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The incommensurability of values problem¹

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Abstract: How to make a reasonable decision in a pluralistic community when two of their highest values (CP and CN) are incommensurable, one of them (CP) is used as a premise in favor of a proposal (C), and the other one (CN) is used as a premise against the very same proposal? After considering previous answers to similar questions, I suggest establishing new hierarchies of values from the point of view of their conditions of possibility.

Keywords: conductive argument, deliberation, incommensurability between values, practical reasoning, reasonable decisions

Introduction

Practical argumentation is argumentation about what to do in order to solve a practical problem. In this kind of argumentation people try to decide between two or more proposals. Arguments about proposals may be composed of values, rules, purposes, considerations of unintended consequences, and means. Among these elements, values seem to be very important. From their point of view, people establish what kind of situations are practical problems, what types of means are allowed, what kind of consequences are acceptable, and what might be a purpose.

In pluralistic communities, the way in which values affect the other elements of practical argumentation can lead to problems to choose a proposal rationally. Indeed, when there are two or more values which are not subordinated to other values and have the same level of importance, it may happen that two incompatible proposals are justified, each from the point of view of a different value. How can a reasonable choice be made in this situation? What role can appeal to facts and factual evidence play in this situation? These are the questions that I shall develop in this paper.

To do this, I proceed as follows: (1) at first, I characterize the situations to which I refer; (2) in a second moment, I expose some previous answers to similar questions to the ones I am interested in this paper; (3) After this, I suggest a way to answer my main questions; (4) Finally, I highlight some conclusions.

(1) The problem of the values incommensurability in conductive arguments

In the discussions to which I refer, arguers appeal to values of their community to which the other values of that same community are subordinated. Hereafter, I will refer to these values as values of the *highest level* of importance. In the discussions which I refer, these highest values:

- (1.1) become incompatible with each other;
- (1.2) belong to different and incommensurable dimensions of the practical problem to be solved;

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(1.3) constitute arguments in favor of incompatible proposals belonging to different and incommensurable dimensions of a practical problem.

(1.1) Values can be understood as criteria to guide actions. Characteristically, a community has no contradictory values, but different values. Peace and justice, for example, are not contradictory values but different values. Usually you do not have to choose between peace and justice, but you want to satisfy both values at the same time. However, in a given situation, it may be necessary to choose between these values. As Perelman and Olbrechts-Tyteca point out “incompatibility is always relative to contingent circumstances” (1971, p. 197). A situation may be such that two incompatible proposals are justified, one based on the value of peace and the other based on the value of justice. This is a feature of the discussions I am referring to: They are discussions in which people argue from the point of view of different values which become incompatible in a given situation.

(1.2) Values can belong to the same dimension of a problem or to different dimensions of the same problem. For example, the decrease in political violence and the monopoly of violence by the State are two values that belong to the same dimension: Violence. On the other hand, the decrease in political violence and the submission of the violent ones to the judges are values belonging to different dimensions: to violence and legal order.

When two values belong to different dimensions of the same problem, they may be commensurable or incommensurable. They are commensurable if there is a third value in terms of which it is possible to think about the two values belonging to different dimensions. They are incommensurable if this is not the case (Kock, 2017, pp. 106-126). For example, if, for a community, situations characterized by political violence and lack of legal order were practical problems *only for economic reasons*, then, for that community, violence and legal order would be *commensurable values in economic terms*. Indeed, if that community had to choose between negotiating with the violent ones and trying to bring them before the judges, its members could ask what is less expensive economically. By contrast, if, for a community, political violence is a practical problem because of the loss of human life, and lack of legal order is a practical problem because people need to know what is allowed and what is not, then, for that community, political violence and legal order are not commensurable. For such a community there is not a third value in terms of which a choice can be justified. This is another feature of the discussions I am referring to: They are discussions in which people argue from the point of view of incommensurable values in a given community.

(1.3) By virtue of the above, continuing with the previous example, a position in the type of discussions to which I refer can be presented as follows: "Although a negotiation would reduce political violence, we should not negotiate because we would compromise justice." An argument presented in this way can be classified as a conductive argument.

Carl Wellman coined the expression "conductive argument" to name a type of arguments he defined “as that sort of reasoning in which 1) a conclusion about some individual case 2) is drawn nonconclusively 3) from one or more premises about the same case 4) without any appeal to other cases.” (1971, p. 52). In addition to this definition, Wellman offered three patterns for conductive arguments. However, after Govier (1999, pp. 155-183), the third pattern has obtained greater attention. This pattern is “that form of argument in which some conclusion is drawn from both positive and negative considerations” (1971, p. 57). A negative consideration is a reason against the conclusion (Wellman, 1971, p. 57). In saying that in a conductive argument a conclusion is drawn not only from positive

considerations but also from negative considerations, Wellman is using a concept of premise according to which “A premise is any consideration (that is, anything that can be considered or attended to) which counts or is thought to count for or against the conclusion” (1971, p. 90).

As Jin (2011) has shown, this usage of the concept of premise differs from the prevailing usage. According to the prevailing usage, only positive considerations, considerations in favor of a conclusion, may count as premises of the arguer’s conclusion. I will follow this prevailing usage. I accept that negative considerations are either objections to the arguer’s conclusion (Johnson, 2011) or premises in favor of an alternative proposal (Fairclough, 2019).

