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Is Bargaining a Form of Deliberating?

Emmanuel Ifeanyi Ani

Abstract: Prevailing literature argues that arguing is the only appropriate mode of deliberation. The literature acknowledges bargaining, storytelling, and other forms of communication, but is unwilling to describe these as deliberation, properly speaking. The claim is that describing them as such would amount to concept stretching. My first thesis is that arguing exhausts neither the legitimate modes of deliberation nor the modes for effective deliberation. To do this I further develop a two-type categorization of issues I have employed elsewhere to show that argument alone is sufficient for bringing closure to issues in the first category, but bargaining is needed to reach agreements on issues in the second category. I observe that the more agreeable variant of the second category of issues constitutes a great deal of issues deliberated outside the purely theoretical classroom. Progressing from these observations, my second thesis is that bargaining is in fact the preeminent way of reaching agreements in political deliberation. To illustrate this, I demonstrate that normative differences and distributive consequences are inherent features of political issues.

Introduction

A prevailing trend in the literature on the identity of deliberation has sought to protect the sanctity of arguing by screening out other forms of discussion. Maeve Cooke (2000: 948) defines deliberation as simply an 'exchange of arguments … '. Robert Goodin (2005: 183) remarks that there seems to be an 'impressively broad consensus' regarding 'what counts as "good" discourse and deliberation'. Jurg Steiner (2008: 186) complains that the concept of deliberation is being 'stretched' to mean 'talk of any kind'. He writes:

> Deliberation does not simply mean talk of any kind; the concept has a very specific meaning. For fruitful and rigorous research, this specificity must be kept. If the concept is stretched too far it begins to mean everything and therefore nothing. (Steiner 2008: 1)

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Scholars favour a model in which we speak the truth (Steiner 2008: 187) and '[t]here is assumed to be no conflict of interest between any of the parties to the game … ' (Goodin 2005: 183). Steiner is particularly concerned about distinguishing deliberation from 'bargaining', arguing that the two are not the same (Steiner 2008: 188). What emerges is that it is argument that properly constitutes deliberation.

The literature therefore dismisses bargaining and conceives 'deliberation' *particularly* by contrasting it to bargaining. The assumption is that bargaining is normatively deficient and is therefore incapable of generating sufficient legitimacy. Jon Elster (1986: ll9; 1992: 15–19) has argued that bargaining is for the market setting and arguing for the political forum, and that the discourse model of the market is not suitable for discussing politics.

The term 'bargaining' has thus been relegated to the interest-driven discussions that are the focus of game theory, in which (mostly business) participants make purely strategic moves to gain better payoffs (either material or in terms of utility). Decades of this kind of usage have earned bargaining the mundane image of a game theoretical term. Because of this role of bargaining in game theory, political philosophers and political scientists have generally shied away from the term 'bargaining' when discussing deliberation.

I will show that this view of bargaining arises from insufficient knowledge of the role of bargaining in everyday deliberation, and political deliberation in particular. To begin, I appreciate the need to properly define deliberation, as this helps us in our search for what really counts as deliberation. But in this article, I argue that the definition of deliberation as argument would not tell the entire story, since arguing is actually unsuitable for discussing a certain category of issues. To do this, I further develop a two-type categorization of issues I have employed elsewhere: issue Types 1 and 2. I then discuss the plausibility of arguing in the two categories respectively. In Section 1, I outline what I mean by bargaining. In Section 2, I outline the two major kinds of agreement in deliberation. In Section 3, I further develop two categories of issues we normally deliberate upon. I show that argument is appropriate to only one of these categories. In Section 4, I explore the

limits of arguing and the role of bargaining in Type 2 issues. In Section 5, I explore the magnitude of the role of bargaining in reaching political agreements. In Section 6, I conclude by responding to few key literature and, lastly, redefining deliberation.

1. Bargaining

To avoid the inaccurate definition of bargaining as negotiating (which we see in many dictionaries), I would define bargaining here as the deliberate adjustment of preference-based positions through the exchange of offers and counter offers. I distinguish it from negotiation because negotiation is simply any discussion aimed at reaching a common agreement. This is a broader activity that involves a mixture of bargaining and (both explicit and implicit) arguments (see Laar and Krabbe 2018). The presence of (especially the explicit form of) argument in negotiation muddles the special distinction that bargaining stands for. By contrast, bargaining is pure and simple in what it means (exchanging offers). Bargaining is therefore that component which distinguishes negotiation from a purely argumentative debate.

I choose to work with 'bargaining' rather than 'compromising' because I wish to focus on the *action* of adjusting preferences in a barter trading, rather than focus on whether or not the action and resultant agreement are based on second-best choices for the parties (for which we prefer the term compromise).

2. Two Kinds of Agreement

Much (though not all) of deliberation is aimed at common agreement or consensus. In this article I will demonstrate that we either argue or bargain to agree, depending on the issue. Sometimes we do both, but, as I shall show, we generally bargain where we cannot argue. Not all issues are *resolvable* on the basis of argument. In some we begin with arguments, but we can only bring closure by making and accepting offers. And it is quite impossible to restrict the concept of deliberation to the issues concluded by argument alone.

To begin, there are two kinds of agreement. When we all agree that the result of 2 + 2 is 4, it is an *arithmetic* agreement. Such an agreement is automatic: it is ensured by calculation. We do not need to bargain to reach such an agreement. As I will show, deductive arguments generally lead to such agreements: one has no logical choice but to agree. Probabilistic arguments (which we see in inductive reasoning) are also to some extent arithmetic, as I will show. But all other agreements that are not reached through arithmetic, mathematical, deductive and inductive logic are strictly *bargained* agreements. I have categorized issues whose deliberations lead more or less to arithmetic agreements as Type 1 issues (or argument-centric issues), and the other issues (the bargain-demanding issues) as Type 2 issues (or bargain-centric issues).

