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## A Theory of Argumentation: The Case of Ethical, Political, and Utopian Thinking

Within the frame of this paper we are aiming to give the reader a clear understanding of the structure of political, ethical and utopian argumentation. Hence, political theory and, to a limited extent, political philosophy will constitute the main field of research. In spite of using particular examples, we are going to focus on the formal structure of arguments. Thus our conclusions will be general in character and applicable also to other theories and standpoints. To achieve this objective we shall employ a well-known method in theory of argumentation, one which was proposed by Stephen Toulmin.<sup>2</sup> We have found his model of argumentation to be a very interesting and effective tool for analysing arguments of political philosophy, political thought, and every field of knowledge related to politics and the public sphere. In other words, we will try to translate main elements of this theory of argumentation into political theory. Three general issues shall be investigated in this work. First, what is the main goal of distinguishing ethical arguments from political ones? For the sake of this investigation we shall not distinguish ethical arguments from moral ones, while acknowledging the difference is significant in other areas.<sup>3</sup> This problem is crucial for having a set of precise concepts forming part of coherent argumentation. Second, what is the proper structure of political argument in accordance with Toulmin's model of argumentation? This example of contemporary political theory will be used as evidence that it is possible to cover all fields required by political argumentation and provide a complete political argument. Third, is the realistic utopia a consistent idea or, to put it another way, what are the necessary conditions for actualizing the realistic utopia? To answer this question we shall analyse classical utopian argumentation and juxtapose it with a political argumentation. As an outcome of this research we can gain knowledge about particular elements of ethical, political, and utopian argumentation. Moreover, the relation between these types of arguments will be elaborated on as well.

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<sup>2</sup> S. Toulmin, *The Uses of Argument*, Cambridge 2003.

<sup>3</sup> R. Dworkin, *Justice for Hedgehogs*, Cambridge-London 2011, pp. 191–301.

The issues discussed in this work are related to the contemporary debate on the theoretical and practical status of normative theories,<sup>4</sup> however, our proposal is based mostly on the theory of argumentation, and only secondarily does it appeal to ethical reflection.

## 1. Stephen Toulmin's model of argumentation

At the beginning of this investigation we would like to acknowledge a contribution to a theory of argumentation made by the author who invented one of the most powerful tools for critical thinking. The author we have in mind is of course Stephen Toulmin. His idea consists in precisely distinguishing elements of argumentation, which are interconnected. These elements are: 1) *claim*; 2) *grounds*; 3) *warrant*; 4) *backing*; 5) *modalities*; 6) *rebuttal*. A *claim* should be understood as the first step in argumentation. There is always an assertion from which we start an argument. But the argument proper, or at least its rudimentary form, starts with using the word "because" in order to build the connection between the aforementioned assertion and the *grounds* for our claim. This connection ought to be supported by some kind of principle. This is the role for *warrants*. *Warrants* are in fact commonplaces<sup>5</sup> which can attract the audience and persuade our interlocutors. Accepting warrants in the process of discussion means that one is willing to accept the conclusion as well. To avoid the danger of subjectivism, a *warrant* should be backed by some historical facts, empirical data, results of scientific research, etc. This is the task for *backing*. No argument is effective, sound or cogent regardless of circumstances. For this reason we need *modalities* – an element which plays a crucial role in determining the validity of an argument. As we can read in the *Introduction to Reasoning*:

Here the strengths and limitations of the initial claims are indicated by the addition of *modal qualifiers*, that is, phrases showing what *kind and degree of reliance* is to be placed on the conclusion, given the arguments available to support them.<sup>6</sup>

The other side of the same coin are *rebuttals*, that is, possible ways of refuting an argument. This element expresses conditions under which an argument would not be sound or cogent anymore. *Rebuttals* consist in pointing to "extraordinary or exceptional circumstances that might undermine the force of the supporting arguments".<sup>7</sup> In order to illustrate the above method, let us consider the following example. Suppose that our *claim* is: "I should take a pill with acetylsalicylic acid". The *ground* for this claim is that I feel sick, and I probably caught a cold. The *warrant* refers to the fact that the acetylsalicylic acid is a substance which can help in cases like this (fever, cold, etc.). The *backing* for this warrant consists both in scientific data or research results obtained by such disciplines as biology, medicine, chemistry, etc. and in experience of medical practitioners. *Modalities* point to specific circumstances under which the above reasoning applies, for example, to the fact that the acetylsalicylic acid is effective in fighting symptoms, but not causes of diseases. The whole argument works only insofar as I am not allergic to acetylsalicylic acid – and this is the matter for a *rebuttals*.

