a utility-maximising trajectory, then rationality can still be assumed and the explanation still given in terms of resources by considering the concern agents have for their reputation. In many circumstances it is rational to take a hit in welfare in order to develop resources for greater welfare returns in future circumstances. Such a strategy would explain why collective action does not occur even when \( t_1>u_1-u_2 \) and when the assumption of rationality holds. To update B2 to account for the above discussion,

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B2: \quad \text{... Interpreting social power to be measurable by an agent's resources introduces epicycles into the discussion of power. Including reputation as a resource is a case in point.}^{88}
\]

Barry thinks that counting reputation as a resource in Harsanyi's model is a "fudge factor" (2003: 325). The accusation is that treating reputation as a resource an agent has to make a difference to another agent's incentive structure introduces epicycles with respect to the definition of a resource. This definitional qualm gives destructive

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conceptual analysis a hook with the word ‘resources’. If the problem is defining and re-defining resources to fill in any gap between the ability to change somebody’s welfare and the ability to change their behaviour, then if we remove the word from argument and rephrase do we remove the problem? Since ‘resource’ is the word that seems to feature in the disagreement we should eliminate it from B2 and rephrase to begin the conceptual analysis. A disagreement-preserving rephrase is seemingly simple,

B2A: … Interpreting social power to be measurable by some property that agents can use to cover the costs of altering the incentive structure of other agents introduces epicycles into the discussion of power. Including reputation as a subset of that measurable property is a case in point.\footnote{See Barry (2002: 162-3) for a plausible vindication of this rephrase. Note, however, section 3.3.4 if this reference fails to convince.}

I am not completely sure whether Barry would have agreed with B2A, but for charity’s sake we assume that he would have. However, where the epicycles in B2A come from is not immediately obvious. So long as there is some property that can be measured by a theorist and that can be utilised by some agent A to affect the incentive structure of some other agent B to A’s desired effect, then Dowding’s claim holds. There may be a few teething problems in working out what this property is (e.g. whether it is to include an agent’s reputation or not) and how to measure it, but such problems do not introduce epicycles into the discussion. Reputation can be measured through elite interviews. Tabulating elite beliefs concerning the influence of other elite agents within a community was used as a proxy for measuring power in some of the early work on community power (Hunter, 1953). If we assume B2A preserves the agreement profile of B2, then the accusation of epicycles used to reject Dowding’s interpretation must refer to his argument arbitrarily swapping the property that the term ‘social power’ refers to when faced with reasonable rejection. Indeed, if the accusation were to hold it would be a clear case of linguistic gerrymandering.

The question then is whether Dowding’s interpretation can still be made when we eliminate the term ‘social power’. In order to rephrase B2A once ‘social power’ has been eliminated it is useful to know why the term was introduced in the first place. It was not – as it were – to defend the market order. It was to address the issue of governance (i.e. WG) which we can address in terms of the ability to intentionally
affect the incentive structure of actors involved in policy decisions (Dowding, 1996: 5) and so drop the term ‘social power’ in B2A altogether,

B2B: Interpreting the ability to intentionally alter the incentive structure of others to be measurable by some property that agents can use to cover the costs of altering the incentive structure of other agents introduces epicycles into developing a framework to answer WG and WWHH...

B2B does not preserve the disagreement profile of B2A. There was never any suggestion in ‘Capitalists Rule OK?’ that Dowding could not quantify whatever he was interpreting social power to be, only that his particular interpretation of the term was wrong. The subset of abilities that are relevant to governance are the subject of Dowding’s interpretation, he just happens to name this particular subset ‘social power’. Yet Barry suggests that Dowding’s supposed epicycles lead to a degenerate paradigm in “Lakatosian terms” (2003: 325). This is where his accusation starts to unravel. There is no hypothesis Dowding is subjecting to empirical evidence where he could re-define the words ‘resource’ and/or ‘social power’ in order to avoid the hypothesis’ falsification. Barry’s accusation – boiled down – is not that empirical evidence can never update the questions Dowding seeks to answer with the rational choice framework, but that nothing allows Barry to trump Dowding’s definition of social power with his preferred definition. This is a purely verbal complaint and does not amount to a reasonable rejection. It is a feature of supposedly decisive accusations of linguistic gerrymandering that if they do not to hold under the pressures of elimination then the accusation is itself a case of linguistic gerrymandering. Of course, if somebody can rephrase B2A is a way that preserves the agreement and disagreement profiles, then this analysis can be discarded. For now, destructive conceptual analysis has provisionally demonstrated that the accusation of epicycling in ‘Capitalists Rule OK?’ was hasty. This gives a hint that the analysis should be turned back on Barry to test the scruples of B1.

So much for the attack on the Harsanyi/Dowding rational choice interpretation of social power. Assuming the interpretation is reasonable (and Barry has provided no

90 Despite Barry not explicitly mentioning the questions framing the disagreement, in his follow-up article (Barry, 2003) he doesn’t contest Dowding’s (2002) characterization of it as such.

91 Imre Lakatos’ philosophy proposed a method for choosing when to abandon scientific research programmes and how far to push toleration of empirical irregularities. The method always needed evidence of success and failure of the paradigm’s ability to predict/explain data. Barry provides little commentary on the capacities of either his or Dowding’s theories to predict/explain data.
The question is now how it interprets the power relations between capitalists, government, voters and consumers given the empirical facts that make up the common ground. Part of this common ground is presumably that capitalists get what they want from government more often than other groups in society. Barry says this is because they are socially powerful and have governments acting in ways they would not otherwise because politicians believe capitalists can dent their budgets and electoral chances (and sometimes their post-political careers as well). Dowding, on the other hand, suggests it is because capitalists are systematically lucky: “In a capitalist society, capitalists are systematically lucky because the welfare of everyone is dependent upon the state of the economy and capitalism is the motor of the economy” (1996: 80). Of course, they are also powerful since they often collude to force the government’s hand when the government does not do as they wish, but as it happens this is not (or at least does not seem to be) the regularity. When the Australian government sought to impose a super profits tax on the mining industry, the industry collectively intervened, targeting the electorate with a 22 million dollar advertising campaign, which was not irrelevant to the overthrow of the then Prime Minister Kevin Rudd. His replacement, Julia Gillard, subsequently negotiated a compromise tax, weary of the damage the mining companies would otherwise inflict on her party’s electoral chances. This was an example of social power by both interpretations sketched so far. Yet the tendency for government to ‘listen to business’ can also, to a significant degree, be put down to capitalists being systematically lucky that their interests happen to correspond with the government’s. The capitalists are not themselves deliberately intervening to alter the incentive structures of politicians – the incentive structures are already thus rigged. Since there is no deliberate intervention or anticipated deliberate intervention, there is no social power being exercised. In this sense the social power capitalists have over government usually does not provide a sufficient answer to the question ‘who gets what, when, how?’ whereas systematic luck does. Nevertheless, this certainly seems like a reasonable interpretation of social power that undermines B1. Explaining why somebody or some group gets what they want or not can only sometimes be explained in terms of a concept that was designed to answer a question about democratic governance (i.e. WG). Remember, in *Who Governs?* Dahl was not trying to explain the inequality in New Haven; what he was trying to do was ascertain whether such inequality affected the governance of the city.
If luck is technically whatever is added to decisiveness in a certain situation to equal success (luck + decisiveness = success) or “getting what you want without trying” (Barry, 1991: 300) then systematic luck is whatever is added to the decisiveness of individuals in a particular social position to equal the success those individuals enjoy as a function of being in their social position. Systematic luck is predictable but is analytically distinct from an individual or group’s decisiveness. Systematic luck is predictable from the system of relations where “no single actor is necessary or sufficient for the continuance of the system, and if one or more actors fail to fulfil their roles there are strong incentives for others to take their place” (Dowding, 1996: 74). This negative statement is precisely the proposition Dowding’s interpretation of social power and systematic luck is set on bringing empirical evidence to bear upon – to look for possible explanations beyond the deliberate decisions of actors. Sometimes individuals and groups will not act in a way that is in their best interests, not because somebody is there actively stopping them, but because of collective action problems. Those who gain from their inaction have not necessarily exerted social power over them; they could have been just lucky or systematically lucky.

If capitalists are systematically lucky then I think it would be safe to say consumers are systematically lucky that prices are relatively constrained by their behaviour. There is no deliberate action consumers undertake (apart from a few narky letters of complaint about the quality of certain products) to alter the incentive structure of firms, all the individual consumer is usually interested in is getting what they want at the lowest price. Voters taken as a group, however, might be said to collude to exercise social power over government. They have the resource of legitimate authority to deliberately alter the incentive structure of politicians. So, if pushed, an apologist for the market could claim ‘Voters exercise power over governments regularly, consumers do not exercise power over producers, and capitalists do not as a rule exercise social power over government policy.’ This is a genuine alternative to Barry’s interpretation and one that gives market apologists a linguistic platform to consistently state their ‘fantastical image’. So B1 is difficult to maintain.

92 The distinction between a voter and consumer can be made by describing voters as deliberately acting to effect a social outcome, whereas consumers effect the social outcome (prices and the profit margins of firms) but do not do so deliberately.
The criticism can be pushed further with the method of elimination. B1 takes the sentence ‘Consumers have power over firms, voters have power over government, but capitalists do not have power over government’ out of context. This is problematic given the context of argument constrains what counts as a reasonable interpretation. For example, there is nothing in B1 to suggest social power cannot be interpreted as ‘a property that any group with a name that contains the letter o has over any group whose name does not and all groups with names starting with the letter v have over their governments.’ Such an interpretation would render the sentence in B1 consistent. We need a question or context of argument with which we can deem this proposed nominal interpretation of social power to be irrelevant (and therefore unreasonable). I suggest Barry is trying to propose an interpretation of social power that exhausts the ‘how’ in the question WWWH for all matters pertaining to the relations of social groups. Indeed, within this context perhaps his is the only reasonable interpretation that can make consistent work of the sentence in B1. However, Dowding first proposes a framework to address the question of WG using the term social power and only then introduces systematic luck to complete the framework to also address the ‘how’ in the question WWWH. These are two different uses of the term ‘social power’ and if we could eliminate the term then I doubt that many of the stated disagreements will be preserved. Furthermore, the word ‘social power’ fudges the critical issue of institutional change that both authors were concerned with.

If a Barry-deferring global socialist were to get into a political argument with a ‘fantastical image’-toting capitalist things could quite easily crumble into purely verbal disagreement. The two could well agree on all the brute empirical facts, understand the other’s moral claims (both would probably agree that capitalists having x amount of power over government is bad), but still disagree about whether the other should endorse the current state of affairs since they have different linguistic descriptions of it. They would therefore have different opinions as to whether it had been justified. In such a situation reality is going to have a tough task constraining their argument. Rather than attacking the alternative definitions, then, the salient terms should be eliminated until the linguistic ideologies of the arguers are constrained to such a degree that the empirical facts and moral claims are the pivot for their agreement profiles rather than the definition of terms. The assumption Barry
makes is that arguers attacking or defending the liberal-democratic order are working from a fixed set of terms to state their position and that there is no way the sentence in B1 could be rephrased without using the terms 'social power'. Perhaps the sentence in B1 is a good first shot for making an argument for an individual subscribing to a more progressive tradition of political thought. However, from that point on adjustments need to be made and the arguer must be flexible with the words they use if they are to be open to reasonable rejection. Political arguments concerning WWWH in the market order do not need to be made in terms of social power. If somebody asked why it was that capitalists seemed to get more of what they wanted than other groups and the reply was that they exerted social power over governments, then perhaps Barry’s interpretation is a reasonable one. However, if somebody wanted to ask why capitalists got what they want in a certain situation and what to do to stop it happening again, then it is not clear that Barry’s interpretation of social power will do. A case in point is the global financial crisis (see next section).

Once we eliminate the term 'social power' from political argument the import of Barry’s case fizzles away. There is just as much reason to say Barry is entertaining a fantastical image as much as the brass neck apologists of the free market he chastises. If arguers were to be adequately reasonable and be open to the elimination constraint, there would be no point to ‘Capitalists Rule OK?’ other than offering another candidate interpretation of social power that is not much better than any other. There is little doubt that politicians believe that the tendencies of capital flight can devastate their budget, that CEOs of firms believe that consumers can make their firms less profitable by switching products, or that politicians believe that voters can kick them out of office if they do not come up to scratch. Indeed, it goes some way to explaining why capitalists get so many tax concessions and an unrevoked license for super profits to say they get it by means of the politicians’ belief that the behaviour of capitalists could make their budget and electoral chances worse off. Yet capitalists did not necessarily engage in deliberate action to instil this belief nor do they engage in ongoing deliberate action to maintain it. The continuance of the capitalist system is not dependent on any single actor doing what they are already doing. In most cases though it is dependent on certain actors not doing what they are already not doing and so there is plenty of scope for individuals to think about the incentives the system distributes and consider doing something they had not already been doing in order to
change it. Revolution is a live possibility in such calculations, which is obscured by Barry’s language games.

6.2 Responsibility and Institutional Change

Until these debates are cleared up there will be a lot of hot air expelled in our empirical analysis of political events. In this section I will trace the ambiguity these debates have left open for institutional change.

The explanations of the 2008 Global Financial Crisis are an interesting test for the discussion so far. One conspiracy theory I initially bought into was Hindmoor and McGeechen’s (2013) conclusion that capitalists exercised their social power over government in order to establish the view that the banks “were too big to fail”. I note quickly that labelling their conclusion a conspiracy theory is by no means an indictment – it is a victory for the defenders of the status quo that it is now regularly used as such – but only that they suggest the GFC bailout was in some part caused by collusion. The authors attribute the bailout package (estimated to be worth roughly 80 per cent of America’s GDP) to roughly three historical events that led to the banks being too big to fail since “a banking failure would have had a devastating effect on the American and global economy” (2013: 9). Policymakers did not just bail the banks out by being duped into it by lobbyists behind closed doors (although this might in part explain the extent of the bailout), they did it because global finance would have crippled their budget had they done otherwise. Yet the authors claim that the events that led to this situation were in part determined by the social power of the banks and that the bailout can therefore be explained, in part, by that power. The reason I decided to pick up from their analysis is because their interpretation of social power is derived from the Barry-Dowding debate (2013: 1). They side with Barry “but for different reasons” (2013: 2) – reasons related to intuitions concerning the connection between their analysis of the bailout and the word power. I suggest these intuitions obscure the process of reform set on ensuring such crises do not happen again.
The three events identified as contributing to the bailout are as follows. First, the repeal of the Glass-Steagall Act and the Bank Holding Company Act in the United States (the Gramm-Leach-Bliley Act of 1999) which relaxed financial regulation allowing commercial banks to subsequently engage in investment banking and enter the insurance business. The American banks lobbied for the regulation by nodding to the apparent danger London posed to the United States as an emerging financial hub with laxer restrictions on commercial banks. Such competition, it was argued, threatened employment and tax revenue in the United States with its potential to lure capital investment overseas. The deregulation led to a period of rapid financial growth. Yet Ritholz suggests that had “Glass-Steagall still been the law of the land, much of the damage banks like Citigroup [caused during the GFC] would have been minimised” (2009: 213). Second, the banks lobbied hard for the deregulation of derivatives trading. Derivative trading (rather loosely) consists of contracts designed to institute a swap of assets at some specified future point in time. By such a swap the parties’ risk is consequently minimised by hedging their bets between the fortunes of two different markets. Consequently, all the banks became interconnected in a strikingly non-transparent way.

Because banks largely traded with each other, because each trade required counterparties and because many trades were then reinsured with other banks via a credit default swap, the derivatives market generated staggering and completely opaque sets of liabilities between the banks themselves and between the banks and other financial institutions like AIG... The banks became too big to fail because these liabilities meant that the failure of one bank was likely to trigger the failure of other banks. (Hindmoor & McGeechen, 2013: 10)

Indeed, when Lehman Brothers went under assets were quickly withdrawn from banks that might have been affected from void trades with them. This led to a quick evaporation of confidence in the market given the interconnectedness of the derivatives market. Finally, the government decided to reduce the capital banks were required to have to cover potential trading losses. The old ‘net capital rule’ was replaced by a policy that allowed the banks themselves to determine the risk generated from their investment using their own forecasting models. This, it is argued, led to laxer restrictions on risky behaviour.

It is arguable that the direct lobbying of the banks was necessary for policymakers to commit to these three pieces of deregulation. Through the traditional means of campaign finance and lobbying, the banking sector got what it wanted. Yet it is
wrong to conclude the above evidence suggests they collectively ‘tried’ to be too big to fail. They certainly lobbied for more opportunities to maximise their profits – to improve their choice situation – and in so doing changed their role in society, but it would be a leap to say that they colluded to make sure that when/if confidence in the market began to evaporate, the government would socialise their losses. Nevertheless, this is what Hindmoor and McGeechen seem to be suggesting with passages like the following, “The banks were not systematically lucky in 2008. They were powerful. They tried hard to ensure that they did not have to try hard to get what they wanted” (2013: 2). The contradiction is presumably in jest, however it reveals the problem with their analysis. The ‘too big to fail’ mindset in policymakers was not intentionally created. It was an unintended and happy (for the bankers, at least) consequence of their profit-seeking behaviour. ‘Lucky’ seems to be a perfectly legitimate substitute for ‘happy’ in the previous sentence. Furthermore, had different players been involved (all the CEOs and chairmen had stepped down in one massive exodus) the same sort of lobbying would have occurred (given there were huge incentives for other players to step up into the vacant positions) presumably with the same results. So the process was unintentional but non-random. It is therefore quite right to call it a case of systematic luck. Hindmoor and McGeechen suggest that the banks were not ‘lucky all the way down’ and they had to create their luck. If somebody is not going out of their way to create their luck, then surely they are lucky that they have luck. Why not just call this luck all the way down?

Of course, Hindmoor and McGeechen are free to use the word ‘power’ any way they choose (so long as they give the reader fair warning). In fact they initially seem to condone Dowding’s distinction between social power and systematic luck but then suggest that it does not pick out certain additional properties that they find salient. They want to make an additional distinction between those who are systematically lucky ‘all the way down’ and those who are systematically lucky only ‘some of the way down’. In the 1940s the British government developed policy in the interests of farmers because the WWII naval blockade had emphasised the need to secure domestic agricultural production. The post-war currency crisis also played into the interests of farmers. Presumably, the farmers were systematically lucky ‘all the way down’ because they did not have any role to play (apparently) in the structure that suggested the policy. Despite the National Farmers Union having considerable
power, the farmers got what they wanted because they were lucky. If, say, the National Farmers Union had been secretly financing the naval blockade or deliberately undermining the currency, then they would cease to be systematically lucky all the way down. If they were involved in such clandestine behaviour, then they would be exercising social power over the government (in a ludicrously roundabout way) and so trying to bring about the outcomes that they want.

So Hindmoor and McGeechen disagree with the characterisation of the bailout as the banker’s systematic luck,

H&M1: Capitalists got what they wanted with the bailout, but not because they were systematically lucky.

H&M2: They got what they wanted because they created their luck.

H&M3: They created their luck by exercising their social power over government.

The three premises seem consistent. However, the disagreement between whether the bailout is a product of the capitalist’s systematic luck or not hinges, it would appear, on the term ‘social power’ in H&M3. If we eliminate the term there are a number of candidate rephrases based on the interpretations discussed in the previous section (which is the literature H&M ground their argument with),

H&M3A: They created their luck by it being the intentional outcome of altering the government’s incentive structures.°

H&M3B: They created their luck by means of the government’s belief that they could make the government worse off.°

H&M3A is surely false. The three legislative acts that are said to have lead to the global financial crisis were primarily motivated by profit. Even if the banking sector had it in the back of their minds that they would collectively become too big to fail through such legislation, this was surely just a happy coincidence of behaviour motivated primarily for profit and the contentment of shareholders. On the other hand, H&M3B is probably true on a lax interpretation of the term ‘created’. The American government was concerned that there would be more capital flight and

93 See Dowding (2002).
94 See Barry (2002).
disinvestment. Such disinvestment would have made them significantly worse off and so they did something – the bailout – they would not have otherwise done. Yet somebody who disagreed with H&M1 and thought capitalists were systematically lucky during the bailout could also quite reasonably agree with this (H&M3B) and H&M2 as well. Capitalists did not need to hook policymakers up to brainwashing devices or even lobby to create the belief that they could make them worse off to get what they wanted – market signals were enough for that. During the outbreak of the GFC a bailout was predictable. It was not random. Furthermore, at the time of the outbreak there was no deliberate behaviour the capitalists needed to undertake that was necessary for the bailout. On this interpretation, they were systematically lucky. If we assume H&M1 is the conclusion and H&M2 and H&M3 are the premises, we can affirm all the premises but still deny the conclusion: the argument is therefore invalid. My conclusion then is that an acceptable rephrase of H&M3 is not forthcoming once the term ‘social power’ has been eliminated. Two ways to prove me wrong would be either to claim the three premises are not charitable enough or rephrase H&M2 or (more likely) H&M3 in a way that preserves the disagreement profile of H&M1.

So we have a purely verbal disagreement until proven otherwise. Yet from this verbal disagreement, substantively different methodologies are derived. The three premises analysed above suggest a historical approach for explaining why some individual or group gets what it wants. That is, empirical researchers should look for some past observable action that in some way caused the structural properties that are relevant to the explanation. Adequate answers to WWWH, boil down to purging through history to find agents responsible for actions that are historically connected to the explanandum. The Dowding/Harsanyi framework, on the other hand, either explains some individual or group getting what they want in terms of an agent’s social power or, failing that, luck and/or systematic luck. An agent getting what they want because they try to get it is a necessary element of many answers to WWWH, but to say that an agent got what they wanted without trying is not: an explanation is still begged. If I were to ask why I found my tyres slashed this morning, I would be somewhat peeved at the reply, ‘because you were unlucky’. Luck is not an adequate explanation. I know I was unlucky; I want to know why I was unlucky (I might have ticked off my neighbours by singing too loudly at 2 in the morning, for instance).
Ascriptions of systematic luck do not comprise explanations of distribution either. What such ascriptions amount to is the claim that the distribution in question was *predictable* from the incentive structure of the political system and not because of the intentions and ambitions of particular agents. It closes off the possibility of describing the event in terms of agential responsibility or brute luck. The ascription of systematic luck therefore begs an answer to WWWW by way of a description of some distributional pattern derived from the particular incentive structure of the political system. In terms of explanation, ascriptions of luck and systematic luck are metatheoretical since they do not themselves constitute an explanation but rather say something about what the eventual explanation must look like.

Hindmoor and McGeechen’s approach leads to something like the unscientific regress of the old ruling elite model. As Dahl (1958: 463) put it,

> "If the overt leaders of a community do not appear to constitute a ruling elite, then the theory can be saved by arguing that behind the overt leaders there is a set of covert leaders who do. If subsequent evidence shows that this covert group does not make a ruling elite, then the theory can be saved by arguing that behind the first covert group there is another, and so on."

If there is no direct evidence for the theory that the bailout was the product of a ruling elite, then the theory can be saved by imputing the bailout to the particular choice situation policymakers face, a situation that the true ruling elite were covertly responsible for; if the actions of this so-called ‘true ruling elite’ then turn out to be better explained in terms of their choice situation rather than their deliberate action, then history can be perused again for another covert ruling elite that is responsible for *that* choice situation – and so on and so forth. A ruling elite responsible for every policy decision can therefore be posited in a way that is immune to falsification. The problem with this sort of regress is that it skirts around the problems with the system itself. Focusing on finding some agent responsible for the situation with no opt out clause for when *there are no* responsible agents leads to too much vengeance and not enough revolution. This is a prime example of what happens when WWWW is supposedly answered in terms of WG. As Morriss (2002: 41) puts it, “when we censure a set of social arrangements, all that needs to be shown is that it, rather than the sufferers themselves, is responsible for the sufferings that people have within that society. One does not need to establish that the harm is intended or foreseen by anybody".
This could well be the problem with the implementation of the Dodd–Frank Wall Street Reform and Consumer Protection Act. The reform was intended to rectify the problems that led to the GFC by reinstating the Vockler Rule, which would have sanctioned federally insured banks from engaging in risky speculation and ensure bankers were never again bailed out by way of the public purse. Yet as of the 23rd of July, 2013, less than a third of its policy has been implemented. The agencies charged with its implementation have been criticised for attacking the banking sector specifically, and giving other firms easy rides. Even the attacks on the banking sector have been considered toothless.