3. Issue Categories[1]

There are two broad categories of issues we deliberate upon. The first are what I call Type 1 (or argument-centric) issues. This category consists of mathematical, scientific, logistic and factual or empirical issues. We are fundamentally *mathematical* in discussing these issues, in the sense that they involve mostly arithmetic forms of calculation. Beginning with mathematics itself, the premises 2 + 2 lead to the conclusion 4, and there is no controversy in determining that the distance between houses A and B is, for instance, 12 miles. We do not *need* to bargain or adjust anything in order to arrive at these conclusions. The conclusions *already* exist and are waiting to be discovered.

Mathematics is itself derived from logic, and in logic we learn of the two basic forms of arguing or reasoning: deductive and inductive reasoning. Deductive arguments are derived from mathematics proper, and guarantee the certainty of their conclusions. For a popular example:

1 The two distinctions I make in this section (first about distinguishing between Types 1 and 2 issues, and second between logistic and normative values) are advanced in more detailed discussion in another article (Ani 2019). But the analysis of deductive and inductive arguments, and majority of the examples are original to this essay. Those examples taken from that (and another) essay are acknowledged.

Premise 1: All men are mortal.
Premise 2: Peter is a man.
Conclusion: Peter is mortal.

This form of argument is purely mathematical. All we needed to do to arrive at the above conclusion is, first, observe that the term 'man' in premise 2 indicates that Peter is a member of 'all men' in premise 1. If all men are mortal, and Peter is a member of all men, then Peter must *certainly* be mortal. No other conclusion is logically possible from these premises (such as 'Peter is immortal' or 'A fire cabinet is mortal'). This is a classic example of a deductive argument. The nature of deductive arguments show that no matter how complex a mathematical-type issue is, it is really easy to resolve since a logical solution already exists waiting to be discovered.

Inductive arguments, on the other hand, are basically probability arguments. They make inferences based on analogies, generalizations, statistical syllogisms, and predictions. And we know that analogies, generalizations and predictions are not as mathematically accurate as deductive arguments. Here are classic examples:

For *generalizations*:
Premise 1: Michael is strong.
Premise 2: Bob is strong.
Conclusion: All males are strong.

For *analogies*:
Premise 1: Carlos is a rich young guy and has dated at least ten girls in the last two years.
Premise 1: Mason is a rich young guy and has dated at least ten girls in the last two years.
Conclusion: Kenneth is a rich young guy and may have also dated at least ten girls in the last two years.

For *predictions*:

Premise: John (Sledgehammer) Hughes has won his last thirty boxing fights.
Conclusion: He will win his next fight.

For *statistical syllogisms*:

Premise 1: 90% of the residents of Hunter town can competently handle a gun.
Premise 2: Robert is a resident of Hunter town.
Conclusion: Robert can competently handle a gun.

Or

Premise 1: Many of our students are motorists.
Premise 2: James is our student.
Conclusion: James is a motorist.

Since they are more or less probability arguments, inductive arguments are not as certain as deductive ones. But inductive arguments are nonetheless Type 1 issues for two reasons. First, inductive arguments apply only to empirical issues, and certain issues of logistics. Empirical and logistical issues are *calculable*, even if based on probability. The second reason emerges from the first: although inductive arguments do not yield conclusions that are as certain as those of deductive arguments, inductive arguments still lead to consensus because we tend to compare strengths of probability. And we can compare probabilities relating to empirical issues because they (probabilities) are clearly calculable. This means that we all agree *arithmetically* by tending to prioritize options with the highest (or lowest) probability as the case may be.

Computers are in fact argumentative machines. Most of their operations are deductive and inductive (including ranking options according to strengths of probability). This by itself is evidence of the mechanistic rigidity and predictability of argumentation, as well as its capacity to be replicated. I have mentioned elsewhere the argument-based dialogue software that Tang

and Parsons (2005) created as a deliberation technique in the area of artificial intelligence. This software mostly sifts through inputted data to arrive at a solution. So when the authors write that it 'can be used to arrive at consensus on a course of action through argumentation' (see Ani 2019: 307), one realizes that it employs deductive and inductive techniques of building inferences, and deals broadly with mathematical, empirical, scientific and logistic issues.

Logistic issues (by which I mean issues surrounding the organization and execution of an operation) are really mathematical, deductive and probabilistic issues. The bottom line is that they are tractable (or not intractable). When we deliberate upon them, we clearly rank them according to utility, aesthetics, reliability, and so on. They are, as such, Type 1 issues. When, for instance, it has become clear that there is a high rate of insecurity (burglary) in a university department, deliberation in a departmental meeting is likely to lead to the suggestion that the department should increase security.[2] Such a suggestion should easily achieve consensus. It may be objected at this meeting that those involved in these crimes are unemployed, and are living in poverty. Such an opinion could then argue that the department should write to the municipal government to invest more in job creation. But this idea does not *compete* with the previous idea in an exclusive way. Creating jobs is hardly enough reason *not* to provide better security. Both ideas are likely to equally achieve consensus agreement, their utility values are very clear, and we cannot be locked in an intractable disagreement over which to pursue. The only impediment to their simultaneous implementation may be the inadequacy of resources, which, in this case, is not likely. A couple of *stronger* padlocks could be what is needed to increase the security of the department and a letter to the local government is the department's major sacrifice in trying to increase jobs in town.

2 I use this example in Ani (2019: 305–306) but in this paper, the second proposal is about creating jobs to reduce unemployment rather than about improving community relations. The reason for the modification here is to compare it to deliberation on a similar topic at a higher level (such as a parliament).