The most distinctive feature of conductive arguments is the presence of negative considerations. From the point of view of these negative considerations, we can make some general distinctions between conductive arguments (Figure 1):

Negative considerations	Recognition	Strong (A)
		Weak (B)
	Moment	Before (A)
		After (B)
	Speech act	Premise (A)
		Objection (B)

Figure 1. Negative considerations in conductive arguments

I. In a first place, we can make a distinction regarding how strong the recognition of the negative considerations is. In this sense, there is a difference between strong and weak negative considerations. (A) Strong negative considerations are considerations recognized by the arguer as premises of arguments against their proposal, either in favor of the proposed action not to be carried out or in favor of the performance of an action incompatible with the proposal. (B) Weak negative considerations are considerations perceived by the arguer as objections which may be or has already been overridden by arguments in favor of their proposal (Govier, 1999, pp. 155-156).

II. In a second place, we can make a distinction regarding to the moment of the argumentation in which the negative consideration is presented. A negative consideration may be presented either before or after the arguer has displayed all of their arguments. (A) In the first moment a negative consideration may be presented as a strong premise in favor of a proposal which is incompatible with the arguer’s proposal and, because of that, as a consideration that must be taken into account. (B) In the last moment it may be presented as a weak consideration against the proposal, as a consideration which has already been outweighed (Fairclough, 2019).

III. In a third place, we can make a distinction regarding to the kind of speech act performed by the arguer in presenting a negative consideration. In this sense, we can make a distinction between negative considerations performed as premises and negative considerations performed as objections. (A) A negative consideration is performed as a premise when the arguer thinks it could be a reason in favor of an alternative proposal - even when that alternative proposal is not to do something which has been put forward (Fairclough, 2019). Alternatively, (B) a negative consideration is performed as an objection when the arguer thinks it is something that needs to be clarified for a given proposal to be acceptable (Johnson, 2011).

Now, we can ask our main questions again. In cases in which we have multidimensionality and incommensurability between the highest values, how can we go reasonably from instances of the possibility (A) to instances of the possibility (B)? how

can we make a reasonable decision? what role can appeal to facts and factual evidence play in this situation?

(2) Previous answers to similar problems

In this numeral I expose solutions to problems very similar to the one I have raised in the previous paragraph. I think that considering these problems and differentiating them with the problem I am concerned with in this article, contributes to a better understanding of the peculiarity of the latter.

According to Wellman, we make decisions through conductive arguments by thinking about positive and negative considerations repeatedly, until we come to a decision. Wellman thinks that this process is similar to the way in which someone heft objects with their hands in order to find out which one is heavier (1971, p. 57). Such a description does not correspond to a reasonable process. How do we decide through conductive arguments, when we do it reasonably? How do we establish which of two considerations, a positive and another negative, is stronger?

(2.1) Exceptions

(2.1.1) According to Govier

What helps us to evaluate the strength of reasons is that reasons must have a degree of generality. If x is a reason for y , then all that is relevantly similar to x is a reason for all that is relevantly similar to y . The task is only (*sic*) to clarify what is and what is not relevantly similar to x and y . If being x is a reason for case (a) being y , then, *other things being equal* (the relevant similarities being assumed) all cases that are x are y . But what are these other things? What are the relevant similarities?

If $P1$, $P2$ and $P3$ are put forward as *reasons* for C , then the conductive argument that "Because $P1$, $P2$, and $P3$, C " assumes that:

1. Other things being equal, insofar as $P1$ is true, C .
2. Other things being equal, insofar as $P2$ is true, C .
3. Other things being equal, insofar as $P3$ is true, C .

Reasons for C , in this sense, establish a presumption in favor of C . To say that $P1$ is a reason for C is to say that, other things being equal, *if $P1$ then C* . (Govier, 1999, p. 171)

The generality to which we appeal by means of the "other things being equal" expression is important because, from Govier's point of view, the strength of a consideration depends on the range of exceptions associated to such a generality:

on reflect on how strong a reason is *in the case or context we are considering*, we have to reflect on how many other things would have to be "equal" and whether they are so in this case. A strong reason is one where the range of exceptions is narrow. A weak reason is one where the range of exceptions is large. (1999, p. 171)

As I understand it, in the above quotation, Govier is suggesting that in a conductive argument, which follows the third pattern:

1. There are two considerations, (1) and (2).

2. (1) could be a consideration in favor of a conclusion (3), and (2) could be a consideration against the same conclusion (3).
3. One of those considerations constitutes an exception with respect to a rule expressed by the other consideration. For example, (1) asserts the exceptional character of a given situation with respect to a rule expressed by (2).
4. And, because of that, the conclusion for which the exception is relevant is drawn. For example, the conclusion (3) is drawn because (1) is accepted, so, (2) is not a rule applicable to the situation.

For the purposes of this presentation, it could be useful to make a distinction between cases in which a rule and its exception belongs to the same dimension, and cases in which a rule and its exception belongs to different dimensions. As an example, let us examine a case that Zenker (2011) has set out and its correspondent comment:

Here, (CC) stands for *counter-consideration*, (PR) for *pro-reason* and (OBP) for *on-balance premise*; order and numbering are presumed to be arbitrary.

Example of a Conductive Argument

- (CC1) Aircraft travel leaves a large environmental footprint.
- (CC2) Aircraft travel is physically exhausting.
- (CC3) Aircraft travel is comparatively expensive.
- (CC4) Airports do not always route baggage correctly.

- (PR1) Aircraft travel is comparatively fast.
- (PR2) I am overworked and likely able to sleep on the plane.
- (PR3) My department reimburses travel expenses.
- (PR4) Environmental footprint-differences can be compensated by purchase.