<sup>4</sup> Z. Stemplowska, *What's Ideal About Ideal Theory?*, "Social Theory and Practice" 2008/3, pp. 319–340; L. Valentini, *Ideal vs. Non-ideal Theory: A Conceptual Map*, "Philosophy Compass" 2012/9, pp. 564–664.

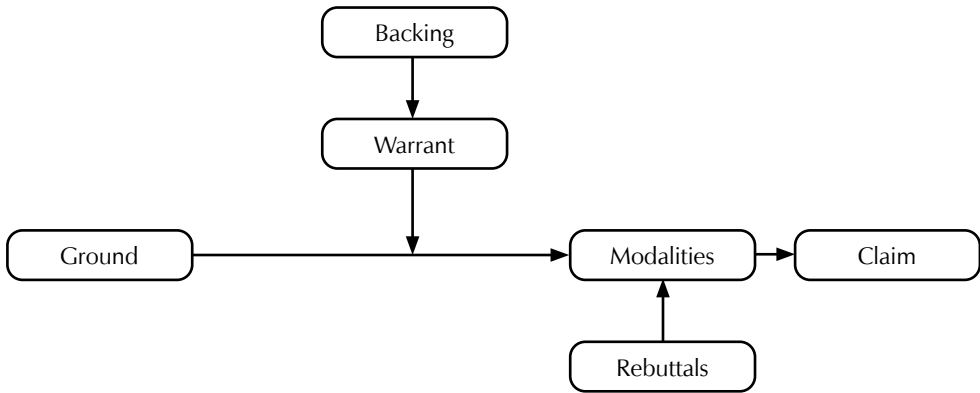
<sup>5</sup> Ch. Perelman, L. Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*, Notre Dame 1971, pp. 83–84.

<sup>6</sup> S. Toulmin, R. Rieke, A. Janik, *An Introduction to Reasoning*, London 1979, p. 69.

<sup>7</sup> S. Toulmin, R. Rieke, A. Janik, *An Introduction...*, p. 75.

**Chart 1.**

Toulmin's model of argumentation



Source: S. Toulmin, R. Rieke, A. Janik, *An Introduction...*, p. 78.

These six elements constitute a structure of a complete argument, which can be applied to various cases. It is worthy of note that an important assumption is added to this structure. If we search for high quality arguments, we should keep in mind the rule: context determines criteria.<sup>8</sup> It means that the quality of arguments is not independent, but strictly related to a discipline, branch or kind of a given investigation. In spite of the variety of possible uses of this model, we can say that its form is in principle universal, although there is one interesting exception. An ethical reasoning is distinguished as a special kind of reasoning in which the structure of arguments is supposed to be modified and this change constitutes the first stage of our research on the structures of utopian, ethical and political arguments and their similarities, differences and peculiarities.

## 2. Ethical argumentation

Amongst several fields of reasoning, ethical argumentation has a special status. Within ethical thinking critical argument becomes crucial. The main reason for its extraordinary role is the connection between ethical reasoning and our practical life. Within Toulmin's model this specificity can be seen as a peculiar relation between *ground* and *warrant*. As Toulmin points out:

In actual practice, indeed, the connection between grounds and warrants in ethical arguments is so close that we rarely trouble to spell them both out. Each implies the other. Thus, instead of saying, "I really oughtn't to tell him that story; it would be deceitful", I might have said "I really oughtn't to tell him that story; it is wrong to be deceitful". In the first case, the claim, C, is apparently supported by grounds (G) alone and in the second case by warrant (W) alone.<sup>9</sup>

The function of grounds and warrant is a salient feature of ethical reasoning. If we take a look at moral considerations, they are determined exactly by the power of principles. It can be seen, for example, in the case of *reflective equilibrium* method, where

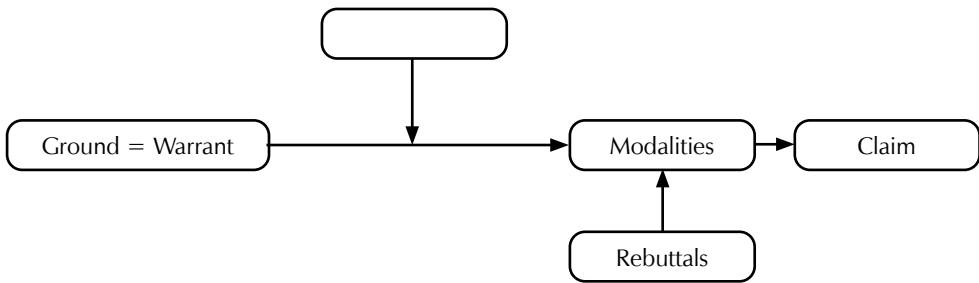
<sup>8</sup> S. Toulmin, R. Rieke, A. Janik, *An Introduction...*, p. 120.