As we saw in the example above, both ideas share an auxiliary relationship, in the sense that, barring the limitation of resources, it would not hurt one by pursuing the other. For another example, the board members of a football club may agree in a meeting that their team has not won a trophy in the last couple of years. A suggestion may be that they have not been remunerating their players handsomely. A consensus decision to increase pay is somewhat *guaranteed* if the suggestion is accompanied by evidence that other clubs are in fact paying higher. An objection might be that the team manager is not performing as much as needed to push the players to greater heights, and is therefore not the right sort of person to accomplish the task. But even if this suggestion is proved, it does not really harm the decision to improve players' pay. What we may have are two non-exclusive agreements: improve pay and change the team management.

Even when logistic alternatives are directly *opposing* in such a way that we must accept only one, we make our preferences based on comparing utility, aesthetics, and costs. One of the alternatives may be quicker, more efficient, more aesthetically attractive, more costly, and so on. If we were to select a hotel in town for the accommodation of international scholars coming to visit the department, the choice is relatively easier and non-controversial because what we do is more or less comparing the available hotels in terms of cost, comfort, range of services, distance from the university and department, and so on. These qualities (of logistic alternatives) are very clearly *calculable*. When logistic alternatives are *supplementary*, we may entertain the supplement if we have enough resources. When logistic alternatives *complement* one another, there is indeed no controversy.

In another article I have mentioned that if someone needed to wed and she preferred an outdoor wedding, a suggestion during deliberation that we would best fix the date in the middle of the dry season to reduce chances of rain to the minimum would easily attract consensus. No values and beliefs are in conflict here (except in the unlikely circumstance that someone had a superstitious belief in wedding outdoors in rainy season, even at the cost of being beaten by rain). Indeed, there is likely only one universal

value shared by everyone: no one likes being beaten by rain. When we all share a single value (or interest) on an issue, then our disagreements could only be empirical. And empirical disagreements are easily resolved by appealing to empirical facts, rendering bargaining unnecessary.

Sometimes deliberation may result in the birth of a new solution to a problem by combining the good features found in already existing or already suggested solutions. But such a new solution is a product of eclectics, not of bargaining. Let me cite an example from Helen Landemore and Scott Page (2015: 235).[3] In this example, a dark bridge links a neighbourhood community to a city's downtown, and there is such a frequent rate of muggings on this bridge that people are afraid to use it after dark, making life quite uncomfortable for members of this community. They meet to deliberate about how to prevent muggings on the bridge and how to achieve this at minimal cost. For this deliberation, the city planner's office prepares three alternative approaches as follows,

> (A) have the neighbors walk each other home and organize watches, (B) station a police car near the bridge after dark, and (C) install public lighting on the bridge. (Landemore and Page 2015: 235)

One can see that option A is cumbersome; option C, whilst being the cheapest, may not completely eradicate muggings; and option B, whilst clearly the most effective, is the costliest. One can see that deliberation in this context might involve aggregating the options to produce new solutions. For example, to reduce the cost of option B, someone could suggest we combine option C with installing an emergency telephone. Landemore and Page (2015: 235) call this option D. They argue that option D could easily attract agreement because human beings have an inner oracle, which they describe as an '… inner intuition that can reveal the correct ranking of any proposed solutions' (Landemore and Page 2015: 234). The idea of the inner oracle is that human beings have the intuitive ability to detect better arguments.

3 I cite this example to make relatively the same point in Ani (2019: 313–314).

However, I argue in this article that this oracle is nothing other than our ability to detect superior deductive, scientific, empirical, and logistic alternatives. I will demonstrate that this ability is restricted to these types of issues, and we do not clearly possess this oracle when we deliberate on Type 2 issues, to which I now turn.

By Type 2 issues I refer to value-laden issues. Values are things (beliefs, notions, ideas) we hold dear, or *interests*. We are often jealous of what we hold dear, and are less amenable to transforming our views about them as easily as we transform our positions from mathematically/empirically incorrect positions to correct ones. In addition, many of our competing values, beliefs or interests may not yield a mathematically or scientifically superior alternative in comparison exercises. If they could, it could have been quite possible, for instance, for the whole world to abandon all other religions in favour of one religion, to unite behind a single political blueprint, or we could have witnessed the disappearance of the diversity of interests in general. The persistence of divergence in this issues indicate that we lack a very clear oracle in deliberating about them, and the oracle is weak because these issues lack the scientific (or at least calculable) grab-handles possessed by Type 1 issues.

To be more specific, I would divide Type 2 issues into two groups: logistic values and normative values.[4] Logistic values are those values that are close enough to the empirical world to benefit somewhat from the epistemological tractability of Type 1 issues. Mundane interests in general are in this category, as well as strategic values (or values and preferences about strategy). If, for instance, I am *interested* in a contract worth ten million dollars, and I realize that I need a partner to execute this contract, rational calculation demands I agree to split the profit with her.

Since logistic values are still *values,* it makes no sense to say that we could rank order them in an order of mathematical or objective accuracy. But the above example shows that because they are values or preferences about items in the empirical world, participants in a deliberation can *adjust*

4 For more detail, see the explanation of this distinction in Ani (2019: 310–313).

them toward some kind of common agreement. The example demonstrates that participants in business and political negotiations have to adjust their respective interests toward a centrist position to achieve a deal.

Even when we deliberate to fix an appointment or meeting, we are all required to adjust our respective values or desires about what we need to do with our time. To illustrate this, I will borrow an example from Ani (2014: 314). Let us imagine that we want to fix a morning meeting. I am a participant in a deliberation to fix the time, and I value doing some work between 4am and 10am. My value (or interest) naturally pushes me to suggest a time beyond 10am (say 11am). This is because I prefer to spend the 4–10am period studying to achieve a particular ambition that I *desire*, praying to satisfy a certain religious belief that I hold, or that I simply hold some precious self-discipline that I *value*. A colleague who has the practice or habit (which is a value) of getting to her office before 11 am would be more disposed to suggest a time before 10am. To give her enough time to get through the city's traffic, she may be compelled to suggest the neighbourhood of 8am as our meeting time. But 8am falls within my valued schedule. Ultimately, each of us would need to reconcile our different values (or preferences or interests) to arrive at a centrist position. If we settled on 9am for our meeting, the result is a compromise resulting from the centralizing adjustment of varied values: it means I lost an hour from my valued routine and my colleague equally sacrificed an hour from her pre-office routine (she would need to find a way to get to her office in two-plus rather than three hours).