"Over the course of a ferocious year of negotiations in the House and the Senate, the rules on swaps were riddled with loopholes: One initially promising rule preventing federally insured banks from trading in risky derivatives ultimately ended up exempting a huge chunk of the swaps market from the new law. The Volcker Rule banning proprietary gambling survived, but not before getting its brains beaten out in last-minute conference negotiations; Wall Street first won broad exemptions for mutual funds, insurers and trusts, and then, with the aid of both Treasury Secretary Tim Geithner and Sen. Chuck Schumer of New York, managed to secure a lunatic and arbitrary numerical exemption that allows banks to gamble up to three percent of their "Tier 1" capital, a number that for big banks stretches to the billions." (Taibbi, 2012: 2)

It would appear that Wall Street has been systematically lucky even with respect to their punishment! The systemic patterns of congress that water down such negotiations and previously opened the door to the banking lobbies to push for the deregulation that lead to the GFC were never on the reform agenda. A first-shot argument could be made that the reform agenda focused too much on the ‘fat cat bankers’ themselves and not enough on the political arrangements that upheld a financial system that incentivised the banker’s voracity to such a degree. For instance, a common complaint of the US political system is that it has too many veto-players (see Chapter 7). A high number of veto-players gives financiers too many points at which they can lobby politicians on their ‘friends’/payroll list to get what they want by controlling legislation. This feature of the political system is surely systematic luck as far as the financiers are concerned.

It is almost intuitive to say capitalists got what they wanted during the Global Financial Crisis simply because they were powerful. However, as is often the case, intuitions obscure the issue. Inflating power in this way makes the question that is being asked ambiguous. Is it WG or WWWH? Applying destructive conceptual analysis reveals that the intuitive position trades on conflating the two questions.
There is nothing wrong with asking WG and determining whether certain distributions can be explained in terms of patterns of governance, but we need an opt-out clause with which to move on and look for other (more systemic) patterns. Without it we are stuck in what turns out to be a relatively conservative cycle. Indeed, without it we fall short in the way Nelson Polsby (1980: 106) describes, “Even if we can show that a given status quo benefits some people disproportionately (as I think we can for any real world status quo), such a demonstration falls short of showing that these beneficiaries created the status quo, act in any meaningful way to maintain it, or could, in the future, act effectively to deter changes to it”.

6.3 The Third Dimension of Power

The above analysis is directed at rather nuanced arguments. The more nuanced an argument, the less blunt destructive conceptual analysis turns out to be. As I hope I have shown though, the arguments are no less important to sort out and the analysis no less decisive. Conceptual analysis written for general consumption like Stephen Lukes’ book *Power: A Radical View* (2005) (PRV) tends to be an easier target. Nevertheless, it is still mandatory to unpack and analyse in a chapter like this because of Lukes’ ubiquity in the social sciences.

His book divides strategies of answering ‘Who Governs?’ into three dimensions. The first is a sort of naïve behavioralism,

“[The] one-dimensional view of power involves a focus on *behaviour* in the making of *decisions on issues* over which there is an observable *conflict* of (subjective) *interests*, seen as express policy preferences, revealed by political participation.” (Lukes, 2005: 19)

The second is a reaction to the naïve behaviouralist’s insistence on focusing on observable conflict,

“The two-dimensional view of power involves a *qualified critique* of the *behavioural focus* on the first view (I say qualified because it is still assumed that nondecision-making is a form of decision-making), and it allows for consideration of the ways in which *decisions* are prevented from being taken on *potential issues* over which there is an observable *conflict* of (subjective) *interests*, seen as embodied in express policy preferences and sub-political grievances.” (Lukes, 2005: 24-25)
“[The] three-dimensional view of power involves a thoroughgoing critique of the behavioural focus of the first two views as too individualistic and allows for consideration of the many ways in which potential issues are kept out of politics, whether through the operation of social forces and institutional practices or through individuals’ decisions. This, moreover, can occur in the absence of actual, observable conflict, which may have been successfully averted—though there remains here an implicit reference to potential conflict...[i.e.] latent conflict, which consists in a contradiction between the interests of those exercising power and the real interests of those excluded” (Lukes, 2005: 28).

Social systems can prevent certain demands from being expressed or (failing that) getting onto the political agenda. Individuals might be too fearful to make their demands or simply be resigned to their demands going unheard and reason that there is little point to wasting energy in making them. On the other hand, individuals might have been duped into believing their interests corresponded with the benefactors of the status quo when in fact they did not. This is a version of Marx and Gramsci’s ‘false consciousness’ thesis. This thesis holds that the particular views discussed and the language they are discussed in might seem neutral enough, but they are often the product of capitalist (or aristocratic, monarchic, etc.) dominance. As Marx puts it, when the aristocracy were dominant “the concepts honour, loyalty, etc., were dominant, during the dominance of the bourgeoisie the concepts freedom, equality, etc.” (Marx, 1986 [1846]: 303). The favoured concepts supposedly rig the direction deliberation takes (which is to ultimately reinforce the status quo) and serve as an opiate constraining the expression of the interests of the working classes. The implication of the three dimensional view is that if somebody is not pursuing their real interests, they are subject to some power relation. Such an interpretation supposedly entwines the term power and the analyst’s own views of the good life given we rely on them to fill out what the ‘real interests’ of individuals are (Lukes, 2005: 37-38).

Yet Polsby (1963: 96-97) suggests a wholly unsatisfactory view is one where

“Certain non-events [are] stipulated by outside observers without reference to the desires or activities of community residents. The answer is unsatisfactory because it is obviously inappropriate for outsiders to pick among all the possible outcomes that did not take place a set which they regard as important but which community citizens do not.”

This seems exactly what Lukes is recommending. He puts Matthew Crenson’s book The Un-politics of Air Pollution (1971) on a pedestal as a paradigm example of how
the third dimension of power can be analysed empirically. Crenson’s book was a study of why the issue of air pollution got onto the political agenda early in some American cities, but relatively late in others. East Chicago, for example, started local programs as early as 1949 to clean the air, whereas the town of Gary waited until 1962 for its anti-pollution ordinance and even then US Steel influenced its content. The relevant difference according to Crenson was that Gary was a one-company town dominated by US Steel (and strong party organisation) while East Chicago had the investment of multiple steel companies (and weak party organisation). US Steel had effectively built Gary and was responsible for its early prosperity. The reputation it subsequently enjoyed quashed any anti-industry legislation early on by the law of anticipated reactions, then, when its reputation began to weaken, effectively thwarted attempts to get the legislation onto the agenda without actively intervening. They thwarted such attempts from Gary’s anti-pollution activists by being sympathetic but at the same time evasive – a difficult posture to criticise when such public expressions of sympathy make the corporation into a media darling. Crenson takes it for granted that the citizens of Gary had an interest in clean air. That these interests did not get onto the political agenda was therefore a non-event that is explained in terms of the power of U.S. Steel over the citizens of Gary. US Steel is therefore part of an answer to the question of governance (WG): US Steel governed by ensuring policymakers did not do what they otherwise would have done (i.e. anti-industry/anti-pollution legislation).

Crenson’s book is probably a bad example of an empirical investigation of the third dimension. It could just as easily be explained as a collective action problem where the citizens of Gary could not mobilise sufficient support for pollution ordinances instead of the explanation that US Steel was explicitly exercising power over them (see Dowding, 1991). Other examples (which Lukes briefly mentions) include the so-called untouchables, like the Dalit population in India. Untouchables converted to Islam, Christianity and Buddhism when they had the opportunity and this, according to Lukes, stands as evidence that they had been subjected to a power relation when…

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95 Party structure presumably played some part in the timing of the anti-pollution ordinances. As Lukes says, “a strong and influential party organisation will also inhibit the growth of the pollution issue, since demands for clean air are unlikely to yield the kind of specific benefits that American party machines seek” (2005: 46) with such benefits presumably being those that are evident within an electoral cycle. However, “where industry has a high power reputation, a strong party will increase the pollution issue’s life chances, since it will seek to purchase industrial influence” (Lukes, 2005: 46).
they accepted their lot and did not express displeasure with the social hierarchy despite their severe inequality. However, this could have possibly been explained in terms of collective action problems (bottom-up) rather than governance (top-down) and this possibility is scratched out with Lukes’ analysis.

A better example of the third dimension of power is Mary Wollstonecraft’s masterwork, *A Vindication of the Rights of Women*. She argued that the institutions of education, marriage and the behavior of men in late 18th Century England led to a culture that cultivated women to be “foolish and vicious”. These institutions produced social power – in the third dimensional sense of power – which men wielded over women. Such a culture was repugnant and the institutions that caused it were in dire need of change. Wollstonecraft proposed a national schooling curriculum that was co-ed. Her argument was ingenious in light of the trenchant 18th Century dogmas she faced. She sets up an experiment. First, she argues that the beneficiaries of the *status quo* have nothing to lose from a co-ed curriculum. That is, the experiment is relatively costless. Furthermore, if it succeeds the beneficiaries would themselves gain from the arrangement since they would have the opportunity for more rewarding and fulfilling relationships with women of like-mind. This will in turn create healthier environments for children, given “children will never be properly educated till friendship subsists between parents. Virtue flies from a house divided against itself – and a whole legion of devils take up their residence there” (1792: 448).

Secondly, if it turns out that a co-ed curriculum does nothing for the apparently vapid disposition of 18th Century women, then her hypothesis is falsified and she would readily concede error. Her polemic was tailored to get even the most chauvinistic on board: if it is falsified, then “it will be expedient to open a fresh trade with Russia for whips… and without any violation of justice [the man should] reign, wielding this scepter, sole master of his house, because he is the only being in it who has reason” (1792: 451). If it withstands the pressures of falsification, however, the rights of women will be vindicated. *Either way*, she argued *it is expedient* to either confirm or falsify her hypothesis. This is political theory at its best, with history attesting to the vindication of her hypothesis. Wollstonecraft understood the trick to third dimensional ascriptions of power: costless experiments. With it, she set in motion one of the most important trends in modern political theory.
The third dimension helps answer WWWH. US Steel got what it wanted in its unrestricted pumping of noxious fumes into the air around Gary, the higher castes in Indian society got what they wanted in that the untouchables took the necessary jobs (like rubbish collection) that none of them wanted on lower pay and 18th Century women acted almost as trophies for and slaves to their husbands. This is simply to say that the intentional strategies of individuals to overcome conflict (that comprise the first two dimensions) do not exhaust an answer to WWWH. Such strategies do, however, add a lot to – and potentially exhaust – answers to Dahl’s formulation of WG. This is despite Lukes and Crenson using the third dimension to suggest that US Steel governed by stopping policymakers from doing what they would have otherwise done. My hunch is that every instance where the third dimension seems to do some work in answering WG, a better explanation is in terms of a collective action problem that suggests such non-action cannot be explained by way of social power ascriptions (see next section for further analysis). Considerations of the third dimension do not therefore add much to the question of governance. Yet Lukes critiques the interpretations of social power that were designed to answer WG as ‘blind’ and ‘superficial’ because they do not refer to it.

Why are the first and second dimensional interpretations of power blind or superficial in ignoring the third dimension? The question should be, blind or superficial for what end? An answer is not at all obvious in the first edition of PRV. The purported end of PRV (now included in the second edition) is to evaluate sets of social arrangements (2005: 68). This involves censuring the current distribution of power if a better distribution is available,

“[P]ower should not be conceived narrowly as requiring intention, actual foresight and positive actions (as opposed to failing to act): the power of the powerful consists in their being capable of and responsible for affecting (negatively or positively) the (subjective and/or objective) interests of others. On this broader view of power, the issues of powerfulness and of domination will no longer seem so obviously separate and locked into distinct perspectives. (Indeed, if we think of powerlessness as an injustice, rather than as bad luck or misfortune, is that not because we believe that there are those in a position to reduce or remedy it?)... the powerful will include those who both contribute to and are in a position to reduce or remedy others’ powerlessness” (Lukes, 2005: 68).

So Lukes thinks the first two dimensions of power do not take considerations of the objective interests of individuals into account and therefore cannot adequately evaluate a set of social arrangements. Whether or not the first two dimensions are blind and superficial with respect to the evaluation of social arrangements depends on
how one is going about their evaluation. For instance, Dahl’s argument was unconcerned with the inequality of resources in New Haven – he took the inequality as a theoretical assumption. What he was concerned with in Who Governs? was the democratic credentials of New Haven. He measured such credentials by determining which groups won out in observable situations of policy conflict. Dahl could criticize the social arrangements if, say, a policy elite ruled New Haven. With a few more safeguards, this unappealing situation could be improved but to improve it we need to know whether it indeed exists! On the other hand, one could evaluate New Haven with respect to its inequality of resources, or, (as Morriss, 2002 suggests) the outcome power of the least powerful in society. The question ‘Who gets what, when and how’ is the kind of empirical question in need of an answer for these sorts of evaluations. Forgetting about the third dimension might well work for an answer to WG but it is probably blind to do so for considerations of WWWH. Evaluation comes in different types and it is an indictment of Lukes that he does not specify precisely what kind of evaluation he is interested in. The particular kind of evaluation should have been made plain earlier during political argument.

We can state Lukes’ position accordingly,

L1: To evaluate a set of social arrangements we need to investigate the distribution of power.

L2: Studying the distribution of power includes studying not only an agent’s ability to influence the outcome of conflict but also the structures (e.g. the agent’s culture) that generate such conflict.

L3: In so far as the first two dimensions of power do not take this structure into account, they are (respectively) blind and superficial interpretations of power.96

In keeping with the chapter so far, the obvious word to eliminate is ‘power’. Consider my proposed rephrase of L1, which just substitutes ‘power’ for Lukes’ description of the “power of the powerful”.

L1A: To evaluate a set of social arrangements we need to investigate the distribution of agents’ capabilities and responsibilities for intentionally or unintentionally affecting (negatively or positively) the (subjective and/or objective) interests of others.97

96 See Lukes (2005: 19-28).
97 See Lukes (2005: 68).
Nobody would deny that it is important to ascertain those who are in a position to reduce or remedy the suffering of the powerless (or, in light of the above elimination, those whose ability to achieve desired outcomes is severely limited). For starters, we need to know that there is an individual or group of individuals out there with the capability to bring about an alternative state of affairs. Otherwise, what is the point of investigating the current social arrangement if nothing can change? Whether we censure a set of social arrangements or not surely depends on whether the interests of individuals are being satisfied. We censure a particular social arrangement by noting that certain interests are not being met and demonstrate that they could be (Morriss, 2002: 40-42). Whether or not there is an agent actively contributing to the specified interests going unmet is irrelevant. Indeed, if agents are going about their business and unintentionally affecting the interests of others, this is probably because of systemic factors and the question is whether or not there is an actor out there in a position to change such factors. It is therefore unclear why an agent’s capabilities and responsibilities to unintentionally affect the interests of others are necessary for an evaluation of social arrangements. Nevertheless, if we concentrate on the intentional capabilities of agents to affect the interests of others, there is nothing patently false about L1A even if it happens to be a bit misleading.

What L1A amounts to then is a restatement of Dahl’s formulation of WG. Considerations of the distribution of agents’ capabilities and responsibilities to intentionally affect the interests of others is, essentially, a consideration of governance. The fact that inequalities exist can somewhat be tempered if it can be shown that they do not translate into unequal treatment in policymaking. That is, unequal distribution of agents’ capabilities and responsibilities to intentionally get policymakers to do what they would not have otherwise done. This was the main concern in *Who Governs?* And we can attribute the concern to Lukes’s book as well.

However, Dahl did not adhere to L2A,

L2A: Studying the distribution of such capabilities and responsibilities includes studying not only an agent’s ability to influence the outcome of conflict but also the structures that generate such conflict.\(^\text{98}\)

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\(^{98}\) Again, see Lukes (2005: 68).
Now, the “qualified critique” the critics on the second Lukean dimension mount against Dahl is in relation to the narrowing of his study of New Haven to merely observable conflict and ignoring conflict that had been quashed by the law of anticipated reactions before it had to get onto the agenda of City Hall (e.g. see Barach and Baratz, 1970). This is quite different to what Lukes implies in L2A. Even when individuals have no quarrel with the government or, indeed, any other agency, they still might be subject to a power relation in the sense that their real interests (whether or not they know what their real interests are) are being affected. The “foolish and vicious” women Wollstonecraft described in *The Vindication of the Rights of Women* wanted to be trophies for their husbands, but she conjectured that most only wanted such a life because of the institutional structures of education, marriage and the behaviour of men. L2A seems above board if we want to find out what systemic features we would need to change in order to change the current pattern of governance if it is not to our liking. That is to say, there is no reason to accuse L2 of manufacturing acceptance through verbal gerrymandering.

Yet consider L3A,

L3A: In so far as the two approaches to answering WG (which Lukes calls the first and second dimensional approaches) do not take this structure into account, they are (respectively) blind and superficial interpretations of WG.\(^99\)

I think any other candidate rephrase would caricature the position of the behaviouralists. If Lukes wants to maintain L3 as substantive, then I think the only way is for him to accept that L3A is an acceptable rephrase. The behaviouralists (Dahl, 1961, Bachrach and Baratz, 1970 Polsby, 1980) were not trying to exhaustively answer WWWW. Their studies take the inequality in the cities they study for granted. They leave the question of why the inequalities exist aside and instead investigate whether this translates into certain groups having a greater ability than others to get legislators to legislate in a way they would not otherwise have legislated. If so, then this constitutes an additional reason to criticise said inequalities. This is how Dahl formulated the question WG and it therefore only seems right to rephrase considerations of the particular interpretations of power back in terms of the question. If somebody rejects L3A for being even more obscure than

\(^{99}\) This seems the appropriate rephrase in light of the way Lukes (2005: 1-3) frames his book.
L3 since ‘power’ was introduced in the first place to describe and clarify ‘governance’, I can rephrase L3A as L3B,

L3B: In so far as the two approaches to answering who has the ability to get legislators to legislate in ways they would not otherwise legislate… do not take this structure into account, they are (respectively) blind and superficial approaches.

Now, talk of such abilities is only appropriate for actual conflict – whether that conflict makes the political agenda or remains latent because of the law of anticipated reactions. The question is whether legislators have different policy preferences to another political actor and whether that actor has the ability to make the legislator legislate according to the actor’s preference rather than the legislator’s own. This is actual conflict. Whether or not those preferences are in the best interests of the individuals is beside the point. If Alcoholics Anonymous decided to abandon its mission to encourage sobriety and instead focus on reducing the tax on alcoholic beverages (to remove some of their members’ financial strains), we would say they governed in some real sense if they could get the policymakers to legislate accordingly and the policymakers would not have reduced the tax had Alcoholics Anonymous not intervened. It is not in the long-term interests of the members of Alcoholics Anonymous to remove the tax if it functions as a deterrent, but that is of no consequence for the question of governance. They govern in this policy area, for better or for worse. L3A and L3B are false on this interpretation. I do not think Lukes could maintain their truth or, indeed, rephrase L3 once the term ‘power’ has been eliminated in a way that would preserve the agreement profiles that support his argument.

Why does Lukes want to stretch the word power to apply to the third dimension? Presumably, it is because of his radical agenda. Such an agenda is perfectly acceptable, but imputing it into an interpretation of power blurs ‘who gets what, when and why?’ into the question of ‘who governs?’ The former seems to set the context for L1 while the latter question seems to frame the context of L3. Institutional structures certainly affect what kind of conflict exists in society, but this is only relevant for answering WWWH not WG. The behaviouralists never suggest that we should let up investigating who gets what is in their best interests and who does not and why this might be the case. What they want to find out though is whether the ability to get policymakers to legislate something they would not otherwise legislate
is also a function of the inequalities of society. This is an important question *in addition* to the question of WWH but one that should not be confused with it. Indeed, if Wollstonecraft’s argument had been introduced in terms of an argument over governance, I doubt it would have been as decisive as it was (and its decisiveness was of immense importance to the feminist movement). Calls for the suffrage of women were routinely dismissed in the 18th Century with the very same evidence Wollstonecraft used to hypothesise the oppression of women. Wollstonecraft made no call for women’s suffrage, but defended the policy for universal education to overcome the inexpedient distribution of preferences in 18th Century England. Her point was that these preferences were cultivated for rhetorical reasons based on an entirely arbitrary and unconstructive distinction. If she had been arguing for something like suffrage, the crusty old chauvinism of the day could have pointed to the distribution of preferences in society – particularly the ignorant, uninterested, and vicious women Wollstonecraft thought all too common – as ammunition to reasonably reject her position.

This gets at the truly confounding nature of Lukes’ book. What is worrying is that he counsels social scientists to be concerned with ‘power’ and study ‘power relations’ rather than the more pointed empirical questions W and WWH. Asking questions about ‘the nature of power in an American city’ for instance does not look to confirm or falsify any clear truth conditions. An answer largely depends on the intuitions we have with respect to the conventions of our language – e.g. intuitions regarding the words ‘power’ and ‘interest’ – intuitions that should have been weeded out of empirical research beforehand in political argument. As such, empirical questions framed in terms of power – so interpreted – have a hard time constraining political argument in a substantive way since answers to the questions will be dependent on the values and intuitions of the individual researcher.

6.4 Conclusion

Value-independent empirical patterns exist (Dennett, 1991). We can communicate relevant information across traditions and value-systems without imposing those

100 Although Millicent Fawcett claimed Wollstonecraft as the foremother of the suffragette movement.
traditions and values on our audience. We do this by economising our description of data: if “the information required to describe (transmit) [data] accurately is incomprehensible: nothing shorter than the verbatim bit map will preserve the series” (Dennett, 1991: 32). Such economisation can be translated from one value-laden language to another in a way that preserves the series/pattern the speaker thought worth communicating. Of course, the audience might not agree that the series was worth communicating and their values might suggest looking for and remembering different patterns, but that does not change the fact that there is a real pattern the speaker describes. As Dennett (1991: 35) puts it,

“When two individuals confront the same data, they may perceive different patterns in them, but since we can have varied interests and perspectives, these differences do not all count as disagreements. If two people have different betting manuals that account for patterns a and b in the data and both a and b are real patterns, then they would get rich on bets about the next datum in the series.”

The verbal disputes over social power make it seem like such differences are in fact disagreements. They conflate different ways of pattern identification with disagreement over the existence of particular patterns. For instance, Lukes dismissed the work of the behaviouralists as “blind and superficial” because he thought their studies indicated that there were no patterns associated with the third dimension. The behaviouralists though were trying to answer a question of governance rather than the question of who gets what, when, and why. They did not deny that there were important patterns concerning the way institutions keep certain issues out of the political agenda, but they maintained that such patterns did not directly identify which agents controlled policy within (rather than alongside) those institutions. Likewise, answering questions of governance by way of Harsanyi’s rational choice framework does not imply that there is no institutional pattern for governments to unfairly privilege capitalists, only that such patterns are not necessarily a consequence of capitalists deliberately influencing policymakers to ensure that privilege – sometimes it is just luck and other times it is systematic luck. The framework looks to accommodate this contingency both theoretically and empirically. The disagreements with the approach sketched in this chapter suggest it implies that there are no such institutional patterns because such patterns fall under the extension of the disputants’ interpretations of social power (because they use it to answer WWWH). This is a purely verbal point that hijacks political arguments over institutional change by
making differences in pattern identification turn into deadlocked disagreements in argument.

Real empirical patterns can constrain political argument and if conceptual analysis has been able to weed out non-substantive disagreement, the patterns should be able to decisively vindicate one side of the debate and disprove the other. Reality will constrain arguers and make them fallible in the same way scientists are fallible when evidence falsifies their hypotheses. Getting the conceptual analysis right is therefore crucial if political science is going to be in a position to explain away deadlocked political debate instead of simply replicating it behind the lofty label of 'science'. 
In this chapter I will be applying destructive conceptual analysis to a question concerning the nature of democratic institutions. Namely, when are sets of institutions appropriately described as democratic? I will examine William Riker’s claim in his book *Liberalism Against Populism* (1988 [1982]) that institutions are democratic so long as policymakers are elected by the vote and so long as there are sufficient constitutional provisions in place to protect the vote from being undermined. Such provisions amount to a state apparatus ensuring a minimal government, much like the checks and balances enshrined in the American Constitution. I argue that Riker’s move from his interpretation of social choice theory and rejection of populism (comprising the first nine chapters of *Liberalism Against Populism*), which are in themselves quite reasonable, to his conclusion that governments should be constrained by a high number of veto-players (in Chapter 10) rests on a wildcard sentence of the sort described in 2.4.3.2. I suggest an alternative rephrase in terms of institutional competition that preserves Riker’s rejection of populism and interpretation of social choice theory, but does not inevitably lead to a heavily restrictive state apparatus.