<sup>9</sup> S. Toulmin, R. Rieke, A. Janik, *An Introduction...*, p. 324.

principles and intuitions determine our moral judgements.<sup>10</sup> Hence, as far as ethical reasoning is concerned, Toulmin's model undergoes the following important modification.

### Chart 2.

Ethical reasoning



Source: S. Toulmin, R. Rieke, A. Janik, *An Introduction...*, p. 324.

Why do we find this modification an interesting fact and why does it motivate our research? This peculiarity of ethical reasoning is a prism through which we can see structures of argumentation in different colours. When the structure of ethical reasoning is juxtaposed with that of political or utopian reasoning, the structures of these different types of argumentation can become clearer. The crucial issue which distinguishes political from utopian reasoning (which refers to ethical norms) is the question of normativity. How is the backing of these norms supposed to look like? Or even: What if we could not provide a justification for these norms? In the context of moral or ethical reasoning these norms and principles become our reasons. It is worth noticing at this stage of the investigation that the political argument requires a more comprehensive structure. If we assume that politics is the discipline designed for confronting different perspectives under rational conditions, then its scope is much broader than that of morality. Politics concerns issues which are unobvious and for which there is a lack of consensus at the initial stage of the political process. This initial situation determines the complexity of the argument structure. There are a lot of issues to argue about and a lot of reasons to be expressed in political deliberations. In this context there are more similarities between the ethical and utopian structures of argumentation than between the ethical and political structures. It can be said that the aim of ethical investigation is to establish general principles for our moral activity, while the aim of political investigation is related to the question: How should moral principles be managed in political reality to prevent their clashing? Utopian thinking is located between these two types of reasoning. It is based on moral assumptions but it also expresses political ends. We shall investigate this topic in later sections.

### 3. Between utopian and political thinking

Utopian thinking has a rich tradition and is well grounded in western philosophical thought. There are both critics and defenders of this intellectual enterprise. We would

<sup>10</sup> J. Rawls, *The Independence of Moral Theory*, "Proceedings and Addresses of the American Philosophical Association" 1974/48, pp. 5–22.

like to emphasize and analyse the structure of utopian arguments. To do so, we should first explain the structure of political arguments because, according to the assumption of this work, the utopian argument is similar to the political one, but with some gaps in its structure. Not only is there lack of relation to reality, but some distortion in argumentation as well. A very good example of this issue was provided by William Shakespeare in his famous play *The Tempest*. Gonsalo introduces his vision of ideal commonwealth in following words:

I' th' commonwealth I would by contraries/ Execute all things, for no kind of traffic/ Would I admit. No name of magistrate./ Letters should not be known. Riches, poverty, / And use of service – none. Contract, succession,/ Bourn, bound of land, tilth, vineyard – none. / No use of metal, corn, or wine, or oil. / No occupation: all men idle, all.<sup>11</sup>

After this manifesto, other characters in the play figured out that: “The latter end of his commonwealth forgets the beginning”<sup>12</sup> because in this ideal polity there would be no more place for the monarch who had created this commonwealth. This lack of consistency looks like an argumentative fallacy. If the above argument were a regular political argument, then some parts of its specifically political structure would be missing. The point is that it is not a political argument, but rather a utopian one and the aforementioned gaps in the structure allow us to explain what a utopian argument is. In what follows, we will attempt to clarify this form of argument by looking at the irregularities in its structure.

This is a question of how to act under specific political conditions or what should be done to achieve a desired level of stability in the political order. In the utopian view this is the question of utopia-in-action. As Zygmunt Bauman stated:

The last dilemma is (...) located, so to speak, right on the bridge connecting the utopia of today with reality of tomorrow. The vexing dilemma which each and every socialist utopia-in-action is bound to face is this: socialism means a radical departure from present conditions, but it can be accomplished only if a proper account is taken of these conditions. Moreover, it must be set in motion by factors which have already been gestated and developed within these conditions.<sup>13</sup>

We can also say that utopian reflexion is intentionally created as standing outside the present reality, but at the same time it is oriented toward changing this reality. This dilemma of utopianism concerns the possible extent of actions necessary for a compromise. This controversial element of utopian enterprises will be identified in our Chart 4 as the main difference between utopian and political thinking.