As we have seen from the above examples, a good deal of deliberation in the practical world is on logistical values. Almost every time we speak with one another, we adjust petty (and sometimes bigger) logistic values here and there to reach agreements, very often effortlessly and unknowingly. This suggests that bargaining occurs *almost any time* we deliberate.

However, there are values that are not so luckily adjustable, for the major reason that they are quite metaphysical, and we cannot assess them by effectively assessing their effects or ramifications in the empirical world. These are *normative* values. Examples of these values are metaphysical notions of

the world, religious beliefs, and certain ideologies. Since their empirical consequences are either inaccessible or too long-range to be summarily assessed, it is difficult to persuade the holders of these values or beliefs to change or adjust them. A familiar example is persuading a person to change her metaphysical beliefs if we could not demonstrate that such a belief has immediately perceivable negative consequences.

Some of the major debates of our day are intractable for the reason that they are linked to metaphysical notions of the universe. For example, a person's position about legalizing abortion is almost certainly based on her metaphysical views of the universe, her beliefs about the nature of man, and her beliefs about man's place in the universe (none of which we can verify for the purpose of discussing with rock-hard logic). A person who believes that man is a composite of body and spirit is quite unlikely to approve the legalization of abortion because of her belief that abortion exterminates not simply flesh and bones but an entire divine plan on earth. In convincing such a person, experiments trying to prove that life does not exactly begin at conception (or that an embryo is not fully a human life) are also likely to miss the point. On the other hand, a person who believes that we are simply advanced machines (epiphenomenalists and emergentists, for an instance) and those who see sex (including illicit sex) as a natural physiological need that is not at all sinful would likely see no problem with legalizing abortion. To convince a pro-lifer would in most cases mean persuading her out of her core metaphysical beliefs. But people's metaphysical beliefs are almost always the products of their entire childhood upbringing, or the result of an extremely inspiring or harrowing (in sum, 'powerful' or what some people call 'peak') experience in life. Daily experience tells us that changing people's metaphysical notions of the universe is a long and quite unguaranteed project. I am not sure we could make it an additional objective of an abortion debate.

Chiara Lepora (2012: 10–11) divides the compromises we make into three broad categories, and identified compromises that require one to abandon their core beliefs or moral principles for their very opposites as

the most difficult (and most self-compromising) kinds of compromises.[5] She argues that such a compromise makes the compromiser feel she has done something wrong, and does not reduce the feeling of responsibility for such a wrong, making the compromiser experience moral discomfort (2012: 17–19) and a feeling of *herself* being compromised (2012: 19). It seems to me that the abortion debate requires such a compromise, since persuading a believer in the human soul to agree to legalize abortion (even if for only cases of rape) is to get her to adopt the opposing belief that abortion is not a termination of life and soul.

At this point we can distil that, although Type 2 issues are bargain-centric in principle, it is easier to bargain over logistic than over normative values. But in addition, moral principles hold the special distinction of being logistic values (values about which action to prefer to which action) as well as normative values (since they are views about what we *ought* to do). They are normative because they concern what is *right* and *wrong*, rather than being mere preferences and interests, as we see in other logistic values. Notions of what is right and wrong (as we see in moral principles) bear an uncanny resemblance to notions of what is correct and incorrect (as we see in Type 1 issues). But notions of right and wrong are only psychological, and are not as objectively shared as is obvious in Type 1 issues. It is, however, this right-wrong nature of moral principles that makes it harder to bargain over them.

As mentioned, material and existential interests generally belong to logistic values, and they are usually adjustable. But there is one kind of interest that I would rather rank with normative instead of logistic values. It is the desire to dominate,[6] and this is why we find it frequently difficult to convince tyrants to abandon their tyranny unless they are convinced through the use of force. However, it may be easier to convince holders of this desire to adjust or change its mode of expression. For example, it may be difficult

5 I cite Lepora in Ani (2019: 311) to make this point.

6 I hint at this kind of interest in Ani (2019: 312), but I advance the argument here in greater detail.

to persuade an ambitious student to abandon his desire to dominate his peers, but we could convince him to exercise his feelings of superiority by producing superior academic grades than by bullying and beating his fellow students. The former is a normative value he holds (belief in dominating others), and the latter is a logistic value he may adopt in the service of his normative value (to dominate through academic performance). In this example, we are able to convince him to change his logistic values because we could compare the values on the basis of their known empirical consequences. On the other hand, there is no way to assess the desire to dominate: its empirical consequences depend completely on its mode of expression, and this example shows that the consequences could be negative or positive depending on the mode of expression. This is why the mode of expression (rather than the desire itself) is subject to deliberative transformation through reason giving.

The above example shows that certain logistic values could be adopted in the service of normative values, and whilst we may not be able to convince persons to adjust their normative values, we may convince them to adjust the logistic values in the service of their normative values. Certain political interests are in the service of political ideologies. We may not change the ideologies, but we may convince their holders to change the interests in the service of the ideologies. As an example, it may be difficult to convince far-right politicians to abandon their ideology, but it is possible to persuade them to abandon a certain political strategy by convincing them that it serves their ideology no good.[7]

We thus emerge with the conclusion that it is easier to settle value disputes that either lend themselves to empirical facts or have empirical consequences. This quality is lacking in (ultra) normative values. The outcome is that we may navigate logistic values in deliberation, but we cannot bet with deliberating over normative values. Normative values (being in many cases metaphysical notions, religious beliefs and articles of faith) are only revisable by presenting countervailing normative values (metaphysical notions,

7 This example is taken from Ani (2019: 312).

religious beliefs and articles of faith). And even this does not help much, since meaningful comparison to the empirical world remains missing. In addition, normative values (such as ideologies, metaphysical beliefs and articles of faith) are often held with some amount of jealousy and tenacity. It is also clear for obvious reasons that logistic values are not held with as much tenacity, jealousy and faith.