There has been a strong reaction to the Rochester School (of whom Riker is the godfather and *Liberalism Against Populism* the sacred text) with suggestions that it is in cahoots with the Virginia School of political economy in endorsing the “right-wing rhetoric” for a minimal state and a reverence for the market (see Mackie, 2003: 432-444). Kuttner (1996: 333) describes the rhetoric accordingly,

“The sacred economy is at constant risk of being violated by a profane polity. The core claim is that systematic error and opportunism are as endemic and logically inevitable in the political enterprise as self-purification is in the marketplace. That premise then gives Public Choices an all-purpose trump to any demonstration of market-failure: Yes, the market does perhaps fail from time to time, but political interference will only make it worse.”

The undersupply of public goods, monopoly, externalities, information failures, unemployment, inflation and deflation are therefore all quite tolerable using this

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101 This reaction is sometimes called the ‘perestroika movement’.
rhetoric since the alternative is worse: election-obsessed politicians disrupting the market’s natural efficiency. The more checks there are protecting the liberal vote, the more veto players there are protecting the market from inefficient interference. This is certainly the conclusion Riker draws out in Chapter 10 and I agree with the reactionaries that it is done so by way of a rhetorical coup.

However, the retaliation seems to be simply advocating another rhetorical coup, just this time in the opposite direction. The criticisms of the Rochester School centre on Riker’s interpretation of social choice theory that he uses to reject populist democracy. This is simply the wrong place to mount an attack against state minimalism. Given Riker couches his arguments against populism in the austere vocabulary of social choice it is odd to accuse him of rhetorical bullshit. The social choice vocabulary is as close to the austere vocabulary destructive conceptual analysis aims at than just about any other (see 3.4). If we can eliminate words from Riker’s interpretation, all the while maintaining relevant agreement profiles, and eventually boil the debate back down to the vocabulary of social choice, then his interpretation is reasonable. I argue that we can indeed reverse engineer it in this way. The attacks on Riker’s rejection of populism amount to verbal disagreements that do not undermine the first nine chapters of Liberalism Against Populism. I apply destructive conceptual analysis to Gerry Mackie’s award winning book Democracy Defended (2003), which is a devoted attack on Riker’s rejection of populism, to demonstrate the case. Mackie’s disagreement with Riker’s ‘right-wing’ conclusions is typical of the reactions to the Rochester School. It is merely verbal disagreement since it turns on terms like ‘the popular will’, ‘what the people want’, ‘the public interest’, ‘the common good’, ‘undermining the vote’, and ‘democracy’. Until such verbal gerrymandering can be overcome – and it is my view that only with destructive conceptual analysis can it be overcome – the two strands of rhetoric will be deadlocked. The strongest accent of infallibility will trump any attempt at genuine science. Such deadlock leads to programs attempting to (at least in part) approximate science instead running at cross-purposes with one another – producing rival suggestions for good democratic policy. I think the deliberative turn in democratic theory is a consequence of the deadlock, with the turn pitting itself as a rival doctrine
to the doctrine espoused by the Rochester School. In the final section I attempt to reconcile the two traditions by rephrasing their claims in terms of institutional competition.

7.1 Liberalism Against Populism

In Liberalism Against Populism Riker distinguishes two different interpretations of the word ‘democracy’ that are relevant for answering the title of this chapter. Riker (1988: 241) thinks they jointly “exhaust the possibilities” of a reasonable justification of democracy. The populist interpretation is that “the opinions of the majority must be right and must be respected because the will of the people is the liberty of the people” (Riker, 1988: 14). The people supposedly reveal this ‘popular will’ in the outcomes of elections and deliberation. Populists appeal to it to argue that constitutional safeguards should not get in the way of governments implementing their election platform or their interpretation of the majority sentiment. The people have elected these officials and their policy programs and any legislative red tape just gets in the way of the popular mandate. In effect, the more red tape there is, the less democratic the state institutions are. The will of the people could even include dictators usurping the state’s constitutional limitations (consider Vargas, Ghandi, Peron, Chavez). At the very least, the populist elements of a constitution support strong executive governments with few checks and balances like independent legislatures and upper houses.

Social choice theory, on the other hand, proves that all voting systems are prone to cycling and disequilibria in an austere vocabulary close to bedrock (see 3.4 for my description of bedrock). Riker uses the proofs to argue that the populist interpretation of democracy is incoherent. Majority rule is itself a tenuous notion since unless extremely restrictive conditions apply (see Plott, 1967) there will always be incentive for a new majority to overturn the current majority, and then another majority to overturn that majority, and so on and so forth. The result of the social decision mechanism depends just as much on the way in which individual preferences are

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102 One of deliberative democracy’s foremost proponents, for instance, calls the Rochester School generally, and Riker in particular, a “radically anti-democratic political cast” (Dryzek, 2000: 36).
counted as it does on the preferences actually expressed. The social decision will be therefore in part determined by institutional constraints, which are “exogenous to the world of tastes and values” (Riker, 1988: 190). As far as the world of taste and value is concerned, then, the result of an election is arbitrary since those institutional constraints cut against a majority of tastes and values. Riker concludes that the populist interpretation of democracy is unfeasible given the logical impossibility of instituting the ‘public will’. Instead, democrats should ensure constitutional powers are separated to avoid tyranny: to avoid politicians sacrificing the long-term interests of a polity by pandering to the short-term desires of voters and the manipulation of the issue space. Strong executives are curbed and any tendency towards altering these executive-curbing safeguards is checked by the democratic vote: “Participation in this sense is then the act of placing a curb on policy, a veto at the margin” (1988: 245). This is the liberal interpretation of democracy, which according to Riker is the only coherent interpretation. While necessary, citizens rolling up to a ballot box every few years is not in itself sufficient to describe an institution as democratic since the liberal vote itself needs to be a lasting and genuine procedure. The true test is the number of checks and balances the executive faces to curb the various possibilities to undermine the vote. Consequently, the true test of democracy happens to be in keeping with the veneration of the market mechanism since these checks and balances will make it increasingly difficult for politicians to interfere with public expenditure. Critics like Mackie think that this conclusion is more the motivation for Riker’s liberal theory of democracy rather than its innocent consequence.

7.1.2 Social Choice and the Rejection of Populism

The interpretation of social choice theory advocated in *Liberalism Against Populism* amounts to a rejection of populism. The populist interpretation of democracy is compressed into two neat sentences.

P1. What the people, as a corporate entity, want ought to be social policy.
P2. The people are free when their wishes are law.\(^\text{103}\)

\(^{103}\) This is a close paraphrase of Riker (1988: 238).
The feasibility of the 'ought' in PI is the subject matter of the first nine chapters of *Liberalism Against Populism*. Democracy, according to Riker, is an ideal of self-realisation and respect that is achieved through a specific means. The means is the free and equal participation of individuals to engage in “whatever control of the social environment is possible” (Riker, 1988: 2). All this participation amounts to is the vote “where voting is understood to include all the ancillary institutions (like parties and pressure groups) and social principles (like freedom and equality) that are necessary to render it significant” (Riker, 1988: 8). The vote is the means for the ideal and both are necessary properties for a set of institutions if they are to be described as a democracy. No vote, no democracy; no ideal, no democracy. Yet there are different justifications given for how the vote approximates the ideal. PI and P2 constitute one such candidate. The vote aggregates individual wants and a mechanism is then used to translate those individual wants – weighted equally – into a decisive social choice that is responsive to those wants. Riker thinks this social choice is substitutable for the terms ‘popular will’, ‘public will’, and as in PI, ‘what the people want’.

Yet there is no method of aggregation that treats each vote equally that can guarantee a decisive, unmanipulated, or equilibrium outcome. This leads Riker (1988: 239) to affirm the conclusion of the following, “If the people speak in meaningless tongues, they cannot utter the law that makes them free”. Riker covers a broad range of formal proofs in *Liberalism Against Populism* to make the point, but I will restrict a brief gloss to Condorcet’s paradox, Arrow’s impossibility theorem (a generalisation of the former), and McKelvey’s ‘chaos’ theorem. I do so in order to demonstrate what the ideal austere vocabulary of destructive conceptual analysis might look like (see 3.4).

Consider the following preference schedules over states of affairs $x$, $y$ and $z$ for individuals $i$, $j$ and $k$,

$i: x > y > z$

$j: y > z > x$

$k: z > x > y$

A ‘Condorcet Winner’ $C$ is whichever alternative can beat (i.e. has a majority over) all the others in pairwise run-offs. So $C(x, y) = x$ because both $i$ and $j$ prefer it to $y$ and
so they form the majority to return $x$ as $C(x,y)$. Yet now consider the following two winners, $C(y,z) = y$ and $C(x,z) = z$. If the social choice needed to arrange these states of affairs, the arrangement would be arbitrary. A cycle exists: $x$ beats $y$, $y$ beats $z$, but $z$ beats $x$. The social choice mechanism either yields no choice in such a situation or imposes one that will be unfair to certain individuals. We might only consider, say, $C(x,y) = x$ and $C(y,z) = y$ and then deduce $C(x,z) = x$ by a rule of imposed transitivity. Individual $i$ would be "a kind of dictator" under such a rule because only $i$ prefers $x$ to $z$ (Riker, 1988: 18). This cycle is an example of Condorcet's paradox.

Arrow's theorem (2012 [1951])) proves that any social ordering for more than two alternatives and more than one individual will have to flout an axiom associated either with fairness or logic.104 That is, there is no social welfare function that jointly satisfies non-dictatorship (D), Pareto optimality (P), the independence of irrelevant alternatives (IIA), and universal domain (U). There is no way to ensure the conjunct of these axioms. (D) assumes that there is no individual $i$ who is in a position where their preference schedule determines the social choice irrespective of the preferences of others. (P) assumes that if everybody prefers $x$ to $y$, then the social choice will not prefer $y$ to $x$. (IIA) assumes that a social choice between $x$ and $y$ only concerns the preferences individuals have for $x$ relative to $y$. (U) assumes that any arrangement of preferences is acceptable input into the social choice function. Arrow shows that if these conditions are all satisfied then cycles can occur, implying that there is no social welfare function. The cycle does not have to be over all alternatives, just so-called 'top cycles' (e.g. $x > y > z > x > w > d > e > g > f$) where there is no Condorcet Winner. A social decision mechanism might sometimes produce a Condorcet Winner but Arrow's theorem demonstrates that there is no fair way to guarantee it and no way to prove that there was one in any given election.

The result is similar to the one derived from Condorcet's paradox, only generalised to apply to all forms of strategy-proof aggregation. The proof gives us reason to be sceptical of any demagogue claiming to represent the 'popular will' and consequently claiming a mandate to suppress any opposition (either in argument, institutionally, or on the street) in its name. They owe their election, in large part, to the institutions that structure the way the votes were aggregated. There is no way to

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104 See Vickrey (1960), rephrased in Mueller (2003: 584), for a simple version of the proof.
decide between two different electoral mechanisms that yield different outcomes from the aggregation of identical sets of preferences other than by reasons exogenous to an aggregation of preferences. Consistency would therefore demand that government subsequently respect the state institutions curbing their ability to legislate.

An important follow-up to the ‘impossibility proofs’ was Richard McKelvey’s (1976 & 1979) formal analysis of agenda-setting. It was, in part, a response to the continuing tendency, despite Arrow’s proof, to assume majority rule was “a fairly well defined notion” (1979: 1106). The common assumption was that while a top-cycle was possible it was unlikely and if one did occur it would not be overly problematic given the tendency for social outcomes to be pushed towards the median position means the outcome would cycle around points close to the median (see for e.g. Downs, 1957; Tullock, 1967). The top-cycle would supposedly cut off once the position got too far away from the median. McKelvey introduced a further proof for decisions over multiple dimensions: “the usual situation will be that majority paths exist between any two points in the space” (McKelvey, 1979: 1106) no matter how far away the point might be from the median. This has drastic implications for agenda-setting: “Any one voter, with knowledge of other voter’s preferences, and the power to set the agenda could, using binary, majority rule based procedures, arrive at any outcome he wants to” (McKelvey, 1979: 1106). The intuition behind the proof can be demonstrated in the following graph,

\[105\] The proof followed on from work by Plott (1967) that demonstrated the severity of the restrictions required to produce an equilibrium policy choice.
1, 2, and 3 are the bliss points for the three voters and \( a, b, c, d, \) and \( e \) are the policy positions proposed by the agenda-setter (whose bliss point, say, is \( e \)). Any point can be reached in multi-dimensional space by the agenda-setter (with knowledge of the preferences of voters) when there are more than two agents in the electorate, even points that are Pareto dominated (McKelvey, 1976: 472).

The agenda-setter can theoretically lead the majority decision to their ideal preference if they have knowledge of the preferences of the electorate. There is a common (to the point of standard) reading of *Liberalism Against Populism* that suggests while the implication of majority endorsement of winning candidates is not reasonable, the implication of majority rejection is somehow different. Yet if we are to take Riker's (1988: 190) maxim that any social decision is "exogenous to the world of tastes and values" seriously, the only reasonable implication is that rejection is just as much a product of institutional imposition as the so-called 'winner' is. With McKelvey's proof of global cycles we see that the rejected candidates could have just as easily been the winners if the only court of appeal were the preferences of individuals. There is always a 'losing' majority poised to overturn the 'winning' coalition from the
input of raw preferences and it is possible a candidate despised by a super-majority will eventually get their foothold in a majority coalition by way of clever institutional strategising (Riker, 1988: 197-211). As Riker (1988: 243) puts it,

"Suppose... that an official or candidate has... offended enough voters to be rejected.... What if the offending official or candidate wins? This might happen because he or she successfully manipulates the agenda or invents additional issues or sets up spurious opponents. Has the ideal of liberalism been violated?... Liberalism requires only that it be possible to reject a putatively offending official, not that the rejection actually occur."

Quite what this possibility for rejection amounts to will be scrutinised in the next section. What we can unambiguously conclude from the theorem here is that institutions are necessary for stable outcomes. They impose order over what would otherwise be an ever-fluctuating majority rule. From such imposition, patterns of governance arise but with it vanishes any possibility of justifying those patterns in terms of the preference satisfaction of the electorate. The point is that justifying policy by way of the public will, which is a social decision that is responsive to all preferences weighted equally and is uncontaminated by any institutions that are opposed by a majority is always substantively unreasonable. It is a point about justification rather than empirical reality.

Nevertheless, Riker catalogues a number of empirical examples where the agenda has been manipulated to underwrite majorities. Whenever the issue-dimension was increased above the single dimension, the majority crumbled. In light of the theorem, there is always an incentive for losers to undermine majorities. The contingent empirical question is whether the losers can gain control of the institutional apparatus to get voters to think of the issues in the dimensions they wish or be in a position to set the agenda. Whatever the case, institutional opportunities will always determine who governs rather than majority decision. That there is an ever-present opportunity for losers to disrupt the incumbent majority implies that politics is an area

\[\text{\textsuperscript{106}}\] There is presumably a broad range of feasible tax cuts that would be preferred by a majority to one giving half the gains to the top one percent of income earners. That such a proposal is seriously considered in countries like the United States stands, I think, as strong evidence that the outcome of the vote is spun by clever manipulation of the agenda into something close to a global cycle. That such clever manipulation exists does not help corroborate the theorem though (see next paragraph), it just goes to show that there are powerful agenda-setters at play. I made a provisional suggestion concerning who the agenda-setters are and the institutional apparatus that gives them such power in section 6.4.
characterised by disequilibrium with respect to other areas of social life unrelated to political institutions.

Yet America’s democratic history has been marked by parties endorsing a cluster of ideas maintaining office for marked periods of time,

"From 1800 to 1856, the agrarian expansionism of Jefferson and Jackson won most of the time... From 1860 to 1928, the Republican program of commercial development won most of the time... From 1932 to the present, Democratic welfare statism won most of the time... Can it not be said that these repeatedly endorsed clusters of ideas have been, though rather vague, the true and revealed popular will" (Riker, 1988: 239-240)

The winners over these periods repeatedly beat an alternative multiple times. However, they did not win over all relevant alternatives. For example, the agrarian expansionist package was approved two-thirds of the time between 1800 and 1856 but never obtained a majority whenever opposition managed to highlight that such expansion required a simultaneous approval of slavery (1840, 1844, 1848 1856 and 1860). The New Deal coalition struck by Roosevelt in 1932 worked to ensure a majority so long as welfare rather than statism dominated the issue space of the presidential election. Whenever war entered the issue-space (as it did in Truman and Johnson’s presidencies) the welfare-statism lost out to a package of civil liberties and commerce (e.g. Eisenhower and Nixon both sought to mitigate the military draft). Sometimes Riker appears to think these empirical observations corroborate McKelvey’s (and sometimes even Arrow’s) theorem. As we will see, this is wrong and serves as grist for critics to compound the error. These examples demonstrate the intuition behind the proofs, but had the agrarian expansionist package won the election even when the electorate realised that it implied the tacit approval of slavery, this would not be cause to doubt the McKelvey theorem. The theorem is an argument from a set of premises rather than a model of reality awaiting empirical vindication.

The point is that political institutions cannot solely rely on patterns of belief and desire for their justification. This amounts to Riker’s rejection of populism. If we were to eliminate the term ‘populism’ or the ‘public will’ from Riker’s analysis, the only feasible rephrase I can think of would be in terms of the aggregation of beliefs and desires that are exogenous to institutions into a majority. Of course, some institutions may well be just institutions but that does not mean they would not be
defeated by the preferences (the beliefs and desires) of a majority. Populists are free to say that their ideal does not necessarily involve the vote and is more concerned with upholding principles of justice, but then their ideal is not a democratic ideal as defined by Riker (since it is not realised by way of democratic means), and any distinction between the two positions vanishes in a puff of smoke (see 7.3.1).

7.2 Rochester Rhetoric

With the rejection of populism, Riker thought the only option for the democrat was to revert back to the other possible interpretation of democracy – liberal democracy – where the behaviour of politicians is constrained by the possibility of losing the next election. The liberal interpretation of democracy amounts to a popular veto rather than popular rule. As Riker (1988: 244) puts it, “Liberal democracy is simply the veto by which it is sometimes possible to restrain official tyranny”. Sufficient conditions amount to a ‘significant’ popular veto coupled with safeguards protecting the durability of this veto (in order to ensure that the rejection of officials was not just some passing fad). Riker (1988: 249) says, “It seems clear to me that democracy cannot be preserved simply with the liberal interpretation of voting”. His solution is the same as James Madison’s ‘auxiliary precautions’ in The Federalist Papers: a series of checks and balances such as multicameralism, the separation of the executive from the legislature, federalism, and an independent judiciary. Without securing this laundry list Riker thought the vote could quite easily be ineffectual and license an authoritarian regime under the cloak of ‘democratic’ respectability. Singapore, Russia and Jordan, for example, all have the formal vote yet display distinctly authoritarian tendencies.

However, it is a linguistic sleight-of-hand that forces the argument from the weakened ideal that “The threat of the next election retains its force” (Riker, 1988: 342), which I think is a good ideal that is coherent with the austere language of social choice theory, to a state with a high number of constitutional veto-players. The move is right-wing rhetoric of the sort described by Kuttner (quoted in the introduction) and Mackie in

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107 For instance, the institutional constraints of Rawls’ veil of ignorance (the restriction of information individuals have about themselves) would be defeated by a majority when framed in a certain way.
Democracy Defended. The more checks a government is constrained with the less they are able to expand government to follow their initiatives and the more they have to defer to the market. With a high number of institutionally demarcated veto-players we can predict a high level of policy stability (Tsebelius, 2002).

The liberal interpretation can be saved from rhetorical flourishes by focusing in on the role the electoral threat plays with respect to institutional competition. The threat structures institutional competition. Ensuring such competition though does not reasonably entail Riker's veneration of the checks and balances of the American Constitution. Competition for political office is equally likely \textit{(a priori)} to lead to policy progress as it is to policy stability whereas an increase in veto-players is \textit{(a priori)} more likely to lead to policy stability. The ideal of avoiding institutional monopolies seems to be a reasonable interpretation of democracy in light of Riker's attack on populism. This section will apply destructive conceptual analysis to the agreement profile(s) typically associated with the Rochester School. The result indicates that the ideal of avoiding political monopolies amounts to the liberal interpretation purged of linguistic conjuring tricks.

We cannot rule out the possibility of politicians violating the electorate's freedom in significant ways and still being re-elected come the next election, but violating individual freedoms certainly makes it \textit{more difficult} to be competitive institutionally (typically tyrants have to resort to non-institutional means to secure re-election in formally democratic regimes). In Chapter 10 Riker focuses on non-tyranny as the ideal of liberal democracy and it is here that the move from the threat of the next election to a padded out constitution of veto-players is made. The significance of the vote is to depose tyrants and the constitutional checks and balances supposedly curb the ability of a tyrant to undermine the capacity of the vote to do this. The ideal is to stack the odds against a prolonged tyranny and the means is the vote. One of the more striking features of the chapter is an indictment of Westminster politics, particularly the form being practiced in 1980s Britain where the House of Lords had just rolled back its legislative purview, effectively rendering Britain a unicameral system. Riker thought that the absence of a second chamber with veto powers over legislation was a recipe for tyranny and made the prediction that Britain's electoral sanction would lose much of its significance in the subsequent years. Principally,
Riker thought the unconstrained majority party (typically dominated by a strong party leader) in the House of Commons would progressively chip away at the significance electoral veto.\textsuperscript{108}

\textit{7.2.1 Unravelling Rochester Agreement Profiles}

We can state the liberal interpretation of democracy accordingly,

RS1: An institution is democratic by the liberal interpretation when it is possible to remove members of government from office with a significant electoral veto because it curbs the ability of tyrants and would-be tyrants to gain and maintain office.\textsuperscript{109}

RS1 seems to me to be one of those wildcard sentences that are typically ‘banked’ within the first dimension of political argument and used to render substantively unacceptable conclusions acceptable (see 2.4.3). I think it is where ideologues get their foot in and introduce accents of infallibility into discussions about democracy, which allows them to make their move from the social choice proofs to their demands for a minimalist government.

The word ‘tyrant’ first springs to mind as a candidate for elimination to test this hypothesis since it is difficult to substitute a description for the word in RS1. Riker leaves the term under-described in \textit{Liberalism Against Populism}, but fortunately for the scientific credentials of the Rochester position not much turns on it. A rephrase is simple,

RS1A: An institution is democratic by the liberal interpretation when it is possible to remove members of government from office with a significant electoral veto so that it might force the government to compromise by the threat of electoral defeat and/or be defeated.

The ideal of democracy is non-tyranny, but it is not important to specify what tyranny precisely means (even what Riker thought it meant) just so long as whatever it means could be defeated come election time. This is an example where being unable to

\textsuperscript{108} I am unsure what Riker would have said about the Thatcher Government.

\textsuperscript{109} This is a terminologically correct – albeit highly condensed – paraphrase of the final chapter of \textit{Liberalism Against Populism}. 

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substitute a description for a term does not imply a non-substantive position and which, I think, is a unique feature of the destructive brand of conceptual analysis compared with its substitutionist rivals (see chapters 4 and 5).

The conclusion that a constitution should be rigged up with an American-style system of checks and balances to protect the significance of the sanction seems to instead turn on what counts as a significant electoral veto. This is not limited to evidence of electoral corruption and suppression. It also includes evidence of fiscal policies that are directed to short-term economic returns at the expense of the long-term health of the market. As Riker (1988: 248) puts it,

“More significant evidence of the populist elimination of electoral restraint, however, is the confiscatory and truly oppressive taxation and inflation by which rulers have financed their reelection, thereby acting against the society that they are supposed to serve.”

The flood of political advertising during an election campaign could also be thought of as a mechanism that ‘undermines the vote’ in a similar way. The veto-players in Riker’s laundry list (e.g. separating the executive from the legislature, having a multicameral system, weakening the power of the mass parties, etc.) are all encouraged to make it more difficult for politicians to supposedly ‘undermine’ the electoral veto by such means.

Let me sketch two candidate rephrases of RSIA that spring to mind after the elimination of the phrase ‘significant electoral veto’ (and close cognates like ‘non-undermined electoral sanction’) that could conceivably endorse a minimal state. None that I can think of are sufficient (in the sense described in section 3.3.4).

RSIB: An institution is democratic by the liberal interpretation when the probability of the government losing an election depends on the government’s ability to compromise with respect to their policy direction.

The thought here is that the more checks and balances there are, the more a government will supposedly have to constrain their ideal policy agenda. RSIB could entail a minimal state to ensure policy decisions are constrained institutionally. Assuming a high proportion of policy initiatives are tailored (at least in part) to help win the next election, governments will need to adjust their policy to appease the
institutional veto-players if they want to reap the rewards. Yet the rephrase only applies constraint to a progressive government and says nothing about a conservative one. If a government’s ideal policy direction is the status quo, then no compromise is required: a conservative government’s probability of losing the next election does not depend on their ability to compromise their policy direction. This is because the higher the number of veto-players there are, we can predict conservative policy progress (Tsebelius, 2002). We either have to rethink the implication of RS1B for a minimal state or acknowledge that the Rochester ideal of democracy is a priori rigged to endorse the status quo and give a pleasant ride to its beneficiaries: a democracy is a set of institutions that curb the abilities of actors to change the status quo. Either way, RS1B does not preserve the Rochester agreement profile (assuming subscribers do not want to subscribe to a position that is essentially conservative rhetoric). Consider RS1C.

