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On argumentative constraints

Forms of argumentation between deliberative frameworks
and powers of political expression

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¹ This text originates from numerous discussions that I have had during the seminar on the “Sociology of controversies and public debates” (EHESS, Marseille, 2003-2005), and the colloquium on “Transformations of democracy: deliberative democracy” (University of Aix-en-Provence, May 12-13, 2004). In particular, I would like to thank Jean-Michel Fourniau and Antoine Vion for their attentive readings of previous versions of this text that, along with new propositions, extended the one that was published as “Invention argumentative et débat public – Regard sociologique sur l’origine des bons arguments,” in the *Cahiers d’Economie politique* in May 2004. I wish to thank Sara Scharf and Assimakis Tseronis for their help to produce, in 2011, this late but valuable english version of the article.

The themes of debate and deliberation, and those of controversy and criticism alike, are at the centre of a number of works today. This interest in the concrete forms of the exercise of democracy is tied to the proliferation of arenas, founded on more or less routine procedures of deliberation, that enable multiple debates on debates. These debates become more and more animated as this proliferation is coupled with an intensifying use of information and communication technologies. “Electronic democracy” is one of the slogans that has emerged in the last few years, without which one cannot really appreciate the impact of the use of the Internet on the way debates are organized.² In this text, I propose to attack the double question of the political and cognitive meaning of contemporary forms of debate, while trying to overcome the tension that recurs between two sociologies: on one hand, a *cynical sociology* - a qualification that should not be considered pejorative - which considers debates to be the instantiation of power relations among actors equipped with more or less explicit strategies; on the other hand, a *moral sociology*, which discusses, justifies and reconciles decisive mediations from which the interest and the value of all public deliberation are established. A third way can freely be said to exist in the form of an *actor-network sociology*, according to which the debates tend to become organized more and more as “hybrid forums.”³ While the opening of controversies and forums of heterogeneous actors really introduces new figures into the space occupied by public speech, the paradigm of a “network” upon which it rests does not help to clarify the processes at play, and, in fact, runs the risk of causing multiple confusions. Which logics of networks are being discussed? The paradigm of a “network” allows for a certain association among tools and processes that do not have the same constraints or the same things at stake; there are different temporalities, and controversies appear as operators that test connections at the intersection of power relations and the relations of legitimacies.⁴ On the other hand, the aforementioned “world network” had to be reconstructed, with a spectacular intensification, after the anti-WTO demonstrations of Seattle at the end of 1999, an opposition, conceived of in an often Manichean way, between the “neoliberals” and “anti-globalization” protestors. What roles did the debates and controversies play in this critical configuration? Were they not instruments of measuring the forces and the points of legitimacy, or did they enjoy a relative autonomy? Seen from the perspective of great causes or great stakes, each discussion or deliberation

²The uploading of documents engaged in the debate and the creation of spaces of expression has, without a doubt, effects on argumentative processes and the exercise of what legal experts call the principle of contradiction. But this is not their only consequence, because, in parallel, in the social sciences, traditional inquiries of this material must go together with forms of “numerical inquiry.” Major changes are happening in the way that controversies and public debates are accessed, for instance, in witnessing the time devoted to the exploration of innumerable sites, portals and forums produced by the actors themselves. How can we grasp the contribution of online resources to different debates, affairs, controversies, causes and other collective mobilizations? How is it possible to understand the changes without becoming immersed in them? Is it possible to talk about the “critical bubble,” the way we talk about a “speculative bubble” in the stock market? See D. Cardon and F. Granjon about the emergence of new forms of online discussion and criticism in “Médias Alternatifs, Militantisme Informationnel et Mouvement Altermondialisation,” Colloque Enjeux sociopolitiques et Internet – Militantisme, critique sociale et usages d’Internet, Toronto, October 2003.

³ See M. Callon, P. Lascoumes and Y. Barthe, *Agir dans un monde incertain*, Paris, Seuil, 2001.

⁴ I present a model of the transformation of disagreements into disputes, that is, the transformation of shows of forces into legitimate proofs following the general axiomatic approach that I proposed in “Un cadre d’analyse des disputes,” F. Chateauraynaud, *La Faute professionnelle – Une sociologie des conflits de responsabilité* (Paris, Métailié, 1991, pp. 159-249).

seems local. Conversely, from the interior of deliberative procedures, in which normativity is no longer affirmed,⁵ significant actors (governments, political parties, unions, industry representatives, associations and groups, ...) are spontaneously treated according to the strategies with which they exploit the debates.

Another way is possible to somewhat clarify the stakes and to propose a framework of evaluation open to the plurality of forms of expression or disagreement: that of a *pragmatic sociology of transformations*, which allows for the identification of the things that public debate adds, removes, modifies or consolidates in social processes understood in the long term. In fact, like a figure taking form against a background, every debate improves as it goes through more and more tests or confrontations. While a debate is understood on its own, the risk is run of producing categories of description and of analysis that are too abstract. By understanding the backdrops of “public debate,” “controversy,” or “social forum” with reference to the series of proofs that preceded them, prolonged them, extended beyond them or surpassed them, the processes according to which a debate or a controversy is rendered necessary can be seen precisely in the absence of a compulsory procedure; the interrogation of the impact or the consequences of the debate about places, tools, representations, over the purely formal aspects relative to the procedure of deliberation itself can be questioned, and, finally, it is possible to identify *precedents* and the things that continue to influence policies and judgments in the long term.

To deal with the different dimensions of debates, it is helpful to focus on the origins and the fate of the arguments put forth by the protagonists. In the sociological perspective proposed here, arguments are treated as the elemental units of signification that allow for comparisons and analyses of complex and heterogeneous material. It is helpful not to confuse this methodological approach with the political philosophy developed by Habermas, about which the majority of sociologists in the field are skeptical, resorting to the good old argument that “it doesn’t work this way in practice, because it is impossible to isolate an authentically deliberative public space from a world of powers and motives dominated by an instrumental logic!” In itself, skepticism about the real place of arguments in debates and conflicts in general is stimulating; it leads us to imagine original forms of inquiry to clarify how *set of actors* and *set of arguments* combine. Sociology generally privileges sets of actors, and the manner in which their strategies, their interests and their allegiances interact with institutional forms of deliberation – which function, in turn, according to the current rhetoric, as many resources and constraints for convincing other actors. From this point of view, institutions are simply tools of compromise that stabilize the relations among actors, blunt their confrontations, and provide norms of behavior and of judgment, the legitimacy of which are routinely called into question during new crises.⁶ According to this approach that

⁵ See J. Bohman and W. Regd (eds.), *Deliberative Democracy – Essays on Reason and Politics*. MIT Press, 1997; L. Blondiaux and Y. Sintomer, “L’impératif délibératif,” *Politix* 57, 2002, pp. 17-35.

