

PRINCIPLES OF RHETORICAL DEMOCRACY

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Abstract

This essay challenges the approach to deliberative democracy that is taken by several political scientists. When “rhetoric” is invoked as a key term, its province is restricted for the most part to “style” —how something is languaged in manufacturing consensus in a manner not given to manipulation. Rationality is, in most formulations, opposed to persuasive discourse, as the latter is not to be trusted as a means of ensuring agreement among equals. My goal is to provide a somewhat clearer blueprint for the role rhetoric plays in the deliberative process. I begin by arguing that the “starting point” for deliberative democracy —its commitment to seeking consensus among equals— is precisely the wrong move for the preservation of deliberative inquiry. I will advance this as the first of four fundamental principles underlying the instantiation of what I am calling a “rhetorical democracy” —in part to distinguish this project from those that reject rhetoric’s inherent role in enhancing an environment in which democracy might flourish. The remaining principles focus attention on the acceptance of cultural difference, as well as the potential role incivility may play, the positive sense in which emotionally tinged discourse advances social action, and the more precise role of constructing and expressing arguments in enhancing rhetorical democracy.

Keywords: political rhetoric - history of rhetoric - rhetorical genres - development - rhetorical theory.

Resumen

Este artículo cuestiona la aproximación a la democracia deliberativa que realizan algunos científicos políticos. Cuando la palabra “retórica” es invocada como palabra clave, su ámbito de significación se restringe la mayoría de las veces al “estilo” -cómo algo es nombrado para construir el consenso de una manera que no se preste a la manipulación-. En la mayoría de las formulaciones, la racionalidad es opuesta al discurso persuasivo, ya que no se ha de confiar en este como medio de asegurar el acuerdo entre iguales. Mi objetivo es proveer un esquema algo más claro para el papel que juega la retórica en el proceso deliberativo. Comienzo sosteniendo que el “punto de partida” para la democracia deliberativa -su compromiso para buscar el consenso entre iguales- es precisamente el movimiento equivocado para el mantenimiento del debate deliberativo. Voy a presentarlo como el primero de cuatro principios fundamentales que subyacen a la instanciación de lo que estoy llamando una “democracia retórica” -en parte para distinguir este proyecto de quienes rechazan el rol inherente de la retórica para favorecer un entorno en el que la democracia pueda florecer-. El resto de los principios pone la atención en la aceptación de la diferencia cultural, así como el papel potencial que la incivilidad podría jugar, el sentido positivo en el que el discurso teñido emocionalmente anticipa la acción social, y

el papel más preciso de construir y expresar los argumentos para favorecer la democracia retórica.

Palabras clave: retórica política - historia de la retórica - géneros retóricos - desarrollo - teoría retórica.

Studies in what most have labeled either “deliberative democracy” or even “discursive democracy” have proliferated in the past decade. Unfortunately, these studies, by political philosophers and political scientists for the most part, rarely if ever discuss “argument” or if they do, they treat it as a “given” within a focus on “rational discourse” or “rational deliberation” (Bohman & Rehg, 1997: 67-91; Dryzek, 1990; Elster, 1998; Fishkin & Laslett, 2003: 102-120; Fulwider, 1999; Gutmann & Thompson, 2004; Rodin & Steinberg, 2003; Sistare, 2004; Smith, 2003; Valadez, 2001; Young, 2000). When “rhetoric” is invoked as a key term, its province is restricted for the most part to “style” -how something is languaged in manufacturing consensus in a manner not given to manipulation. Rationality is, in most formulations, opposed to persuasive discourse, as the latter is not to be trusted as a means of ensuring agreement among equals. This picture of deliberation, and the sense of democracy it privileges, promises more than it delivers. While the idealism underlying its theoretical and practical implications is laudable, its value as an understanding of everyday argumentative discourse in a free nation is less than desired. Although I will have occasion to later take issue with parts of her perspective, Iris Marion Young (2000) is correct in observing that “public communication in civil society is often not unified and orderly, but messy, many-levelled, playful, emotional” (2000: 168). More precisely, we need to understand that rhetoric is ever and always a “messy” business -seldom as clear-cut as formal reasoning would presume it could be, and seldom as pristinely objective as most deliberative theorists would claim it must be. The question is not, then, how to “clean up” deliberative discourse so that it functions w/in the kind of sterile environment envisioned by a Habermasian “ideal speech situation”, but rather how to live with its excesses, its idiosyncrasies, and its oft-times ill-mannered behavior in the hands of ordinary rhetors. That is, rather than making discourse into something it is not, perhaps we ought to spend our time recognizing the advantages that accrue from letting it happen in its own natural environment -as messy, inefficient and, yes, at times even as ineffective as its exercise may be. Granted, we lose precision and perhaps even progress

in this rejection of the privileged position granted “deliberative reason”, but I would venture to suggest that we gain even more -we retain the right to our own humanity, as imperfect and at times repelling as that may be. This is the position that is implied in Hauser’s (2004) claim that

a rhetorical democracy is not merely a collection of whatever is said under the banner of free speech, nor is it synonymous with deliberative democracy if that formulation implies a normative standard of rational discourse. Relations that involve conflicts, negotiation, and compromise seldom adhere to philosophers’ standards for reaching rationally warranted assent. (2004: 9)