RS1C: An institution is democratic by the liberal interpretation when competing parties are constrained from manipulating the vote.

While RS1B was subtly unacceptable, RS1C is blatantly unacceptable. It advocates a minimalist state since the more checks and balances there are the higher the possibility attempts to manipulate the vote within the institutional arrangements will be vetoed. The lesson of the first nine chapters of Liberalism Against Populism though is that manipulation cannot be constrained in electoral systems. There will always be incentives for politicians to engage in wheeling and dealing to change the outcome of the election irrespective of their own policy track record. Anybody who has actually read Riker’s book – and agrees with its principal message – will not accept RS1C.

7.2.2 Rephrasing in Terms of Pluralism and Competition

There is a rephrase of RS1 once the word ‘tyranny’ and the phrase ‘significant electoral veto’ have been removed that preserves the agreement profiles developed in the first nine chapters of Liberalism Against Populism, but does not lead to the
minimalist state sketched in Chapter 10. It amounts to a strong brand of pluralism. That is,

RSID: An institution is democratic by the liberal interpretation when there is a sufficiently high possibility to remove members of government from office by way of the results of an election. The possibility is sufficiently high when it incentivises institutional competition to increase or decrease the possibility for interested parties.\(^{10}\)

This rephrase interprets democracy as an ideal pitted against the absence of institutional monopolies. If a government were to crush their opponents by illegal intimidation and violence then this would weaken the government's democratic credentials because institutional competition would be crushed extra-institutionally. The same goes for rigging elections and general corruption.

What is precisely meant by institutional competition in RSID? Institutional competition involves agents being motivated (by the possibility of despised politicians losing office) to attempt to manipulate the vote either by attempting to alter the issue dimensions, logrolling, or attempting to set the agenda. Manipulation can also include attempts to change individual preferences by distributing information. A condition for a democracy then is that the incumbent government is forced to compete if they want to manipulate the vote; they must compete with other manipulators. There should be no incumbent advantages other than the advantages (or disadvantages) that the incumbent's policy track record brings to the table. Democratic institutions should be designed to avoid situations where those wanting to depose incumbent governments don't even bother attempting to manipulate the vote for reasons to do with the control the governments have over the tools of manipulation. The vote is necessary to structure this sort of competition. RSID therefore fits comfortably with Riker's definition of democracy (where the vote is the necessary means to the ideal).

Riker's laundry list of 'auxiliary institutions' that supposedly supplement the vote can be extended with this brand of pluralism. An independent electoral commission can

\(^{10}\)The introduction of the competition terminology here is my own. To my knowledge Riker did not toy with it at all. The rest of the rephrase, however, is essentially the position described in Riker (1988; 250). To restate my position defended in 3.3.4, there is no harm introducing terminology ignored.
protect districts from being gerrymandered geographically by incumbents seeking to circumvent electoral sanction. If the government has such a strong advantage to secure re-election it could well discourage possible competition from bothering. An independent and powerful reserve bank might also be utilised to reign in gratuitous public spending like pork barrelling that would otherwise bolster the incumbent advantage and potentially discourage competition. Of course, this is all rather loose, but all I am trying to do is sketch a few provisional implications of RS1D and defend its use as a reasonable interpretation of liberal democracy. It highlights salient concerns for liberal democracy free from the rhetoric typically couched in the phrases ‘significant electoral veto’ and ‘popular will’. Possibly the most salient concern for liberal democracy, as interpreted in RS1D, is that the current distribution of campaign finance in most countries effectively rules out certain groups from competing institutionally because it is financially untenable for them to do so. The distinct advantage this bestows on a small group of incumbent interests could well be construed as an institutional monopoly (or oligopoly) of sorts.

The institutions suggested above seem to further support the state minimalist agenda. I doubt replacing politicians with bureaucrats (as with a reserve bank and electoral commission) venerates the market, but let us just suppose it does. My suggestions so far seem to amount to an increase in the stock of institutional veto-players. A constitution ensuring the executive is heavily restricted by veto-players would likely give an institutional monopoly of sorts to whichever political coalition represented the status quo interests. Yet this is simply an incorrect interpretation of RS1D: if there are entrenched institutional blocks on certain progressive political positions, there will be no incentives for interested parties (i.e. those political entrepreneurs with a preference for progress rather than stasis) to engage in institutional competition. That is to say, there will be no liberal democracy. RS1D implies more than just checks, it also emphasises balances, which – for all Riker’s rhetoric about ‘checks and balances’ – are distinctly under-specified in Liberalism Against Populism.

We need a way to balance status quo interests by forcing them to engage in institutional competition because they fear opponents otherwise lowering the chances of their re-election. An independent and balanced news media with the right mix of competitive impulses will go a fair way to constrain monopolistic tendencies in this
way. Such constraint will probably require policies to stop smaller and more independent outlets facing high barriers to entry or from being bought out by the bigger corporations. These sorts of policies would cut against the state minimalist agenda and involve political intervention. In a strong democracy the press is nobody’s lapdog.

Free speech (with or without the soap box of the mass media) and deliberation in general are just as much a constraint on incumbent politicians seeking another term in office as constitutionally inscribed safeguards. As Riker (1988: 170) argues, non-leaders can themselves set the agenda by introducing new dimensions into debate. Elites have to compete to secure the dimensions – the standards of judgement – that are important to the next election (see Riker, 1986). The methods typically associated with deliberative democracy, especially the mechanisms for developing deliberative capacities to constrain policymaking, entail a more expansive state. It is usually more difficult to set the agenda in a way that runs against the running total of political argument (see 1.5.1) or indeed extremely difficult not to set an agenda (as might be the case with conservative interests) and still be re-elected. The running total of political argument could be construed as an institutional constraint just as much as an independent legislature (see 7.3.3). It is these sorts of institutions that balance out the checks of the veto-players and incentivise competition for the vote.

In sum, having the vote as the (necessary) incentive for institutional competition does not imply a demand for an increase in veto-players to ‘protect’ the vote. A minimalist state is likely to minimise institutional competition and give an institutional monopoly to the beneficiaries of the status quo. Nominally opposing parties are often carbon copies of one another. A government’s ability to change the state’s pattern of expenditure (say, the introduction of new social policies) is increasingly unlikely the more veto-players there are. The compromises involved with the Dodd–Frank Wall Street Reform outlined in 6.4 demonstrate the point. Competition implies a plurality of distinct interests and trumpeting a rationale of ‘protecting the significance of the vote with institutional checks’ genuinely undermines this distinctiveness by making policy progress near on impossible. There is little incentive for certain interests competing institutionally if they have no hope of changing the system from within. In
the previous paragraph I started connecting the liberal interpretation with assumptions and conclusions common in the deliberative democracy literature.

I pursue this line further in 7.3.3, but a clearing-up exercise is first mandatory. It is mandatory because seminal books defending an expansion of the executive (or at least the policy-making capacities of a state) by way of the so-called ‘deliberative turn’ do so by way of defending populism and rejecting Riker’s interpretation of social choice theory. If the will of the people can somehow be institutionalised within the executive, then an expansion of the executive is supposedly justified in the name of democracy. It is my view that this simply replaces one demagogic flourish for another.

7.3 Disagreement with Liberal Democracy

Gerry Mackie does just this in his award-winning book Democracy Defended (2003). He adheres to the ‘minimalist’ reading of Liberalism Against Populism – that the rejection of populism implies veneration for market proceedings and scepticism for democratic decisions. Mackie’s main disagreement with Riker is over whether or not the populist interpretation of democracy is justifiable rather than with Riker’s move from the rejection of populism to the endorsement of a heavily constrained government. This is the wrong place to criticise Riker’s supposed veneration of market proceedings and leads to argumentative deadlock.

A significant portion of Mackie’s book is devoted to a strong reassessment of the empirical literature that is tonic to the confused idea (that seems to be a platitude in the Rochester School) that cycles are regularly observed in elections. Mackie argues that cycles are extremely rare in elections with an exhaustive analysis of the empirical literature. For example, he reassesses and revises the conclusion that Abraham Lincoln was elected on a cycle in 1860. From these empirical claims, he mounts his theoretical argument: we should stop taking Arrow and McKelvey’s theorems as decisive rejections of interpretations of democracy that utilise terms such as the ‘public will’ and ‘what the people want’ because, first, the theorems (apparently) imply the existence of cycles and there is scant empirical evidence corroborating their
existence, and, second, the theorems do not disprove what individuals usually mean when they use those terms. Given populism supposedly can be defended from Riker’s attack, Mackie thinks we do not have to accept the rhetoric-laden liberal alternative. Given my defence of the liberal interpretation (rephrased as RS1D) in the previous section it is imperative now to apply destructive conceptual analysis to analyse the reasons Mackie gives against the liberal interpretation of democracy with his ‘theoretical argument’ and analyse whether it does indeed follow from his empirical reassessments.

7.3.1 Mackie’s Linguistic Qualms

Mackie accuses Riker of a verbal fudge tactic. He says, “What the rest of the world calls democracy Riker calls populism; that way he can remain a democrat even though he rejects the idea that government should respond to what its citizens judge best” (Mackie, 2003: 418). The idea that there is actually some state of affairs that the aggregate of citizens judge best – in some raw sense that is independent of institutions – is the platitude Riker attacks. I think much of the motivation behind Mackie’s theoretical disagreement is contained to a grumble about Riker’s self-description as a ‘democrat’. From this grumble Mackie (2003: 431) suggests there is very little constraint on the liberal interpretation moving – as Pareto had over a Century ago – from an open society towards a fascist state. This is a puzzling interpretation that demands investigation.

The interpretation starts from a caricature of Riker’s position:

“A democrat may insist that there are essential preconditions to democracy, such as rights to life, liberty and personal property, regular elections, equal voting rights, freedom of association, and freedom of speech, such that violations of these preconditions by minorities or majorities should be constitutionally prohibited and that their violation would justify rebellion by aggrieved parties... When Riker takes on ‘populism’ he takes on all these conceptions” (Mackie, 2003: 418-419).

This passage suggests that given these valuable properties are unspecified by Riker’s interpretation of ‘democracy’, he pickets a fence and takes up arms against them. This is a mistake. If anything, refusing to cram such properties in under the definition of ‘democracy’ makes us less likely to take such values for granted. The list of
democratic properties quoted above is but a fragment of Mackie’s total. He goes on to say that Riker’s interpretation of ‘democracy’ is even pitted against Rawls’ principles of justice. This is just to conflate rival interpretations of one single property with two distinct properties. Riker surely does not think his brand of democracy is rival to Rawls’ brand of justice, only that they are analytically distinct. The conflation is troublingly fatalistic. Assuming that justice is naturally secured by democratic institutions (or vice versa) makes for less vigilant political argument. There is no longer an imperative to question whether democratic institutions secure just outcomes or whether just outcomes require democratic institutions. That democratic institutions guarantee the properties Mackie lists (or vice versa) is nothing more than propaganda – a conjuring trick – with the implication that all countries that are legitimately described as democratic meet this intimidating list of virtues. Of course, we might take Robert Dahl’s advice and concede that no institution can ever be called democratic because democracy is an ideal that more than likely can never be realised. Yet Mackie does not seem to take this advice and is quite open to describing countries that are called democratic by the layperson as just that. A feature of the liberal interpretation of democracy is that it describes institutions as democratic in a way that, at first glance, seems to accord with the layperson, whereas it is hard to know whether any institution warrants the name ‘democracy’ by the populist interpretation because it is ambiguous whether or not some institution is governing according to the popular will. This leaves to populist position open to rhetorical hijacking. Liberal democracy is still valuable even if it does not completely meet the demands of liberal justice.

Mackie’s conjuring trick needs to be made explicit because it is repeated often and gives undue weight to many of the modern developments in democratic theory. Whichever way the populist claim is made, I conjecture, it can be rephrased under the pressures of elimination only by arriving back at a sentence social choice theory has explicitly proven to be inconsistent.
If we eliminate the 'public good' or 'what the people want' we can rephrase Riker's rejection of populism (P1 and P2) in terms congenial to social choice theory (see 7.1.2). Namely, there is no rational social outcome that is equally responsive to the (relevant) pairwise preferences of individuals, where individuals are weighted equally. Can we do likewise with Mackie's theoretical criticism of Riker's position? Mackie suggests Riker and the Rochester School have an overly pejorative interpretation of populism,

"Populism is a theoretical category for Riker, but what does he think are its empirical referents? Populism in Riker's pejorative sense perhaps originates with the experiences of the French Revolution, when Robespierre and his Committee of Public Safety in the name of people's will instituted the Reign of Terror. Populism in this sense is any tyranny that claims to rule in the name of the people. Oddly enough such regimes often originate in or are periodically sustained by manipulated plebiscite, which by Riker's theory would provide legitimacy so long as there is a regular but merely formal possibility for rejection of the regime" (Mackie, 2003: 420).

The final sentence in the above passage is plainly a mistake. As we have seen, Riker is not content simply to enshrine a 'formal possibility' and wants to bolster the vote with a range of auxiliary institutions. My 'non-minimalist' rephrase of Riker (RS1D) also explicitly states that a "formal possibility" is not enough and liberal democracy requires a sufficiently high substantive possibility. Indeed, part of institutionalising a sufficient electoral veto (for democracies) involves ensuring governments cannot hoodwink political agents with populist narratives justifying the establishment and maintenance of institutional monopolies as the expression of the people's will. Still, Mackie thinks that this attitude towards populism is a mistake. Riker, the Rochester School, and liberal democrats in general need not accept the passage quoted above as a rephrase of their position.

Nevertheless, this is the rephrase that Mackie attacks. My claim in this section is that it is doubtful that Mackie himself would accept his theoretical argument once the terms 'populist', 'rule of the people' and 'democracy' have been eliminated from it.

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111 By 'rational social outcome' I mean a transitive social ranking over states of affairs, as defined by Arrow (2012 [1951]: section 2.4), where the choice between any set of alternative states of affairs can be determined by choices made between pairs (i.e. pairwise comparisons). I take the universal domain condition to imply all individuals are weighted equally since it guarantees all preferences over all states of affairs are included.
I demonstrate this with destructive conceptual analysis. Mackie’s caricature of liberal democracy’s attitude towards populism is grist for the analysis. I take the subject disagreement to be between Mackie and Riker, but it could quite easily be extended to be between populists in general and liberal democrats in general.

M1, M2, and M3 though all seem to be adequate rephrases of the position defended in *Democracy Defended*.

M1: The populist interpretation of democracy is a coherent and self-sustaining ideal.

Eliminate ‘populist’.

M2: Democracy as the rule of the people is a coherent and self-sustaining ideal.¹¹²

Eliminate ‘rule’ and ‘people’.

M3: Democracy as a polity designed to legislate according to the public interest is a coherent and self-sustaining ideal.¹¹³

Riker would obviously disagree with M1 and M2 and so M1 and M2 are adequate rephrases of Riker and Mackie’s respective agreement profiles. I am of the (less obvious) opinion Riker would have also disagreed with M3. This is not because Riker thought the public interest is meaningless or incoherent in the same way the ‘rule of the people’ is, but rather that he argued that it had nothing to do with the democratic vote and therefore nothing to do with the truth-conditions of a sentence describing some institution as democratic. He says,

"[T]he notion of a public interest, so cherished by populist propagandists, is not, technically speaking, rendered meaningless simply because the populist interpretation of voting is meaningless. A public interest is an interest attached to the collective body of society; and as long as society exists, it has, presumably, some interests, which are its common or public interests... By definition, however, a common or public interest is held in common, so voting is unnecessary to reveal it." (Riker, 1988: 291)

The ‘public interest’ here is something similar to the property of unanimity (i.e. *everybody* must prefer the proposed state of affairs). By this account democracy does

not run against the public interest. However, the means for achieving democracy — the vote — will not reveal it. Instituting a liberal democracy rather than a fascist tyranny, say, surely gets close to what is in the public interest, despite the subsequent majority-sanctioned legislation not necessarily tracking the public interest from then on in. Riker is quite certain that a tyranny is not in the public interest and that institutionalising his interpretation of democracy (as a set of institutional constraints on tyranny) therefore is.

Now, what Mackie means (see 2003: 409-432) by ‘public interest’ in M3 is something that is at least approximated by the outcome of the electorate voting. It is therefore a completely different property to the one interpreted as the ‘public interest’ by Riker. Riker’s property is close to the property of unanimity, whereas Mackie’s is close to the property attached to the aggregate of individual votes, just tinkered a little. As he says, “A democrat may quite consistently and defensibly recommend broadly accepted institutions that neutrally refine and enlarge the will of the people. Raw political preferences may be poorly informed and may be contradictory even within individuals” [italics mine] (2003: 418). Nevertheless, it is still the ‘will of the people’ that is the significant input for Mackie’s populism. We have already eliminated the ‘will of the people’, however, and if Mackie’s interpretation of the ‘public interest’ relies on it in a way that cannot be rephrased without using it, then M3 does not preserve substantive disagreement.

My hunch here is that Mackie is arbitrarily broadening the extension of the word ‘democracy’ in M3 to suit his agenda and preserve a disagreement that need not exist. This hunch can be tested by an attempt to eliminate the word ‘democracy’ from M3 and rephrase. Rephrasing M3 by substituting the term for Riker’s interpretation yields something like M4A,

M4A: Ensuring that legislation approximately tracks the public interest by means of subjecting legislators to a significant electoral sanction is a coherent and self-sustaining ideal.114

114 Again, see the last chapter of Liberalism Against Populism, especially Riker (1988: 250-3).
M4A would obviously preserve Riker’s disagreement if Riker interpreted ‘public interest’ in M4A in his terms. Legislation would track unanimous policy preferences even if there was no vote. Less obvious is whether it would preserve the disagreement using Mackie’s interpretation of the ‘public interest’. For Riker, the outcome of the vote is strictly underdetermined by the preferences of individuals. Even the institutions that “neutrally refine and enlarge the public will” into the ‘public interest’, for Mackie, will be defeated by majority preference. The ideal is therefore underdetermined by the vote, making it difficult to maintain the predicate ‘self-sustaining’ in M4A. Furthermore, since ‘public interest’ here relies on the term ‘public will’ it is an illegitimate rephrase in light of destructive conceptual analysis.

I am not sure whether Mackie would find M4A an acceptable rephrase given he thinks the ‘public interest’ designates some distinct property that is approximated by the outcome of the previous election, rather than some legislative package that takes into account the threat of a future election’s sanction. We can eliminate the term ‘public interest’ without relying back on the ‘will of the people’ with the following rephrase,

M4B: Having legislation approximately track the institution-independent outcome of the previous election is a coherent and self-sustaining ideal.115

The dividing characteristic between Mackie’s populism and Riker’s liberalism is perspicuous in M4B. Populism is backwards looking, whereas liberalism is forwards looking. By the liberal interpretation, governments ideally worry about the next election and compete with opposition to manipulate the future vote accordingly, whereas by the populist interpretation, the elected government ideally looks back in order to carry out their electoral mandate. I think M4B has to specify ‘institution-independent’ because otherwise the principle depends on ideals unrelated to the vote in the sense that the institutions that aggregate (“refine and enlarge”) the votes will need to be justified independently of the vote. Without the term ‘institution-independent’ I think it is highly likely the Riker would agree with M4B. For instance, the ‘veil of ignorance’ (Rawls, 1999) could be construed as institutional imposition

115 See Mackie (2003: 442-3) for a rough vindication of this interpretation, even though no such vindication is required (see section 3.3.4).
that structures the way individuals vote (i.e. express their preference for certain social states) and Riker gives hints that he endorses Rawls’ theory of justice. I just doubt he would call the idea ‘democratic’ (‘justice’ perhaps) since it relies on justification exogenous to the vote. In other words, if we do not insist on specifying ‘institution-independent’ the disagreement between Mackie and Riker is not preserved.

The acceptability of M4B relies on there being an unambiguous outcome of a prior election that is independent of any institutional imposition to track and this is exactly what social choice (certainly under Riker’s interpretation) proves to be incoherent. Given the strong possibility of global cycling there are likely going to be as many descriptions of the electoral outcome as there are alternatives. This amounts to an incoherent ideal. Granted, Mackie argues against the lessons that most people derive from the social choice proofs, but his arguments all turn on empirical evidence that is irrelevant to the conceptual point. He says, “The theorems are, of course, logically true, given their initial premises, but the theorems fail as models” (Mackie, 2003: 174) and that the “problem with the chaos theorems is that they are not supported by experimental and empirical observations of instability” (Mackie, 2003: 185). The theorems do not predict instability in institutions governed by the vote; they predict instability if there is no (arbitrary) institutional imposition determining the institutional consequences of a vote. The conditional ‘if’ makes all the difference: given we observe stability we should assume institutional imposition. The arbitrary limits (arbitrary in terms of an aggregate of individual preferences) we impose on agenda-setting and the electoral system will determine the stable patterns of governance rather than a specific non-institutional outcome of the previous election. So falls M4B as an acceptable rephrase. I can think of no further (vaguely plausible) rephrase that might preserve Mackie’s theoretical argument and so we can conclude it is either merely verbal or wrong.\footnote{It is my view that Mackie starts with his verbal disagreement and then because of this disagreement feels it necessary to posit further disagreement with the technical prescriptions of the theorems.}

Admittedly, I think some confusion over M4B can be in part traced back to Riker himself. Occasionally he seems to suggest the validity of Arrow and McKelvey’s theorems can be bolstered by empirical evidence. This is simply wrong. The theorems come before political science and are not supplemented by it, let alone...
dependent on it. The theorems are political argument from acceptable axioms (common ground) to surprising conclusions (see 1.3). Political argument comes before political science (see 4.8 and 6.4). The theorems may well structure the empirical patterns we go looking for and the hypotheses we make, but the patterns we find will not change the consistency or relevance of those theorems.

I see no other way to rephrase Mackie’s position under the pressures of elimination detailed above. Mackie’s theoretical argument dodges the implications of the social choice theorems by obfuscating with terms like the ‘will of the people’, popular will’, ‘what people want’ and ‘democracy’. This is not to say Mackie does not have a substantive argument against Riker. He does with his revision of the empirical discoveries of electoral cycles. However, Mackie’s trenchant debunking of empirical discoveries of cycles is an argument distinct from his theoretical claim to vindicating populism, as Riker’s purported discovery of empirical cycles is distinct from his theoretical claim about populism’s incoherency.

7.3.3 Deliberative Democracy and Pluralism

There is a platitude in democratic theory to distinguish the so-called ‘deliberative democracy’ literature from Riker’s liberal interpretation of democracy. However, the same verbal moves are made to dissociate the two as were made by Mackie in Democracy Defended to attack Riker. The divide between liberalism and populism is a platitude of the ‘deliberative turn’ but a platitude that is, for one, merely verbal and, for two, unwarranted given the liberal interpretation of democracy as institutional competition. The liberal interpretation can be broadened without inconsistency to encompass the deliberative claims. Deliberation or “the unforced force of the better argument” (Habermas, 1996: 305) is a form of institutional competition that is structured by the vote. That is to say, most deliberative democrats accept that the vote is necessary for there to be any point to deliberation – for there to be a decisive decision at the end of the process – given the ideal of consensus is rarely feasible.

117 For example, I find it difficult to believe that arguers would not take it as common ground that every governmental decision is multidimensional. Even issues that are refined down to a single dimension are refined down, in part, by decisions made by political actors.
(Elster, 1982; Goodin, 2008). Deliberators compete to manipulate the vote on their terms and this fits neatly within the rubric of liberal democracy.

Institutions change and can be subjected to on-going change. The standard definition of institutions is North’s “the humanly devised constraints that shape human interaction” that is used to interpret the nearly trivial point that “Institutional change shapes the way societies evolve through time and hence is the key to understanding historical chance” (North, 1990: 3). Institutions (including political institutions) are dynamic. McKelvey’s chaos theorem demonstrates that a majority decision will be partly determined by the agenda and the dimensions under which policy is made. Riker suggests that such manipulation is determined by institutions and can accordingly be explained by those institutions. The constraints policymakers have to work with in order to manipulate the electoral vote will accordingly be subject to ongoing change.