For the sake of our research we should choose a particular example of utopian thinking and compare it with a political one. One of the latest disputes about these issues in political philosophy was thoroughly analysed by Charles Larmore in his paper about moralism and realism.<sup>14</sup> The main goal of his research was to answer the question asked in the title of his paper. Trying to find the definition of political philosophy he juxtaposed two standpoints: moralism (Gerald Cohen) and realism (Bernard Williams). The former represents an approach which, for the sake of our analysis, can be linked

<sup>11</sup> W. Shakespeare, *The Tempest*, in: W. Shakespeare, *The Complete Works*, S. Wells, G. Taylor, J. Jowett, W. Montgomery (eds.), Oxford 1998, p. 1176.

<sup>12</sup> W. Shakespeare, *The Tempest*, p. 1176.

<sup>13</sup> Z. Bauman, *Socialism. The Active Utopia*, London 1976, p. 65.

<sup>14</sup> Ch. Larmore, *What Is Political Philosophy?*, “Journal of Moral Philosophy” 2013/1, pp. 276–306.

with utopian argumentation, whereas the latter shows affinity to political perspective. According to Cohen, the value which our theorizing about politics can bring us consists mainly in the idea of justice. This idea should be regarded as independent from acts. Cohen says that “[j]ustice transcends the facts of the world”.<sup>15</sup> But of course it still has political validity. This political validity is the main object of concern in Williams’ approach. He talks about the concept of legitimate coercion.<sup>16</sup> Moral principles are crucial for our thinking about justice, while political principles and institutions which could back these principles are necessary for thinking about justice in the political dimension. Larmore defines this controversy as the competition between the pursuit of moral-first principles and the need for order and authority. The reason why we mention this example is that it clearly shows the difference between utopian and political thinking and this difference is deeply meaningful for our distinction.

#### 4. Political argumentation

Taking Toulmin’s model as a formal pattern of reasoning, in this section we are going to establish the structure of a political argument. Concepts which occur within this model will be regarded as analogical to those from the original model. By analogy to the original structure one can distinguish the following concepts: 1) *political ends*; 2) *moral principles*; 3) *political principles*; 4) *institutions*; 5) *political instruments*; 6) *constraints*.

*Political ends* are analogues of *claims*. They are assertions of which we would like to convince someone. This is the initial object of political discourse as well as the initial object of each argumentation. It can be understood on the example of the common good articulated by representatives of a political community. To be understood as a political end, not merely as a command of sovereign power, it should be justified by some common principle. *Moral principle* is the right element for this purpose. Morality as a field in which values emerge is an essential part of politics. Hence, each political end is based on a certain set of moral values. This is the reason why it can be regarded as an analogy to *grounds* in Toulmin’s model. The connection between a political end and a moral principle is supposed to be warranted by a political principle. If we want to talk about political reality, not political dreams, we should be able to distinguish precisely what kind of political model to employ for this purpose. Examples of political principles can be found mainly in constitutional law, theories of political regimes, visions of citizenship, political philosophy, etc. In these domains of discourse we search for political solutions to our problems with achieving political ends in accordance with moral principles. How a political end can become reality is a matter of political principle. Institutions are manifestations of political principles. For example, the idea of public reason is embodied in such institutions as parliament, local governments, public debates, etc. They are backing political principles in exactly the same way as *backing* supports a *warrant* in Toulmin’s model. Hence, the scientific data, historical facts or results of scientific research are to warrant what institutions are to political principles. Institutions can embody in reality what is declared on the level of principles.

In order to establish a complete political argument, we ought to remember two other crucial elements: political instruments and constraints. Whereas modalities in

<sup>15</sup> G.A. Cohen, *Rescuing Justice and Equality*, London–Cambridge 2008, p. 291.

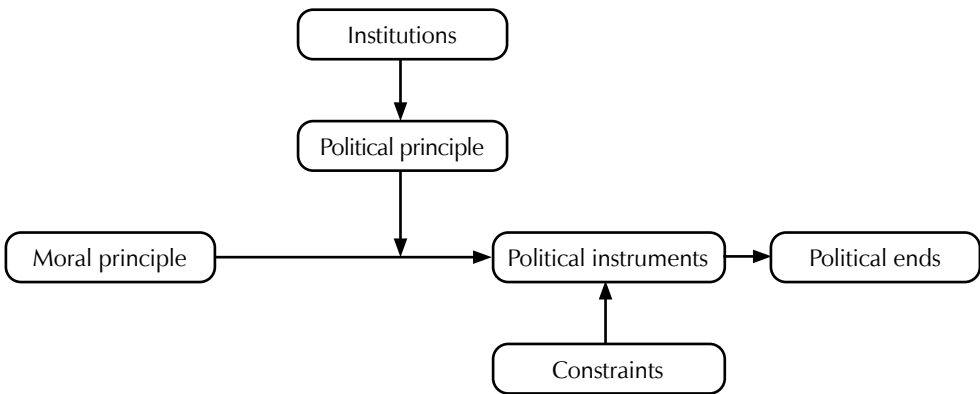
<sup>16</sup> Ch. Larmore, *What Is Political...*, p. 279.