⁶ There is no room in this paper to discuss the propositions of J. R. Searle in *La construction de la réalité sociale* (Paris, Gallimard, 1998), but it is clear that the demonstration of deliberative forms transforms the notion of institution, at least for the actors, and changes the conditions of reasoning, by putting to rest the question of links between deliberation and sovereignty. We see a bit later that the question of “foundation” takes essentially three forms for the protagonists of our analysis: the promise, the contract and the mandate. This aspect of my argument

looks at the sets of actors, if an entity succeeds in convincing, or at least in gaining attention through some argument, it is because it was able to combine powers and laws and render itself, if not impossible to ignore, at least “pertinent” to the other protagonists. It seems to follow, then, that moments of the discussion or of the confrontation of arguments do not form but short sequences in long series of transformations. As a result, the analysis must bear on the evolution of powers at play, the institutions of actor-networks, and the enterprises of citizen collectives. In brief, one could conclude that by taking the sets of arguments as an entrance point in the analysis, there is a high probability of missing the most essential thing: the power dynamic that the actors build in order to emerge victorious from disputes or crises. In what follows, I will demonstrate the opposite: it is by taking the sets of arguments as our entrance point that one has greatest chances of understanding what gives the power of conviction to an entity or to a network of entities.⁷ In this article, I will proceed as follows: I will first develop the idea that protagonists devote a great deal of energy to evaluating the “scope of arguments”⁸; second, I propose to diversify the notion of “debate” by constructing/describing the complete space of forms of *arenas* in which arguments are wielded, ranging from a simple conversation to a political debate to a confrontation; third, on the basis of this *space of variations*, I suggest another model of political sociology, founded on the sets of transformation in which actors are engaged across three plans or levels of argumentation.

The process of arguing: a question of scope

Analysis based on arguments does not signify an idealist conception of debate, but corresponds to taking into account one of the first conditions of existence of democratic entities: it is very difficult to enter into a debate without an argument or without a position vis-à-vis an argument. The set expressions, “still subject to debate,” “out of the realm of debate” or “to refuse to debate,” testify to this common experience of not having an argument to add, or not having been informed or competent enough to respond to it, or not having an opinion about how the discussion was unfolding, or of not agreeing to the way in which the turn-taking has been organized. There are many ways to account for this disengagement or distance: the formula invoked most frequently these days is that of the idea of a minimum of “concern.” To “engage in debate,” “speak,” “ask questions,” or “judge the arguments at hand,” there must be concern, a notion that allows for the avoidance of “self-interest.”⁹ In fact, people and groups become concerned without necessarily needing to have previously constructed their interest in a *space of calculation*. This draws upon an important dimension, often forgotten in the sociology of

owes very much to the discussions that I had with Antoine Vion, and the analysis that Olivier Cayla devoted to the links between weakness and the foundation of rights. Cf. O Cayla, “Aveu et fondement du droit,” in B. Cassin, O. Cayla and P.-J. Salazar (ed.), *Vérité Réconciliation Réparation*, Seuil, Paris, 2004, pp. 80-110.

⁷ The comparison and computerized analysis of multiple complex files in which the future of groups, instruments or institutions is at play (e.g. nuclear power, contract workers, the use of GMOs or pesticides, the status of researchers, etc.) give a central role to the origin and fate of arguments elaborated by the protagonists. See F. Chateauraynaud, *Prospéro. Un technologie littéraire pour les sciences humaines*, Paris, CNRS Editions, 2003.

⁸ F. Chateauraynaud, “Invention argumentative et débat public. . .”, cited above.

⁹ Inspired by the penetrating analyses of Philipp Pettit of the conditions of validity of theories of rational choice, it could be said that the interest of actors put on alert. P. Pettit, *Penser en société. Essai de métaphysique sociale et de méthodologie* (Paris, PUF, 2004).

actors, that of *associated milieux*.¹⁰ Projects, decisions and conflicts can affect places or put people or groups into a state of alert about the potential outcomes in their milieux. Actors can also feel concerned about a debate because of a concern about the process, without necessarily having a predetermined interest in its outcome.

To get out of the dilemma between internalism (prioritizing the study of arguments) and externalism (the predominance of sets of actors), one must endeavor to think about the arguments in terms of scope. Who puts forth an argument, what is it important to and what is its importance? The idea, inspired by enunciative approaches to language, consists in thinking of argumentation as a discursive movement that describes, with variable degrees of explanation, its proponent (its enunciator), its object (its theme), and its extension (its consequences). In other words, to refer back to Ducrot's thesis, one would say that an argument puts *topoi* into place and evokes a certain polyphony: an argument applies, more or less implicitly, to figures or argumentative levels, and demarcates a position with respect to other possible positions.¹¹ The argumentative imperative that weighs on the participation in debates can also be understood as the expression of relatively strong constraints on enunciations, ideas, and propositions, of which the realization depends upon the acceptance or rejection of their importance. Because it is easier to be reductive when one starts with the sets of actors than when one starts with the sets of arguments, it is convenient to invert the natural propensity of a sociologist by describing the actors no longer *à priori*, but instead through close linkage with the arguments in which they make up a group of agents.¹²

The pragmatic approach teaches us that the significance of an argument depends heavily on the "context" in which it is enunciated. It depends on it doubly: at once via the type of representation that an argument encourages, and also via the chances that it stands to be restated, without major alterations, in arenas relevant to very different logics. The emergence of an argument therefore is the object of cognitive and political work that seeks to associate three types of constraints over the long term: the series of frameworks or of contexts in which the argument can be presented; the entities or objects that it affects, and the type of future work or, more prosaically, of change, that the argumentation used announces. We will not expand here on the dimension the importance of which we have already discussed : time is not conceived of as an external variable, but more as a modalisation of the sense of the arguments themselves.¹³ An argument always builds a relationship among the past, present and future, to demonstrate that everything has already been said, done, established – which evokes the "eternal syllogisms" of tradition - notes the urgency or uncertainty of the present moment, or announces the future, near or distant, and demarcates degrees of reversibility. In the cases studied

¹⁰ See G. Simondon, *Du mode d'existence des objets techniques*. Paris, Aubier, 1989.

¹¹ O. Ducrot, "La Pragmatique et l'étude sémantique de la langue," in J. Revel and N. Wachtel, *Une école pour les sciences sociales*, Paris, Cerf-EHESS, 1996, pp. 339-351.