Deliberative democrats claim that agendas and dimensions are also partly determined through deliberation (Dryzek and List, 2003). There is little reason therefore to treat deliberation as any different to the stock-standard political institutions sketched by Riker in the final chapter of *Liberalism Against Populism*. Both function as constraints for policymakers and help overcome the instability the disequilibria of majority rule otherwise suggest. As Mackie (2003: 379) himself puts it,

“Almost everyone in politics is a loser in some respect, so why don’t we observe millions of attempts to introduce new issues and dimensions? There must be constraints on such introductions. The constraint is that the speaker’s introduction of a new issue or dimension must be freely rejected or accepted by the listeners. Deliberation is not subject to disequilibrium, and can indicate central outcomes such as the intersection of medians in multidimensional issue space; disequilibrium is a consequence only of the unfair assumptions of the McKelvey voting model.”

Again, I agree with everything Mackie says here up until the final sentence. I doubt McKelvey would claim that deliberation so construed has anything to do with the inputs of his model. The introduction of new issues and dimensions are the parameters of McKelvey’s model, not its input. The input is the ideal points of \( n > 2 \) individuals in \( n > 1 \) dimensions. Deliberation sets the particular dimensions but it requires certain individuals with certain preferences to react in terms of those preferences for the model to do its work and prove global intransitivities. Such
preferences are exogenous to deliberation. Individuals compete with others in deliberative activities to have their issues and dimensions freely accepted by listeners. This constitutes institutional competition as described in RS1D.

To compete individuals need to be competing for something. The vote provides the yardstick—it provides a decision—even if at times it may be a perverse decision. Given the vote is a necessary precondition for competition the optimisation of deliberation falls under the liberal democratic imperative of institutional competition. It is generally accepted in the deliberative democracy literature that political deliberation will never produce consensus: consensus is the ideal but rarely the reality. Decisions will never be acceptable to everyone when we are dealing with a large enough group. Under such conditions there will be a point where the question must be put to a vote with respect to alternative answers. As Mackie (2003: 379) puts it, “democratic discussion is a complement of, not a substitute for, voting”. Without this voting clause it is difficult to see that there is any point to deliberating when unanimity will only ever be an ideal and with it deliberation falls under the rubric of institutional competition.

One manoeuvre remains to distinguish the deliberative democrat from the liberal democrat. For the latter, deliberation is good for democracy because it incentivises institutional competition and that is it, whereas deliberation serves a further normative function for the former (Cohen, 2006b: 163; Goodin, 2005; Dryzek and List, 2003). Namely, it alters the preferences of deliberators to trend towards ‘the common good’ or the ‘public will’. Liberal democrats are indifferent to the function of institutional competition on the preferences of individuals. Cohen (2006) goes on to make the case that preferences are not exogenous to institutions. Yet this just adds ambiguity where there need be none. Why not instead say that it is the institutions that are changing rather than the preferences of individuals? I think that once we eliminate the term ‘public will’ and close cognates it becomes impossible to rephrase the deliberative position without doing so. That is, the position that preferences are ‘better’ post-deliberation and therefore better inputs for the voting mechanism. Why
are they better? The standard answer is that they approximate the 'public will' but as we have seen such a notion is incoherent.\footnote{Perhaps we could take a Habermasian stance and say the 'public will' is what all deliberators would accept in ideal speech conditions, but in so far as deliberation is not bound by such conditions we cannot make that assumption about real-world deliberation.}

Having a preference for a deliberatively unacceptable policy will not necessarily force anybody to change that preference. There are no acceptable reasons that I can think of to support a generous subsidy package (in the realm of millions of dollars) for yours truly, but that does not stop me having a preference for such a package. I have not exhibited ‘adaptive preferences’ (Elster, 1982) and changed my preference when the realisation dawned that I cannot – in a deliberative setting – defend any policy that grants me my preference. Despite consoling myself that I would probably be no happier with a million dollar surplus than with my current debt, I would still vote for such redistribution if it were on the table and I dare say you would too. The justifications for how preferences converge toward the ‘public will’ seem contrived since they suffer under the social choice proofs and the pressures of elimination. A far more plausible interpretation is that the content of deliberation – the particular arguments that have traction at the pub and in the media – are constraints on would-be tyrants, forcing politicians to compete institutionally for re-election. Such an interpretation closes the artificial linguistic divide between the Rochester School and the literature of deliberative democracy.

Some deliberative democrats distinguish themselves from liberal democrats by utilising Condorcet’s Jury Theorem to reach the conclusion that deliberation leads to beliefs that better tracks the truth (e.g. Cohen, 1986; Goodin and List, 2001). Preferences post-deliberation are supposedly better because they are better truth-trackers. This well might be the case, but this is nothing that the liberal conception of democracy denies. Riker, for one, would be sceptical that such an ideal of truth had anything to do with democracy since the vote is not a necessary condition for realising it. Of course this is not to say that Riker did not value the truth; to infer otherwise would be to commit Mackie’s erroneous verbal criticism discussed in 7.2.1. The concentration on truth might be a feature of deliberative democracy that distinguishes it from the liberal democratic programme, but such differences cannot
be construed as a rival difference. In so far as it is so construed, the rivalry is purely verbal, turning on the word ‘democracy’. If the two traditions would be upfront about their trivial verbal difference and take the subscript gambit – the Rochester School are using ‘democracy\textsubscript{1}’ and the deliberative school ‘democracy\textsubscript{2}’ (see 3.3.1), say – there would be far less theoretical tension (if any) left between them.

7.3 Conclusion

I have advocated a rephrase of the wildcard sentence RS\textsubscript{1} in terms of institutional competition. This is in line with Riker’s liberal interpretation of democracy and rejection of populism but does not imply an American-style system of checks and balances. As we have seen with my analysis of the ‘theoretical argument’ in Democracy Defended, Mackie’s attempts to argue against American minimalism by way of disagreeing with Riker’s rejection of populism seem likewise to turn on non-substantive reasoning. This is a move that is seemingly common in the deliberative democracy literature. The offending terms range over ‘public will’, ‘will of the people’, ‘what the people want’, and ‘democracy’. Yet insofar as the attack centres on a defence of populism the concession to right-wing ideologues is already made. The linguistic trick that takes us from a rejection of populism to a minimal state and an endorsement of the market is the phrase ‘significant electoral veto’ and its close cognates like ‘undermining the vote’. This step is the step needing scrutiny, not the rejection of classical populism.
Chapter 8

Liberty and Equality (and the Vibrations they Produce)

Gwendolen. My own Ernest!

Jack. But you don't really mean to say that you couldn't love me if my name wasn't Ernest?

Gwendolen. But your name is Ernest.

Jack. Yes, I know it is. But supposing it was something else? Do you mean to say you couldn't love me then?

Gwendolen. [Glibly.] Ah! that is clearly a metaphysical speculation, and like most metaphysical speculations has very little reference at all to the actual facts of real life, as we know them.

Jack. Personally, darling, to speak quite candidly, I don't much care about the name of Ernest... I don't think the name suits me at all.

Gwendolen. It suits you perfectly. It is a divine name. It has a music of its own. It produces vibrations.

Jack. Well, really, Gwendolen, I must say that I think there are lots of other much nicer names. I think Jack, for instance, a charming name.

Gwendolen. Jack?... No, there is very little music in the name Jack, if any at all, indeed. It does not thrill. It produces absolutely no vibrations... I have known several Jacks, and they all, without exception, were more than usually plain.

From The Importance of Being Earnest by Oscar Wilde.

8.1 Introduction

An old platitude in political analysis says that liberty and equality are incompatible values (e.g. Berlin, 1969; Steiner, 1981). That is, an increase in equality entails a decrease in liberty and vice versa. Any value package that does not treat liberty and
equality as such is inconsistent. Call this the incompatibility thesis. Somebody might bristle when they watch the nightly news and see the increases in personal income tax. They think such increases violate the liberty of those citizens who worked ‘hard’ for their money only to have to hand back a portion of it to the government. They think it tantamount to theft. At the same time, however, they get equally angry when the bulletin shifts to a report on acute poverty and curse the government for not doing more to ensure equality of opportunity. Yet usually the reality is that only with more tax revenue can a government do anything to increase the lot of certain segments in society without reducing public expenditure in other areas. If the individual thinks any reduction in any of the current social services is unacceptable, then their value-package is simply unfeasible and, we may well say, an inconsistent position worthy of reasonable rejection. The fact that they perhaps believe it to be consistent does not make it so.

Such inconsistency is often left unresolved because of the semantic imprecision and emotive ‘vibrations’ that are so often attached to terms with bloody histories like liberty and equality. Section 8.3 below documents some of these historical vibrations. Indeed, Morriss (2012) suggests the conceptual distinctions that attract to the word ‘freedom’ might never be separable from the word’s revolutionary history. The ‘vibrations’ that go with the words ‘equality’ and ‘freedom’ consequently make it difficult to ignore or dismiss the weight of whatever they might refer to in argument. As such, the refrain ‘Of course I value liberty/equality, but situations x, y, and z do not have anything to do with liberty/equality’ is all too common. Sometimes the refrain is innocuous, but it is just as often rhetorical with it distorting the first dimension of conversation. It is non-substantive perhaps in the same way that Gwendolen’s love for Jack in The Importance of Being Earnest is non-substantive. Without the name attached to the concept, just as much as without the name (‘Earnest’) attached to the person (Jack), there is no argument and no love. What is more, in the case of political theory, such non-substantiveness is one of the primary causes of inconsistent value-packages.119

119 I should stress that this is not necessarily an attack on the individual’s preferences. It is more just the suggestion that their preferences would not be defensible in political argument (by my interpretation of it). The analysis of value-packages, then, is analysis aimed at grooming an individual’s intuitions and preferences for expression in political argument.
Measuring the feasibility of particular tradeoffs between equality and liberty has been a crossover subject for both empirical political science and economics. However, the coherency of the trade-offs has also been a subject of political theory as well. Typically political theorists have been concerned with the term’s position in the second dimension of conversation and have sought to ensure individuals are strict with their definitions and interpretations of terms in order to correct any inconsistencies. For instance, those who subscribe to the republican interpretation of freedom like Philip Pettit and Quentin Skinner, take increases in liberty and increases in equality to go hand in hand. Subscribers to the negative conception of liberty (particularly in its distributive sense) typically take the two values to be practically incompatible, with Robert Nozick’s *Anarchy, State and Utopia* being the classic argument for giving fundamental value to liberty while admitting it comes at the expense of concerns for equality. On the other hand, some of the September Group’s ‘non-bullshit Marxists’ also interpret liberty and freedom in the negative sense (of self-ownership) but suggest its optimisation leads to egalitarian outcomes. Given there is such disagreement in the academy it is little wonder the words are used willy-nilly in public discussion. This chapter will subject these arguments to the method of elimination to start a process towards distilling the substantive points in the literature.

8.2 The Incompatibility Thesis

Phillip Pettit and Quentin Skinner have resuscitated a certain interpretation of the word freedom from patterns of 17th Century Republican thought. Proponents of negative freedom like Ian Carter (1999) and Matthew Kramer (2003) have resisted elements of this resuscitation. This resuscitation, while constructive in many respects, is deeply confused in others. It arbitrarily shifts between investigations of patterns in republican thought to full out political argument. The former is worthwhile and (in my view) important while the latter is not. The latter encounters the problems sketched in my analysis of the Cambridge School in 5.2). Before arguing this point I

120 Throughout this chapter I make use of Brian Barry’s (2011: 43) distinction between distributive and aggregative values: “an aggregative principle is one which mentions only the total amount of want-satisfaction among members of a reference group, whereas a distributive principle requires for its statement a mention of the way in which want-satisfaction is to be divided among the members of a reference group”.

will unpack the competing claims in this section and suggest the relation each claim has to the incompatibility thesis.

Before Pettit and Skinner, academic discussion on freedom roughly revolved around Berlin’s famous distinction between positive and negative liberty in his essay ‘Two Concepts of Liberty’ (1969). Negative freedom is freedom from interference. Bodily restraint, taxation and government creep might be all associated with violations of freedom in the negative sense. The giveaway for this sense is talk of freedom as the absence of something and (its grammatical accomplice) the phrase ‘freedom from’.

Hobbes is the classic exemplar of this interpretation,

Liberty, or Freedome, signifieth (properly) the absence of Opposition; (by Opposition, I mean externall Impediments of motion;) . . . For whatsoever is so tied, or environed, as it cannot move but within a certain space, which space is determined by the opposition of some external body, we say it hath not Liberty to go further. (1996: 145).

In a jail cell a prisoner is perfectly free to do as they please within that cell because there is an absense of any physical object preventing their movement (save for the odd piece of furniture.) However, given the presence of the cell walls the prisoner is not free to leave the jail. Laws restrict liberty in this sense since they mobilise the presence of force as a response to certain actions. So your freedom is restricted by the law ‘Do not murder’ in that if you do go and murder someone the police will arrest you and throw you in jail. Yet technically everybody is free to murder in so far as they have the brute strength or resources to do so and there is no physical object stopping them. The sort of freedom that is curbed by such laws then is a conjunctive sort of freedom: if your jurisdiction attaches a heavy jail sentence to murder, you are not free to both murder somebody and (in all likelihood) live the remainder of your life outside of jail.121 Of course if an individual had the resources to overcome the police force as well, then they are free to pursue the conjunct. Berlin lumps a number of classical theorists in the negative camp with varying degrees of plausibility, from J.S. Mill to Tocqueville.

Freedom as non-interference is not an egalitarian good if it is seen as a value constraining public policy. That is, if it is used in political argument as a

121 This quality is perspicuously captured with Morriss’ (2002) concept of ableness, despite it not being directly related to freedom (although he is now seemingly making the relation in Morriss, 2012).
distributional value to reject policy related to re-distribution. This was the way Nozick used it (see 8.4). As a distributional value it is possibly the conservative position par excellence. It is often the bottom line for those with affiliations to the likes of Edmund Burke. Non-conservatives also use it occasionally, especially when government policy uses vague and ambiguous terms like ‘national security’ as argument trumps for interventions into citizen welfare. Furthermore, if we were in a radically egalitarian society where no transactions took place (a bit of a strained hypothetical, admittedly) we could claim negative freedom as a distributional value against policy aimed at upsetting the (non-transactional) status quo. Negative freedom as a distributional value, then, is in tension with equality only so far as the value of equality needs re-distributional policy in order to be fulfilled or optimised. In this sense, the incompatibility thesis between liberty and equality is more a thesis by proxy.

On the other hand, as an aggregative value, negative freedom provides a reason for, just as much as against, state intervention by licensing the various provisions given to the jurisprudence of tort law and perhaps competition law. That is, the license to work out the optimal limits of interference in a way that will maximise want-satisfaction. The tort against trespass, for example, is thought to satisfy the wants of individuals for private property against the wants of individuals to have universal access to land without the disincentive of restraint. Jeremy Waldron (1991) argues (persuasively) that the extension of trespass or ‘public nuisance’ laws to public property is an unreasonable intrusion on the want-satisfaction – and no doubt need-satisfaction – of the homeless. He justifies this in terms of negative freedom as an aggregative principle. The original idea of trespass was introduced as a necessary (legal) interference to satiate the desires individuals had to not be interfered with on their properties. This want-satisfaction did not extend beyond private property and yet modern governments have increasingly interpreted it so.

122 As Cohen (1979: 11-12) puts it, “Let us suppose that I wish to take Mr. Morgan’s yacht, and go for a spin. If I try to, then it is probable that its owner, aided by law-enforcing others, will stop me. I cannot do this thing that I wish to do, because others will interfere. But liberty, Narveson reasonably said, is “doing what we wish without the interference of others.” It follows that I lack a liberty here. Patently the point is generalisable. Private property always limits liberty, as in the Morgan example.”
Such reasoning using negative freedom as an aggregate value suggests “the wish to carry out the acts in the area claimed for inviolable freedom is always as a matter of fact stronger than the desire to suppress such acts” (Barry, 2011: 142). Or, at least concerning the violable sorts of freedom, it is more often than not stronger than the desires to suppress the acts. This is the conventional justification of the free market that can be traced back to Adam Smith’s metaphor of the invisible hand in market-based societies. It is Rawls’ concern when he suggests, “each society has a redistribution policy which if pushed beyond a certain point weakens incentives and thereby lowers production” (Rawls, 1999: 142). This is sometimes called the technical conception of freedom because freedom in this sense is only a value because it is the means or tool for valued outcomes (e.g. for Adam Smith this valued outcome was the maximisation of a nation’s wealth.).

The point to separating negative freedom into its distributive and aggregative senses is that it makes plain that the conceptual role typically played by negative freedom has nothing a priori (in the first dimension of conversation) to do with state interference, nor indeed equality. Devotees of negative freedom in the liberal tradition typically acknowledge this point (e.g. Rawls, 1999) and suggest the goal is not the maximisation of freedom as such (i.e. the relevant value is not an aggregative principle per se) but the maximisation of the equal distribution of freedom. That is, we can have the aggregative principle of negative freedom providing it is strictly constrained by the distributive principle of equality. The latter does not analytically entail the former, so it needs to be made to have it as its object. From this position, the question ‘Equality of what?’ is answered ‘liberty’ and the question ‘Liberty for whom?’ is answered ‘Everyone, equally.’

Now, the positive interpretation of freedom suggests that even if there is no physical interference impeding an agent’s activity they still might not be ‘truly free’. Rousseau’s phrase “Man is born free but everywhere he is in chains” is almost a cliché now to describe how culture can make individuals choose poorly and be in a choice situation that is not a free choice situation, despite no overt interference.

123 Some republicans – Patten (1996: 26) calls them “instrumental republicans” – likewise suggest the state should interfere and persuade citizens to engage in active citizenship and civic duty because it contributes to the maintenance of a free society. I suppose then that the technical label could range over a few different interpretations of the word.
limiting the possibilities open to the agent. Culture is surely not a physical obstruction. Not even Hobbes’ materialist account of the mind can render it in physical terms for culture is a phenomenon distinct from brain states (or at the very least we treat it as though it is by the language that we use) which are only one of culture’s vehicles along with other mediums like the written word and pictures. The standard interpretation of positive freedom is that the cultural conditions a theorist prescribes as the conditions under which an agent is free comes from the theorist’s own conception of the good life.

Liberal political theory has subsequently downplayed this conception (Pettit, 1997). It sneaks moral partiality into political argument and renders the context-set of those with different conceptions of the good defective. The negative sense of freedom though has persevered and has picketed a defence against what has been called a third type of freedom – republican freedom. This approach is not so much concerned with actual interference (the main concern for proponents of negative freedom) but in the capacity of agents to arbitrarily interfere with other agents. This concern with capacity applies irrespective of whether interference is actually taking place. So if an employee can be sacked at the whim of their boss because they have no legal recourse for unfair dismissal, then they might be considered unfree vis-à-vis their relationship with their boss. Their employer does not even have to exercise their power for the employee to be unfree; the simple fact that their boss could exercise it if it felt like it is enough. If the employee depends on their job and has no other means to secure an income then they are dominated. The employee will have to tiptoe around their boss and toady to their every desire because there are no structural (e.g. legal) (dis)incentives to protect them from their employer interfering with them in a way that does not track their interests or opinions. They must do exactly as their employer desires because there is nothing to stop the employer from firing them for some petty annoyance. On the other hand, if an individual is interfered with by some legislation in a way that supposedly tracks their interests, their freedom is not compromised. A smoker might have a long-term desire to quit, despite their short-term desires regularly winning out (to their chagrin), and a long-term desire for better social services. We would not say that the government violated their freedom by slapping a heavy tax on cigarettes in order to fund additional services. The government’s interference reduced the choice situation of agents but reduced it according to the
agent's own opinions. Yet by most negative conceptions freedom is violated by such a tax since hiking up the price of cigarettes restricts the range of actions an individual can engage in on a limited budget. This difference distinguishes the two interpretations. A further distinction is that negative conceptions are typically only concerned with actual interference and do not find a benevolent boss or master who is in a position to arbitrarily interfere but who refrains a problem in need of a solution. Republicans do.

The Republican interpretation of the word 'freedom' is as an aggregative value with little concern about distributional constraints.

"The natural way to cast freedom as non-domination is in the role of a value that the state should try and promote, not in the role of a constraint that it has to honour; this... is the way in which it is generally cast in the republican tradition: the tradition is consequentialist in nature." (Pettit, 1997: 80)

There is the implication that distributional values – particularly those that attach to the label of negative freedom – are to be trumped by a concern for republican freedom. It is an aggregative value but a genuine "alternative" to negative and positive freedom interpreted in their aggregative senses (Pettit, 1997: 19). It is a "radically different way of understanding freedom and the institutional requirements of freedom" to the two other aggregative interpretations (Pettit, 1997: 19). By my reading, Pettit thinks it is a mutually exclusive choice between the republican and negative interpretations of freedom.

Republican freedom indirectly satisfies certain common distributional demands along the way. A government solely concerned with promoting freedom as non-domination will incidentally promote 'equality' and a selection of other common values:

"Those who hail freedom as non-interference and who think that the minimal state is not normatively satisfactory generally invoke other values as independent criteria of political evaluation: values like equality, or welfare, or utility, or whatever. Freedom as non-domination does not call for the same sort of supplementation since... it already requires institutions that perform well in regard to values like equality and welfare, thus those values do not have to be introduced as distinct desiderata" (Pettit, 1997: 81).

However, this is only equality of a certain sort. As Pettit puts it, "To want republican liberty, you have to want republican equality" [italics mine] (1997: 126). This
'republican equality' is structural equality rather than material equality (1997: 113). The pursuit of republican freedom does not necessarily lead to the recommendation that the state ensures (within the realms of feasibility) that everybody has equal resources to aid in the extent of their undominated choice. Those who work hard, for instance, might deserve a larger pay packet than those who do not. The hard worker's money seems to entitle them to a larger degree of undominated choice than a lazy worker. For instance, individuals with money in reserve could take out a loan from a loan shark but be able to pull out by paying off their debt if the shark's demands on interest rose too sharply. Somebody who has absolutely no means and comes to the shark in desperation will not have the same luxury and therefore will be subjected to a dominating relation until they have been able to pay it off (and with the exorbitant interest some charge, this might be a long time coming). A richer person has more choices with which they are free from domination than a poorer person because of the difference in resources. They can accordingly engage in 'risky behaviour' more often and reap the economic benefits. Yet republican equality is not necessarily opposed to this sort of inequality; if it is, then it is only indirectly.

Rather, republicanism recommends the equality of the intensity of non-domination. It is not a recommendation based off distributional concerns, but a recommendation for the optimal aggregation of non-domination overall. Framing the principle of non-domination in terms of intensity gives the government a mandate to crack down on as many dominating relations in society as possible (and add to the aggregate of non-domination) without creating further relations of domination as a byproduct – namely, without itself becoming a countervailing dominating force. As Pettit puts it,

"As a state gains the powers necessary to be a more and more effective protector – as it is allowed a bigger and bigger army or police force or intelligence service, for example – it becomes itself a greater threat to freedom as non-domination than any threat it seeks to remove" (1997: 105).

Guarding against such a threat arising will require a balancing of governmental, legal and voting power; a strong constitution emphasising a balance of power is therefore important for the republican. While this feature suggests formal institutions to constrain a government's ability to exorbitantly tax the electorate, a government committed to the intensity of non-domination will try and work their way through the checks and balances and tax the rich in order to equalise the distribution of resource.
This is because the requisite resources to secure a base intensity of non-domination for an individual will be balanced by and therefore relative to the resources of other individuals and agencies in society. The particular distribution of resources that maximises the intensity of non-domination will therefore be relative to the way society is structured. Republicanism takes equality as a yard-stick for the distribution of such intensity simply because it is usually the most efficient way to increase the intensity of non-domination overall since “a person’s power-ratio is subject to diminishing marginal productivity in its effect on their intensity of non-domination” (Pettit, 1997: 114). Any anti-equality initiative will decrease the overall aggregate of the intensity of non-domination since an increase in a poor person’s power-ratio will improve the aggregate of non-domination more efficiently than that of a rich person. Perhaps that rich person will become slightly more vulnerable to domination, but the security the poor person reaps from such initiatives lowers the overall aggregate of social vulnerability. Republicanism is accordingly said to entail structural egalitarianism (Pettit, 1997: 113) and therefore contradicts the incompatibility thesis. It recommends heavy taxation on upper income earners until a certain base intensity of non-domination is secured for everyone. In other words, it recommends a robust welfare state and at times “severe restrictions on sumptuary or luxury levels of affluence” (Pettit, 1997: 117; see also Dagger, 2006). The only constraints on such redistribution other than practical considerations are political institutions that are there in order to curb a government’s ability to dominate the governed.

\[124\] Pettit (1997: 115) explains this point by way of a hypothetical: “Imagine that we are dealing with just two individuals, A and B. Suppose that A is sufficiently well resourced to be generally able to resist interference from B or to deter B from interfering. Suppose, in other words, that A enjoys a high intensity of non-domination in the society constituted by A and B, not being subject to interference at will and with impunity from B. In such a case, it will not do much for A’s non-domination to increase their powers even further; in fact it may do nothing at all: A may be at a point where extra power have zero marginal productivity. The increases might be more-or-less redundant, providing A with powers that are not really needed for the purposes of non-domination. The case contrasts with what those increases would have achieved had A been comparatively powerless and generally unable to resist B’s interference or deter B from interfering. In such a situation, the value of the increases would be much greater”.

\[125\] It should be noted that certain aggregative conceptions of negative freedom, when supplemented with the assumption of diminishing marginal utility of freedoms, likewise tend to contradict the thesis, but I will concentrate on distributional conceptions of negative freedom and the mutually exclusive republican conception for the purposes of this chapter.
8.3 Arguments with History

The republican claim in political argument translates as follows. A (or possibly the only) feasible solution to the political problem is policy directed to the ideal of freedom as non-domination. Any policy that can be demonstrated to increase the intensity of non-domination cannot be reasonably rejected unless there are other feasible alternatives that can do so more effectively.