4. The Roles of Argument and Bargaining in Deliberating the Issue Types

My earlier analysis of the nature of an argument shows that it is an activity premised on deductive or at least probabilistic calculation. When we make arguments regarding deductive, scientific, empirical and logistic issues, we clearly perceive (through our internal oracle) which argument is better. For this reason, argument is needed for ending deliberation on Type 1 issues. When, however, we talk about how to reach agreements or decisions after deliberating on Type 2 issues, the scenario is a bit more complicated. Let me begin with deliberating on issues laden with logistic values. And I will demonstrate this with the example of the deliberation to fix the time for a morning meeting.

My argument:
Premise: I normally do my research between 4 and 10 am in the mornings.
Conclusion: So I would prefer a meeting after 10 am.

The other participant's argument:
Premise 1: I normally go to my office before 11 am.
Premise 2: To get to my office before 11 am, I need to start preparing by 8 am and get into traffic by 9 am.
Conclusion: I will not be able to attend a meeting happening after 10 am.

Offering these arguments gives us the mutual chance to see each other's schedules, and to begin to reflect about how we could mutually adjust our schedules to a common position about a time for a meeting. If it is important

to hold this meeting, it begins to dawn on us that each of us needs to sacrifice a hour of her schedule in order to move closer to the other's schedule, and that if the other does the same, we have a deal. Let me illustrate this mutual adjustment.

> *My proposal*: I could agree to a meeting by 9 am by giving up an hour of my valued research, provided you could likewise give up an hour of your three-hour office preparation time (by probably preparing an hour earlier than usual).
>
> *My colleague's response to my proposal*: Okay, I could probably squeeze out time by 9 am (by preparing quite earlier) to have a brief meeting. If the meeting ends by 9.30 am I will probably find a way to reach my office in an hour and a half.
>
> *My response*. Then let us meet by 9 am. We have a deal.

We should note that the proposal above and its response are technically not arguments (there are no premises and conclusions). They are *bargains*: we traded chunks of our schedules. When a person *offers* to do something as an incentive for another party to do another thing, she is bargaining. What this means is that when we deliberate on issues in which logistic values are at play, we begin with argument and end with bargaining. Arguments lay out the stakes (which are, of course, interests and values), and bargaining adjusts them. To be fair, arguments are still at play when we decide what precisely count as 'fair agreements'. But the adjusting that produces this *kind* of agreement is still up to bargaining. I disagree that 'argument' here is used to mean 'deliberation' as a whole and that the distinction is between 'deliberation' and 'bargaining'.[8]

8 This is what Jones and O'Flynn (2012: 124) do when they argue that it is 'deliberation' rather than bargaining between parties that decides 'what would constitute a fair resolution of their differences … '.

Next, I will explore the mechanics of what we normally do when we deliberate about issues laden with competing metaphysical (or at least normative) values.

> Claim of person A: I believe in God.
> Question from person B: Why do you believe in God?
> Supporting premise from person A: Because He made heaven and earth.
> Clarification from person B: But you are not sure of that.
> Response from person A: Okay, I just believe in God. The reason for my belief is not as important.
> Claim of person B: I do not believe in God.
> Question from person A: Why do you not believe in God?
> Supporting premise from person B: Because there is no concrete evidence He exists.
> Clarification from person A: But that does not imply He does not exist.[9]
> Response from person B: Okay, I just do not believe in God. The reason for my belief is not as important.

The first observation about the above dialogue is that arguments do not really work when deliberating about metaphysical (and most other normative) values. This is because the beliefs are about concepts or entities cut off from the empirical world, and therefore from any chances of concrete assessment. What it means is that we end up advancing only claims (not arguments) when we try to persuade people to adopt or change certain purely metaphysical beliefs or notions. Since it does not make sense to *argue* about metaphysical beliefs, we mostly technically *bargain* with believers or non-believers in a metaphysical belief by at best *offering* countervailing metaphysical beliefs. The example above shows that even if arguments take place in such interlocutions, they normally do not achieve anything

9 There are cosmological arguments supporting the existence of God (such as that God exists because only He could have designed the complex universe), but this kind of premise is not verifiable. The lack of verification does not also mean that He does not exist. The issue is simply not directly tractable in real-world deliberation.

substantive, it is bargaining that does. But we normally classify these discussions as deliberation: we think that we are in fact arguing.

Typical examples of contemporary normative debates are the debates about abortion and same-sex marriage. These debates have become intractable because positions on both sides of these questions are not entirely detached from certain fundamental ideologies or approaches to life (such as being a conservative or a liberal), and these approaches to life in turn derive from certain metaphysical notions of the universe and man's place in it. As long as the metaphysical (or normative) notions themselves do not yield tractable discussion, they would continue to polarize the debates. Just as arguments are unable to *automatically* convert people from being conservatives to being liberals and vice versa, arguments show equal weakness in resolving debates laden with these normative notions. This may be why Paul James (2017: paras 1–3) reports that same-sex marriage debates have become 'a culture war, ugly and unproductive' and 'do not lend themselves to simple answers'. Indeed, he writes that at best, 'They require careful negotiation between social relations, private decisions, and public law' (para. 3). He refers to the abortion debate as having settled into an intractable conflict between two slogans, the 'right to life' (conservatives) and the 'right to choose' (liberals and feminists), a 'standoff that is still searingly painful' (para. 4). He concludes, 'My argument is simple: There are two conflicting ontologies … and the difference cannot be resolved by giving one preference over the other' (para. 25).