(OBP) PR1-PR4 outweigh/are on balance more important than (CC1-4)

(C)It is apt to travel to the conference by aircraft (rather than by train).

In this example, (PR2-PR4) counter (CC1-CC3), while (PR1) is not addressed by a counter-consideration ("is open"). It is difficult to discern how (PR1) could be addressed, other than by cancelling the above presupposition, in which case (PR1) would be rendered irrelevant. Moreover, (CC4) remains unaddressed by any pro-reason.(Zenker, 2011, p. 80)

As we can read in this quotation, in this example there are three pro-reasons or positive considerations countered by three counter-considerations or negative considerations. Then, we can distinguish three pairs of positive and negative considerations. Now, if we try to understand the relationship between the members of each pair, I think we can find out that, in this example, the positive considerations affirm the exceptional nature of the arguer's situation with respect to the rule associated with negative consideration. That is why they can be true or acceptable at the same time, in this example. Indeed, we can reformulate the three pairs of considerations adding an exception clause, as follows:

(CC2) Aircraft travel is physically exhausting, (E)unless the traveler can sleep
(PR2) I am overworked and likely able to sleep on the plane.

(CC1) people who travel by plane leave a larger environmental footprint than people who travel by train.

(E)(PR4) unless the traveler compensates the footprint-difference by purchase.

(CC3) Aircraft travel is comparatively expensive for the traveler.

(E)unless someone reimburses the traveler for traveler expenses.

(PR3) My department reimburses travel expenses.

In cases like these, negative and positive considerations must belong to a same dimension. For example, in the three previous pairs of considerations, the first pair belongs to physical strength; the second to environmental damage; and the third one to money. In contrast, (PR1) and (CC4) do not belong to a same dimension: (PR1) concerns to speed and (CC4) concerns to baggage.

Also, some of the examples Govier presents are examples in which positive and negative considerations belong to different dimensions:

1) The apartment has two bedrooms, which is what we require. Furthermore, (2) the area is quiet, (3) there is good public transportation, and (4) the rent is not too high. Despite the fact that (5) it needs painting and even admitting that (6) the previous tenant has left the kitchen in bad repair, (7) it's the place we should take. (Govier, 2010, p. 356)

“That it will save money is often a good reason for adopting a social policy- but not if many lives are likely to be lost under the policy.” (Govier, 1999, p. 171)

In both two cases, we can reformulate the reasonings in such a way that becomes explicit the exception clauses. However, for the sake of brevity, I will consider the first one: That the apartment(5) needs painting and that(6) the previous tenant has left the kitchen in bad repair, are reasons for (8) not to take the place;(E) unless the apartment has enough rooms, the area is quiet, there is good public transportation, and the rent is not too high. Now, (1) The apartment has two bedrooms, which is what we require, (2) The area is quiet, (3) there is good public transportation, and (4) the rent is not too high. So, (7) this apartment is the place we should take.

In cases like these, in which the rule and the exception do not belong to the same dimension, we are able to draw conclusions because we have previously established value hierarchies. That is, because we value more space, quiet, and rent price than painting and the fact that an apartment is not in good condition; or because we value more human lives than money. Indeed, what may be a reason for doubt in the relationship between (PR1) and (CC4), in Zenker's example, is the possibility of someone assigning the same value to arrive with their luggage as to arrive quickly.

In cases in which (a) the rule and the exception do not belong to a same dimension, and (b) a value hierarchy is not assumed, it is necessary to establish such a hierarchy in order for the positive considerations lead to a conclusion. Indeed, otherwise, negative considerations would prevent us from reasonably drawing a conclusion in light of positive considerations. A premise in which a hierarchy is established in order for a conclusion being drawn, despite the negative considerations, is a kind of premise that Hansen has labeled as “on-balance premises”. That is, premises in which it is observed that “one set of considerations outweighs a second set” (Hansen, 2011, p. 39). Now, how can we reasonably justify an on-balance premise in which a hierarchy of values is established? I will go back to this point in the third numeral of this presentation.

(2.1.2) Fischer

Until this point, we have been taking exceptions to be items on a list of situations in which a universal statement does not apply. However, according to Fischer, in this context, “the quantity of exceptions concerns not the number of items on a list of exception categories, which can be almost arbitrarily long. Rather, the quantity of exceptions must involve cases” (2011, p. 91). Cases are actual or possible situations, judged within the framework of a tradition, in which many other cases have been tried. In a tradition there are series of cases that make up patterns. Thus, it is possible to argue by analogy from a pattern in favor of a conclusion (Fischer, 2011, p. 95). As far as conductive arguments are concerned, it is possible because in a case pattern we can find what factors or what dimensions and values haven been privileged over others in previous cases.

In this way, the arguments by analogy from a case pattern can reasonably justify the on-balance premises when there is only one case pattern in the framework. Nonetheless, there are different ways in which an arguer can find more than one case pattern from which proceed by analogy. It may happen that

- (1) The arguer lives in a community whose history has different decision patterns – perhaps because two or more groups with ideological differences have had the power to make decisions alternately.
- (2) The arguer lives in a community in which it is acceptable to appeal to case patterns of different communities. In such a community, different arguers can appeal to different communities and, of course, to different case patterns.
- (3) The arguer lives in a community in which it is allowed to appeal to fictional case patterns and, thus, possibly to different case patterns.

In those kinds of communities, for an arguer to justify an on-balance premise by means of an analogy from a case pattern, it is necessary to justify the selection of the case pattern. However, what kind of argument would be appropriate for this purpose? I shall come back to this question in section 3.