This idiom of freedom as non-domination was developed as a rejection of those who justified or dismissed inequalities – often mass inequalities – by appealing to freedom. The refrain of apologists for inequality tended to be that unequal wealth and opportunities did not entail any less liberty than equal wealth and opportunity. Thus, the exclusive rule of an authoritarian monarch, patriarch, or oligarch in the state, household, and market respectively, should be of no concern for those demanding liberty. This critique was thought to apply to the classical republicans since they were typically motivated solely by the value of freedom (Skinner, 1998). What neo-republicanism has successfully done is show that the republican interpretation of freedom structurally suggests material equality once the thesis has been updated for a modern audience. What it has done less successfully (as I will argue) is suggest that it is an exclusive and better alternative to the orthodox liberal interpretation of liberty.

Pettit’s accusation of the early negative theorists is that they re-defined liberty for their own political purposes. This re-definition has stalked the liberal tradition from the 17th and 18th Century through to the 21st. Theirs was a linguistic conjuring trick to justify the vast inequality that made up the status quo. In effect, Pettit is suggesting that the problems of inequality have been nudged out of the liberal tradition through a verbal sleight of hand. The famous suspects here are Thomas Hobbes and Jeremy Bentham, along with a number of (less famous) authors writing in the wake of Bentham. The non-substantive reasoning of some of these less famous authors is rather obvious in retrospect. The case of John Lind who was a pamphleteer for Lord North’s British government during the American War of Independence is particularly striking. His Three Letters to Dr. Price were (at times, abusive) attacks on Richard Price’s radical support of the American Revolution. The support for the revolution centered on the Republican conception of freedom, which gave purchase to the
argument that Britain’s capacity to arbitrarily interfere (primarily with its taxation) with the American colonies violated the freedom of the colonies.

Lind had a few good criticisms, pointing out stark inconsistencies in the republican’s plight. For example, he argued that by Price’s account women would be “degraded to slaves” (Lind 1776: 40). Unless every woman was to be her own “legislatrix” (Lind 1776: 40.), they had the exact same status as slaves by republican mantra. In the 18th Century women did not have the same powers of legal recourse and economic opportunities that they now have and accordingly did fit Price’s description of a slave. Furthermore, all servants, however dignified, counted as slaves. Such logic can easily be extended to apply to many of the revolutionaries’ own employees. The republican Algernon Sidney (1990: 548-9), for example, thought his employees “must serve me in my own way, or be gone if I think fit, tho he serve me never so well; and I do him a wrong in putting him away, if either I intend to keep no servant [i.e. employee], or find that another will please me better”. If Price and Algernon held these views about their wives, daughters and employees then their positions were inconsistent and open to reasonable rejection. Those revolutionaries arguing for republican freedom who at the same time forced the impoverished into exploitative working arrangements and did not grant their wives and daughters any legal recourse from abuse were being inconsistent.

Modern readers will surely agree that these 18th Century republicans had inconsistent positions worthy of reasonable rejection. However, it was their views on slavery, industrial relations and women to be the views that needed revising before any revision to their republican account of liberty was required. Every woman should be her own “legislatrix”, likewise for employees and slaves. Lind’s complaint was that the republicans maintained their position for American independence based on a notion of liberty that they could adjust at will to suit their preference, rather than a consistent argument that imposed constraints on them just as much as their opponents. Indeed, it is a standard modern complaint that the American revolutionaries only applied their political arguments to a reference group of land-owning white males. Such reference group gerrymandering allowed the revolutionaries to adjust the

126 “According to your own principles, what are servants but slaves?” (Lind, 1776: 156).
republican concept of liberty to suit their interests. Lind thought though that the republicans should skirt his rejection by dropping their particular conception of liberty rather than revising their behavior towards women and employees.

The particular interpretation of Lind’s rejection (i.e. the way to accommodate it) in the 18th Century was particular to 18th Century society. However, the rejection itself (that the position of Price and others was inconsistent) is a general statement that is as applicable now as ever. Political argument has a broad reference group – namely, anybody capable of engaging in it – and so the narrow reference group that was tacitly accepted in the 18th Century is hopefully no longer acceptable given the rise of universal education and literacy (though there is still a way to go, especially in developing countries). The reference group gerrymandering in the 18th Century appears to me to be one of the reasons why many thought the republican interpretation of freedom was just positive freedom (“the liberty of the ancients”) in a new guise (Constant, 1988). Yet where positive theorists inject their moral point of view into the types of choice situation that constitutes freedom, the 18th Century republicans injected their moral point of view in their choice of reference group. 18th Century republicans then had inegalitarian views because of their reference group, not because of their particular interpretation of ‘freedom’.

Since Lind thought the prospect of women being their own “legislatrix” absurd he used it to ridicule the republicans calling for American independence and found it had rhetorical purchase in 18th Century Britain. If we were to accept his views on women, then we should reject the republican interpretation of freedom if we value freedom and want to remain consistent. Hopefully we no longer cave to such backward ridicule. Accordingly, the republican argument is a candidate linguistic glue to hold together a consistent and justifiable value-package. The only other rejection of the republican plight was verbal. In the first couple of letters he devotes considerable space to claiming that what the republicans see as freedom is not really freedom for freedom is “the absence of coercion” (Lind 1776: 67) and has nothing to do with independence. He used this definitional point to argue against the claims made by Price for the independence of America from British rule. Lind grants Price that liberty is perhaps a genuine claim but that the British government does not interfere with the colonies any more than it does with its own subjects, for it taxes its subjects
just as much as it taxes the colonialists. This is non-substantive reasoning. If the term ‘liberty’ and ‘coercion’ were here eliminated, Lind does not have any rejection. That is, if we do not yield to his ridicule his rejection of the republican position is merely verbal.

Pettit is therefore quite right to point out the ludicrous nature of Lind’s arguments (not to mention the attitude he writes with is grating, tedious at best) and to suggest that we should reconsider the development of ideas he was attacking. However, in *Republicanism* Lind is used almost as a straw man for Bentham and Hobbes’ position (especially Bentham’s) with the suggestion that they shared Lind’s reactionary and non-substantive conservatism. The danger, then, is that republican political argument proceeds along the lines of an equally verbal rejection that it fell victim to in the 18th Century: rejecting orthodox liberal theory because of a bad interpretation of the words ‘freedom’ and ‘liberty’. Taking the popularity of liberal thought to be founded on non-substantive reasoning does not imply the tools and arguments that were popularised share the same conceptual poverty.

To be sure, Hobbes had a conservative political agenda (Skinner, 2008). He wanted to claim that there were equal amounts of liberty under an authoritarian dictator as there were in republics and so defuse one of the primary objections to tyrannical rule (and the Stuart monarchy). Part of his strategy was to deflate the vibrations the word freedom had in 17th Century Britain by re-defining it in the negative sense. He pacified a likely verbal disagreement pre-emptively. Likewise, Bentham did not want to push his utilitarianism to the radical extremes it technically should have been by recommending the emancipation of women and servants and so re-defined liberty accordingly (Pettit, 2001: 148) although Waldron (2007) believes this to be an uncharitable reading. Bentham wanted to redefine liberty so that there was always a presumption against new laws – a tool he used to attack William Blackstone’s ‘sloppy’ legal thought – since all law violates negative liberty and hence there is a

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127 As Pettit (2001: 148) puts it, “What is much more likely to have influenced Bentham and [William] Paley, however, is this... If they said that the state should provide for the freedom of people in general and took freedom in the sense of non-domination, then they would have to argue in an impossibly radical vein that contemporary family and master–servant law should be overthrown; according to that law, after all, women and servants were inherently subject to their masters and incapable of enjoying non-domination. Their solution to that problem was to give up the ideal of non-domination in favour of the ideal of non-interference”.
constant demand for the justification of new policy. However, he could have done this in terms of wants rather than liberty. From these premises Hobbes and Bentham could deduce the conclusion they wanted: all laws coerce equally, all laws curb our liberty equally no matter their content, and mass social and political inequality is justifiable to the demands associated with the words ‘freedom’, ‘liberty’ and close cognates.

It would be ludicrous to suggest a claim against domination turned on a verbal sleight of hand. It would be ridiculous to pass off claims against slavery and vulnerability as non-substantive claims. The point though is that the liberal tradition does not pass it off either. Despite Hobbes and Bentham having their own agendas, it is possible to interpret the very same concerns of the republicans within the liberal framework. Concepts like Bentham’s utility and Hobbes’ stability are egalitarian concepts in the sense that they apply equally to all individuals within a reference group. Furthermore, the claim that other agents should track the ideas and interests of others when considering interference with legislation should be translatable into wants and the disposition for those individuals to rebel.

8.3.1. Eliminating the Republican Idiom

Destructive conceptual analysis strongly suggests this interpretation. Republicans claim freedom is the ideal the state and its institutions should be configured to maximise. Pettit claims this is a rival doctrine to standard liberal political thought since the liberal conception starts from the negative interpretation of freedom. However, their rival doctrine is – at least in its first instance – rival in a purely verbal sense. Republicans think freedom is non-domination whereas liberals think, roughly, freedom is non-interference. The simplest way to clear up the glob is to eliminate the word freedom from future analysis. We get a simpler and more substantive claim,

R1: A feasible solution to the political problem is policy directed to the ideal of non-domination.\textsuperscript{128}

\textsuperscript{128} See Pettit (1997: 80) and countless other sources.
Modern liberals influenced by either Bentham or Hobbes would probably disagree with R1. There is disagreement with this claim that may well be substantive but it is worth pushing further to investigate. I have defended the concepts of ‘feasible solution’ and ‘political problem’ in the introduction (1.2), so the candidates for elimination in R1, given I assume there is some plausibility to my prior analysis, are ‘policy’, ‘ideals’ and ‘non-domination’. I am going to begin by eliminating the latter because it is the concept republicans tend to devote the most time to defending. We get,

RIA: A feasible solution to the political problem is policy directed to the ideal of agents without the capacity to arbitrarily interfere with other agents.\(^{129}\)

Framing the solution in terms of capacity implies that interference need not occur for the amount of domination in society to increase. That is, the solution to the political problem does not necessarily turn on the presence or absence of actual interference. This goes against the mantra of many modern liberals who think the key to an acceptable political solution is sufficient restrictions on actual (not hypothetical) interference obstructing the pursuit of what individuals want.\(^{130}\) The disagreement in R1 is therefore preserved in R1A.

Saying an agent has the capacity to arbitrarily interfere implies that an agent can arbitrarily interfere. I do not think there is anything overly mysterious about capacities in R1A and so for brevity’s sake I will not eliminate the word ‘capacity’. There is a strong philosophical literature on capacities (e.g. Sen, 1993; Morriss, 2002)


\(^{130}\) Given the conjunctive nature of negative freedom (outlined in 8.2) some might suggest that the vast majority of interference in the liberal sense is merely potential interference rather than actual. I think this is just a case of philosophical overreach. If we were to refuse to pay our taxes and fail to attend court once the government takes out legal action against us, we might be greeted one morning by police officers and forced into a paddy wagon for incarceration. This is a paradigm case of actual interference. To call the demand for tax only potential interference because the interference is not happening then and there is to obscure the issue: if you do not pay and you refuse to turn yourself in you will be forcibly incarcerated. One of the features of a dominating relation is that you do not have a concrete conditional of this sort: there is no binding contract between the dominator and dominated with respect to what the dominator can and cannot do. Strictly speaking, the use of ‘potential’ and ‘actual’ here is slightly different to the interpretation given by modal logic, but I doubt republicans think they are appealing directly and strictly to modal logic with talk of potential and actual interference.
and pursuing elimination of ‘capacity’ and cognates might yield some rephrases that I have failed to offer later on in this section. I cannot at present see where, but it would be an interesting result for republicanism in light of destructive conceptual analysis if there were any rephrases of this sort.

There is something unmistakably odd though about arbitrariness and what counts as arbitrary interference rather than non-arbitrary interference. The *OED* suggests an arbitrary decision is a decision “based on random choice or personal whim, rather than any reason or system” and so we might infer a capacity for arbitrary interference is a capacity for interfering with another in a way that does not need to be justified and is independent of any institutional constraint. This seems to be exactly Pettit and Skinner’s position. It is odd because independence from institutional and justificatory constraint are exactly the same conditions Bentham wanted to curb by defining freedom in the negative sense. By defining every law as an imposition on our freedom Bentham thought the burden would always be on the policymaker to justify their legislation in argument rather than arbitrarily choose whichever policy happens to be to their preference. This gives us cause for suspicion that the disagreement over P1 really is preserved under the pressures of elimination. Despite the suspicion, a seemingly plausible rephrase of R1A is possible once ‘arbitrary’ has been eliminated,

R1B: A feasible solution to the political problem is policy directed to the ideal of agents without the capacity to interfere with other agents in a way that is unconstrained by the interests or opinions of that agent.\(^{131}\)

R1B though starts to unravel the republican position as perhaps not the genuine alternative to orthodox liberal theory its proponents would have us believe. We can take R1B on face value and grind it back down to modern liberalism. That is, we can deny that R1B preserves the disagreement profile of R1 and possibly also R1A. Capitalists might be of the opinion (trumpeted by their lobby groups) that taxation proportionate to income is justified, but that they should be exempted from paying because their services are more valuable because governments need their investment for economic growth. A low tax rate for capitalists is obviously in the capitalists’ interests and it accords with their opinions, so by R1B the capacity for interference to

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\(^{131}\) The precise phrase is “without reference to the interests, or the opinions, of those affected” (Pettit, 1997: 55).
raise that tax limit would be a capacity that runs against a solution to the political problem. The republican could still stress the consequential (Pettit, 1997: 81) character of their policy directives such that the decision to tax capitalists is justified because it is an efficient tradeoff towards the solution even though it violates the ideal with respect to particular policy. Capitalists after all have sizeable capacities to interfere with other agents in ways that are unconstrained by the interests and opinions of those agents. Nevertheless this just seems to consequential considerations of modern liberalism. For example, Bentham primary concern was getting the tradeoff between legal interference and non-interference overall right. Having utility or wants as a political justification’s bottom line, for example, seems to make it impossible not to consider an agent’s interests and opinions during justification. Rigorous considerations of stability must also attend to the preferences, interests and opinions of individuals in order to consider the likelihood of certain policies destabilising patterns of individual behaviour. Capacities for individuals to interfere with others will therefore be central to the liberal calculation as well.\textsuperscript{132}

On a closer reading though it appears Pettit adds a qualifier to R1B that perhaps preserves the disagreement profile of R1. He adds that the interests and opinions must be 	extit{shared} for them to be genuine candidates to constrain policy decisions,

\begin{quote}
R1C ... actions directed to the ideal of agents without the capacity to interfere with other agents in a way that is unconstrained by the \textit{shared} interests and opinions of that agent.\textsuperscript{133}
\end{quote}

So by R1C non-arbitrary interference (in terms of R1A) with an individual only tracks some of the individual’s interests. This reading is evident in the following passage,

I may have an interest in the state imposing certain taxes or in punishing certain offenders. . . . But I may still not want the state to impose taxes on me — I may want to be an exception—or I may think that I ought not to be punished in the appropriate manner, even though I have been convicted of an offence. In such a case, my relevant interests and ideas will be those that are shared in common with others, not those that treat me as exceptional, since the state is meant to serve others as well as me. And so in these cases the interference of the state in taxing or punishing me will not be conducted on an arbitrary basis and will not represent domination. (Pettit, 1997: 55-56).

\textsuperscript{132} Kramer (2008) has argued that most (if not all) of the republican concerns can be translated into concerns for somebody who only admits a negative interpretation.

\textsuperscript{133} See Pettit (1997: 56).
The question is begged then as to which interests and opinions are relevant. An answer requires a parallel elimination of the term ‘shared’ and a rephrase. There is no rephrase that immediately comes to (my) mind, so an investigation of the question is the prudent approach to investigate whether there is reason for my inability.

Republicans seem to offer a roughly Kantian answer. A condition of our interests and opinions being shared is that they can be universalised into a general law. Such a law cannot treat my social groups, my loved/admired/valued others, or myself as exceptional since it must be possible to treat everybody else in like fashion for such a law to come up to scratch. Say I had an opinion or interest that I should have endless riches and claimed that I was dominated to the extent that multiple social agents (various financial institutions, say) have the capacity to interfere with me in a way that does not track this interest and opinion of mine. Republicans would only recognise my situation as problematic if the state could equally respect the interest of every other individual in its jurisdiction that also had an interest in endless riches. Of course though endless riches cannot be universalised since economies do not work that way. Being rich is a relative phenomenon. If the state printed trillions of bank notes to make everybody a millionaire, the price of goods would inflate and everybody’s purchasing power would stand still (assuming the bank notes were distributed equally) apart from a few minor jolts in consumer behaviour. The interest to be endlessly wealthy is not shared because others do not have an interest that you should be rich even if they are of the opinion that they should be rich. The concern of the republican then becomes which interests can and cannot be shared by individuals.

Can individuals share an interest in republican freedom? The republican must surely answer ‘yes’. The answer in light of destructive conceptual analysis, however, is surprisingly no. The republican cannot claim that individuals share an interest to be free from domination since we have already eliminated the terms ‘freedom’, ‘free’ and ‘domination’. This indicates that there is no non-tautological rephrase to substitute the above presentation of the question. We could ignore the dictates of destructive conceptual analysis by resetting and rephrase the question, eliminating ‘freedom’, ‘domination’, ‘arbitrary’, etc. However, we would simply follow the exact same path of elimination that has (and here is the rub) already been taken in this
section. We would bottom out once again at a rephrase in terms of 'shared opinions' and 'shared interests' or substitutable synonyms. As Pettit (1997: 56) puts it,

"What is required for non-arbitrary state power... is that the power be exercised in a way that tracks, not the power-holder's personal welfare or world-view, but rather the welfare and world-view of the public. The acts of interference perpetuated by the state must be triggered by the shared interests of those affected under an interpretation of what those interests require that is shared, at least at the procedural level, by those affected."

A procedure for accommodating different world-views and interests though is precisely what we employed the republican ideal of freedom to address. We do not want to be led in a circle back to our initial question. This demonstrates one of the more important features of destructive conceptual analysis. It exposes circularity and renders it unacceptable in the process of justification. I suppose the question 'can individuals share an interest or opinion concerning their sharing of interests or opinions' does not scream tautology on first read. For example, an individual might have an interest to have better informed opinions and interests in the future, which seems to be an implication of the rephrase. However, this would require the qualifier 'future': i.e. 'can individuals share an interest or opinion concerning their sharing future interests or opinions'. Yet this is not how the question has been rephrased and it would be a mistake to rephrase it so. Republicanism is concerned with current interests and opinions just as much – if not more so – than future possible interests and opinions. One might also claim that an individual might have opinions about their opinions. For instance, 'My opinions on art are not founded on the strictest of evidence' is itself an opinion. We can have certain opinions about certain other opinions but this again requires additional qualifiers: 'certain' and 'other'. I do not think it would adequately capture the rephrase. The question therefore is a tautology and does not add anything to conversation or argument. This explains why a rephrase of RIC was so difficult once the word 'shared' (and synonyms) had been eliminated. Republicanism leads to an unacceptable circularity when it tries to set itself up as a genuine rival to liberal orthodoxy.

Working out the interests and opinions that we share looks suspiciously like the political problem done over (the political problem beta.) An explicit account of these
interests and a justification of them is the job for political theory. As Pettit (1997: 56) again puts it, we work out whether an idea is an appropriate guide for state action by an operational test, namely, “recourse to public discussion in which people may speak for themselves and for the groups to which they belong... People must find a higher-level consensus about procedures”. There are very few ways of describing such discussion other than by describing it as political argument. Yet the point to appealing to republicanism in political argument is to make steps towards solving the problem (R1) and making some progress in political argument, not to be led in one big circle back to your starting point. I see no way of acceptably rephrasing R1C once the term ‘shared’ has been eliminated. Until somebody can provide a rephrase to prove me wrong I think this conclusion will hold.

8.3.2 Weak and Strong Republicanism

Republicanism is pushed into a corner by destructive conceptual analysis. If it does not conceptually add anything to say freedom as non-domination concerns the shared interests and opinions of individuals, what is the point of making republican claims? One deflationary answer is that the republican idiom is a way of restating the common opinion of the day and a suggestion for a way to institutionalise that opinion. Perhaps the revolutionaries used the idiom to capture the common opinion among the colonists (in America) and the proletariat (in France), whereas those wishing to institutionalise the strive for equality for disadvantaged groups considered disadvantaged in modern society use it as a coherent linguistic glue to state their claims. Such an answer does not suggest abandoning the republican idiom – on the contrary, it is a clear and general idiom to state one’s claim – just that it is not a complete idiom to defend the institutionalisation of the common opinion of the day in argument and to subject that opinion to scrutiny. It certainly should not exclude other interpretations since it does not provide arguers with resources to check (i.e. be in a position to falsify) their interpretation of what the common opinion happens to be. I certainly share the bundle of views Pettit strings together with his interpretation of freedom, but that does not mean the interpretation is well equipped to change the minds of those who do not; nor indeed to propose acceptable institutions to govern those who do not.
Since Pettit’s position maintains the republican interpretation should *replace* the negative interpretation of freedom, there is the implication that we cannot use the negative interpretation of freedom for ‘second round’ justifications of solutions to the political problem. This excludes an attractive proposal by Jeremy Waldron (2007) to treat republicanism as a molecular position, with the negative interpretation of freedom being one of its *constitutive* atoms. This is a role the negative interpretation might play for a variety of other molecular positions (Bentham’s utilitarianism and Hobbesian realism among them.) Isaiah Berlin for example famously advocated the negative interpretation where freedom is “simply the area within which a man can act unobstructed by others” (1969: 122). While not explicit, Berlin seems to think such absence of obstruction is not a good in itself – obstructions can often function for an individual’s own good – but a good in so far as a certain minimum area of non-interference is secured,

“There ought to exist a certain minimum area of personal freedom which must on no account be violated; for if it is overstepped, the individual will find himself in an area too narrow even for that minimum development of his natural faculties which alone makes it possible to pursue, and even to conceive, the various ends which men hold good or right or sacred. . . . We must preserve a minimum area of our personal freedom if we are not to ‘degrade or deny our nature’” (Berlin, 1969: 124-6).

So a certain minimum quantity of free action must be secured if an individual is to be considered to be in a normatively tolerable position – i.e. a ‘free person’. This account of ‘free person’ is Berlin’s molecule, with his negative interpretation of free action comprising an atom in its construction. By arguing that republican freedom is a strict alternative to negative freedom, Pettit rules out using negative freedom as an atom within the republican molecule.

Yet ‘free action’ as action unobstructed by others is useful to make sense of shared interests and opinions. As Bentham put it, every law will obstruct some set of wants and so the burden is on the policy-maker to justify that law. We might make the reasonable assumption that everybody shares an interest that any new law needs justification – whether that is to the public, the parliament or in a committee. Berlin’s suggestion that everybody has a minimum area of negative liberty also seems to be a shared or universalisable interest (with tort law working out the practicalities of securing this minimum). In fact, we can endorse a concern for domination by Berlin’s molecule: an agent with the capacity to interfere with others in a way that
violates anybody’s minimum liberty is a dominating agent.  