We can sometimes see these fundamental normative differences coalescing into differing political parties, with the USA being the most prominent example. Republicans are generally more conservative, more traditional, and more attached to their religion. In contrast, Democrats are generally more of academics and researchers, liberals and even atheists. These fundamental normative differences predictably ensure that Republicans are against abortion, gay marriage, are less sympathetic to immigration, and more emotionally patriotic (in the sense that tends toward international isolationism). The opposite almost always applies to Democrats (although these distinctions are by no means neat).

Even the debate about climate change in North America is beginning to suffer from these normative (and interest) entanglements.[10] Republicans tend to be more involved in older businesses that cause climate change, whilst many Democrats are from academia or the newer businesses that embrace green energy or are less environmentally threatening. Whilst Republicans have career reasons to be less sympathetic to slowing down older capitalist modes of production because of the health of the environment, Democrats may be more enthusiastic. So, obviously, the gay marriage and climate change issues are not merely political disagreements that call for resolution through argumentative debate: the disagreements stem from life-long belief formations that are not easily accessible to argumentation, as well as from career choices that are (in most cases) too late to reverse.

Even in societies regarded as relatively homogenous, there are fundamental differences in political philosophies. Ryan Muldoon writes that libertarians, egalitarians and utilitarians (amongst others) do not merely disagree in choosing the sorts of policies we should favour, they disagree more fundamentally regarding what the world is like, and 'what we should be measuring when we talk about what makes a policy better or worse' (Muldoon 2017: para. 5). Where libertarians are concerned about negative rights that protect from the interferences of others, egalitarians are more concerned about the distribution of resources, and utilitarians are more focused on increasing welfare even at the cost of equality or increased negative rights (ibid.).

In heterogeneous societies, tribalism, ethnicity and racism add an extra layer of normative-looking baggage to the diversity of preferences, interests, values and opinion forming. This is because ethnicity and racism show the rigid feature of normative values, but they also generate corresponding interests (logistic values). For an example, almost every political issue in South Africa and other African countries is tainted with racial and tribal

10 John Dryzek made this point when I discussed the deliberative entanglements caused by values with him (at University of Canberra, November 2017).

interest differences, because of the distributional consequences of these issues. Of note is the long-standing interest war between the Fulani and other tribes in Nigeria, which taints every political issue from how to use and share the proceeds from crude oil to how to ensure general security. In an academic classroom, these are mostly simple Type 1 issues. But conflicting interests and allegiances cause the issues to lose their Type 1 simplicity. Instead of simply dividing the oil revenue by the number of states and regions, we witness arguments for unequal distribution. Indigenes of the oil producing communities typically demand a lion's share of the wealth, arguing that the rest of the vast country should be content with the remainder. In addition, whoever is in power tends to find means to benefit members of her region more than others. Arguments are made in support of these positions. But arguments cannot bring agreement. This is because simple arithmetic no longer applies, and bargaining is the only saviour. The fortunate aspect is that although ethnicity and racism are as rigid as normative values, we could at least reach agreements on their resulting interests, since these interests are logistic values (and therefore adjustable).

The following are conclusions in this section: (1) in deliberating issues involving logistic values, arguments are appropriate only to the extent of assessing the values by assessing their empirical ramifications; (2) we begin with arguments when deliberating issues laden with logistic values or interests, but we mostly end such deliberation through bargaining; (3) it seems quite weak to speak of arguments (and sometimes even bargaining) when deliberating over issues involving metaphysical notions, fundamental orientations, worldviews or approaches to life, except if we could find and focus on some logistic values they generate.

5. The Magnitude of the Role of Bargaining in Pluralist Democratic Politics

I have shown that bargaining increases with decrease in the logical and empirical clarity of issues. But we have also seen that the need for bargaining

increases with increase in the magnitude and intensity of interests and logistic values concerning issues being deliberated. Purely Type 1 issues do not require bargaining to resolve—their resolution being a question of arithmetic or simple extrapolation. But purely Type 1 issues constitute a minority of issues being discussed daily. Purely scientific, mathematical and logistic issues feature prominently in the deliberation of lower-level groups such as academic departments, small groups, and fact-finding committees. But the proportion of these argument-centric issues decreases in deliberation at higher levels, such as in democratic politics. Let me give an example by focusing on *political* deliberation aimed at solving societal problems, distributing resources or making laws, under conditions of democratic pluralism. Politics arises when there is an empirical issue of some sort and there is interest—and value-laden disagreement over what to do about it—even when there is otherwise consensus on the empirical question. This means that *all* problem-solving political deliberation contain a mixture of Types 1 and 2 issues, at least under conditions of democratic pluralism. But there is also a question of proportion: circumstances are political to the extent that Type 2 issues (values and interests) dilute the logical straightforwardness of Type 1 issues.

To return to one of the examples I gave of Type 1 issues, I mentioned that deliberation about insecurity in a departmental meeting will likely reach a consensus over the suggestion to increase security, and could just as easily reach another consensus to write to the municipal government to invest more in job creation to reduce a high rate of unemployment: one solution does not impede the other. But if we recast this deliberation in the light of conflict of interests and the scarcity of resources in pluralistic democratic politics (the best examples being in a parliament or general politics at national levels), the clarity with which the same issue could lead to consensus is reduced, and the need for the role of bargaining increases. If there is increasing insecurity in a country and there are two proposals in a parliament to increase security and to increase jobs, the two solutions may not be as benignly compatible as they are in a departmental meeting. Increasing security in a department may just entail buying a few bigger padlocks (which

any faculty member may donate). Increasing jobs as suggested in the departmental meeting only entails writing a letter to government. The costs of both solutions are insignificant. But to increase security and jobs at the national level, national budgets are not unlimited, they are usually marked by scarcity, and their funding has distributive consequences. To increase security and fund job-creation programmes at the national level, money would need to come out of already existing parts of the budget, since we cannot raise taxes indefinitely without risking resistance and conflict. This entails conflicts of interest. Cutting money from health would attract the resistance of the medical community and raise questions about undermining the imperative of keeping the health of citizens. Cutting money from education would attract resistance from parents and school administrators. Cutting money from public transportation would attract resistance from workers, and so on.