(2.2) Preferences

Pinto (2011) remind us Wellman’s idea according to which “Wherever some descriptive predicate is ascribed on the basis of a family resemblance conductive reasoning takes place” (Wellman, 1971, p. 54). Pinto thinks that:

descriptive predicates fitting this description exhibit *open texture* [...] the three characteristics Wellman ascribes to predicates exhibiting open texture, namely:

1. there are several criteria for the application of the term
2. the criteria can be satisfied to a greater or lesser degree
3. the criteria may vary in importance

also apply, I think, to the “good-making” or “right-making characteristics on which we base our ethical or moral appraisals [...]

what gives rise to the need to assess relative strength (in the sense of weight) of pro and con considerations in conductive arguments is rooted in the fact that the conclusions of such arguments involve the application of predicates (normative and/or descriptive) whose applications are based on criteria or “features” exhibiting these three characteristics. (Pinto, 2011, p. 119-120)

Based on this, Pinto suggests that:

- (a) What enables us to compare the relative force of a single pro and a single con consideration is our ability (i) to estimate the degree to which those features are present in the situation with which those considerations are concerned, (ii) to determine our preferences with respect to the features on which those considerations turn, and (iii) to estimate the degree of risk we undertake in relying each of those considerations and
- (b) our comparisons of relative force based on these preferences and estimates will be reasonable if and only if both the preferences and the two sorts of estimates on which such comparisons depend are reasonable -i.e., are preferences and estimates for which we have good reasons all things considered. (Pinto, 2011, p. 124)

Pinto's suggestion is applicable to descriptive and normative predicates. Practical arguments in political deliberation may contain descriptive and normative predicates. The former may be used for making descriptions of actions whose performance would modify a problematic situation and would produce a new situation in accordance with the values and purposes of the agent. The latter may be used, for example, for expressing values or norms. There is an entanglement of normative and descriptive components in the description of practical problems because such a kind of description is always performed from the point of view of both facts and values. Therefore, Pinto's suggestion is applicable to arguments adduced to justify a premise of a practical argument, in cases in which those premises are conclusions of conductive arguments.

However, Pinto's suggestion is not applicable to the conclusions of practical arguments in political deliberation because predicates in this kind of conclusions are not used for making descriptions or appraisals. Predicates in the conclusions of practical arguments in the context of political deliberations are used for making decisions or declarations (Fairclough & Fairclough, 2013, pp. 35-36; Gómez, 2017; Kock, 2017, pp. 106-126). A description or an appraisal may be the conclusion of a discussion in which acceptable reasons in favor and against a conclusion are considered when, as Pinto has said, the application of the predicate is based on criteria fitting the three characteristics of open texture concepts. In contrast, a decision or a declaration may be the conclusion of a conductive argumentation when:

- (a) There is a situation perceived as a practical problem
- (b) Such situation is a practical problem because it is incoherent with the agent's values and purposes
- (c) The proposals put forward in order to solve the practical problem satisfy some of the values but do not satisfy all of them
- (d) The agent has to make a decision
- (e) There is not a proposal satisfying all the values

Therefore, for assessing the force or weigh of the negative and positive considerations, and for drawing a conclusion in the context of political deliberations, in situations in which the highest values become incompatible, belong the different dimensions and cannot be commensurate, we need a procedure for assessing values. How could we do that?

(2.3) Classifications

Macagno and Walton (2018) state the problem and their suggestion as follows:

The crucial problem is how to account for, describe, and evaluate arguments that are grounded on distinct and often incompatible values (or evaluative dimensions) (Kock 2003, 158). The

challenge is to overcome value incommensurability, namely the impossibility of “ranking with respect to a common denominator of value” the conflicting values on which the arguments are based (Kock 2007a, 236). The solution envisaged is focused on the classification of states of affairs. While values can be incommensurable at an abstract level, they can be compared and ranked when applied to specific phenomena, leading to individual preferences (Kock 2007a, 237) that can be discussed. In this sense, deliberative argumentation should be focused on the acknowledgment, comparison, analysis, and discussion (Olmos 2016, 15) of the interpretation and the description of the states of affairs used to argue in favor or against a proposal (Kock 2003, 170; Fairclough and Fairclough 2012, 32). (Macagno & Walton, 2018, p. 524)

This proposal supposes a conception of practical reasoning in which they distinguish three “groups of argumentation schemes representing distinct reasons for different types of (final or intermediate) conclusions” (Macagno & Walton, 2018, p. 538). These schemes combine with each other to represent the structure of practical argumentation. They “associate the three groups of schemes to three interrelated levels of analysis, ranging from the less complex but also less specific and fine-grained level to the deepest one” (2018, p. 538). They describe each of the levels as follows:

1. Level 1 The first and simplest level of analysis is constituted by the justification of an action, which includes the schemes from practical reasoning, from consequences, and from rules. At this level, only the relationship between an evaluation (or classification) and the choice of an action is taken into account. [...]
2. Level 2 At this level, the evaluation of the distinct alternatives (in case of practical reasoning) and the consequences of an action are represented. [...]
3. Level 3 This level is the deepest level of analysis and represents the classificatory reasoning presupposed by evaluation. A state of affairs needs to be classified in a certain fashion in order to become a premise in an argument from rules, from consequences, or from values. (Macagno & Walton, 2018, p. 538)