As will be illustrated in what follows, I am in essential agreement with this sense of what constitutes all we can hope for in a truly rhetorical democracy. My purpose is to explicate the sense in which it is not ‘synonymous’ with deliberative democracy, and why we should go even further than Hauser in suggesting reasons for rejecting much of what is being advanced by deliberative theorists. Thus, in what follows, I hope to provide a somewhat clearer blueprint for what rhetoric oriented scholars can contribute to the present discussion.

Before going into more specifics, I will first take what some might see as a post-modern move: I will argue that the “starting point” for deliberative democracy -its commitment to seeking consensus among equals- is precisely the wrong move for the preservation of deliberative inquiry. For ease of reference, I will advance this and corollary ideas as fundamental principles underlying the instantiation of what I am here calling a “rhetorical democracy”, in part to distinguish this project from those flying under the “deliberative” label.

PRINCIPLE # 1: THE HEALTH OF A RHETORICAL DEMOCRACY IS FOUNDED ON THE POSSIBILITY OF DISSENSUS

Granted, this is not a new idea, nor do I presume it to be. However, that it is not recognized as the starting point for deliberative theorists is equally clear. While the mechanisms and rationale they offer may differ, the majority focus in on the absolute necessity of seeking consensus among people as the hallmark of a democratic state -as well as the “must have” component of democratic decision-making (Dryzek, 1990). Nothing, in my judgment, could be further from the truth. As McKerrow (2001) argues, privileging civility has its own built-in limitation in “perpetuating servitude.” The same limit adheres to a preference for consensus. Although she would not necessarily agree with the principle I’ve advanced, Young (2000) does observe that “too strong a

commitment to consensus as a common good can incline some or all to advocate removing difficult issues from discussion for the sake of agreement and preservation of the common good” (2000: 44). Sanctifying agreement, in other words, as the sole goal of discourse, can serve to limit rather than encourage dissenting voices. As one example of such a limit, consider Rawl’s claim that “a liberal view removes from the political agenda the most divisive issues” (Mouffe, 1993: 152). As Mouffe notes, in response to this position:

Our values, our institutions and way of life constitute one form of political order among a plurality of possible ones, and the consensus they command cannot exist without an “outside” that will forever leave our liberal democratic values and our conception of justice open to challenge. For those who opposed these values -those who are disqualified as “unreasonable” by our rationalist liberals and who do not participate in their overlapping consensus- the conditions imposed by the “rational” dialogue are unacceptable because they deny some of the defining features of their identity. (1993: 152)

The cost is too high, from Rawls’ perspective, to permit division to forestall agreement. On the contrary, as Mouffe has observed, to move in this direction is to deny the possibility of other voices -voices that are already defined as “out of bounds” due to their unreasonable, incivil (“they don’t argue like we do”) behavior (McKerrow, 2001). It should be obvious that my position here is that of Mouffe’s in advancing a conception of “radical democracy”.¹ In even more precise terms, Mouffe pinpoints the value in living within this first principle. Using Wittgenstein’s *Philosophical Investigations* as a starting point, Mouffe (2000) suggests that several of his observations serve as ground for a vision of a pluralist democracy:

The main obstacle to such a “radical-pluralistic-democratic” vision is constituted by the misguided quest for consensus and reconciliation, and this is something that Wittgenstein, with his insistence on the need to respect differences, brings to the fore in a very powerful way (. . .). In our desire for a total grasp, says Wittgenstein, “we have got on the slippery ice where there is no friction and so in a certain sense the conditions are ideal, but also, just because of that, we are unable to walk. We want to walk: so we need *friction*. Back to the rough ground”. (2000: 77, 98; PI: 46e)

¹ Sandilands (1993) following Mouffe, provides a clear sense of what this commitment means:

A radical democracy is thus one which recognizes its own contingency, one which does not believe its processes and techniques to embody democracy “itself”. It is, paradoxically, a form of democracy that can never claim itself to be fully “democratic”. What constitutes the “common” and the “specific” is always subject to change; what constitutes “democracy” is thus also necessarily mutable, subject to debate (which, of course, also includes debating the version presented here). And, with the changes, come new modes of political speech, new meanings for “empowerment” and “participation”, new shapes, new directions, and new floor plans for the forum. Thus, we can never precisely define just what a “true” radical democracy might look like, which is why it’s so “radical”.