Ideological partisanship could take the conflict of interest to a higher level. Right-leaning politicians may favour funding for law and order (which includes funding to increase security), whist left-leaning politicians may prefer funding for welfare (which includes job-creation). So if funding is limited, the rightists may resist job-creation proposals in order to pave way for the security-increasing proposals. What is otherwise a simple Type 1 issue at a departmental level in a university is stampeded by intense Type 2 value and interest differences at a national level in a pluralist democratic politics. This is in spite of the fact that the two solutions are, at the logical level, compatible.

The intractable gun debate in the USA shows the features of deep conflicting normative entanglements. Many Americans who grew up in gun liberal communities or descended from gun liberal genealogies are less sympathetic to gun laws. Growing up in a gun society is part of a childhood fantasy, and as such, has a corresponding aesthetic and moral hold. Unless such a normative foundation is replaced by another or uprooted by a powerful personal experience, such a person is likely to keep offering counter arguments to the (by now obvious) argument that gun liberalism is a dangerous idea.

The climate change issue has also been highly polarizing in the USA, with Republicans generally opposed to combating climate change. To justify their position (and perhaps retain their businesses), some Republicans resist even the idea that humans are causing climate change (because the evidence is not directly perceptual and obvious). But let us assume that Republicans and everyone else are agreed on the empirical aspect (that humans in fact cause climate change) and therefore agreed that climate-threatening human activity needs to be moderated. We still need to agree on how to moderate the climate-threatening human activities. This is because the moderating is interest-laden and has consequences for whole industries, regions, and ways of life. So even if under ideal conditions everyone were agreed on the nature of the circumstances, ideal conditions would still not guarantee that everyone would be agreed on the solution, which affects people's interests in different ways. Even the best solutions would produce winners and losers, and whole ways of life may need to be abandoned, including livelihoods that have existed for generations. The climate change case is, therefore, a typically political case because of the daunting distributional and normative conflicts that no conceivable solution could possibly avoid. All other political problems have the same problem of interest and value pluralism to some degree.

This is not to suggest that all deliberations in university departments (and at other lower levels of human organization) are value free. For a departmental deliberation that was so value-laden that it was intractable to resolve, see Ani (2014: 314–316). The central point is that although interests are possible at all levels, they are more intense in politics because they involve more people, and have bigger financial and material consequences.

We could see that the examples of Type 1 issues I gave possess higher epistemological clarity and are more consensus-capable because of the lower level (or absence) of pluralism and its accompanying differences in interests and values. As pluralism, values and interests increase, the epistemological clarity and consensus-capability of issues decrease. This means that bargaining has a *bigger* fundamental role to play in democratic politics. Parliaments, for instance, rarely deliberate on purely Type 1 issues: such

issues are meant for committees or for simple domestic, clerical and administrative handling. So if (nearly) all political issues necessitate bargaining, we need to re-examine the assumption that bargaining is not deliberation proper. It may be the case that very small municipal questions can be exclusively Type 1 issues—for example, a local council's decision to add either a second rubbish bin or a bench to a small public park. But tiny problems like this are not what the field of deliberative democracy was established to address. The overarching concern in deliberative democracy research has been how we could use deliberation to both ease and improve the business of (pluralist) democratic politics.

Given the above features of democratic politics, we should not only see bargaining as inevitable, but also as indispensable, necessary and *right* for addressing any situation of political conflict at all. The presence of a lot of arguments in politics disguises the clarity of this fact. But like I have mentioned, arguments lay out the stakes, and bargaining adjusts them. We probably experience deliberative difficulties in politics because we expect arguments to play both roles. And if bargaining is essential for reaching provisional agreements under conditions of political conflict, then it is an inherently normative activity.

Current models of deliberation cannot effectively address Type 2 disagreements, but bargaining can. If political issues are by *definition* distributional and value-laden, it suggests that bargaining is what brings about legitimate political agreements. Bargaining should cease to be regarded as deliberation's regrettably-sometimes-necessary, less legitimate cousin. It is in fact *the* way in which political agreements are reached (not discounting that arguments lay the stakes). From this perspective, it is not only deeply imprudent but also normatively illegitimate to avoid or devalue bargaining—as most deliberative theorists have done to this point.

6. Revisiting Selected Literature on Arguing and Bargaining

Two reasons why bargaining is underappreciated are, first, the accusation that it is driven by selfish interest, and second, that it involves 'lying',

which undermines the Habermasian concept of deliberation as a truthful exercise, in which actors are supposed to yield to 'the unforced force of the better argument' (Steiner 2008: 187). In my view, the first objection confuses selfish interest with self-interest. Self-interest does not necessarily mean selfish interest, and we have seen that self-interest is actually central in discussing all Type 2 issues. It is unrealistic to expect my colleague and I to agree *instantly* to a morning meeting that causes some harm to our respective schedules (and hence, logistic values) if some adjustment is possible to reduce or eliminate the harms.

Regarding telling the truth, we have seen that this applies only to purely Type 1 issues, where we can talk of correct answers, or at least more acceptable alternatives in a comparison. There appears to be no bargaining position that is the 'truth'. And if 'truth' were accessible when we debate normative values, such debates would not be the intractable issues they currently are. Another concern for scholars is that 'claims must be extensively justified with logical reasons and supporting evidence' (Steiner 2008: 188). But again by the analysis of this research, this applies only to Type 1 issues and does not go beyond. Scholars are also concerned that we deliberately withhold information during bargaining (Steiner 2008: 188). But this is in fact occasionally advisable when debating and evaluating the normative values of others, given the sensitivity of discussing other people's normative beliefs.