As I understand it, this proposal is that arguments by classification may be employed for justifying the premise in which the problematic situation is described in the arguments from values (in the premise 2), or in the arguments from the consequences to evaluation (in the premise 1), or in the arguments from the rules (in the minor premise). Macagno and Walton exemplify their proposal through a discussion that they represent as follows:

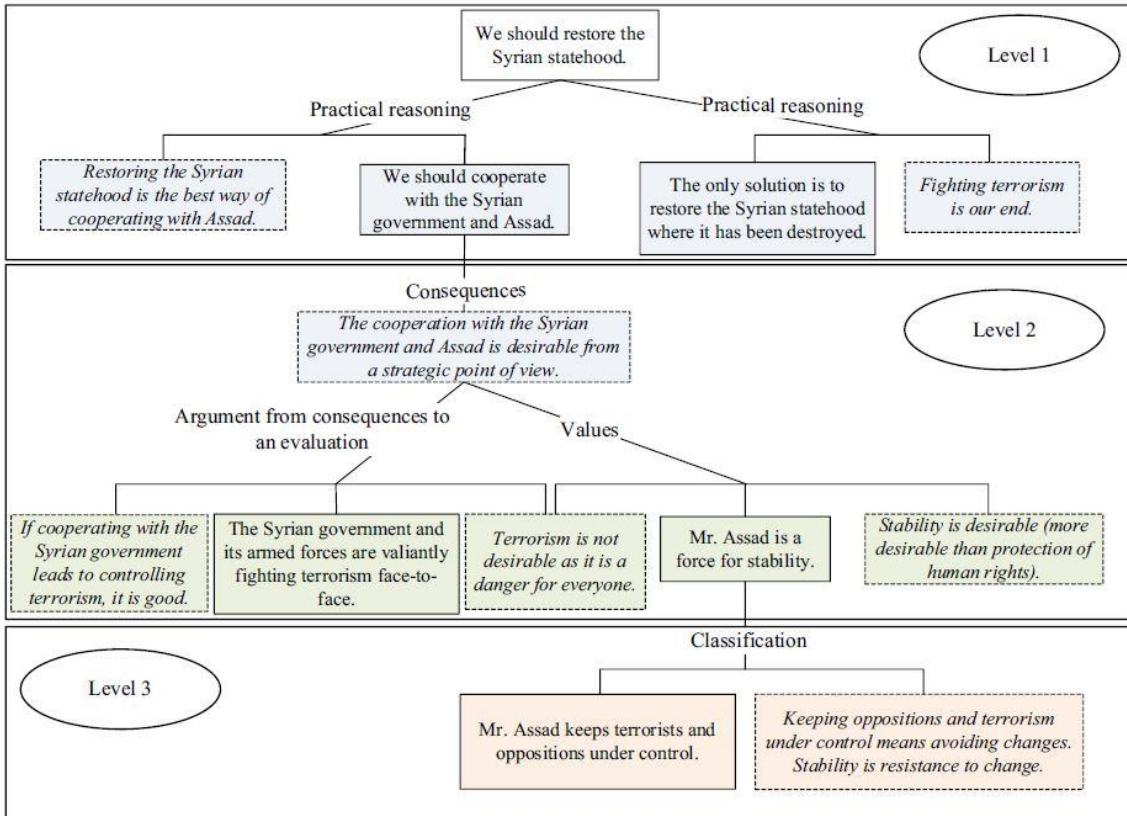


Image 1. A modular reconstruction of Putin's practical argument (Macagno & Walton, 2018, p. 540)