As considered in this light, the presence of dissent neither implies nor entails a condition of civil discourse anymore than it does incivility. It means difference, expressed as anything from virulent disagreement to mild disapproval to intransigence in the face of clear evidence to the contrary of one's position. "Friction", in Wittgenstein's terms, is not a negative condition, as it gives us something to "grip" with as we seek to advance ideas in a less than perfect world. This leads us directly to the second principle.

PRINCIPLE # 2: RHETORICAL DEMOCRACY ENTAILS AN ACCEPTANCE OF THE PRESENCE OF DIFFERENCE, ESPECIALLY AS THAT DIFFERENCE MAY BE EXPRESSED THROUGH SPEECH THAT IS INCIVIL

The role of tolerance in this acceptance of difference needs to be clearly articulated. In my view, tolerance has its limits -to tolerate the other neither engenders nor entails the positive liking for, nor even respectful communication with, the "other." Advancing a rhetoric that privileges tolerance is the equivalent of a neutral counter to outright hostility. It may foster dialogue and positive change, but it in no-way serves as a guarantee of inclining one in that direction. To be more precise, we may tolerate without granting respect, or even the possibility of a fair hearing, to those we dislike. We may tolerate the unruly children of a sibling -to preserve some semblance of peace within the family- but that doesn't in any sense suggest that we like the little urchins. Likewise, we may tolerate our superior (in the sense of organizational hierarchy, not in the sense of their actual intelligence), and we may even be civil toward them in order not to give them a reason to dismiss us. We often find ourselves playing nice with the social "other" when it is in our interest to put forward a professional face. But civil action toward the other does not, in and of itself, suggest that we really like the social other. The point is that neither tolerance nor civility function as a guarantor of mutual respect (McKerrow, 2001). I need not acknowledge the other as a social being in reality, while at the same time giving the very public sense that I am in fact doing just that. It is in this sense that civility, to the extent that it is a privileged outcome, may only foster a climate that is destructive of the possibility of dissent, to say nothing of the elimination of any prospect for meaningful dialogue.

What then of incivility -what is the proper role within a rhetorical democracy for voices that are expressed in varying degrees that are on the margins, or even well

outside, of what is constituted by the dominant group as “civil talk”? This implies a question that needs to be asked and answered: “In whose name is the action determined to be civil?” The dominant group has its own set of blinders as to what conventional wisdom has transformed into behavior that is recognized as appropriate in a specific setting; what passes for the “way things are meant to be” was a creation by others at some time in the past -and hence open to the possibility of being other than it is. Seeing what that “other” might be, and acting on it, is implicit in the very resistance that accompanies the ever-present nature of power in social relations.

While the urge to constrain incivility is a natural reaction to its presence, such discourse is ever-present:

Nor can incivil discourse or troublesome private behavior and morality simply be moralized, censored, or legislated out of existence. Instead, it is necessary to thicken public discourse (...) by surrounding and submerging uncivil behavior with a wealth of constructive and energetic debate (...). The social task is not to make people like each other or feel at one with each other, or to change private morals and behavior. Rather it is to find common purpose that brings disparate communities and perspectives together, and to model a robust, positive public discourse that will muffle uncivil and unproductive discourse. (Rodin & Steinberg, 2003: 7-8)

What remains an open question is whether incivility is always unproductive? There may well be times when the absence of what is taken to be incivil expression perpetuates a false harmony -an appearance of togetherness that functions as a thin veneer over the reality of significant, and unresolved, conflict. Giving expression to that conflict - opening to the world what may be both idiotic and hurtful- may well be the route to resolution (and I would readily acknowledge that it may also be the route to dissolution/separation of the other from the discourse because the language denigrates those to whom it is directed). The danger in the position that is asserted above -that incivility may yet be productive- is to authorize the kind of discourse that gives recognition to hate -to the dismissal of the other as incapable of being fully human. As Whillock notes: “Hate messages are arguments for the rhetorical annihilation of the opponent” (2000: 78). Nevertheless, the risk that some discourse will end in dissolution rather than resolution needs to be assumed in a rhetorical democracy. To do less -to determine all instances of incivility as negative and inherently unproductive in advance- is to limit the discursive universe to those forms of expression already approved by those in control. While the communicative experience may be “nicer” with such a limitation, it will not therefore be “better”.

Thus, acceptance of difference presumes alternative voices, with alternative dimensions of what it is to be “civil”. In turn, this suggests a broadening of society’s allowance for expression, and a recognition that marginalized groups seeking to enter the mainstream need not re-code their ordinary, everyday language into the speech of the dominant just to be heard. A tall order, that Schonscheck (2004) provides a possible means of fulfilling the order, or at least of noting when incivility is decidedly more unproductive than productive. First, he distinguishes between incivility as “rudeness” and as “rasp”.