¹² This presupposes as known the theory of systems with agency and the notion of "agent," which comes from the structuralist tradition. See L. Tesnière, *Éléments de syntaxe structural*, Parisk, Kincksiek, 1966.

¹³ F. Chateauraynaud et D. Torny, *Les Sombres précurseurs – Une sociologie pragmatique des alertes et des crises*. Paris, EHESS, 1999. Our argument about temporal modalities, evidently central in the case of alarms, is applied to the work of R. Duval, *Temps et vigilance*, Paris, Vrin, 1990.

here, the examples of argumentative reconfiguration of the dimensions of time are numerous: “by stopping the construction of nuclear plants now, we avoid a buildup of waste and reduce the risk of accidents.”

Theorists of argumentation are divided on this question, but the openness of argumentative announcements must be admitted, that is to say, there is an absence of a determined syntactic form that permits the instant recognition of an argument and that would distinguish it from, for example, a narrative statement, a figure of speech or an order.¹⁴ While arguments could take very different forms, the high level of reflexivity introduced by controversies, debates or social affairs would nevertheless bear on *prototypical figures*.¹⁵ The table below (Figure 1) gives several examples of traits that allow for a work of formalization and can act as a tool for the search of instances of argumentative activity in the corpora of the cases under study.

¹⁴ Cf. S. McEvoy, *L'invention défensive*, Paris, Métailié, 1995.

¹⁵ On the forms of reasoning used by contemporary logic to get out of classic syllogisms, see R. Blanché, *Introduction à la logique contemporaine*, Armand Colin, 2004, and F. Nef, *La logique du langage naturel*, Paris, Hermès, 1989.

If X, then Y	If global warming is unavoidable, current decisions only serve to artificially prolong civilization in the hope that the elites can flee into space.
Certainly X, but Y	Certainly, contract workers are exploited, but their status is comfortable.
For X, there must be Y	For research to be saved, there must be a more equitable distribution of public credit.
Since X, Y can no longer be	Since European law requires concurrent development, we can no longer have a monopoly.
X is not incompatible with Y if Z	Belief is not incompatible with science so long as one augments one's ethics of conviction with an ethic of responsibility.
We think that X entails Y	We think that the new EPR reactor entails accumulated risks for future generations.
In the name of X, there is no reason for Y	In the name of republican equality, there is no reason why gay marriage should be banned.
As long as X or Y obtains, P or Q follows	As long as one privileges competence or the market, one will obtain better reliability or better flexibility.
Neither X nor Y can justify Z	Neither urban development nor the interest of local elites can justify the cutting down of these trees.
It is too late for X, since Y occurred; we must choose Z and not U	It is too late to change direction since 25 countries have entered in the European Union; we have to choose "social Europe" and not the market.
Neither X nor Y can justify A's thesis, according to which Z obtains	Neither scientific studies nor economic calculations can justify the government theory that the highway is in the public interest.
A's belief, according to which X is the case, is unfounded	Mr. Dupont's belief that high voltage power lines cause cancer is unfounded.
A defends the thesis that Z is not Y	Greenpeace defends the thesis that nuclear power is not truly profitable in the long term.
According to A, there is no connection between X and Y	According to the Minister of the Interior, there is no connection between the unemployment figures and delinquency statistics in France.
A and B disagree about the interpretation of X	The Social Progressives and the Green Party disagree about the interpretation of sustainable development.

Figure 1: Examples of traits

Among the decisive elements to take into account in the analysis of arguments, which can direct our analysis to the sets of actors involved in the arguments, there are, of course, all the forms of statements of protest and contradictory speech, as shown in the last figures in the table below.

These figures are connected to the dialogical revisiting of opposing arguments or to the interconnections between the commentaries and the interpretations of the actors. Without entering here into the methodological works on the forms and the indicators that allow for the recognition of the presence of significant instances of argumentative activity, we can see that it is possible to identify the elements that give form to arguments, or which permit actors to give meaning to the use of their arguments. By comparing moments of debate on very different topics, we can recognize six fundamental elements, the combination of which provides what one could call *argumentative grammars*. These grammars, insofar as they make no contribution to the fundamental aspects of debates, allow for the description of the procedures used by the actors to give an identifiable form to their arguments: principles, objects (or situations), material forces, logical constraints, traditions, and opening up to the future. Take, for instance, the combination of these elements in the representation of the arguments used in the Gaucho case, in which an insecticide was suspected of killing bees, and which gave rise to multiple warnings and controversies:

You can't apply the principle of precaution [principle] to the Gaucho case [object] under pressure from environmental lobbies [force], whose arguments are totally illogical and contradictory [logic], and make a blank slate of the past [tradition] to render the future of corn producers even more uncertain [future].

By projecting these fundamental elements in a three-dimensional space, we get a "variation space" which allows for the localisation of different levels and issues of the debate, understood here from an epistemological point of view. We can thus distinguish the conflicts of doctrine, which are opposed to the principles of judgment or evaluation, and separate justifications, which have bearing on traditions or precedents taken from the past, from forms of reasoning calling on systems of logical inferences, modalities of expertise and grounding in sensory experience of the world, processes of creation of objects or of the announcement of change¹⁶ (see Figure 2). The advantage of this variation space is to render compatible the logics that are generally separated into different spheres. This way, the existence of sets of actors and of the expression of balances of power is taken into account in the set of arguments. For example, when it is said that "the balance of power is favorable to the adversary" about some point, it can be treated in a particular proof as a good argument. The argumentative space can be understood in successive reconfigurations, rather than as static. By describing the transportation of new elements (e.g. a principle, a case, an experiment, or a precedent), and the progressive crystallization of new sets of actors and arguments, we can follow more closely the transformations performed by each public discussion.¹⁷

¹⁶ F. Chateauraynaud, "Invention argumentative et débat public," as above.

¹⁷ For an example of a long-term view of the successive transformations of spaces of mobilization in health and medicine, see N. Dodier, *Leçons politiques de l'épidémie de sida*, Paris, Editions de l'EHESS, 2003.

