

## I. Introduction

In his interesting and provocative paper, Mark argues that those engaged in debates over public policy have a meta-obligation to treat their interlocutors charitably. Specifically, he proposes that by (a) working actively to fully understand an interlocutor's position, where such understanding includes adopting her perspective, (b) helping her present her argument in its strongest form, and (c) dispassionately assessing the argument, those engaged in discussions of policy can help to address two structural problems that plague such debates. This comment will critically discuss each of the two problems in turn.

## II. Incommensurability

The first problem Mark identifies is what I will call the *incommensurability problem*. Specifically, he contends that socialists and capitalists begin their reasoning with distinct normative commitments, with these commitments being grounded in distinct metaphysical views. Thus, while socialists think goods and services ought to be distributed in accordance with need—where this principle is grounded in the fact that people are interdependent and morally equal—capitalists believe that goods and services ought to be distributed in accordance with *work*, with this principle following from the fact that persons have different capacities and preferences.<sup>1</sup>

Further, the thought seems to be not merely that the two sides have distinct normative commitments, but that those commitments are *irreconcilable* in the sense that there is no shared foundation on which those commitments rest. If, for example, (a) capitalists endorsed private property rights because they believed that such rights were necessary to ensure that people can pursue the projects that give their lives meaning and (b) socialists endorsed need-based distribution of resources for this same reason, then one side might be able to win over the other by demonstrating exactly which form of distribution best allowed for the pursuit of projects. However, in maintaining that socialist and capitalist values are incommensurable, I take Mark's claim to be that there is no such possibility for conversion and, thus, no shared moral foundation.

If I am right about this, then the first question I want to raise is whether the two sides do, in fact, hold normative commitments that are incommensurable in the sense I have just described. I take Mark to have provided us with two reasons for thinking this is the case, namely the general “muddle” of the debate and the representative dialogue that illustrates its core defects. However, I have some doubts about each of these supporting claims. First, with respect to the dialogue, consider how one would expect a disagreement to look if it were grounded in radically unshared values of the kind implied by the incommensurability thesis. For example, suppose that there is a person who believes that the thing of greatest moral importance is minimizing the extent to which people have to do math. Given this commitment, she might say to the capitalist,

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<sup>1</sup> I am not sure that this is, in fact, the central capitalist commitment. After all, capitalists tend to affirm that people have the right to bequeath goods to others, where the receipt of such unconditional transfers would seem to violate the posited principle. More directly, a defining feature of capitalism is that there is a class of persons who receive a share of income simply in virtue of the fact that they own the means of production (without their having to do any work to receive that income). It is perhaps for this reason that Nozick suggests that people being entitled to the things they produce is the *socialist* view, with the distributive principle of capitalism being something more like “from each as they choose, to each as they are chosen” (1974; 154, 160).

“Capitalism relies on markets, and markets require everyone to be constantly adding and subtracting. Thus, we must abolish capitalism.” However, to the capitalist, this conclusion would almost certainly seem like a non-sequitur, as it would be entirely unclear to her what bearing acts of adding and subtracting have on the desirability of a particular economic system. Indeed, when faced with such a claim, we might expect her to express puzzlement, saying, “Why do you think this is a reason to reject capitalism?,” or, less politely, “So what?,” “And?,” “Your point being?,” etc. Of course, the anti-math partisan could then make explicit her normative premise that acts of addition/subtraction are bad; however, the capitalist would almost certainly be unmoved by this claim, perhaps saying something like, “Okay, but why would anyone think something like that?”

In other words, radical differences in normative commitment would seem to *preclude* substantive debate because what one side sees as a serious objection will not seem to the other to be an objection at all (as it rests upon a normative commitment that the latter finds entirely implausible). However, in Mark’s dialogue, there is robust debate between capitalists and socialists, with this suggesting that there is actually a shared moral foundation that makes each side perceive the objections of their rivals as serious (in the sense that they demand a reply in a way that the complaint about math does not). Indeed, the socialists in the dialogue only feel compelled to deny that the USSR exemplified socialism because they share the capitalists’ commitment to promoting human well-being. After all, if they lacked such a concern, appeals to the failures of central planning and the horrors of Stalin might be shrugged off with a dismissive, “So what?” Similarly, if the capitalists cared nothing for fairness or the concerns of the worst-off, then they would not feel the need to emphasize the benefits markets bring to the world’s poor, instead brushing off complaints about inequality with a dismissive shrug. Thus, it does not seem that the two sides hold incommensurable values in the sense described above.