In the former case, it is “essentially impoliteness”. In the latter, it characterizes the kind of

friction of jostling political, moral, religious, and other ethnic groups that is inevitable in any multicultural “liberal democracy” that cherishes the values of toleration and mutual respect the *repudiation* of these values generates a third, and most serious, category, of incivility. (2004: 169)

He goes on to suggest that “a significant portion of contemporary incivility is best understood as animosities among people in their roles as members of particular groups” and that when repudiation of the glue that holds multicultural groups together (tolerance and mutual respect) occurs, “the incivility can become explosive” and the “*civis* cannot be big enough for all” (2004: 182-183). What is being argued for is not incivility set loose to run its course untrammelled or unconstrained by our better natures. Rather, it is simply the recognition that it may, given a chance, play a necessary role in the production of social change, if only by enlarging the scope of what might be considered in re-ordering social relations. As Sellers (2004) notes, “participants in public discourse should tolerate as much as possible the petty intolerance of others to foster a sense of community that makes public discourse possible” (2004: 22).

PRINCIPLE # 3: TO FUNCTION RHETORICALLY, DEMOCRACY REQUIRES A CONCEPTION OF RHETORIC THAT PERMITS THE FULL PLAY OF HUMAN POTENTIALITY, EXCESSES AND ALL

One of the major limitations within current theorizing about the nature of deliberative democracy is the inadequate understanding and/or treatment of what is variously termed “discursive talk”, “argument”, “rhetorical speech” and even “non-rhetorical speech”. While some rhetorical theorists have noted the deficiencies (Hauser, 2004; Ivie, 2005), they have not gone far enough in characterizing the shortcomings as fatal flaws in

theories that at times earn the sobriquet, “idealistic claptrap”. Consider, for a moment, Dryzak’s (1990) view:

Communicative rationality clearly obtains to the degree social interaction is free from domination (the exercise of power), strategizing by the actors involved, and (self)-deception. Further, all actors should be equally and fully capable of making the questioning arguments (communicatively competent). There should be no restrictions on the participation of these competent actors. Under such conditions, the only remaining authority is that of a good argument, which can be advanced on the veracity of empirical description, explanation, and understanding and, equally important, the validity of normative judgments. (1990: 15)

While there is a great deal to applaud in this summary judgment, the question remains: how realistic are its presumptions? Where does one begin? To presume that everyday argument about matters of importance will, at the flick of a mental switch, remove the role of power differences within a social matrix, is a misguided assumption. Even when, if ever, a Habermasian ideal speech situation is present, power differences imbedded in the assumptions about how to conduct such discourse will nonetheless be drawn on in manufacturing such an environment. That such uses will always be negative is a further assumption that is groundless on its face. Social differences are a fact of life -as are differences in knowledge, its uses, and the manner in which it might best be expressed. To pool these differences in an otherwise collegial discussion is not to ignore difference, but rather to harness its power in a positive direction.

Young (2000) verifies what is implicit in the above: a distinction between “rational speech” and “mere rhetoric” that is held in common by deliberative theorists who fear rhetoric or persuasion for its emotionally tinged manipulation of people’s minds and hearts. Where the former is based on disinterested, cool-headed reason and objective relations between evidence and claims, the latter is discourse intended to serve the speaker’s ends. This Platonic, or perhaps more precisely, Habermasian distinction, is implied in Gambetta’s (1998) observation:

Persuasion by argument is arduous in argumentative societies. (...) Rhetoric is more likely to succeed than argument. (...) Lofty rhetoric will happily coexist with mean bargaining, and jointly they will drive serious discussion on principles out of public life. (1998: 35)

Dryzek (2000), while misinterpreting Young’s (1996) characterization of rhetoric, adds to the confused nature of its province in claiming “speech without rhetoric can be flat, unpersuasive, boring. Speech with rhetoric can involve jokes, anger, laughter, ridicule, flattery, and hyperbole” (2000: 67). That there is such a distinction possible reflects a gross ignorance of the nature of rhetoric. While disagreeing with the import of the

distinction, Young's observation supplies further evidence of the manner in which such arguments have been advanced: "Because rhetoric is an aspect of all discourse, the temptation should be resisted to base a theory of deliberative democracy on a notion of non-rhetorical speech that is coolly and purely argumentative" (1996: 64). The presumption is that there are clear and distinct differences that make a difference in how these terms are used in relation to discourse styles. It may be helpful to consider additional examples of the way in which discursive argument/rhetoric is considered as the province of due deliberation. Elster (1998) suggests that the process of deliberation is conducted "by means of arguments offered *by* and *to* participants who are committed to the values of rationality and impartiality" (1998: 8). Cohen (1997) suggests that "the notion of a deliberative democracy is rooted in the intuitive ideal of a democratic association in which the justification of the terms and conditions of association proceeds through public argument and reasoning among equal citizens" (1997: 72). Cohen (1999) goes on to argue that:

The claim that the ideal of rational argument constitutively favors a particular gender, class, or race while silencing and privatizing others is also unconvincing and even condescending. Certainly if dominant groups enshrine a particular form of discourse, style of argumentation, or understanding of what is appropriate rhetoric or body language in public speech, they can indeed silence people who are not *de jure* excluded, yet who differ from those who have previously had privileged access to the public sphere. But this would clearly be a deformation of the normative principles of public discourse rather than their expression. (1999: 72)

I'm sure that those just removed from the public space by virtue of a "deformation" feel better for having known it is not normatively appropriate. While Cohen (1999) endorses the recognition of emotively tinged speech, she also maintains a commitment to the "importance of rational-critical debate" whenever serious issues are on the table (which implies that irrational discourse is acceptable in all other non-serious discussions?).

Dryzek gives us as good a starting point as any, in terms of disagreeing with the manner in which a conception of "discursive democracy" can meet the requirements of a rhetorical exchange. For Dryzek, the "public" presumes not only how citizens deliberate, but also refers to "the *type of reasons* (reasons offered for deliberation within a public sphere). must be convincing to everyone. This fact about democratic deliberation provides a minimal standard for what constitutes an agreement among free and equal citizens" (2000: 25). I disagree; holding to a sense of public discourse that requires agreement by everyone defies reason itself. There is nothing inherent in or

sacrosanct about reasons offered to justify action that merits “agreeableness to everyone” as a factual condition of discourse. In carrying the nonsense further, Dryzek also argues, that such agreement “achieved on matters of both morality and truth” should be “for essentially the same reasons” (2000: 48). Emotion is recognized in this context, but “in the end it must answer to reason” (2000: 52).

What is at stake in all of these forecasts is that there is something to be distrusted in giving oneself over to the machinations of “mere rhetoric” that is magically absented by a commitment to cool reason. The fatal flaw in this reasoning is noted by Young: “The ideal of disembodied and disembedded reason that it presupposes is a fiction” (1996: 63). As Gergen (2000) notes, the problem lies in the very politicized use of “to be rational”:

the term *rationality* is a rhetorical device for the valorization of one’s favored position. A statement of behavior is “rational” if it is favored by “our kind”. Such terms as *unreasonable* and *irrational* thus become means of social control and possible oppression. (...) Rationality reduces to suspicious rhetoric. (2000: 128)

Reason is inescapably intertwined with its cousin, emotion -to be objectively dispassionate is to convey an emotion every bit as real and manipulative of a hearer’s judgment as to be subjectively passionate. Granted, it isn’t seen in the same light as what a culture may nominate as emotive behavior, but in reality, emotion is intertwined with reason in its expression -however reasoned or not it may be. As current research in emotional intelligence suggests,

all definitions of emotional intelligence represent a combination of cognitive and emotional abilities. (...) This reflects the growing understanding in neuroscience that cognition and emotions are interwoven in mental life (through thick connections between the emotional centers and the neocortex) rather than discretely independent, especially in complex decision-making, self-awareness, affective selfregulation, motivation, empathy, and interpersonal functioning. (Emmerling & Goleman, 2003: 6)

Emotion does not live in the land of the irrational; rather, it is as rational as any form of cognition worthy of the name (Lazarus & Lazarus, 1994).

Further, as implied above, all intentional discourse is inherently, inescapably manipulative. What is meant here perhaps needs clarification. First, note the key term: intentional. While some discourse may be in fact unintentional and yet have an effect that could be interpreted as manipulative on the part of the person giving it expression, the more critical issue lies with that discourse that has the intent of moving us toward understanding and/or agreement -if only the agreement to continue to disagree. Thus, in

this perspective, all intentional expression, in verbal, written or otherwise visual form, contains the possibility of being interpreted by others in ways that creates difference in how they think about an issue, live their lives, or otherwise respond to the expression. As an example, reasoned discourse, if it were spoken in the context favored by some deliberative theorists, can be considered manipulative if its only goal is to suggest that one is in fact reasoning as dispassionately as one can under the circumstances. Artifice, whether for good or evil, is an inherent facet of all discourse -to be rational in the sense desired by deliberative democracy theorists is just as much an artifice and a strategy that impacts the reception of messages as any other manipulative design. All communication contains the possibility or potential to be manipulative; hence even an “ideal speech situation” in the Habermasian sense, is open to the possibility of manipulation -to be in that situation is to be open to manipulation (conversion to belief) by one set of communicative standards rather than another.