We might think of negative liberty then as being an atomic element of the molecular account of republicanism rather than a competing value. The work of Bentham and Hobbes (especially Hobbes’ justification of the state as a shared interest of all) is therefore complementary to Pettit’s program. Waldron bristles at the reductivism of the Cambridge School approach to political texts, which bullies “students into treating works of political philosophy as nothing but politically motivated pamphlets, and into treating analytic or philosophical argument as nothing more than ad hoc and politically motivated rhetorical maneuvers” (Waldron, 2007: 148). Whether or not this bristling is warranted, this approach certainly makes it easier to pass off (at first glance) sound arguments as ill-willed rhetoric because of the perverse conclusions they entail and to drop any commitments to reasonable rejection (see 5.2). This is one of the implications of treating the republican interpretation of freedom as a rival language or discourse of legitimation (see Pettit, 1997: 2). Describing the history of the republican interpretation of the word ‘freedom’ and identifying an accommodation of a reasonable rejection that was particular to the time and place, but would have been accommodated differently in present-day contexts, says nothing about the status of current political arguments (again see 5.2). It certainly does not imply that we should turn back the clock, accommodate the rejection according to our modern intuitions, and start afresh.

Any argument we can reasonably reject in the republican tradition we can also reasonably reject in the liberal. If the republican has to consider the whole trope of liberal theory to make their arguments, and if a solution can be found in terms of liberal theory, then parsimony would have us interpret the word ‘freedom’ in the negative sense rather than pay much philosophical attention to the republican interpretation. What is more, republicanism does not entail substantive equality as Pettit suggests; the concept that does the legwork for equality is ‘shared interests’ and maybe ‘shared opinions’ and this is ideally filled out by standard liberal theory. Why condemn the capacity of an agent revoking another agent’s minimum of free action when you can condemn the revocation of the minimum of free action itself, or at least the possibility of such revocation. Why condemn the capacity of an agent to interfere

134 The language of rights therefore seems to be suited to molecular constructions of what it is to be a ‘free person’ rather than atomic descriptions of what constitutes ‘free action’.
with another agent unjustly instead of condemning the possibility of injustice itself? The sceptical answer is that it puts the justification of such a minimum of free action to one side, with a view to instituting whatever the theorist intuitively thinks is unjust.

Having said this, I think of myself as subscribing to Republican philosophy. I think the claim of domination is important for the state to address and possibly the best way to express one’s grievances, but I do not think that claim should exclude justification in terms such as negative freedom and justice. It should not set itself up as a rival language or discourse of legitimation to liberalism (as suggested in Pettit, 1997: 1-13). My position therefore might be called ‘weak republicanism’ rather than ‘strong republicanism’. Strong republicanism holds out hopes that freedom as non-domination is the sole value policymakers need (and perhaps should) use to justify their policy (Pettit, 1997: 80, Skinner, 1998.) Superficial or weak republicanism on the other hand simply holds that a claim of domination is a serious one that always demands justification whatever idiom might be used to do it. It does not make the argument that the state need only be concerned with the aggregation of non-domination, only that the state needs to justify the existence of domination. A superficial republican might wish to justify it by way of the Rawlsian difference principle, a utilitarian calculus, or a theory of exploitation without an exclusive adherence to justifications solely in terms of the value of freedom or liberty. What they need to do, however, is justify it consistently.

8.4 Anarchy, State and Utopia

The typical policy divisions involved in the debate over the trade-offs between liberty and equality are those concerning taxation and the redistribution of resources. Republicanism suggests there is no trade-off because redistribution does not violate freedom if it is done in a non-arbitrary way and even that freedom often demands such redistribution. However, the assumption of the standard left/right-wing divide is

135 Most republicans trumpet the idea that “Liberty is the Chiepest Good of Civil Society” (Gwyn, 1965: 88).
that there is such a trade-off. I take Robert Nozick’s book *Anarchy, State and Utopia* as the classic right-wing attack on Rawlsian policies of redistribution. Nozick’s book has been controversial ever since its publication with conclusions thought by some to re-articulate “the prejudices of the average owner of a filling station in a small town in the Midwest who enjoys grousing about paying taxes and having to contribute to ‘welfare scroungers’ and who regards as wicked any attempts to interfere with contracts, in the interests, for example, of equal opportunity or anti-discrimination... The only thing that is new is that these views are being expressed by someone who is a Professor of Philosophy at Harvard” (Barry, 1975: 331). In other words, it was a bad, old argument disguised by new definitions and jingoism. Barry conceded that his was an emotional response, possibly conditioned by his left-wing inclinations, but that in such a case it is the only intellectually honest reaction (1975: 332). I disagree. Destructive conceptual analysis is an additional intellectual response that is equally as honest and, what is more, not itself immune to rational criticism. The question of how Nozick might claim anything more than a subjective ‘Midwestern’ whine against Rawls without using his tailored vocabulary is begged under the pressures of elimination. My hypothesis (possibly likewise conditioned by a ‘leftward inclination’) is that he cannot. The hypothesis amounts to the claim that the origin of the debate was an academic conjuring trick for a reactionary political position that had a steady history of reasonable rejection in academic circles ever since the debates over the Elizabethan Poor Laws.

Nozick argues for a minimal state in order to protect individual liberty. There are “two noteworthy implications”, one “that the state may not use its coercive apparatus for the purpose of getting some citizens to aid others” and two, the state may not use its apparatus “in order to prohibit activities to people for their own good or protection” (1974: ix). The first implication clearly endorses a version of the incompatibility thesis: a government has no justified argument for remedying

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136 It almost goes without saying that left-wingers advocate a higher degree of equality at the expense of freedom and right-wingers a higher degree of freedom at the expense of equality.

137 Nozick was emphatic in the Preface that the book was not a political tract, merely a philosophical exercise. However, many of his philosophical ideas are now used in political tracts, so as the literature currently stands (and perhaps to Nozick’s chagrin), the ideas have strong political implications and must be interpreted as such.

138 Having said that, Barry draws out some counter-intuitive logical conclusions to Nozick’s position that surely cannot be considered purely ‘emotional’.
inequalities in resources because such policy can never be justified over concerns for the freedom of individuals. There is a trade-off between the two values and freedom wins out in the game of justification. If we treat the words ‘freedom’ and ‘coercion’ in the sacrosanct way Barry accuses Nozick of then this is certainly true: however we need not.

Nozick replaces the emphasis on the notion of a Rawlsian time-slice ‘distribution’ with that of a ‘holding’ and the suggestion that justice is whatever one is entitled to ‘hold’. In other words, there is no justification for any coercive removal of holdings through something like taxation\(^{139}\) in the name of equality and/or most other values. One’s freedom or liberty is violated by the coercive removal of one’s holdings (see for e.g. Nozick, 1974: 160-164). The terms ‘Liberty’ and ‘Freedom’ in Anarchy, State and Utopia are therefore interpreted in a negative and distributive sense. The government concerned with distribution must be constrained by preserving the absence of such coercion since there is no reasonable justification (Nozick argues) for flouting such a constraint.

So long as one’s holdings have a ‘historical shadow’ of just transactions and appropriations, then one is entitled to their holdings by Nozick’s theory of justice. The argument proceeds from the idea that a series of just steps from an initial just distribution must lead to an equally just outcome. If agents \(i\) and \(j\) transfer holdings between them in a non-coercive way, then that transfer is just, and if \(i\) and \(j\)’s initial holdings were also acquired in a like-manner, then their overall holdings might also be considered just. If all holdings of all individuals have been justly acquired, then that society might also be considered a just one. The complication of how holdings are originally acquired is treated in a fashion closely resembling Locke’s account in Two Treatise of Government. Locke’s (1821: 210) proviso is that there must be “enough and as good left in common for others” for somebody to justly acquire a holding. That is, if an individual – any individual – loses the opportunity to improve their situation through the use of an object by a particular appropriation of that object into a private holding, then such an appropriation is not a just one (Nozick, 1974: 176). It is still a just acquisition though if all the individual loses is an opportunity to

\(^{139}\) As Nozick puts it, “Taxation of earnings from labor is on a par with forced labor” (1974: 169).
appropriate that particular object themselves and where their situation (without the consideration of appropriating the object ever popping into their mind) is made no worse. So appropriating all of a particular substance (a town’s water supply, say) either by buying up everybody’s stake in it or laying an initial claim to it all would violate the proviso for just acquisition. However, if a medical researcher synthesised a new substance that would save millions of lives but refused to sell it, such a refusal does not make anybody *worse* off than they would have otherwise been and therefore such acquisition is just by Nozick’s theory. Patents are a tricky complication – since they might deprive individuals who independently discover already patented inventions from owning the invention and distributing it as they see fit – which Nozick (1974: 182) tentatively gets around by suggesting strict time limits for patents.

Concerns of physical protection and contract security under such a system of entitlement is tied off in the first section of *Anarchy, State and Utopia* with the description of the state of nature and a description of the protection agencies that would supposedly arise in it. From the state of nature, a state would naturally arise without anybody necessarily trying to bring it about and importantly (pace anarchists) without the violation of anybody’s rights. Individuals would enlist with protection agencies so that if another individual or group of individuals targeted them, the agency would protect them. Each agency would have to draw up a schedule of rules to arbitrate between members who happen to get into conflict with one another since a policy of non-intervention is unsustainable (Nozick, 1974: 13). Furthermore, to save certain members from having to aid the bad eggs within the agency who aggressively pick fights and make unreciprocated demands for war efforts of other members, the agency must extend their rules to cover questions of intervention and non-intervention with other parties. Such rules begin to look like a legal system of a proto-state. A virtual monopoly in certain geographic areas is the result of competition between agencies, with individuals moving geographically towards their preference (Nozick, 1974: 16-17). The only difference between such protective agencies and the state as we typically think of it is that the state punishes anyone who uses force without its permission, while protective agencies cannot make such announcements (Nozick, 1974: 24).
Nozick proposes an intuition pump to overcome any nagging egalitarian doubts. He encourages the reader to think up their ideal distribution of resources in a society and to call it $D_1$. This might look something like equal resources for each individual or resources distributed according to certain qualities. Once distributed, individuals are able to transfer their resources as they see fit. It would defeat the point of holdings to suggest they cannot be transferred in some respect for some purpose. Say Wilt Chamberlain wants to charge each ticket holder an additional 25c to watch him play basketball, all the fans cheerfully pay Chamberlain 25c to watch him play from their holdings allotted to them in $D_1$ and go home happy that it was 25c well spent. If a million fans went through the turnstiles for the season, Chamberlain would have a season’s salary of $250,000. Assume that no other transactions took place in the season. We now have a new distribution where a bunch of fans are down 25c and Chamberlain is up $250,000 – call this $D_2$.

“If $D_1$ was a just distribution, and people voluntarily moved from it to $D_2$, transferring parts of their shares they were given under $D_1$ (what was it for if not to do something with?), isn’t $D_2$ also just? If the people were entitled to dispose of the resources to which they were entitled (under $D_1$), didn’t this include their being entitled to give it to, or exchange it with, Wilt Chamberlain? Can anyone else complain on grounds of justice?”


The intuition is supposed to bring home the point that distributional values cannot be “continuously realized without continuous interference with people’s lives” (1974: 163). I might have a preference for a certain distribution $D_1$ but given individuals choose to act in various and diverse ways, I would have to constantly interfere in order to maintain $D_1$. Any egalitarian pattern in distribution is “overturnable by the voluntary actions of individual persons over time” (1974: 164). Nozick thought that such distributional patterns were always – as a matter of principle – unstable, or too weak to satisfy.

He argues the literature on distributive justice had rested on a cheap and dogmatic victory. The word ‘distributional’ in distributional justice is not neutral in its ordinary sense since it pays no attention to the historical ‘how’ in ‘who gets what, when and how?’

“The situation is not one of something’s getting made, and there being an open question of who is to get it. Things come into the world already attached to people having entitlements over them… those
who start afresh [from a simple conception of distribution] treat objects as if they appeared from nowhere, out of nothing” (1974: 160).

It is possible to talk of distributional concerns, of course, but only in so far as it is the same sort of concern we have for the distribution of potential mates for procreation in society (1974: 150). There is no central distribution where one sovereign is entitled to control all the resources and dole them out as they see fit, just as much as there is no sovereign doling out the ratio of males to females or their relative attractiveness. Instead, individuals get things from other individuals “as an exchange for something, or as a gift” (1974: 149). We are inclined to talk of distribution in this non-neutral way presumably because of the Hobbesian fictions like the state and the sovereign building in the assumption that there is a group of individuals – even if those individuals do not themselves realise it – who ultimately control the distribution of all resources. This assumption is sometimes thought of as a fiction but not a lie: providing everybody adheres to the belief that there is such an authority, then there is such an authority in a theoretically real sense (see Runciman, 1997).

All Nozick seems to do though is propose an alternate fiction, which is equally as arbitrary. The freedom or right to do what one wants with their holding is an implication from the notion of a holding. For example, we cannot claim object $O$ is a holding for individual $i$ if the state or any other agent has complete control over how it is to be used. Under such an arrangement $i$ is not free and does not have a right to do what they want with $O$. The state might need individual $i$ to keep the object $O$ (say $O$ is food stuff) temporarily in her larder for safekeeping. Under such an arrangement it is not $i$’s resource to use as $i$ pleases and so it is difficult to say it is $i$’s holding. That is, given $i$ is not free to use $O$ as she chooses because of some interfering agent (the government), $O$ does not count as $i$’s holding. Yet the fact that object $O$ is not $i$’s holding is not a natural, brute fact about the world. If $O$ was going to be anyone’s in a brute sense, then surely it would be $i$’s for $i$ has ease of access to $O$ – it is, after all, just a few feet away in her larder. That there is some agency (the government) threatening her if she uses it in a certain way (in my example, consuming it or giving it to her family or friends to consume) does not necessarily negate it as hers in the

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140 It is non-neutral because it presupposes redistribution. If we consider political theory in this way we already assume there needs to be a redistribution in some way. At least, this is my reading of Nozick.
brute sense. In many countries where gun ownership is legal there are strict conditions on when and where the gun is to be fired, with the threat of sanction if these conditions are not met. Yet we still maintain that the gun is somebody’s holding and part of its worth is that it could be fired if things got dangerous, no matter the legality. The idea of a holding is a fiction that human beings have created for some outcome just as much as the state is.

Why replace the fiction of the state or sovereign having control over distribution with that of an individual having holdings except for making attempts at redistribution unjustifiable by default? G.A. Cohen (2006a) suggests there is just as much reason to assume that natural resources were jointly owned in the state of nature as there was reason to assume nothing was owned with individuals originally acquiring their holdings from nature’s unclaimed bounty. If the rights we have to our current property stock are stronger than any state claim for redistribution because such redistribution would be tantamount to theft, why was the original privatisation of natural resources not theft in the first place? As Cohen (2006a: 418) puts it, “In the prehistory of anything that is now private property there was at least one moment at which something privately unowned was taken into private ownership”. A resource that is privately unowned does not imply it is publicly unowned.

8.4.1 Nozick Under the Pressures of Elimination

Let me try then to state Nozick’s position to analyse it conceptually.

(N1) It is always coercive to get an individual i to aid another individual j against i’s will by transferring a sum of i’s holdings to j.

(N2) It is coercive because it restricts i’s right and freedom to use their holdings as they want, a right and freedom they have prior to any political association, and a right and freedom that frame the choices that give rise (through an invisible hand explanation) to the proto-state.

(N3) Such holdings are void if they were coercively acquired at some point in their history or in a way that violates the Lockean ‘good enough’ proviso.
Coercion functions as the trump term in N1, N2, and N3. Barry (1975: 332) suggested it was here that Nozick won his cheap verbal victory by proving taxation is a form of coercion simply by defining taxation as coercion. To be fair to Nozick's earlier work on coercion (1969) though I think the use of it in N1, N2 and N3 should be qualified as 'morally impermissible coercion'. With this move Barry's definitional complaint begins to look misplaced. This misplacement is obvious in light of destructive conceptual analysis because I think it is possible to preserve agreement profiles when 'coercion' is eliminated from N1, N2 and N3 and so it is not Nozick's definition of coercion that is the cheap one. Since coercion functions as a trump term for Nozick the phrase 'taxation is coercion' is perfectly substantive. It can be rephrased as the strong claim that taxation (if an individual does not want to be taxed) has no justification. Anarchy, State and Utopia is a book devoted to arguing this negative thesis in light of an analysis of holdings (i.e. private property), rights and freedom. If Nozick's victories are nothing more than verbal sleights of hand then non-substantive reasoning must be located in the analysis of these three terms rather than with his thesis that taxation is coercion.

So if we are to be charitable and deflect Barry's charge the above premises must be rephrased with the simple substitution of 'coercive' for 'unjustifiable',

(N1A) It is always unjustifiable to get an individual i to aid another individual j against i's will by transferring a sum of i's holdings to j.\(^{141}\)

(N2A) It is unjustifiable because it restricts i's right and freedom to use their holdings as they want, a right and freedom they have prior to any political association, and a right and freedom that frame the choices that give rise (through an invisible hand explanation) to the proto-state.\(^{142}\)

(N3A) Such holdings are void if they were unjustifiably acquired at some point in their history or in a way that violates the Lockean 'good enough' proviso.\(^{143}\)

Coercion was substituted for 'unjustifiable' rather than 'unjustified' since Nozick's claim is not only that there is currently no justification but also that there can be no justification. So we have the strong claim that the state has no coherent argument to

\(^{141}\) See Nozick (1974: ix).
\(^{143}\) See Nozick (1974: 176).
justify why a dissenting individual should ever forgo any of their holdings in order for the state to redistribute for the aid of others.

Where I think our ability to rephrase the argument begins to wane (as hinted in the previous section) is in the reference to a holding. For example, resources cannot be substituted in N1, N2 and N3 for Nozick’s interpretation of a holding. John Harsanyi (1962a) took a resource to refer to an item that can be measured by its utility in covering costs involved with social power. As such, it has a strong conceptual role in both economics and political science and if ‘holdings’ could be substituted for it then Nozick’s arguments would have a lot of purchase. Yet it cannot. Money is a resource in so far as I can use it to offer an agent reward for some action A. By offering the agent money I change their incentive structure with respect to A. Perhaps I could also threaten the agent with a punishment for not performing A and so alter the agent’s incentive structure again, this time negatively. Resources would once again be needed to cover the costs for enacting that punishment. While not going so far as to equate power with resources, Harsanyi suggested resources could be used to measure power. However, the same cannot be said for holdings or property.

Having a resource to exercise social power does not necessarily exclude others from using that resource. Public goods along with non-material goods (like reputation) are all resources that can cover costs. An apple that has fallen from a tree on public property is just as much my resource to back up a threat to chuck it at my friend’s head as it is a resource for my friend to threaten to chuck it at mine. Exclusion, however, is in-built into Nozick’s interpretations of holdings, property and ownership. The aggregate freedom of others is restricted because the law obstructs them in utilising appropriated holdings that are not their own. The law is therefore constitutive of a holding. I think we can rephrase N1A and N2A, then, in terms of resources providing the resources are licensed to the individual by law,

(N1B) It is always unjustifiable to get an individual i to aid another individual j against i’s will by transferring a sum of resources that are licensed to i by the law to j

(N2B) It is unjustifiable because it restricts i’s right and freedom to use resources that are licensed to them by law as they want, a right and freedom they have prior to any political association, and a right and freedom that frame the choices that give rise (through an invisible hand explanation) to the proto-state.
N2B should strike the reader as contradictory unless the law that is constitutive of one’s holdings is considered a natural law, which is to say it is not associated with any political association. This is a long shot and as mentioned there is just as much reason to think that natural resources are communal property in the state of nature as there is to think of them as unowned artifacts ready for appropriation. Thinking of them as unowned in a natural sense is not in itself contradictory though and so if we update N2B to qualify every reference to law and legality as a reference to natural law and natural legality, then N2C is acceptable.

(N2C) It is unjustifiable because it restricts i’s right and freedom to use resources that are licensed to them by natural law as they want, a right and freedom they have prior to any political association, and an ability that frames the choices that give rise (through an invisible hand explanation) to the proto-state.144

As we shall see though N2C cannot be rephrased when analysis turns to the terms ‘right’ and ‘freedom’.

This natural law account of holdings and property is (at least for secular political theorists) a bitter pill to swallow. N2C unravels into partiality once we eliminate the terms ‘freedom’ and ‘right’. A superficially plausible rephrase is N2D,

(N2D) It is unjustifiable because it restricts i’s ability to use resources that are licensed to them by natural law as they want, an ability they have prior to any political association, and an ability that frames the choices that give rise (through an invisible hand explanation) to the proto-state.145

Substituting rights and freedoms for ability does not capture the acceptance profile of N2C. N2D cannot explain what is so objectionable about the violation of natural law’s license without appealing to either intuition or a conception of the good. They have to say something like ‘We should not violate the natural law because that’s that good thing to do!’ By depending on such an appeal, we hit bedrock. That the arguer thinks the violation of natural law is bad according to their conception of the good

144 Nozick refers to the natural law as a salient factor in the second chapter of Anarchy, State, and Utopia.
145 The introduction of the terminology of resources here is, like my introduction of the term ‘competition’ in the previous chapter, entirely my own. I am unaware of any specific instances the terminology was used by Nozick himself.
isn't an acceptable reason for rejecting taxation or any sort of redistribution in political argument. I know of no rephrase or additional clause to Nozick's argument that can avoid this conclusion. Of course if there were such a rephrase or clause the above analysis would be falsified, which is to say it is fallible. However, I think it is safe to say that a particular conception of the good – one we need not hold and need not accept on pain of inconsistency – that seems reasonable only because of linguistic trickery the inclusion of words like 'coercion', 'freedom', 'right' and 'holdings' has on argument.

Teasing out the dependence certain political arguments have on particular conceptions of the good is evidence that such arguments should be discarded. The above destructive conceptual analysis demonstrates that N1, N2 and N3 depend on a certain context-set where defective versions cannot be repaired (by conceptual analysis or fact giving) with mechanisms endogenous to the contract-situation. Nozikeans might cry afoul that I have used a particular account of social contract theory to make the case. I have, but I think the account is so weak (see 1.5.1) that Nozikeans would lose any kind of analytical power if they denied it.

The arguments in Anarchy, State and Utopia are still trumpeted by right-wing ideologues as a philosophically coherent position. After Nozick's death in 2002 The Telegraph wrote that "It is no exaggeration to say that Nozick, more than anyone else, embodied the new libertarian zeitgeist which, after generations of statist welfarism from Roosevelt's New Deal to Kennedy, Johnson and Carter, ushered in the era of Reagan and Bush, pere et fils." More needs to be done to first point out that the position is not impartial, and that Nozick himself changed his mind (Barry, 1996; Metcalf, 2011). It is perhaps a little harsh to apply a retort (Keynes, 1931: 394) directed at Hayek to Anarchy, State and Utopia but it is a decent summary of my position: the book is "an extraordinary example of how, starting with a mistake, a remorseless logician can end up in Bedlam."
8.5 Egalitarianism From Self-Ownership

Two decades after his review of *Anarchy, State and Utopia* Barry squared the ledger by attacking an egalitarian response to the thesis of self-ownership. The response was G.A. Cohen’s in his book *Self-Ownership, Freedom, and Equality* (1995) where he criticised the presumption among the so-called ‘September Group’ – also known as the ‘non-bullshit Marxists’ – that the capitalist robbing the worker of the fruits of the worker’s labour was unjustifiable. He thought this presumption, along with a few other egalitarian premises, tacitly relied on the thesis of self-ownership. He thought liberty as self-ownership could be spun to entail egalitarian outcomes as much as non-egalitarian outcomes. Accordingly, taking self-ownership seriously did not entail the incompatibility thesis.

While Barry and Cohen both disagreed with the thesis, they disagreed even more forcefully with each other. Consistent with his review of Nozick, Barry thought the thesis of self-ownership was a linguistic conjuring trick undeserving of academic response. He said, “[W]hatever arguments might be made in [support of egalitarianism] cannot include the claim that it can be deduced from self-ownership, because self-ownership is an artefact of linguistic confusion” (Barry, 1996). Cohen, on the other hand, thought that the thesis was a substantive one and that if it could be inferred from certain brands of Marxism and egalitarianism, then those brands need revision. It is important to subject this disagreement to the pressures of elimination since when the opponents of ideologues cannot agree it is a boon for the ideologues.

G.A. Cohen’s book directly targets Nozick’s argument that “non-contractual obligations to serve other people” like taxation are illegitimate because they violate the principle of self-ownership (Cohen, 1995: 230). He takes the concept of ‘self-ownership’ as a substantive conceptual prong in the “vernacular thought-complex which has helped to power the rightward political shift of the past quarter-century” (Cohen, 1996) alongside the belief that market economies achieve efficiency.\(^{146}\) He thought that the anti-redistribution position could be reasonably rejected but in doing so

\(^{146}\) Given market socialists share the belief in market outcomes and so it is the thesis of self-ownership that Cohen thinks distinguishes the thought-complex with the affirmation of the right to be selfish.
so, consistency demands rejecting significant brands of egalitarianism as well including the sort advocated by Barry himself in *Culture and Equality* (2001).