Turning briefly to Mark’s claim that the general muddle of the debate suggests incommensurable values, it is worth noting that the muddled state of political philosophy is far from unique. Indeed, practically all sub-fields of philosophy seem mired in a similar dialectical deadlock where each of the major positive proposals seems vulnerable to devastating objections and there is little movement toward resolution between the rival camps. However, given that these other sub-fields do not involve normative claims, the muddled state of their respective debates cannot be explained by appeal to incommensurable values, as there are no such values within these sub-fields. Thus, there must be some other explanation for why these debates are muddled. But, if this is the case, then it is unclear why one must posit the existence of incommensurable values to explain the muddled state of debates within political philosophy, as it seems that whatever fact explains why other philosophical debates are muddled could also explain why debates within the field of political philosophy are muddled. Given the existence of such an alternative explanation (whatever it happens to be), there is no need to posit incommensurable values to explain the present state of the debate.

The second question I want to raise about incommensurability is whether it is even *possible* for values to be incommensurable. Suppose, for example, that I endorse some normative thesis *N* that has definite implications for how society ought to be organized. Given that my interlocutor disagrees about how society ought to be organized, she must reject *N*. However, it then might be asked *why* it is that I accept *N* and she rejects it, with my interlocutor and I being thereby pressed to appeal to some further premise that grounds our respective endorsement and rejection of *N*.

For example, it might be the case that I accept metaphysical thesis  $M$  where  $M$  entails  $N$ , while my interlocutor rejects  $M$ . However, if this is the case, then it seems we are in the same position with respect to  $M$  as we were to  $N$ : each of us has to provide additional supporting reason for accepting or rejecting  $M$ . Thus, there is a regress of disagreement, with the question then being how one might terminate it. The obvious answer is that the regress terminates when the two sides reach a point where they disagree about some conclusion—say, whether  $M$  is true—but accept all of the same premises from which the truth of  $M$  is supposedly derived. For example, suppose both you and I agree that  $K$  and  $L$  are true, but I take  $M$  to follow from these premises while you take them to entail  $\sim M$ . In this case we can terminate the regress by double-checking our logic and seeing whether  $K$  and  $L$  do, in fact, entail  $M$ , with this then settling our original disagreement about whether  $N$  is true. In other words, we resolve an argument by finding a point where one interlocutor has failed to recognize the conclusion that follows from her own commitments. Indeed, much philosophy seems dedicated to attaining exactly this end.

However, such reconciliation requires that the rival interlocutors have a shared foundation of just the kind that is denied by Marks' incommensurability thesis. Thus, if he is right in thinking that values are incommensurable, the only way to terminate justificatory regress would seemingly be to appeal to *brute fact* where one (a) asserts the truth of some proposition and (b) maintains that no further argumentative support for that proposition can be given. For example, I might say that the truth of  $M$  is *self-evident* while you say the same of  $\sim M$ , with each of us maintaining that there is no further explanation of why either  $M$  (or  $\sim M$ ) is true. It is this sort of deadlock that seems to be entailed by the suggestion that two interlocutors hold incommensurable values.<sup>2</sup>

However, given the existence of disagreement about the truth of  $M$ , it seems *rationally unacceptable* to insist upon either  $M$  or  $\sim M$  while having no further argument supporting that contention. Indeed, if no argument were needed to support disputed claims, the entire discipline of philosophy would seem to be a futile and pointless exercise in trying to justify that which need not be justified. However, we do philosophy because we believe that such justification must be given. Thus, if one has no supporting argument to give in defense of contested position  $M$ , the rational response appears to be to suspend judgment and adopt a position of agnosticism with respect to the truth of  $M$ .

Given the rational unacceptability of an appeal to brute facts—coupled with the fact that incommensurable values implies the acceptance of brute facts—it would then follow that the incommensurability thesis implies that the debate between socialists and capitalists is an exercise in irrationality. Indeed, if Mark is right, then it seems we should understand the debate as nothing more than two sides doggedly adhering to contested positions for which they can provide no additional argumentative support. However, if this is right, then both sides seem irrational, as does the subfield of political philosophy more generally. Thus, it is not clear that there is any meta-obligation (including Mark's principle of charity) that could improve the situation—at least, beyond the prescription that both sides adopt the rational position of agnosticism.

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<sup>2</sup> An alternative possibility is that the justificatory regress is infinite, with each side providing a non-terminating sequence of supporting arguments without ever reaching a set of premises that the other side affirms to be true. Perhaps this is the predicament socialists and capitalists face, but more would seemingly have to be said to establish that this fact.