To assume otherwise with respect to the role of strategy in creating a rationale for belief or action is to create a fantasy world in which discourse is in fact free from power, and held in concert between individuals free from the constraints imposed by ordinary interests. By this light, the usual distinction between informational and persuasive discourse (one seeks to tell you what “is” while the other seeks to make you believe that it is, and that you should act toward it in a certain way) falls. Even the most disinterested salesperson (were you to find one) who tells you the specifications of a particular notebook computer is acting toward you in a way that says, in effect: “I know what I know, and you can trust my account”. The teacher who willingly says “I don’t know” in answer to a student’s question is not pleading ignorance so much as attempting to suggest “I too can be trusted not to provide glib responses when I haven’t a clue”. Manipulation, like power, is not of necessity a negative -it may well be as productively used as not. Aristotle was correct in observing of persuasion: morality is not in the art, but in the user. The same may be said of the positive and negative uses of arguing on behalf of a belief. In this discussion, manipulation is the progenitor of strategy: how one gains what one desires. To presume that a policy discussion will be held in a non-personally interested or “invitational” (e.g., Foss & Griffin, 1995) manner is to presume far more credit given to the ability of the other (or yourself) to manage issues with cool reason when the outcome matters.

A further distinction needs to be drawn with respect to the nature of rhetoric. Young (2003), whose defense of activist challenges to deliberative theorists merits close

attention, nonetheless offers a skewed sense of rhetoric's province. Her theoretical frame suggests three discursive styles: greetings, rhetoric, and narrative/story-telling. While her distinctions are appropriate in noting the primary values of each, one could argue that all are "rhetorical" in a broader sense of that term. Greeting, "where a subject directly recognizes the subjectivity of others" engenders trust; rhetoric, "the ways that political assertions and arguments are expressed" functions largely as a style issue in making sure appropriate language is used to foster support and action; narrative "empowers relatively disenfranchised groups to assert themselves publicly" in order to gain a hearing (2000: 53). While she recognizes the role of passion in deliberative settings, and defends loud and obnoxious discourse as at times necessary, her view of rhetoric nonetheless narrows its field of influence. In contrast, greeting functions rhetorically, in Burke's sense (1969), when it serves to induce cooperation. Likewise, when narrative functions as a means of inducing belief and action, its role falls within the province of rhetoric. Renaming her conception of "rhetoric" as "strategic discourse" more clearly focuses on "the various ways something can be said, which colour and condition its substantive content", while reserving for the broader term the implication that content (as in invention) matters (Young, 2000: 64-65). My objection, as should be clear, is to rhetoric's limited sense in her formulation, not to her intent in elaborating its function in promoting social change.²

A qualification needs to be stressed, as the scenario I've sketched implies a totalizing commitment to dissensus over and against consensus. The binary thus created limits the role of rhetoric in advancing democratic principles. First, it is not simply or only an instance of "either dissensus or consensus" but not both together. The starting point remains with dissensus, for the reasons already advanced. Argument is, ever and always, conflictive. Even when "cooperative" (Makau & Marty, 2001), it retains the sense of disagreement or conflict over goals, means, or processes -the substance of argument yields controversy as its by-product. That is not a bad thing. Consensus is possible within the context of this understanding of argument as "agonistic". Mouffe's (2000) conception of "agonistic pluralism" helps in furthering this sense of argument as it avoids a commitment to a kind of consensus that is grounded on rational deliberation, solely and only. As she notes, from this perspective, "the prime task of democratic politics is not to eliminate passions from the sphere of the public, in order to render a

² This is no mere quibble, as recognition of rhetoric's provenance is no small matter; we, as rhetorical scholars, need to retain control of our own terms.

rational consensus possible, but to mobilize those passions towards democratic designs” (2000: 103). The sense of consensus that is reached in this context is a “conflictual consensus” (2000: 103) -a consensus grounded in the existence of difference- valued for its own sake as a condition of everyday life. The key is not to simply “agree”, but rather, in agreeing, to recognize that the argument, as Ehninger (1970) reminded us years ago in “Argument as Method”, is never completely finished or “over” in some final, irretrievable sense. A further consequence of this form of consensus is the recognition that exclusion, and the power relations that permit such to occur, are also an ever-present part of everyday discourse. That is: not all voices will necessarily be heard in every instance of deliberation. This is an imperfection that cannot be reasonably removed, given the influence of power relations in determining who can speak to whom with what impact. What is essential to retain, in this scene, is a commitment to keeping the conversation open -agreement is only partial, never complete or finished. Hence, voices not heard may yet be raised -in part because they were excluded in the initial argumentative encounter. As Mouffe suggests: “To make room for dissent and to foster the institutions in which it can be manifested is vital for a pluralist democracy” (2000: 105). It is not an “either/or” but rather a “both/and” -with the possibility of consensus as a provisional conclusion to a particular dispute very much needed in order to move arguments forward. It is not that agonism only yields further disagreement -though it might- but that within its perpetual presence, we create argumentative *practices* (Mouffe, 2000) that permit discordant voices to be heard. Even when we “must reach a decision now”, as noted earlier, the “now” is contingent on the present -with no guarantee that it will be a lasting precedent reaching into the distant future.