The question then is whether the egalitarian thought-complex unravels into the same sort of partiality as Nozick’s did when subjected to the pressures of elimination. Can we rephrase Cohen’s interpretation of the egalitarian position once we eliminate the terms with which the self-ownership thesis is typically described? If we can and there is still something of substance resembling Nozick’s partiality, then Barry’s argument is again misplaced.

Cohen suggests that the implication that taxation is illegitimate can be derived from standard accounts of Marxism and egalitarianism because of tacit acceptance of the thesis of self-ownership. Can we eliminate the terms typically used to describe the thesis of self-ownership and rephrase in a way that preserves the implication that taxation is illegitimate? Cohen thinks the illegitimacy of taxation is an implication from the presumption of capitalist exploitation,

M1: Capitalists exploit workers by stealing their labour-power because the worker owns their labour-power.  

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The thesis of self-ownership is supposedly necessary in M1 to cash out the notion of exploitation and the charge against capitalists. Cohen (1995: 147) thinks the thesis “undergirds the [standard] Marxist case for the proposition that the capitalist relationship is inherently exploitative. The underlying idea is that a person should be sovereign with respect to what he will do with his energies. He should not deploy them under another person’s orders in the manner of a slave and have part or all of his product taken from him for nothing in return.”

In so far as individuals are taxed, they are ordered “in a manner of a slave” to have their product taken from them in aid of others. While this is a positive affirmation of the thesis of self-ownership, there are two additional areas where both Marxists and egalitarians fail to explicitly reject the thesis,
M2: The initial distribution of inequality reflects the unjustness of the capitalist order and a rectification of original resource inequality should suffice to overcome this injustice.148

Cohen thought that M2 left open the possibility of individuals being divided into buyers and sellers of labour-power because of differences in natural talent. It rejects only “capitalisms with dirty histories” (Cohen, 1995: 16) but not necessarily capitalism itself. He thought that in order to reject capitalist relations the principle of self-ownership needed to be explicitly rejected. The second area where Marxists have failed to reject self-ownership is in descriptions of the communist ideal,

M3: While all productive resources are publicly owned in the ideal communist society, the individual is sovereign over themselves and conducts themselves 'just as they have a mind’, without interfering with others as a ‘condition’ for the free development of others.149

In the ideal communist society individuals are sovereign over themselves and nobody is in a position to force others to refrain from doing what they otherwise would have done. Taxation therefore does not exist in such a society, but the thesis of self-ownership holds and sticks for societies that do not have an abundance. The reason Marx did not feel he needed to reject the thesis was because he had a ‘technological fix’. He thought the ideal communist society would exist in a state of abundance, where such abundance would make it “unnecessary to press the talent of the naturally better endowed for the sake of establishing equality of condition, and it is therefore unnecessary to trench against or modify self-ownership, in order to achieve equality” (Cohen, 1995: 16) With our growing awareness of ecological constraints though we can no longer expect that the developing world will simply ‘catch up’ with modern industrialised countries. The world is never likely to reach a state of total abundance that Marx describes: scarcity will always exist and the levels of scarcity in different countries (and also different classes within countries) will be unequal. If we have a genuine concern for equality, we must therefore reject the thesis of self-ownership in our conceptions of the ideal society.

I will focus on the positive affirmation of self-ownership (M1) as it is the premise Cohen and Barry use to state their disagreement. It also offers a nice contrast to Republican freedom as a position that (like republicanism) rejects the incompatibility thesis but also (unlike republicanism) explicitly rejects any analytic connection between common opinion and freedom. The disagreement Cohen registers with M2 and M3 serve as a marker that must be preserved with rephrases of M1. The terms and expressions ‘their labour-power’, owns’, and ‘stealing’ are surely cognate terms to the ones used to describe the thesis of self-ownership. Let us start then by eliminating the word ‘stealing’ and its cognates. Probably the most common rephrase of sentences using ‘stealing’ is in terms of breaking the law,

M1A: Capitalists exploit workers by breaking the law…

We can stop there and discard M1A straight away because in so far as we are dealing with a capitalist legal structure it is doubtful that workers will be being exploited by way of illegal behaviour. It is still exploitative regardless of whether or not workers sign legal contracts to work: “no law of bourgeois property is violated in the wage relationship” (Cohen, 1995: 148). A more promising rephrase is in terms of market-value.

M1B: Capitalists exploit workers by paying less than market-value for the worker’s labour-power because the worker owns their labour-power at full market-value.

Market-value is the price a product would be expected to get in a competitive auction. This rephrase gets its purchase from the ubiquitous Marxian slogan that capitalists have a monopoly over the means of production. Capitalists though pay market-value for labour-power given such a ‘competitive auction’ does not have to include everyone: it can exclude a number of social groups and still remain competitive. A penniless labourer putting a family heirloom up for auction to pay their electricity bill does not make the auction any less competitive by being compelled to do so by economic circumstance. Capitalists will compete with other capitalists. Affirming M2 would perhaps add subtlety here since we could talk of the market-value as per

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150 This could be construed as the setup in Cohen (1995: 147-8).
151 This is the terminology used in Cohen (1995: 148).
the initial distribution of resources, but we cannot affirm it if we want to preserve Cohen’s disagreement profile.

We can move on to one of Cohen’s own suggestions. In his article ‘More on Exploitation and the Labour Theory of Value’ he suggests that the Marxian charge of exploitation cannot be cashed out in terms of a labour theory of value. With this in mind, it might be possible to eliminate ‘their labour-power’ alongside ‘stealing’ from M1 by using Cohen’s own terms to rephrase. He criticises the labour-theoretic argument that yields the following rephrase,

**M1C:** Capitalists exploit workers by accruing value despite workers being the sole creators of value.

Cohen ridicules this argument by noting that the desire individuals have for a product creates that product’s value. Since capitalists desire products, they also create value. Workers in other words are not the sole creators of value. Furthermore,

> “If labor’s creation of value would give the laborer a claim to value because he had created it, then so would the desirer’s creation of value give him a claim on that basis. Yet would we say that desirers are exploited because they create the value of the product, and the capitalist receives part of that value? The suggestion is absurd.” (Cohen, 1980: 154)

He replaces this version with what he calls the ‘Plain Argument’,

**M1D:** Capitalists exploit workers since workers are the sole creators of products and capitalists receive value from those products.\(^{152}\)

The ‘Plain Argument’ appears to rephrase M1 without any linguistic left-overs from the thesis of self-ownership. However, one could interpret from M1D that those who are unable to work exploit those that do. You would be hard-pressed to make the argument that the severely disabled exploit those that support them. Who counts as being a ‘capitalist’ cannot be left to intuition and so the word ‘capitalists’ is best eliminated from M1D,

**M1E:** A certain group in society (that is non-inclusive of workers) exploits workers with an indefensible monopoly over the means of production. This

\(^{152}\) The argument in Cohen (1983) explicitly suggests this rephrase.
creates an unfair bargaining situation such that the group can receive value (desire-satisfaction) from products despite workers being the sole creators of those products.  

The question is begged then why this monopoly is indefensible. There are three options for an answer. The first is to recite the self-ownership conception of the good. That is, the worker creates product with their naturally endowed resources and the labour should therefore be theirs to transfer as they will. The 'should' here derives from a distinct conception of the good and is therefore partial. While the self-ownership thesis does not itself rely on linguistic conjuring tricks, the argument that defends its impartiality and acceptability for institutionalisation does. Cohen was therefore right to take steps to rid egalitarian thought of any conceptual residue from the thesis and Barry wrong to scold him for it.

At first glance, it may seem that an answer purged of a partial conception of the good will have to rely back on M1B since in arguing for the indefensibility of the monopoly over the means of production we seem to have to refer back to the exploitation of the worker. This would make M1B circular and would be dependent on linguistic trickery for acceptability. This is the second option for defending the Marxian claims of exploitation and is the one Cohen favours. His defence is to demonstrate that the circularity is only apparent and non-substantive. We can quickly demonstrate its apparentness by eliminating 'monopoly' and rephrasing M1E as Cohen does, with M1F,

M1F:

(i) The worker (W) is exploited by a certain group in society (non-inclusive of workers) (C), since C gets some of what W produces (for no return) by virtue of differential ownership of the means of production, and where that causes C to get some of what W produces, C's getting it is indefensible.

(ii) Unequal distribution of means of production is indefensible because it causes the indefensibly unreciprocal transfer described in (i).

It is true that the description of (ii) does not refer to (i) but this does entail circularity according to Cohen (1995: 197). The initial unequal distribution of resources is

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indefensible because it gives rise to forced extraction and this forced extraction is indefensible because such extraction is explained by an unacceptable necessary condition. The unreciprocated product transfer from W to C is explained by the original unequal distribution of resources. This begs the question as to what are acceptable conditions. Cohen (1995: 199) suggests that an acceptable transfer could involve an (unforced) altruistic preference-based decision by W. The forced extraction of holdings through an income tax is surely also acceptable if it is to relieve the misery of the suffering or increase equality of opportunity for those who are not directly responsible for their misery and inequality – i.e. transfer for the right reasons.

The third option is to concede to the circularity and reject the notion of exploitation in egalitarian arguments. For instance, Roemer (1986: 275) argues "the proper Marxian claim... is for equality in the distribution of productive assets, not for the elimination of exploitation". This seems to be a position that affirms M2 (and possibly M3) and one that was shared by Barry (2001), which perhaps explains his unwillingness to accept any vindication of the ideal of non-exploitation. Either way, Cohen thought that this position also relied on the thesis of self-ownership (Cohen, 1995: 120-121; Cohen, 1995b). Whether this is correct and whether or not Cohen’s ‘acceptable reason’ for unreiprocral transfer and, indeed, exploitation rest on a particular conception of the good would require further analysis. Preferably this analysis would start with destructive conceptual analysis. What the analysis in this section has proven though is that Barry’s definitional criticism is just that – definitional – and misses the substantive features of Cohen’s position. Barry did not reasonably reject Cohen’s position.

8.6 Conclusion

The title of Barry’s review of Self-Ownership, Freedom, and Equality is ‘You have to be crazy to believe it’, referring to the thesis of self-ownership. He justifies the title by claiming “the remaining believers [of the thesis] are holed up in the backwoods of Montana or Idaho surrounded by large caches of heavy weapons” (1996). In his review of Anarchy, State and Utopia he suggests that the argument proposed is nothing more than prejudice, the likes of which we might expect of a
Midwestern pump attendant but which was inappropriate for an Ivy League professor. In both reviews he thought the authors treated the thesis seriously by virtue of a linguistic trick but had no way to call them out on it for their reply was that his refusal to take the trick was just as arbitrary. This is a deadlock with no side committing any blatant inconsistency. In the contract-situation policies pertaining to redistribution would be rejected by those defining freedom and rights in terms of the self-ownership thesis and policies bereft of distributional concerns would be rejected by egalitarians with their definitional assumptions. This is an impossible situation. Applying destructive conceptual analysis I have demonstrated a way to prove consistency and overcome the deadlock. Readers might wish to propose new rephrases for Nozick or push the elimination method further for Cohen. Either way, I have made a few preliminary steps to decisively demonstrating the reasonableness and unreasonableness of their respective claims. The litmus test is now to test these provisional hypotheses by way of the rephrasing capacities of others in positivist fashion.

In its ‘strong’ version republicanism likewise accuses modern liberal theory of rejecting arguments by way of a linguistic sleight-of-hand. As I have argued though, this misses the point of the 18th Century rejections to republicanism. The liberal rejection of republicanism was substantive despite being clouded by misogynistic and nationalistic fog. Liberals were correct to point out that the same standards republicans used to justify America’s independence from Britain should have been applied to women and employees, and yet they were not. The 18th Century Republicans were being inconsistent. The liberal rejection pointed out an inconsistency that is an inconsistency in all times and in all places. The misogynistic and nationalistic accommodation of the rejection (proposed by Lind and his allies) was particular to the time and the place: a re-definition of freedom that made it folly to be aggrieved by Britain’s ability to arbitrarily tax the American colonies and affirmed the slave-like statuses of women and some workers. Over time liberalism has adjusted and it is now consensus that arbitrary taxation, the unequal status of women, and the lack of legal redress for workers is unacceptable. A modern liberal

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155 See Dowding (2013) on the time/context-dependence of certain reasonable rejections.
looking back on the 18th Century republicans should reject these conditions, rather than focusing in on the republican’s particular definition of freedom.

As it happens though our modern vocabulary has developed in terms of the liberal re-definition of freedom in its negative sense. There are now precise quantitative measures for the concept designated by the term (e.g. Carter, 1999; Kramer, 2003) that provide arguers with a lot of analytical scope. Strong republicanism however rejects this idiom and thinks the aggregation of non-domination is a value that can serve as a trump in political argument. It rejects the idiom because the idiom got off and running for contingent and prejudicial reasons, not because of any genuine inconsistencies in the liberal position. Rejections of this sort were criticised in 5.2. Furthermore, under the pressures of elimination strong republicanism needs the orthodox liberal vocabulary to make coherent claims. Too much turns on the words ‘arbitrary’ and ‘shared’ when referring to arbitrary interference and shared interests. It appears then that the contemporary linguistic trick is played more by republicanism than liberalism. Of course, I might have missed a rephrase but the burden is to find one. Perhaps a promising path would be with the elimination of the term ‘capacity’ supplemented with a thorough reading of the philosophical literature (e.g. Sen, 1993; Morriss, 2002). As far as my provisional conclusion holds though the ideal of non-domination gives parties a nice linguistic glue to make their initial claims and start a political argument, but the idiom cannot be used to trump all rejections, particularly rejections of certain policies. For one, it would simply codify the prevailing common opinions, opinions that a Marxist like Cohen found deeply exploitative.
Chapter 9

Conclusion: The Veil of Anal Retentiveness

The conclusions so far sketched in the second half of the dissertation are by no means definitive. I readily concede that I might have either misinterpreted an argument or a possible rephrase might have been missed. While the conclusions are not definitive, they beg questions and beg them in a structured way: where have I misinterpreted the argument or what rephrase could I have possibly used? Until an answer can be given within the constraints proposed in the first half of the dissertation, such arguments can be reasonably rejected. This does not rule out overturning such rejections later down the track if somebody thinks up a new rephrase or notices a misreading. They are free to re-interpret the arguments as much as they like so long as those re-interpretations are likewise subjected to the pressures of elimination. The main point is that destructive conceptual analysis is both falsifiable and positivist. Somebody can come along and falsify my conclusions in a perspicuous and structured way and in so doing make a positive contribution to the literature. I am aware of no other brand of conceptual analysis that boasts such features.

I have not thought up ‘new’ topics to apply this analysis to. All the questions covered are old questions and the trade-offs covered are features of existing debates. This certainly made things easier, but it was a structural (rather than convenience-driven) decision that followed from the interpretation of political argument developed in the first half of the dissertation. I will expand upon this rationale here in the conclusion and then finish by tying it into what I call ‘the veil of anal retentiveness’ – the label I favour for my overall framework since it is a genuine alternative to Rawls’ ‘veil of ignorance’ and Buchanan’s ‘veil of uncertainty’ for political liberalism (see 3.1). I choose the somewhat unorthodox title because it seems to best label the ‘nit-picking pedanticism’ I think should be encouraged in political theory (see 3.3.3).156

156 The OED defines anal retentive as an adjective to apply to a person who is “excessively orderly and fussy”. Indeed, if somebody were to co-opt an argument about the dishes with excessive use of the method of elimination, they would be being excessive. However, my point is that there is a place for the professionalization of this fussiness with respect to political argument in order to sort out deadlocked disputes in everyday discourse.
Political argument is a device to sort out our articulated differences. It is not a device used to state additional differences. It does not coordinate individuals to upset platitudes, but coordinates them to establish new ones. Political argument, in other words, is not philosophy. David Lewis opens his first book *Conventions* with one of the most lucid descriptions of what philosophy is all about,

"It is the profession of philosophers to question platitudes that others accept without thinking twice. A dangerous profession, since philosophers are more easily discredited than platitudes, but a useful one. For when a good philosopher challenges a platitude, it usually turns out the platitude was essentially right; but the philosopher has noticed trouble that one who did not think twice could not have met. In the end the challenge is answered and the platitude survives, more often than not. But the philosopher has done the adherents of the platitude a service: he has made them think twice." (Lewis, 1969: 1)

Such a profession is of the utmost importance. The philosopher notices problems that could cause agreement (grounded in the platitudes they are studying) to come unstuck. Philosophy looks to possible disagreements that individuals could bring to bear on things we typically take for granted. A good thing too, for if we did not have some of our philosophical frameworks, it would be extremely difficult to adjust to certain changes in our environment that make previously held platitudes redundant. By this description political philosophers challenge our stock political opinions in order to pre-empt and accommodate potentially destabilising disagreements in the future. But what of the process of establishing platitudes in the face of current disagreement? Philosophy only gets off the ground if there is a platitude to react against whereas political argument attempts to establish platitudes where there are none. This is my rationale for treating political argument as different, strictly speaking, to political philosophy. Ideally, I would like to co-opt the term ‘political theory’ to apply to the discipline of political argument and distinguish it from political philosophy, but I realise this would be an uphill battle. My instinct is that the conflation of the two disciplines has actively perpetuated non-substantive agreement profiles – although there is no room to go into this claim now. Suffice to say the above serves as a rationale for the subject matter covered in the second half of this dissertation. I wanted to try and make a contribution towards clearing up the existing ground rather than creating new ground of my own.
With the rise in access to the internet information is now shared in vastly different ways to how it was a decade or so ago. The internet has largely superseded the old mediums of the morning newspaper and nightly TV news bulletin. With Twitter and Facebook the ‘Arab Spring’ and Syrian civil war have had vastly more coverage than they would have had had they occurred before these websites were up and running. Such extensive coverage of these events is surely a desirable development. However, with the quantity of new information ever increasing, the standards of impartiality have arguably waned. Opinions are more in demand and to keep one’s opinion interesting one needs to make them unique. There are increasing incentives for being controversial. Aside from a few crusty conservatives, nobody would condemn individuals for having controversial opinions per se. Controversy though is becoming the new orthodoxy.

There is a tinge of elitism in claiming that there can be an academic discipline that serves as a constraint on such opinion giving. Some opinions might well be reasonable and some might not but who are we to say? The same sorts of controversies rage in the pages of academic journals as much as in the newspapers or during opinion segments on TV. Those mediums do not claim institutional privilege, so why should academia? In fact the media personalities are usually more popular than academics and the viewers they bring in justify their salary in a strictly commercial sense. What justifies the salary of academics concerned with political argument? My answer is that academia can have a privileged position vis-à-vis the other mediums so long as it subjects its output to more rigorous constraints than the other mediums and makes those constraints perspicuous to the general public.

This dissertation has focused on a methodology to subject political argument to such constraints. A decisive brand of conceptual analysis supplemented by a systematic theory of language is the missing cog for interpretations of political argument that currently structure political theory and political science. This has led to messy disciplines with messy constraints to the extent that theorists and some scientists do not have any obvious method to gauge the success of their work (see chapters 4 and 5). In such a setting the triumphant are not necessarily the most reasonable and are
often merely those who can command the 'accent of infallibility' the best by playing with words in persuasive ways.

Political theorists should not play with words; they should play with arguments and eliminate words. Political theorists should eliminate words from arguments they are analysing and ascertain whether acceptable rephrases are possible. In so far as these methodological maxims are followed, political theory will be constrained by a veil of anal retentiveness. Behind the veil the substantiveness of political arguments can be analysed in increasingly austere vocabularies and the profession of political theory can decisively curb the accents of infallibility that politics inevitably attracts.

Of course the rhetoric of statesmen like Barack Obama cannot be preserved in austere logical vocabularies. If Obama’s keynote address to the Democratic National Convention in 2004 had been given in first-order modal logic, much of its resonance would obviously have been lost. However, I think the political argument Obama’s presentation addressed can be captured in such austerity in so far as there were substantive reasons being given for his position. I have given a rigorous description for this property that I call political argument. By doing so I have presented a way of ascertaining when agents are engaging in political argument and (more importantly) when political argument is being hijacked and suspended in conversation to serve certain interests (despite what the interested parties might say). I think it is an activity that approximates what is usually referred to by ‘political argument’ and is something that just about all of us desire to be judged to be capable of doing. It is what contractors engage in when they are defending vetoes of contractual provisions.

The political theorist is a specialist with respect to political argument. They identify common non-substantive manoeuvres and unreasonable arguments (despite however persuasive those arguments might be). Ideally, contractors would hold themselves accountable to the judgement of those experts in the contract situation and stand corrected if those experts rejected their arguments. In reality though it is doubtful that there will be many who hold themselves accountable in this way, but if they do not they have to devise a way to prove that what they are saying is genuine political argument. This is no easy task given the problems – most notably the problem of rhetoric (see Chapter 2) – that need to be overcome. My description of political
argument and with it political theory provides a ready-made proof: the veil of anal retentiveness itself or deference to experts who spend their professional lives subjecting arguments to increasingly thick veils of anal retentiveness.

Contractarians typically assume those in the contract-situation are motivated by a common desire for agreement. Yet it is not at all obvious whether individuals are actively seeking substantive agreement in conversation. This seems to be a weakness with much of the social contract literature. For one, there are certain parties that benefit from persistent disagreement – namely the beneficiaries of the unjustifiable elements of the status quo – that we can expect to try and maintain disagreement by dodging ascriptions of inconsistency. For two, the tide is gradually changing to think of the contract-situation not as some hypothetical or mythological one-off event where individuals have a definite goal of agreement in mind, but as an on-going and actual one where there is no great losses when two friends cannot agree over a beer (see 1.5.1). My contribution to the reasonable rejection canon suggests an alternative assumption: a desire to be believed to be capable of engaging in political argument to defend one’s political position. That is, capable of defending their veto decisions. This is a far weaker criterion for it includes individuals who do not want substantive agreement, but just want to seem like they do. We can empirically test whether this is the case though by simply asking ‘Are you engaging in substantive political argument?’ If the answer is in the affirmative, then we can state our interpretation of political argument and ask them to engage in the method of elimination (either by deference to political theorists or there and then on the spot) to prove their argument meets the standards of consistency sketched in Chapter 3 (i.e. C1, C2 and C3). There may well be different ways to describe political argument and contractors might not like the description I give (particularly if their supposed arguments crumble behind the veil). However, I maintain that whatever you call the activity I label as ‘political argument’, it is a safe assumption that contractors will want to be thought capable of engaging in it to justify their vetoes. Of course contractarians might still feel a need to assume a desire for agreement and they are free to do so, my only point is that they do not need to in order to make sense of reasonable rejection.

I used a liberal theory of politics to delineate political argument from any old argument. We do not need a theory for every phenomenon. Dennett does not think
we need a theory of mind just as much as we do not need a theory for riding a bike (in Jahme, 2013). A theory of politics though is necessary in order to hold individuals who would otherwise hijack conversation and trip the problem of rhetoric to account. We need a theory to pinpoint what it is that individuals want to be judged to be capable of doing in (for one-such example) the contract situation. Given the distinctly liberal flavour of the theory outlined in section 1.2 non-liberals may think they need not concern themselves with the methods advocated in this dissertation. Yet most non-liberal positions are reactions to liberalism – they get off and running from a criticism of features they take as endemic to liberalism. By spelling out a liberal interpretation of political argument I think the thesis of reasonable rejection has been completed. While critiques of John Rawls’ ‘veil of ignorance’ and James Buchanan’s ‘veil of uncertainty’ are common in the literature, an additional burden is now on the non-liberal to explain what is wrong with the thesis of reasonable rejection in light of the veil of anal retentiveness’ analytic prowess.

A.J. Ayer was once accused of hypocrisy for saying grace when out to dinner despite being an outspoken atheist. He curtly replied, “I will not utter falsehoods, but I have no objection to making meaningless statements” (in Dawkins, 2010). Endorsing such a quote might strike the reader as bizarre given everything that has been said. One might be under the impression that if there was a take-home lesson from this dissertation it is to be vigilant with meaningless nonsense. Not exactly and exactness here is crucial. So long as there is no presupposition \( S \) between conversers that they are engaging in (political) argument, then there is no harm in uttering meaningless nonsense. Some of the best poetry might be strictly meaningless (in a truth-conditional sense) but that certainly does not mean it is harmful – quite the reverse! I have been concerned with the activity of political argument where there is just such a presupposition \( S \), namely, ‘\( S \) can be reasonably inferred from the context of the prior conversation’. When \( S \) cannot be reasonably inferred because it is meaningless or ambiguous, then the assertion is strictly a falsehood and is objectionable by Ayer’s mantra. The real problem of rhetoric is not babble, strictly speaking, but infallible hypocrisy.
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