We also see all kinds of scenarios in which the extremes are formed, on one end of the spectrum, by the debate or controversy which no longer changes, or changes only slightly at its margins, because of the institutionalization of slogans or claims (such as in the case of nuclear energy and alternative sources of power), and, on the other end, by polemics or shows of force which are continually changing, as each actor introduces heterogeneous elements which make it difficult to determine the exact structure of sets of arguments and the institution of a common space of reasoning. From this

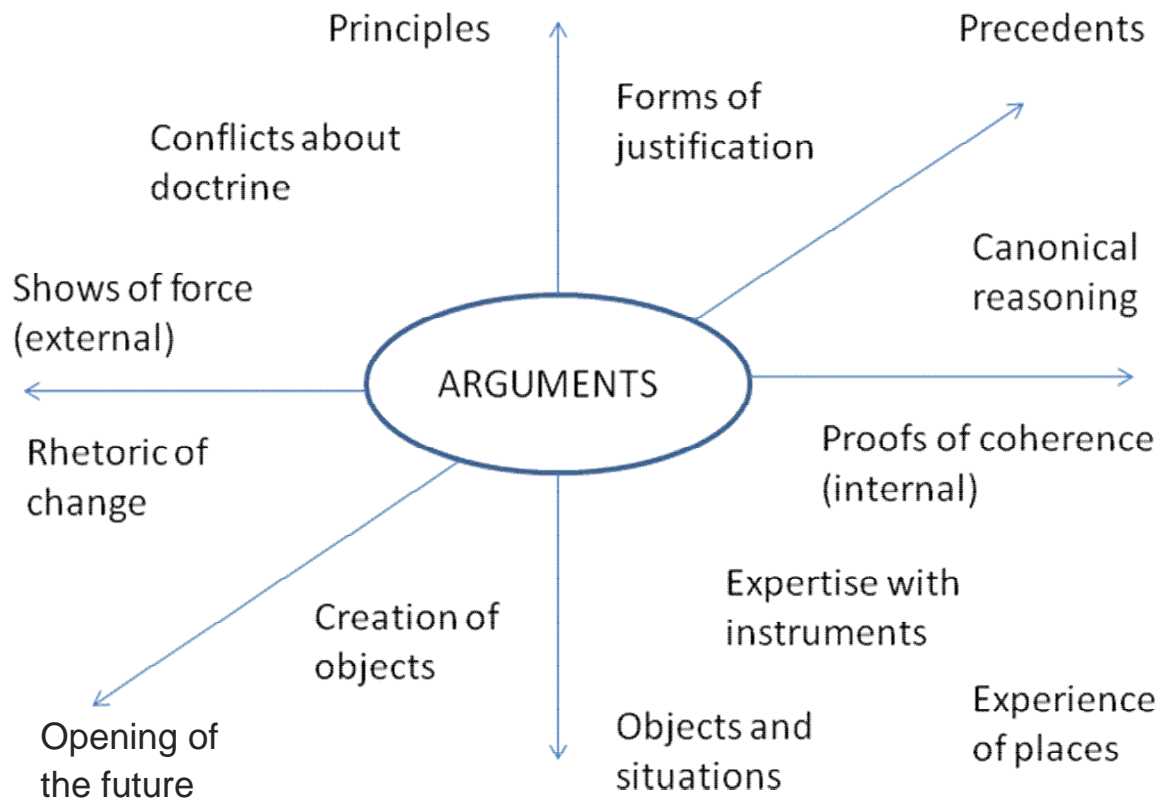


Figure 2: Argumentation as a space of variations.

point of view, the case of “great national debates,” such as those that took place in France about the future of education or the performing arts (following the “contract workers” scandal) is a good example: faced with the heterogeneity of speakers and of forms of argumentation, the authorities were led to synthesize and authoritatively select the pertinent arguments. The reduction that arose, after the opening of the space of possible arguments, created multiple frustrations, and the majority of actors involved felt that nothing decisive came out of it. Between these two limits that make up, on one hand, the convergence of points of view (consensus) and, on the other hand, the divergence of interests

(dissensus),¹⁸ we find three configurations of public forms of deliberation that are interesting for a sociologist. The first is characterized by the creation of formalized instruments which play a role in major productions of debate, for instance, when new norms are incorporated into legal texts, sets of rules, or conventions: the debate is here a producer of institutions. The second configuration is marked by a separation of objects and procedures of debate: for instance, according to the model of commissions in deliberative assemblies, actors distribute themselves into different committees, and the debate therefore plays the role of a distributor of competencies. This separation of objects and procedures allows for the maintenance of the coherence of the group, in contrast to the heterogeneity of problems; this case is the most frequently encountered when institutions have already emerged. Finally, a third configuration concerns the emergence of a new form of protest, one that previously did not exist or was embryonic: the debate here is about the highlights of a *political work*, which cannot be reduced to the deliberative dimension. In each such case, changes are well and truly taking place which can neither be attributed to the actors alone, nor to the arguments alone, but must instead be attributed to the manner in which the sets of actors and arguments are associated to each other over a long time. Regardless of whether there are changes in representations, modifications of alliances or oppositions, the creation or recasting of instruments, the elaboration of rules or norms, the emergence of collectives or institutions, or of new methods of inquiry or of speaking, the actors and their arguments can be followed from their emergence through to their insertion into institutions or the expression of common sense.

From conversation to public demonstrations

On one hand, argumentation can be understood as an arrangement of utterances that engage in the “grammatical” dimensions, in the Wittgensteinian sense, that I have described above. But, on the other hand, the same arrangement of utterances does not always result in the same argument; instead, it varies according to the context in which it is expressed. In this second part of the text, I propose to consider a plurality of organized frameworks, or social forms, available for exchanges among actors and arguments, or, more precisely, in which the roles of the actor and argument are enunciated or announced. Recently, attention has been focused above all on the procedures instituted in public debate in which deliberation and confrontation of arguments are supposed to be central, to the point that it is almost possible to put to a real test the model of discussion advocated by Jürgen Habermas.¹⁹ But the comprehension of the meaning that actors give to this type of formal procedure presupposes the comparison with all of the available forms; it is only this comparison that is capable of providing us

¹⁸ The idea that the public expression of disagreement can be defended as one of the contributions of public deliberation. Mark Osiel notably defends the theory of “civic dissensus” against the idea of reconciliation at any cost with respect to the important trials dealing with “crimes against humanity.” See M. Osiel, *Mass Atrocity, Collective Memory, and the Law*, Transaction Publishers, New Brunswick, N. J., 1997.

¹⁹ See A. Bouvier, “Dimensions axiologique, épistémologie et cognitive de la délibération publique.” *Cahiers d’Economie politique*, May 2004.

with the tools to evaluate the nature of cognitive and political contributions of debates organized under the aegis of the National Commission on Public Debate (CNDP).