PRINCIPLE # 4: ARGUMENT’S PROVINCE, AS A SUB-SET OF RHETORIC, IS TO ENGAGE OTHERS IN A MANNER THAT MAY OR MAY NOT BE BINDING ON OTHERS OR, WITH EVIDENT CERTAINTY, RESPOND TO THE “COMMON GOOD”

There are some deliberative theorists who do recognize the role of argument as “reason-giving” discourse, and do have a sense of its “messy” nature (e.g., Elster, 1998; Smith, 2003; Gutmann & Thompson, 2004). For the most part, however, the sense of argument as “rational” carries the day. As Valadez (2001) argues, “it is the force of the better argument that should carry the most weight, and not manipulative, coercive, or emotive appeals that promote sectarian interests” (2001: 31-32). While the sentiment is laudable (and is one that prevails across several deliberative models), it also is one that, for

reasons already articulated, is difficult to sustain. How the “better argument” comes to be known, and who gets to decide is left unacknowledged. It is as if the clarity and precision with which argument will be conducted will naturally, left to its own pure devices, automatically reveal the “force” -and people will immediately recognize and respond in accordance with its dictates. As Ehninger (1968) noted several decades ago in an essay entitled “Validity as Moral Obligation”, one can go through all of the formal steps entailing agreement with the “force of the better argument”, only to discover that the only workable response, and one that defies entailment, is that of one’s recognition of their moral obligation to acquiesce. Citizens come to the argumentative table with their past intact -they do not leave their culture, race, class, gender or any other variable that affects interactions at the door. While it would be nice if such suspensions could occur in a natural argumentative state, to argue that this is the preferred state for, or the only sense in which genuinely democratic argument can occur, is to ignore reality. Citizens are never equal as arguers even when steps are taken to level the playing field among different classes -differences in background, commitment to the issue, knowledge, competence as arguers abound in real-life argument. To ignore these, or to wish them away, is not to deal with argument as it happens. Managing these differences, so as to focus on the needs of people, is difficult. It takes hard, concentrated, committed effort to maintain equanimity in the face of recalcitrant others. Deliberative theorists are correct: argument would be ever so much cleaner and crisper if their conditions were in place. But to think that, even then, discourse is somehow automatically divorced from strategy or other forces that impinge on why one should believe or act, is to imagine a universe that doesn’t exist. Such a universally right and proper standpoint within which to place argumentative encounters sounds great in theoretical terms, but is not one to place one’s hopes on in actual practice. As Valadez (2001) notes, in summarizing another theorist’s position: “There is no universal, impartial standpoint of public reason that agents in a multicultural political community can use to resolve their disagreements” (2001: 60-61).

The primary premise on which a claim to argumentative discourses rest, in the view of most deliberative theorists (who, in general, do not even list “argument” in the index of their texts) is that of free and equal citizens coming to the table, with full rights of participation as the foundation of the enterprise. All well and good, but what is meant by “free” and by “equal” begs further elucidation. All citizens are not, even in a democracy, “free” in the same sense -if we take “freedom” to mean the ability to pursue

their own interests to the fullest extent of their own capabilities. They are, rather, constrained by forces largely beyond their control -forces which, while perhaps well-intentioned or at least not demonstrably evil, nonetheless create constraints on one's freedom to play with abandon in the argument game. Freedom comes shrouded in responsibility -a taskmaster which determines in many instances who can say what to whom with what impact. As one means of getting closer to the point. Ostensibly, I am both free and unfree: I can say what I think in a faculty meeting, but I also must accept the consequences of my words. I may then censor myself in order to limit the disaster awaiting were I to express myself openly and fully. At some level, even, the freedom to attend a meeting where deliberation will occur is not absolute: sure, one can argue in the abstract that all persons are free to attend a public meeting. But what kind of freedom is it, when some cannot get there on their own, and others need to work during the "free and open" session? The kind of freedom postulated by those creating the conditions for "free and open" discourse does not, of its own volition, create what is projected: a time and place accessible to all who wish to participate. If I, by virtue of my difference, have been made to feel unwanted, or otherwise uncomfortable, in the presence of the dominant group convening a free and open meeting, does my freedom to attend ensure that others will listen and heed my voice? Possibly, but not because I am free to be present. If I do attend, whose rules am I to speak within? Who determines how my words will be addressed? Do I get a choice in the matter -if I wish to have influence in this setting, whose conventions dictate how that influence is exercised? Sellers is "on point" when noting that "the ideals of public discourse depend on constructing a system of human interaction that respects the well-being of every member of society". He goes on to suggest "this entails civility, sincerity, and *even the toleration of apparently dangerous behavior when such toleration advances the public good*" (2001: 23, my italics). Of course, the presence of dangerous behavior may compromise civility -hence there are limits on the extent to which this can be maintained across all argumentative encounters.