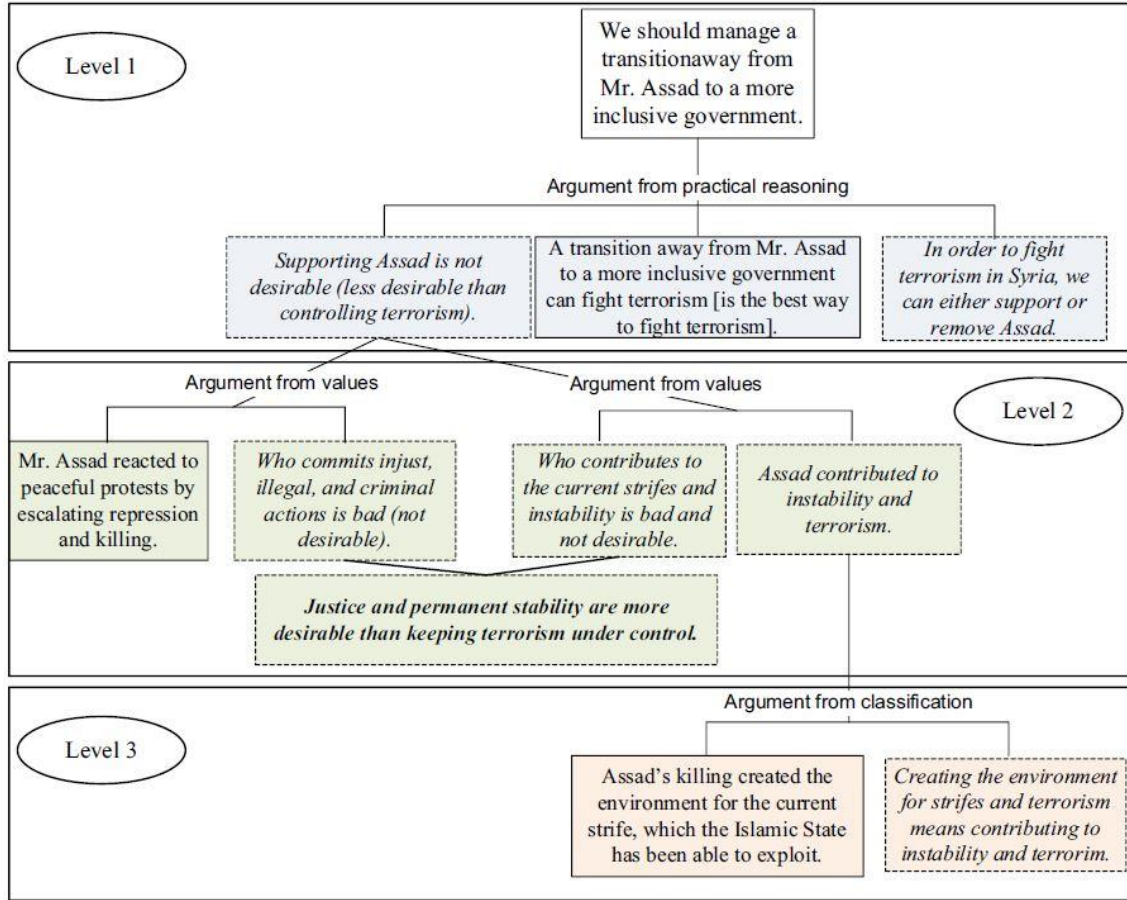


Image 2. A modular reconstruction of Obama's reply to Putin's argument (Macagno & Walton, 2018, p. 541)

As we can read in the example, there are two proposals: Putin's proposal and Obama's proposal. In Putin's practical argument, there is an argument from values: (Premise 1) "Stability is desirable (more desirable than protection to human rights)", and (Premise 2) "Mr. Assad is a force for stability". At the same time, this last premise is justified by an argument from classification: (Premise 1) "Keeping oppositions and terrorism under control means avoiding changes. Stability is resistance to change", and (Premise 2) "Mr. Assad keeps terrorists and oppositions under control". On the other hand, in Obama's practical argument, there are two arguments from values. For the sake of brevity, let us pay attention only to one of them: (Premise 1) "Who contributes to the current strifes and instability is bad and not desirable", and (Premise 2) "Assad contributed to instability and terrorism". In relation with the Premise 1 of this argument there is a premise "Justice and permanent stability are more desirable than keeping terrorism under control". Also, as in Putin's argument, the premise 2 of the argument from values is justified by an argument from classification: (Premise 1) "Creating the environment for strifes and terrorism means contributing to instability and terrorism", and (Premise 2) "Assad's killing created the environment for the current strife, which the Islamic State has been able to exploit".

Now, why should anyone reasonably accept one of the arguer's conclusion, instead of the alternative conclusion? Anyone who accepts the information parenthetically introduced in the premise 1 of Putin's argument from values (stability is more desirable than protection to human rights), will accept Putin's conclusion; but, by the same reason, anyone who accepts the premise introduced with relation to the premise 1 of Obama's argument from values (justice and permanent stability are more desirable than keeping terrorism under control), will accept Obama's conclusion.

Neither the information parenthetically introduced in the premise 1 of Putin's argument from values (stability is more desirable than protection to human rights) nor the premise introduced with relation to the premise 1 of Obama's argument from values (justice and permanent stability are more desirable than keeping terrorism under control) has been labeled as on-balance premises in the example. However, I think they play the role of on-balance premises: In them a value is presented as outweighing other value.

From this we can learn that, in the kind of argumentation in which I am interested to, the need for the on-balance premises cannot be obliterated. As Hans Hansen has pointed out, a conductive argument is an argument "that goes from the observation that one set of considerations outweighs a second set -the counter-considerations- to the conclusion that some claim is reasonable even though the counter-considerations are true, or acceptable" (Hansen, 2011, p. 39). Thus, in this kind of argumentation, outweighing considerations means determining if the pro considerations are more important than the con considerations or vice versa. Now, when conductive argumentation takes place as a deliberation about what to do in a situation in which the highest values became incompatible, outweighing means establishing a new hierarchy of values. That is what, in those cases, should be expressed by the on-balance premise. Nevertheless, how can we do that without going against the pluralistic assumption, that there are several values at the same highest level? And, what kind of argument may be reasonably employed in order to justify such a new hierarchy of values?

(2.4) Consequences.

According to Fairclough (2019), negative considerations are stronger than positive considerations when the acceptance of the arguer's proposal has unacceptable

consequences. When the consequences are acceptable and the proposal may achieve the intended goal, positive considerations are stronger than negative considerations:

assuming that (based on all current knowledge) the proposal will achieve the goal (its intended consequence), its unintended consequences or side effects may still conclusively refute it, in case they are unacceptable and thus ought to be avoided. The proposal will withstand criticism, and emerge as a potentially reasonable course of action, if no unacceptable (intended or unintended) consequences have come to light while considering whether to adopt A or not. The form of argumentation involved when the conjecture that A is the right thing to do is refuted by its potential unacceptable consequences is therefore deductively valid—*modus tollens*:

Action A will lead to consequence C.

Non-C should be the case.