The analysis of arguments begins with the framework of enunciation associated with them. A single utterance may be spoken in a conversation or in a courtroom, in an electoral debate or during a negotiation, but it does not amount to the exact same argument in each situation.²⁰ In other words, the notion of argument incorporates and reflects the framework or context in which things are stated, and, more generally, what I have referred to earlier under the notion of scope (“portée” in French). So the same phrase or the same discourse can be considered to be a good argument in a negotiation, but not in a public debate. Conversely, different situations of enunciation lead actors to modify, give agency to, and present their arguments in different ways, because it is part of every argument to be polyphonic, that is to say, dialogical: depending on the interlocutors, the nature of the audience, and the degree of symmetry of the exchanges among the protagonists, one is led to say things in a different way while having the goal of saying essentially the same thing, or to defend the same interests and representations. The table below (Figure 3) presents a number of very general configurations in which exchanges of arguments are deployed, and which are obviously not all of equal importance. I propose to describe each form according to several simple criteria: a dominant constraint for the form to act on the actors present and for it to hold; a point of reference that surpasses the protagonists, serving them as arbitrator or justice of the peace; a reason to put an end to the use of the regime ; and a very general prototype chosen in a list that is no longer expanding because, in the current context, few objects appear to escape criticism or public discussion.

²⁰ The place of discussion, as defined in the works of John Rawls, opposes “arguing versus bargaining,” without ever describing changes in context, properly said. Conforming to the opposition active in the Enlightenment, this analytical distinction has the virtues of grasping the differences between deliberative forms and representative forms (the latter were supposed to spontaneously lead actors to haggling). But, from our sociological point of view, scenes of negotiation are evidently populated with arguments, not the least of which is the necessity of negotiating.

Configuration	Dominant Constraint on Arguments	Point Reference	Motif of Closure	Prototype
Conversation	Civility	Relation/ Reciprocity	Stop in order to be able to restart	Billions of everyday conversations
Dispute	Renounces complete explanation	Everyday life	Risk of breaking up	Marital dispute
Negotiation	Objects are rendered incommensurable	Agreement among parties or mediator	Convergence of interests	Negotiating a raise
Social Dialogue	Extending the negotiation to the whole social body	State	Social peace	sustainable development
Controversy	Tangibility of arguments under discussion	Community of competent actors	Tangible proof	"Life on Mars"
Scandal	Logics of accusation and defense	Justice	Fair judgment	Infected blood scandal
Polemic	Coherence of rhetorical processes	Spectator	Fatigue	Anti-intellectualism
Forum	Heterogeneous points of view and testimony	Organizer	Clock	European social forum
Public Debate	Deliberative norm	Citizen	Procedure	Building a new power line
National Debate	Synthesis and coordination at the national level	Government	Ad hoc procedure	National debate on education
Political Debate	Representativeness of spokespersons	Elector/Voter	New mandate	Citizenry/Laicity
Show of Force	Alliances, protests, resistance	Power	Victory	World Trade Organization

Figure 3: Forms of expression of agreement and disagreement

This second space of variation allows for the understanding of the particular importance of intermediate levels that make up controversies, scandals, public debates and other forms – to which consensus

conferences can be added as well.²¹ They play a mediating role between the scenes of everyday life, in direct contact with practical considerations and places, and the great political causes in which the asymmetries are the greatest in the economy of speaking and the success of arguments: capacities of protest, instruments of objectivity, political representations, intellectual positions acquired through the media, all these resources are alternately engaged, giving rise to a *political work* marked by a strong strategic character.

This work in the space of scenes of action and of argumentation permits us to put aside the different sociological paradigms and avoid reductionism: calculations and battle of wills are not all that there is, “public space” is not the only level where action takes place, actors’ constraints vary according to the situational and institutional contexts in which they participate. Outside of this space, we can see how an issue arises in a certain form of deliberation, or, conversely, how a certain form takes hold of an issue, without reducing one to the other – such as in the recent example of the manner in which the question of nuclear power was treated in the process of public debate, which until then had been applied exclusively to issues regarding local development. If we look at the way in which this space is structured from a cartographic perspective, we can make explicit a number of parameters which make it possible to model the constraints as they pass from one form into another. These parameters can be formulated as the symmetry of protagonists and the degree of codification of proof and the indexing of constraints that bear on the list of mobilizable arguments. We can also go up a notch in formalizing the synthesis of these constraints in the form of three regimes: ordinary interactive processes, argumentation dependent on instruments, and the power of expression in an area of political representation.

Three plans emerge from this space of variation (see Figure 4). The first plan refers to the processes according to which the actors engage in discussion without feeling the need to resort to instituted forms or to specially mandated instances in order to handle eventual disputes; conversation, dispute and negotiation can therefore refer to each other without ever leaving the realm of immanence of arguments weakly dissociated from modalities of anchoring people in their environments. It is possible to imagine a social world in which people and groups handle almost all their “daily life affairs” using these three forms.²² Founded upon cycles of reciprocal exchange, the symmetry of protagonists is fundamental here; the codification cannot be separated from the shared culture and environment; the objects engaged are subject to a constraint of indexicality that can be said to be “situated,” even when invisible entities such as spirits, gods, and occult forces occupy the cosmology of the actors.

²¹ See the very militant but very convincing point of view of Jaques Testart, “L’expérience prometteuse des conférences de citoyens. Inventeur de nouvelles formes de démocratie participative.” *Le Monde diplomatique*, February 2005.

²² We find here what numerous ethnologists have described using the expression “oral tradition.” For example, in Kabylia, see A. Mahé, *Histoire de la Grande Kabylie XIX^e-XX^e siècles. Anthropologie historique du lien social dans les communautés villageoises*. Saint-Denis, Bouchène, 2001.