The second feature which furthers argumentative discourse is the presumption that whatever is claimed is in some sense binding on those who participate. What this implies is a commitment to follow through on whatever is decided by the group's deliberations. This is fine, again, as an ideal goal. But, there are times when the argument isn't fully enough developed, and when "binding" is far more a risk than taking no action. I can agree to an action, and assist in its follow through, but it doesn't

mean I have to maintain my position; later events may in fact suggest (and this is why argument, in Toulmin's sense is "defeasible") we were wrong to feel justified. There is a sense of loyalty to others, and to the process, implicit in the request to bind oneself to the group's conclusions. While I agree that such action is helpful in keeping people on the same page and taking approved action, I still wish to reserve the right to reject the binding nature of what has been accepted. New evidence, other reasons, the discovery of hidden agendas in what was otherwise an open and above board deliberative session - all of these and more may justify the withdrawal of support. I may be quibbling here, but what I wish to "complexify" is the nature of being bound: to whom, for what reasons, and for how long?

The final feature is that argument should be aimed at "the common good". Once again, as suggested at the outset, this assumes consensus is the only approved model for the conduct of discourse. In turn, it also suggests that one knows the common good, and that what is decided on as good for the commons is also good for the "uncommon" - those left out of the mix when commonness was constructed. As Young (2000) argues, those committed to activist agendas are not automatically included in the "common good". They are rather seen as destructive forces that, while arguing for their own interests, "ignore their responsibilities for promoting the common good of everyone" (2000: 84) -at least that is how several communitarians and deliberative theorists respond to the politics of difference. Since social activists are not committed to the ideals of deliberation, they must be equally ignored. Sectarian interests are automatically excluded as the basis for dialogue, as such interests diminish commitment to a unified, singular national identity (2000: 85).

On the contrary, the only way to value the common good is to step back from its dictates and see whether or not its provisions meet the expectations or rights of those otherwise disenfranchised. The otherwise excluded, by whatever criteria is used in determining their needs are imperfectly argued, unreasonably promoted, or lacking in substantive worth, are all too often left to fend for themselves. The fabric of the common good is not designed to hold them in its grasp. In this scene, to those safely ensconced within the fabric of common good, it seems a quality quilt, well-stitched and creatively constructed; to those without, it appears thin and threadbare -with holes and tears revealing the smugness of those warmed within. A theory of deliberation which grounds its success in the achievement of common ground is feckless on its face.

As Young (2004) observes, “without creative protest action and mass mobilization, a democracy is weak and insipid” (2004: 48). That such action seldom is seen as promoting the common good is the primary reason for suggesting the necessity of protest in maintaining a strong and vibrant democracy. To be acknowledged as valued, difference requires its expression in all the fullness and richness that inhabits its reason for existence. When that difference is excluded from what is seen as the “common good for everyone”, its exclusion is evidence that the other whose life represents that difference is no longer valued as a human subject within the polity.

CONCLUSION

In bringing this foray into deliberative issues to a close, I want to underscore two major claims. First, the starting point for deliberation, as advanced by most if not all those working in this arena, is misguided. As the sole starting point from which deliberation proceeds, and as the sole end sought in its culmination, consensus may be a valid and useful goal within modernist myopia, but it fails to answer the needs of a vibrant and potentially improving democracy. A commitment to the presence of dissensus, with all that it implies with respect to discordant voices seeking to be heard, should be the starting point for a consideration of argument in a rhetorical democracy. Second, procedural approaches that continue a distinction between deliberation and persuasion need to be jettisoned. To the extent that the argument in this paper is seen as an attack on formalist approaches to argument, it has communicated its intent. This is not to say that they are “wrong” or “misguided” on their face; it is to say that a commitment to form will not, in the end, secure the rights of those whose discourse is ruled out because it fails to measure up to the dominant groups definition of standards. Although I disagree in large part with Stephen Carter’s perspective, he nonetheless was right in observing that “the rules of discourse are always made by those in power” (1998: 135). What deliberative theorists miss is that their rules are in the service of dominance to the exclusion of engaging the interests of those whose discourse falls outside “respectable boundaries” of civility.

I would hope that the principles advanced above serve the interests of creating space for such a democracy -one which ultimately succeeds by virtue of its willingness to admit the cacophony of voices giving expression to difference.

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