Therefore, non-A should be the case. (Fairclough, 2019, p. 224)

Thus, everything depends on what counts as an unacceptable consequence:

“Consequences” include known impacts, but also risks (which may not materialize). In addition, the situation where a proposal would clash with, or go against a moral or institutional principle, rule or norm, would also be an unacceptable consequence, on my account, should those principles, rules and norms be assessed (either singly or collectively) as ultimately non-overridable in a particular deliberative context. (Fairclough, 2019, pp. 224-225)

If this is so, Fairclough’s suggestion is applicable to cases in which a practical problem may be solved in accordance with all the highest values of a community. Cases in which people have to make a choice between desirable achievements and institutional principles or values. However, when, as in the cases I am referring to, a community must make a decision with respect to which its highest values become incompatible, whatever decision they make will clash against an institutional principle or value. In those cases, whatever decision would be unacceptable from the point of view of some of the highest principle or value. For example, when a community has to make a choice between negotiating a civil war and sacrifice justice or maintaining war and sacrifice human lives, if such community has justice and life as some of its highest values, that community will have to make a choice between two normally unacceptable proposals. How can we reasonably justify a decision in such a situation? What kind of argument may be employed whit that purpose?

(3) Value’s conditions of possibility

I think the values incommensurability problem can be solved if and only if it is possible for an agent to justify a new value’s hierarchy. Indeed, the problem arise when the highest values become incompatible in a given situation, there is not a third value in terms of which the incompatible values can be commensurate, and all the proposals are such that their acceptance would be incoherent with one of the highest values. The problem cannot be solved without subordinate a value to the other one. This new value hierarchy can be reasonably stablished if and only if there is a reasonable argument in favor of it. However, there are two difficulties: (1) It seems that establishing a new hierarchy is not coherent with the pluralistic assumption according to which there are several values in the highest level. (2) It is not clear if, given the contingent nature of values, it is possible to argue reasonably about them.

Starting with the last problem, it may be useful to have into account that although values are contingent in nature, they have factual presuppositions. This can be known from the fact that revisions of factual assumptions can make people revise value judgements, as Putnam has shown in his reading of Sen (Putnam, 2002, pp. 75-76; Sen, 1967, pp. 50-51). Thus, to use Connolly's example, people who value democracy could probably change this value if they became convinced that democratic discussions in our current situations leads to the division of political parties into uncompromising warring bands (Connolly, 1993, p. 31).

Values are criteria to guide actions, they serve to select the kind of situations that should be pursued. Values may or may not be executed. But, then, in order for a value to be executed some things have to be obtained. Values have conditions of possibility. These conditions of possibility may be used for thinking about them, for making comparisons between them, and ultimately, for establishing hierarchies. We can think about what a value is for a given community looking at the set of things that must be obtained in that community for that value to be executed. We can make comparisons between values looking at the differences and similarities between their sets of conditions of possibilities. Ultimately, we can establish hierarchies between values from the point of view of their conditions of possibility by determining between two values which value is a condition of possibility of the other one.

In doing so, we do not go against the pluralistic assumption, that there are several values in the highest level. Establishing a hierarchy of values from their conditions of possibility is not necessarily establishing different levels of importance between values. On the contrary, it is establishing different places in an agenda (a list of things an agent has the purpose to do) in which, although all of the values have the same level of importance, some of them have to be executed for the others to be possible. Thus, a value J and a value P can have the same level of importance and, nevertheless, a situation may be such that the realization of J is a condition for the possibility of the realization of P, and not vice versa. It does not have to be understood as if one value has more importance than the other one. It is just that, although J and P have the same level of importance, J is a condition of possibility of P. In such an arrangement, if someone wants to execute both values, in its agenda they have to subordinate P to J.

For the same reason, in such an arrangement, if, in a given situation, someone cannot execute both values at the same time but wants to maintain their order of values, they should subordinate P to J because in doing that they preserve the possibility of realizing J after realizing P, and because otherwise they could be losing the possibility of realizing J by realizing P.

In this paper, I am not going to try to exhaustively determine a set of criteria for establishing hierarchies between values of the same level of importance, from the point of view of their conditions of possibility. However, to use a classical set of those criteria we could recast some of the criteria Aristotle expose in his *Rhetoric*²:

And [what precedes is the greater] when one thing follows from another but the relationship is not reciprocal (using *follows* in the sense of resulting simultaneously or successively or potentially); for the use of what follows is already inherent in what precedes (Aristotle, n.d., 1363b)

² I do not think all of the criteria Aristotle presents in *Rhetoric* for stablishing "the greater good and the more advantageous" (1363b) are applicable to values from the point of view of their conditions of possibility, but I do think that some of them are.

And something whose opposite is greater and whose loss is greater [is greater] (Aristotle, n.d., 1364a)

And things that last a longer time rather than those that last a shorter time (Aristotle, n.d., 1364b)

the possible [is greater] than the impossible; for one is useful in itself, the other not (Aristotle, n.d., 1365a-1365b)

With these criteria in mind, we can think about how to establish new hierarchies between values of the same level of importance as a procedure in which someone, in a given situation, review the conditions of possibility of each of the values pertaining to a set, and try to:

- 1) Establish which value is a condition of possibility of another value.
- 2) know the subordination between values where one of them compromises the execution of the other one
- 3) Discover which value is a condition for maintaining another value.
- 4) Understand which value is realizable and which one is not.