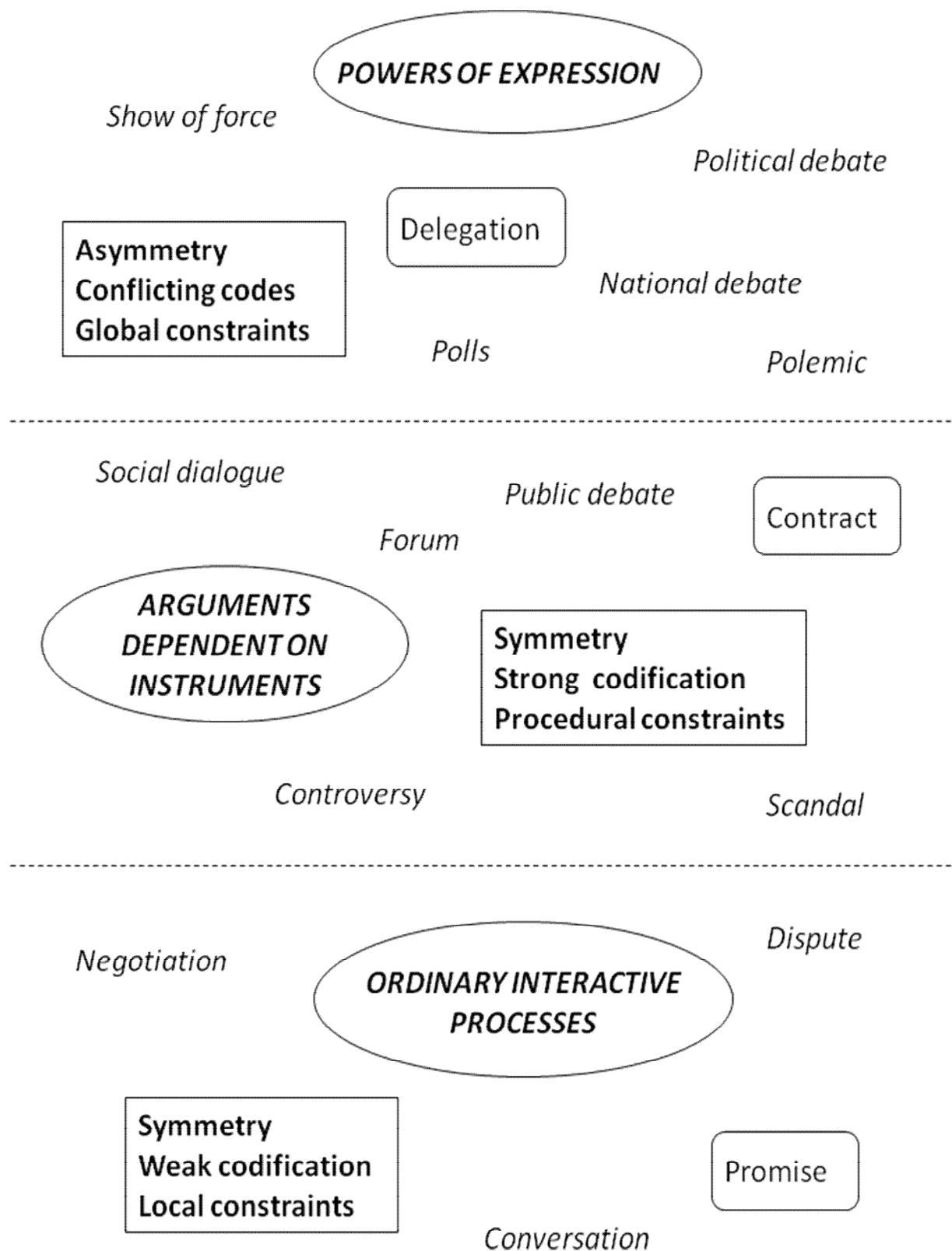


Figure 4: The different spheres of argumentation in public arenas.

The second plan allows for a change in the state of the three retained parameters: symmetry is no longer a synonym of reciprocity, but of equal treatment; the degree of codification is much stronger when it is removed from the milieu by taking the form of instruments capable of independent self-regulation, though there is a risk of infinite regression, in that bureaucracies provide innumerable paradigms, such that there can be rules according to which it is possible to have a meeting to discuss rules according to which meetings can be called to discuss rules, etc. Finally, actors and objects, and, hence, arguments, are indexed according to procedural constraints, i.e. categories and argumentative processes already catalogued. (The legal world gives us the clearest example of this). Immanence does not dominate, rather, functionality does. The proceduralization of disputes is actually built up against two other plans: 1. customs, habits and local interests, suspected of a deficit of rationality, and 2. political constructions and maneuvers that operate in open spaces and create an incertitude built on the status of rules and their effectiveness.

The third and last plan is that of political space, here meant in a broad sense because the space of political representation is constantly outflanked on one side by shows of force, and on the other by polemics – and we see that one of the “stakes of the battle or struggle”, to use terms from Bourdieusian sociology that has been widely taken up by the actors themselves, consists precisely in fixing the limits of what is acceptable, in the interplay between legality and legitimacy that is constantly redefined. While the actors and their arguments are situated according to this political plan, the parameters change value: asymmetries are “normal;” codes are in permanent tension or conflict (there is no longer a procedure of limitation outside of the authority of the state, and the law itself is constantly being discussed, which is not the case for the intermediate plan;)²³ and arguments can be connected to vast ensembles of actors and objects, potentially engaging the entire planet and sometimes going even beyond it, as in when they involve the conquest of space. Constraints are no longer procedural because the arguments engage visions of the world and, more precisely, cannot be qualified as good arguments if the visions of the world that they convey are judged to be unconventional or deviant – or, since there is no principle of closure of this point of view, the observer is condemned, in this space, to a form of relativism. So why are we arguing at this level? One response resides in the idea that argumentative form allows for the development of a power of expression for which one of the most manifest embodiments resides in the production of doctrines and of slogans.

There is another way to distinguish these three plans: we can concentrate the force of our analysis on the three fundamental sources of possibility or on an exchange of arguments, or even on the implementation of an argumentative constraint. The question to ask then would be the following: What does, in each plan, spur the actors to argue, even when they have nothing to say, or to exploit available resources in a purely strategic manner? We could hypothesize that, in the first plan, it is the *promise*

²³ We do not consider here all instances associated with “politics,” but only the moments of debate. While political debate knows no limit, certain arenas, such as Parliament, allow for constraints in the use of procedures analogous to those that we find in the intermediate zone of our space of variation. But it suffices to follow a parliamentary debate at least to be able to say that the overflows are just as frequent as the framing and reframing. More precisely, the switch to a show of force or a polemic is constant, and this is also one of the major components of the competence of a political speaker, namely to be able to exploit changes in the regimes of confrontation.

that is, at last resort, at the base of the argumentative act, while in the second plan, it is more a *convention* (or a *contract*), and, in the third plan, it is the *mandate* (or the *political delegation*). We will try to elucidate this intuition a little more. The aforementioned idea about the unification of constraints is that the argumentative imperative – the necessity of proceeding through arguments – comes from the character that institutes all discussion, a character that changes nature or importance, according to the way in which people are engaged: A promise requires/engages one to keep one's word, and even more importantly, to display good faith. It suffices to draw on multiple experiences of conversation, dispute and negotiation, to see at which point the fact of arguing engages us in a form of loyalty, without which a break in the exchange, and sometimes resorting to violence, would be inevitable. Would we keep discussing something with someone who never stopped lying? Would we accept trickery in a negotiation? Could we close a dispute in a mutual state of bad faith? We see here some of the elements put forth by Patrick Pharo in his sociology of civil acts,²⁴ or Renaud Dulong referring to testimony.²⁵ The conventional term, or contract, that brings together the constraints bearing on the origin and the treatment of arguments in the very different forms of scandal, controversy and public debate, may appear too general. But we must look precisely beyond the great diversity of concrete forms taken by debates, which conventionally bind together not only people among themselves, but also objects. Actors must agree on the sets of obligations and engagements, even, and above all, if they must make objects or situations speak, deploy or represent: there is an obligation of the means and/or of the result that regulates which the reality tests actors must undergo, notably when they announce that they are withholding evidence.²⁶ With respect to mandate, it is doubtless the dimension that was explored the most intensely in political theory.²⁷ But what interests us here is how representatives endowed with a power of expression emerge at the end of the long process of discussion and of demonstration. To produce the effects of enrolment, this power of expression supposes an upstream *political work* on the sets of actors and arguments, and must therefore feed the productions coming from different and distinguishable arenas (that is, scandals, controversies, forums, negotiations, demonstrations or other shows of force).