### III. Positive and Negative Arguments

The second concern Mark raises about debates within political philosophy is that they are structurally biased against positive proposals and in favor of the negative. Specifically, he suggests that positive proposals have a comparatively high number of *failure points*, where a successful objection to any of these points undermines the entire proposal. These points include (a) the key concepts on which the proposal rests, (b) the normative ideal it posits, (c) its empirical claims about the status quo and the associated normative problems with that status quo, and (d) its empirical claims about the policy that will move from the status quo to the ideal.

However, to show that positive proposals are at a structural disadvantage, it is not enough to list their many failure points. Rather, one must show that a positive proposal has *more* failure points than a negative objection to that proposal. But, this seems to be an entirely contingent matter that will vary from argument to argument. After all, the number of failure points in an argument will correspond to the number of premises that compose that argument, as the falsity of any single premise entails that the argument doesn't go through. However, an objection to a positive proposal might have many more premises than the proposal itself (including its own conceptual claims, normative ideals, empirical claims about the status quo, and empirical claims about the effects of the proposed policy). Thus, the fact that positive proposals have the failure points Mark lists is insufficient for demonstrating the posited structural disadvantage.

Perhaps the claim can be salvaged by reframing the problem not in terms of failure points but, rather, *second chances*. The idea here would be that a positive proposal, if it is to successfully establish its conclusion, must survive all possible objections while its adversaries must only deploy one successful objection to negate the proposal. Thus, even if the defender of a positive proposal is able to fend off a particular objection raised by her adversaries, they might say to her the same thing the IRA said when it narrowly failed to assassinate Margaret Thatcher in the Brighton bombing: "Today we were unlucky, but remember we only have to be lucky once. You will have to be lucky always."

However, if the concern is second chances, then it seems that it might actually be the *critic* of the positive proposal who is at a structural disadvantage. To see this, note that, even if a positive proposal can be shown to be flawed, it does not follow that its purported conclusion is false. Rather, the proponent of this conclusion might simply posit a *new* positive argument in favor of that conclusion. Thus, those with to defend the negation of the defended claim are left playing argumentative whack-a-mole, with no defeat of a particular positive proposal being decisive (as a new one might simply be posited in its stead). In other words, it is the *defender of the positive view* who only has to get lucky once, suggesting that the affirmative position has the structural advantage rather than the negative.

Finally, it is worth noting that there is an apparent ambiguity in Mark's notion of negative positions. In the context of his discussion of failure points, Mark seems to take negative arguments to be mere *objections* where an objection is an argument whose only purpose is to show that the affirmative conclusion cannot be reached in the way suggested (perhaps because the affirmative argument is invalid or rests on a false premise). However, in his discussion of Hayek and MacIntyre, he casts them as advancing negative arguments despite the fact that their

aims are much more ambitious than merely showing some argument for socialism or capitalism does not go through. Indeed, rather than mere objections, they are making independent positive *arguments against* socialism and capitalism, respectively, where the goal is to show that there is something objectionable about the criticized system. In other words, the term “negative position” might refer to either an objection to an argument for some conclusion or a positive argument against that conclusion, with Mark seemingly using both at different points.

With this distinction made explicit, it might be noted that the above arguments are primarily concerned with Mark’s claim that *objections* are at a structural advantage relative to *positive arguments*. Thus, one might wonder if Mark’s claim can be salvaged if we take him to, instead, be claiming that *arguments against* some position have a structural advantage relative to *arguments for* that position. However, I think this claim also runs into problems. To see why, note that, in a dialectical context where there are only two serious alternatives, an argument *against* one alternative functions as an argument *for* the rival alternative. For example, suppose that I am buying a box of cookies for my friend and the only ones I can reasonably afford are chocolate chip and peanut butter. Further, suppose that my friend has a serious peanut allergy. This would seem to be a very good reason to reject a proposal to purchase the peanut butter cookies. However, at the same time, it would also seem to be a good reason *for* me to purchase the chocolate chip cookies. Thus, in a rivalrous context, the distinction between arguments for and arguments against seems to collapse. If this is right, though, then one might think the same is true of arguments for and against socialism/capitalism, as one might take these to be the only reasonable candidate economic systems on offer. Thus, it would seem that, in the context of debates between capitalists and socialists, there can’t be a structural bias in favor of arguments against one system, as all arguments against one system are arguments for the other (and vice versa).