This procedure, or some procedure similar to this one, is a way of solving the incommensurability problem or, at least, this is my suggestion. This approach accomplishes the work of commensurate values without arbitrarily adding a value in terms of which to express all the remaining values. Also, this method allows us to commensurate values without going against the pluralistic assumption. This procedure makes it possible to commensurate values belonging to different axiological dimensions because axiological multidimensionality does not imply any performative multidimensionality. Even if we have different values belonging to different dimensions, all of them are executed by actions, and there is only one dimension of actions. Therefore, from the point of view of what makes possible the realization of values, we can commensurate them. Thus, in a given situation, we can have arguments in which arguers go from considerations about the possibilities of realizing values to the establishing of hierarchies between them. For example:

1) First example

1.1) Although justice (J) is a value as important as it is peace (P)

1.2) given that in the current situation these values are incompatible with each other, and given that something must be done

1.3) considering that we should subordinate the smaller to the greater

1.3.1.1) considering that what precedes is the greater when one thing follows from another, but the relationship is not reciprocal

1.3.1.2) and that peace (P) will make possible a strong state in which justice (J) may be achieved, and that the seeking justice will make peace impossible.

1.3.2.1) considering also that what is possible is greater than what is impossible

1.3.2.2) and that the state does not have enough power to win the war and impose justice, but it does have enough power to negotiate and obtain peace.

1.4) We should subordinate justice (J) to peace (P).

2) Second example

2.1) Although peace (P) is as important as it is justice (J)

2.2) given that in the current situation they are incompatible with each other, and given that something must be done

2.3) considering that we should subordinate the smaller to the greater

2.3.1.1) considering that things that last a longer time are greater than those that last a shorter time

2.3.1.2) and that without justice (J) there is no guaranty of no repetition of the current war

2.3.2.1) considering also that is greater something whose loss is greater than something whose loss is not greater

2.3.2.2) and that subordinating justice (J) to peace (P) we would lose not only justice but also national unity

2.4) we should subordinate peace (P) to justice (J).

What we have here are two examples of two conductive arguments in which:

(a) There is a recognition to the effect that two values belonging to different dimensions have the same level of importance.

(b) There is a perception that those values have become incompatible with each other.

(c) And there is a consideration of

(c.a) criteria for stablishing hierarchies from the point of view of the value's conditions of possibility and

(c.b) features of a current situation, in which the values have to be executed

(d) Accordingly, a conclusion is drawn in which a new hierarchy of values is stablished.

Three features of these examples are worth to be remarked: First, (a) and (d) may be acceptable at the same time, since (a) puts (P) and (J) on the same *level of importance*, while (d) puts (P) and (J) on different *places of the agenda*, according their conditions of possibility. Second, although (d) express the conclusion of the argument, if, as is expressed in (a), something must be done, the practical reasoning does not have an end on (d). In (d) is expressed an on-balance premise needed for other premises of other arguments to be accepted, until the point in which a decision can be made. In other words, I think this proposal is coherent with the modular approach to the practical reasoning. And, third, in (d) there is a disagreement between (1.4) and (2.4), each of these conclusions stablishes a different subordination between (P) and (J). However, this disagreement may also be developed asking for the conditions of possibility of values. For example, if it is greater what last longer and peace without justice does not last enough, is it possible to use a provisional peace for making a state stronger enough to win the next war, ensure the national unity and impose justice, if needed? Here we can also

have disagreements, but here we do not have the incommensurability of values problem, we have practical disagreements as usual, disagreements about what to do in order to achieve some purposes and execute some values.

(4) Conclusions

In this paper I have dealt with a particular kind of conductive arguments. That is, conductive arguments in which two values of the same highest level (1) become incompatible with each other, (2) belong to different dimensions of a practical problem, (3) cannot be commensurate in terms of a third value, and (4) are presented as positive and negative considerations with regard to a proposal.

I have considered previous answers to very similar problems and I have taken advantage of them to grasp a better understanding of the incommensurability of values problem. I have reviewed how conductive arguments in which positive and negative considerations belonging to *a same dimension* may lead to reasonable conclusions, when the positive consideration establishes the exceptional nature of a situation in regard to a rule expressed in the negative consideration (Govier, 1999, 2010). I have taken note of how conductive arguments in which positive and negative considerations belong to *different dimensions* may lead to reasonable conclusions, by means of analogies from a case pattern, when there is a singular case pattern (Fischer, 2011). I have learned how premises in which a descriptive or normative predicate is ascribed based on a family resemblance conductive reasoning may be justified by assigning preferences to the different criteria from which such a predicate is ascribed. I have taken advantage of the modular approach to practical reasoning, and I have understood that conductive arguments may lead to reasonable conclusions starting by arguments from classifications, when values belong to *different dimensions and a hierarchy of values* expressed in an on-balance premise *is presupposed* (Macagno & Walton, 2018). Finally, I have become aware of how conductive arguments may lead reasonably to conclusions by means of a *modus tollens* argument, in which a consequence is appraised as unacceptable because is incoherent with a highest value, when the highest values are compatible with each other. After considering these accounts, I have realized that in order to solve the incommensurability of values problem it is necessary to justify an on-balance premise in which a value is presented as outweighing other value without detriment to it or compromising it, without introducing a third value in terms of which commensurate the values in conflict, and without going against the pluralistic assumption.

I have suggested that an on-balance premise may be justified in the required way by means of a comparison between the value's conditions of possibility. Between two values, the one that is a condition of possibility of the other may outweigh it, without detriment. To establish which value outweigh the other one we can make use of several criteria. In this paper, I have not tried to establish what those criteria are. Instead, I have quoted four criteria that Aristotle considers in his *Rhetoric* and that, as I understand them, satisfy what is needed for my current task. At the end of the paper, I sketched two examples to illustrate my suggestion. The main supposition of this proposal is that we can maintain axiological incommensurability and make performative commensurations. If this proposal is acceptable, conductive arguments in which positive and negative considerations are incommensurable values may lead to reasonable conclusions by means of factual revisions of value's conditions of possibility.

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