In total, the architecture proposed here allows us to consider three levels of constraints that bear on the protagonists: the production of public proclamations about their experiences in the world of the senses (constraints of place, for example, the scholarly milieu or the agricultural space); the degree of mastery of technical instruments and procedural forms, or, if so preferred, instances which produce codes and formats of action and of judgment (instrumental constraints, for example, the state of knowledge in a scientific domain or the state of rights in a judicial domain); or their stance (or lack thereof) in an axiological space engaging values, representations or ideologies (constraints of political representation, for example, matters of political economy or social protection). But one must be in a position to take this architecture even further in order to bring together all the aforementioned ingredients to make two

²⁴ P. Pharo, *Sociologie de l'esprit – Conceptualisation et vie sociale*, Paris, Puf, 1997.

²⁵ R. Dulong, *Le témoin oculaire – Les conditions sociales de l'attestation personnelle*, Paris, EHESS, 1998.

²⁶ On the processes of proof understood in terms of processes of "tangibility," see F. Chateauraynaud, "L'épreuve du tangible – Expériences de l'enquête et surgissements de la preuve," L. Quéré et B. Karsenti (eds), *La croyance et l'enquête. Raisons pratiques*, 2004.

²⁷ See B. Manin, *Principes du gouvernement représentatif*, Paris, Flammarion, 1996.

axes: first, an axis that marks out the *degree of politicization* of the exchange of arguments, and, second, an axis that refers to the distribution of *internalism* and *externalism* of the arguments. The forms of argument on the right side of the figure contain structures that direct how the tests unfold and engage the actors – who must maintain a form of coherence – much more so than those on the left side, where it is, rather, power and the ability to demonstrate that the protagonists must also take into account, with the argumentation leading to processes of criticism and revelation for underlying reasons or interests.

The three parameters set out here, namely, the degree of symmetry among the actors, the degree of codification of their exchanges, and, finally, the constraints of indexicality that bear on their acts or their arguments, are well understood as the importance that the debate on debate or the dispute about the conditions of dispute take in observed situations and processes. This all indicates that the type of argument depends on discussions about the framing of discussions. If public controversies and debates constitute instruments central to the process of demonstrating and researching agreement, it is precisely by virtue of their median position, which permits them to simultaneously constrain the exchanges of arguments and to assure a symmetry of participants. The three spheres or three plans made visible by the architecture proposed above can be described as three forms of organization of argumentative proofs: in conversations or disputes, it is *ordinary interpretive processes* that dominate; in the intermediary forms that make up forums, controversies or debates, *instruments* occupy a dominant place, which, as mentioned above, give a decisive weight to objects in question, which the protagonists must take seriously if they wish to convince or arrive at a long-lasting agreement – or, at least, a sufficient explanation of the sources of disagreement; in the more political space, it is the *power of expression* that counts. This last notion is important because it refers to a logic of speech that assumes a simultaneous asymmetry of positions, the trajectories of possible sets of arguments (stylized in the expression “global constraints”), and, above all, the conflicting character of codes or of categories at play (acting and arguing in the absence of a “common world” is precisely what results in the designation of enemies as a solution). Arguments here are closer to the slogans or doctrines espoused by those who have access to public speech, or not espoused by those who lack sufficient power of expression.²⁸ Power of expression takes on different forms according to whether it comes from a protest and a show of force, a mandate or a political position already taken, or, furthermore, from tools capable of pooling voices or opinions (e.g. votes or surveys). From this point of view, polemics appear in a frontier zone because they borrow traits from political debate (speakers intervene), controversy (they are often justified, if not by science, at least by intellectual authority), and scandal (the logic of the process is present through the interplay of accusation and defense).

²⁸ The expression “loudmouth” is often employed to characterize people who develop a charismatic type of power of expression. In the same vein, numerous silences or absences of public speaking rest upon the expectation of a relative weakness in the power to express material. From this point of view, there is no discontinuity between an argumentative act and a strategic act, an individual’s capacity and collective force: long apprenticeship in public speaking engenders particular competencies that allow for the assertion of a power of expression from sets of actors and arguments. Rhetorical treatises evidently put this argument forth most strongly. See, among others, G. Declercq, *L’art d’argumenter. Structures rhétoriques et littéraires*, Éditions universitaires, 1992.

What is interesting about all this is seeking to characterize not just each form of argumentation in itself, but, (a), the conditions under which each form changes into another (how a conversation leads to a crisis, a controversy turns into a polemic, and a scandal into a political debate, etc.), and (b), the global configurations that participating in this or that form of argumentation implies for their protagonists.

Putting limits on powers of expression

The question of powers of expression won by the actors constrains the examination of encounters or overlaps among three logics generally not associated together: that of the *emergence of a public problem*, that of *political work* and, finally, that of *political representation*. In ordinary contexts or situations, such as conversations, disputes, or negotiations, which allow actors to deal with the majority of their practical problems, the sphere in which powers of expression develop appears distant and easy to criticize from the point of view of the arbitrariness of the representations deployed in it: “it doesn’t work like that,” “in real terms,” “in reality,” “in everyday life,” etc. It is in order to succeed in mobilizing the people that powers of expression must necessarily simplify, cut short, reduce, and distance themselves from the innumerable details through which people and groups describe their experiences and formulate their points of view under more ordinary circumstances. Political work consists precisely in taking into account and making a hierarchy of what, in normal exchanges, could feed into ideas, programs or claims susceptible to being animated by a power of expression. While the transformation of “simple” conversations or negotiations into more formalized frameworks, such as the procedures for public debate or a scandal, implies a transformation of arguments, in that it imposes stronger constraints of coherence and explanation, the transformation into politics – here understood in the broad sense of a confrontation of powers of expression – produces a phenomenon of inversion: what was still under the control of exchanges ruled by procedures changes nature, intensifies, and mingles with other modalities of action and judgment. Because of this, the innumerable operations of framing and re-framing in which protagonists get involved to avoid public debate, controversy or a scandal, do not shade into “politics.” In other words, the forms associated with “deliberative democracy” are not employed by the actors in order to supplant “representative democracy,” contrary to a trend that is still circulating among most elected officials. Instead, these forms permit actors to anchor discussions in the places and tools around which daily life is organized. In other words, forms of deliberation play a mediating role, a *passageway* – sometimes open, sometimes closed – between ordinary experiences and political powers of expression. We understand through these modalities why the form of “national debate” is by nature ambiguous: it tries to reproduce the function of arenas under the control of actors by immediately immersing them in spaces subject to powers of expression.²⁹