Steiner (2008: 189) uses the phrase 'high level of deliberation', in referring to deliberation in which quantitatively *more* reasons or justifications are given for one's position or claim. But this is a feature of deliberating over purely Type 1 issues, and I do not suppose that scholars, in the light of this research, would continue to regard deliberating over such issues as the highest level of deliberation. By 'highest level' one would conceive of deliberation capable of solving problems with the biggest stakes in society and the biggest or gravest consequences, which per this research privileges bargaining.

Some scholars (Muldoon 2016: 4, 68; Wendt 2016: 202–212) have noticed the inadequacy of an objective 'public reason' in dealing with

growing diversity, and have equally noticed that bargaining and compromise may be good things going into the future. But these scholars still treat bargaining as distinct from deliberation (see Muldoon 2016: 68). What these scholars (and the public reason community they oppose) do not suspect is that bargaining accounts for much of our deliberation and is *in fact* the preeminent mode of closing political deliberation. It is not just that we should exhort ourselves to bargaining in a presumably argumentative political deliberation (as these scholars do), but that we should recognize that bargaining is *actually* how political deliberation can be meaningfully done, and research paradigms need to explore that *reality* more.

Laar and Krabbe (2018) have argued that offers made in bargains contain *implicit* arguments about the value of the offer being made, and, therefore, bargain offers can be re-read as arguments. But I think it is too strong to call them 'implicit arguments': I would call them *implications* of offers being made. I think that what Laar and Krabbe are trying to do is to reconcile bargaining with the argumentative model of deliberation *according to the terms* of the argumentative model (which this research now renders unnecessary).

The most influential scholars of the global deliberative community have co-authored a schema of deliberation in which they map out a spectrum that begins with 'pure deliberation' at one end to 'pure bargaining' at the other end. In the centre of the spectrum is 'deliberative negotiation' which I assume is a combination of arguments and bargaining (Warren et al. 2015). In the section 'pure deliberation' these scholars describe a situation of 'common interests in which all gain, with identical or overlapping benefits, for example, in greater understanding' (Warren et al. 2015: 154). The authors argue that the outcome of pure deliberation is, expectedly, 'informed consensus or clarified structured conflict' (ibid). This section seems to me to be deliberation over *purely Type 1 issues*. This is because, as we have seen from the difference between departmental and parliamentary deliberation over a Type 1 issue, Type 1 issues can only be *purely* Type 1 if there are no conflicts of interests, beliefs or values to dilute the purity.

Next, the authors describe the middle section titled 'deliberative negotiation' as characterized by 'partial mutual advantage, in which each gains but with trades to add value' (ibid). They estimate that the outcome of this range of discourse is 'Partially integrative agreement, in which parties have traded lower for higher values; at least one bears some loss' (ibid). In my view, this range of discourse is deliberation over logistic values. Here, arguments lay out the stakes, and bargaining adjusts them. Finally, the authors describe the section titled 'pure bargaining' as a situation where there is 'No mutual creation of value, with strategic demands, in which each aims at maximum' (ibid). The authors estimate that the outcome of this range of discourse is 'Power based compromise, in which each loses something of value *or* capitulation, in which one side appropriates all the surplus' (ibid).

There is no such thing as pure bargaining in political deliberation (in terms of just exchanging offers without at least preliminary arguments), or, for that matter, any deliberation involving logistic or even normative values.[11] As we saw, arguments naturally begin deliberation over fixing the time for a meeting, and even about the existence of God (albeit unsuccessfully). Arguments lay the stakes but cannot bring closure to such deliberations.

There is also no such thing as pure bargaining in deliberating on any subject of significant worth (except in bargaining for something that is so insignificant that we do not see a reason to make any accompanying arguments). Parties are likely to make arguments when pricing a car (or anything we value substantially). These would be likely expediency arguments by the seller about the quality of the car or other reasons why the car is pricey, and contrasting ones by the buyer about why she is unable to rise to the price. Parties may only choose to forego arguments *completely* when pricing an item as inconsequential as a toothbrush, and there is no time to argue about its value (durability, strength, reliability, and so on). So when

11 Although I do not necessarily accuse these scholars of saying there is.

businesswomen and politicians bargain on any issue but simply pricing an inconsequential item, arguments must have been involved.

There are intermediate sections, one between the 'pure deliberation' and 'deliberative negotiation' sections, and another between the 'deliberative negotiation' and 'pure bargaining' sections. But they are not as important for my analysis here. From my foregoing research, I would suggest that the entire spectrum (from pure deliberation to pure bargaining) should be retitled simply 'Deliberation Spectrum'. This is in line with my analysis that bargaining technically is deliberation. We have also seen from my analysis that 'pure deliberation' (by which theorists currently mean pure argument) is only possible on purely Type 1 issues. Consequently, the section titled 'pure deliberation' should be retitled 'deliberation over purely Type 1 (or purely argument-centric) issues'. The middle section titled 'deliberative negotiation' should be retitled 'deliberation over logistic values' since logistic values occasion a mixture of argumentation and bargaining. I think the section titled 'pure bargaining' should be re-titled 'bargaining over inconsequential items'. The authors would then describe this section as one in which pure bargaining is possible in the sense that arguments may not occur at all. They should also add that pure bargaining is quite rare, since explicit arguments may occur even when we price material goods.

It appears to me that most political issues, with their daunting distributive and interest-laden features, fall into the middle section. A majority of them may be purely Type 1 issues in a purely theoretical discussion, but become value-laden due to their vast and real consequences at the political level. Therefore, they involve a mixture of argumentation and bargaining, and the higher the degree of politics, the bigger the role of bargaining. Lastly, what Cooke (2008: 948) defines as an 'exchange of arguments' is purely academic or theoretical debate involving only Type 1 issues (which is not the focus of deliberative democratic theory). Deliberation should be defined as an exchange of arguments *and offers*.

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