²⁹ This remark about the form taken in recent years by the “great national debates” borrows the analysis of debates organized on issues concerning energy, education and seasonal workers. Practical modalities of production of a national synthesis of debates, generally demanded in record time by the government, make particularly visible the crushing of ordinary experiences and of the technical competencies of the constraints of political representation, gathered here under the notion of “power of expression.”

Methodological pluralism and democratic norms

In this text, I tried to clarify the nature of constraints and issues confronted by entities subject to an argumentative imperative. The result is not a typology of debates, but a space of variation, in which pertinence is measured according to the degree to which the proposed conceptual framework is effective at capturing the displacements and the reformulations undergone by the different causes over time. We see, for example, how the GMO issue turned, above all in France, into different forms, switching among strongly framed public debates (such as the consensus conference in 1998), scientific controversies, judicial scandals, polemics, and shows of force enacted directly on the land (with the emergence of the collective of “volunteer harvesters.”) But while it is easy to see how this analytical framework can be applied in empirical sociology, a question still remains: can public debates be analyzed without adopting a normative position, more or less implicit, that leads to thinking that the more debate there is, the more a society approaches the democratic ideal? Although this option leads to support for a quantitative evaluation of the number of debates, of participants, of questions asked, etc., it is clear that it is not at all compatible with what was developed in this text. If there is a truly normative moment in the sociology of debates, should it necessarily be situated in quantity, in the appeal to a discussion of all sorts of objects and the manipulation of points of view, on to infinity? It is also possible to have as a regulatory ideal the trajectory of forms, that is, of *spaces of constraining variation*, in which actors mobilized by a cause can operate. This option opposes the one that consists in pushing *a priori* disengaged people or groups to debate, at any cost. In fact, the normative trend can be situated in opposition to the tendency to reduce the ensemble of forms of discussion to one figure and one alone, for example, that of public debate inspired by Habermasian doctrine, or that of the hybrid forum dear to Michel Callon,³⁰ and to make it into the ultimate referent of all discussions or conflicts that sociologists are led to analyze.³¹ It seems important to me to defend a *pluralism* here that is equally valid on an axiological and on an epistemological basis as well as on an ontological one, because pluralism leaves open the modalities of argumentative exchange, rather than looking to impose one and only one procedural order on the actors, whether it is more inspired by the model of a forum or by the Judicial Council, for example. We don't know what form is the best for democratic expression and for debating ideas! Better: we don't know what form of discussion can produce the true effects that intervene in the development of an issue on the sets of actors and arguments.

³⁰ See P. Lascoumes, M. Callon and Y. Barthe, *Agir dans un monde incertain*, op. cit.

³¹ This point owes very much to the exchanges with Jean-Michel Fourniau, who concentrates on the procedures instituted in public debate, embodied in the national commission on public debate (CNDP). We know that the form and issues of procedures of public debate have continued to transform since the Bouchardeau law of July 12, 1983, which is about the democratization of public inquiries and the protection of the environment, and since the law of democracy of proximity which used public participation in the elaboration of large projects in 2004, and also through the Barnier law of 1995 and the convention of Aarhus (1998). On the origins of the CNDP and the series of public debates on regional development in France, see J.-M. Fourniau, “Les trois scènes d’une institutionnalisation controversée de la participation du public aux décisions d’aménagement,” in J.-M. Fourniau, L. Lepage, L. Simard, M. Gariépy and M. Gauthier, *Le débat public en apprentissage. Regards croisés sur les expériences française et québécoise*. Paris, L’Harmattan, 2005, “Villes et entreprises.”

One of the consequences of this proposition is to prevent a reduction of democracy, of “democratization” or of the “degree of democracy” to one and only one type of measure. We can enter into democracy from any angle; the independence of the justice system and its own autonomy in handling lawsuits are as necessary as the possibility of procedures of public debates under Habermassian constraints (excluding power struggles and rhetorical machinery³²); the existence of spaces of controversies dissociable from forms, such as the polemic – which presupposes a particular competence among participants, a capacity to argue “technically,” and, therefore, a clear separation of arguments and “memberships” or “identities” – is as fundamental as the political expression of elected representatives, or, also, free discussion in millions of ordinary conversations in which people can explain their points of view, and experience attachments, interests or representations, without being estranged from their ordinary points of view about the world, the way a totalitarian order would do. In brief, democracy appears to be the constantly reiterated result of this ensemble of modes of discussion – which includes the show of force as a limit. The show of force is meant here as collective action that creates a power relationship: a strike, protest, petition, boycott, etc. – though the list of available appeals is not unlimited for each historical configuration, because the invention of techniques of protest is so rare, to the point that it is immediately remarked upon (e.g. spectacular demonstrations of illegal immigrants or intermittent workers, email petitions, or the uprooting of transgenic plants.) We can consider the association of the idea of variation with that of democracy as a tautology.³³ This issue remains inseparably descriptive and normative: to take up the theme of “democratic minimum,” an expression that comes from discussions among the adherents of the theses of Habermas, Rawls or Walzer, we can support the idea that the minimum requirement of democracy resides in the constant reorganization of forms of debates accessible to the most diverse protagonists. The role of a pragmatic/pragmatist sociologist is to help clarify and to follow the movements made by the actors and the arguments, without locking them into a single political order in which their motives are predetermined.

³² See the importance of “argumentative force” in the procedure of public debate *sensu strictu* (see Fourniau, op. cit.)

³³ We find here the links that J. Dewey established between democracy and the logic of inquiry through the idea of the opening of real “social inquiries.” J. Dewey, *Le public et ses problèmes*, l’Université de Pau/Tours, Farrago/Paris, L. Scheer, 2003 (1927). See, in particular, the preface by J. Zask, the translator of this edition. On pluralism and the variations of demand between a moral maximum and minimum, see M. Walzer, *Morale maximale, morale minimale*, Paris, Bayard, 2004.

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