argumentation refer to circumstances under which an argument is sound or cogent, a political instrument denotes a precisely determined mode of political action. *Political instruments* can be identified with political decisions, political projects, political funds, etc. While the purpose of *rebuttals* is to define the negative side of an argument or a possible refutation thereof, constraints are about the negative side of possible political instruments. The main *constraint* which should be mentioned in this context is limited resources. In a broad sense, available resources cap the energy available for political instruments. Other *constraints* concern circumstances and conditions of a particular political action. We can also say that by taking those two elements together we obtain conditions of cooperation in a society and as Williams points out: “I identify the ‘first’ political question in Hobbesian terms as the securing of order, protection, safety, trust, and the conditions of cooperation. It is ‘first’ because solving it is the condition of solving, indeed posing, any others”.<sup>17</sup> Hence, *political instruments* and *constraints* of political action give us conditions of stability. That is exactly what renders an argument a fully political argument.

It is worth noting that such a structure of argumentation can cover all categories needed for a complete political argument. By using this structure for evaluating political arguments we can achieve a measure of clarity that allows us to conduct a very critical analysis of political standpoints. It can also be used as a tool for classifying arguments. In this work we would like to focus on distinguishing political arguments from utopian ones, so the question is which elements of political arguments are present in the case of utopian thinking and which are not, and what is the significance of this fact.

### Chart 3.

#### Political reasoning



Source: own elaboration.

## 5. Utopian argumentation

Utopianism is about the normative dimension of our social life and its character is immanently unrealistic in the sense that it is far from the present reality. To complain that a utopia consists of claims which are not realistic is absurd, because the purpose

<sup>17</sup> B. Williams, *In the Beginning Was the Deed: Realism and Moralism in Political Argument*, Princeton–Oxford 2005, p. 3.

of a utopia is to criticize a particular social reality. Interestingly, the utopian argument – although it is not about empirical reality – cannot not be false. As David Estlund points out:

It is no defect in a theory or conception of social justice if it sets such a high standard that there is little or no chance of its being met, by any society, ever. Such a theory could nevertheless be true.<sup>18</sup>

It means that a utopian argument can be analysed as a full-fledged argument. It ought not to be rejected simply because it is inappropriate from the political perspective. Instead, we should consider this argument in terms of political argumentation to make clear which of its elements are different. Still, it should be emphasized that the purpose of utopian thinking is different by definition. The presentation of this position chosen for the sake of this research, was offered by Gerald Cohen, whose normative theory and method of normative investigation consciously reject factual considerations. Utopian thinking is purely normative, which means that dealing with principles is the main task for such theories. Cohen's argument is as follows:

I argue that a principle can respond to (that is, be grounded in) a fact only because it is also a response to a more ultimate principle that is not a response to a fact: accordingly, if principles respond to facts, then the principles at the summit of our conviction are grounded in no facts whatsoever.<sup>19</sup>

As a normative position, this stance is coherent, but on the political grounds there are demands for fact-dependent reasoning, especially in some elements of argumentation structure depicted in our Chart 3.

A small difference can matter more than a big one, especially from the scientific point of view. It is noteworthy that it is easy to encounter political theories with utopian elements. In both political and utopian thinking imagination plays a crucial role. As Sheldon Wolin writes: “[i]magination has involved far more than the construction of models. It has been the medium for expressing the fundamental values of the theorist; it has been the means by which political theorist has sought to transcend history”.<sup>20</sup>

In the light of aforementioned facts one might ask: What does it exactly mean that the utopian perspective is far from reality? Or what does it mean that it is incongruent with reality? These questions are crucial, but first let us look at the similarities between both models of argumentation. Utopian reasoning is obviously about political ends. Visions of an ideal political regime or desirable order of the community are nothing but a political end. It is grounded in moral principles, like the principles of justice, dignity or equality, which hold unconditionally. In some utopian visions we can even find political principles realized and reflected in the rules and norms of the ideal republic. Moreover, some proposals of institutional order and sets of organizations are present in utopian investigation. It should be admitted that institutional projects do appear in utopian thinking, but the content of this category differs significantly from its counterpart in a political argument. To see that we can look back at the ethical reasoning where

<sup>18</sup> D. Estlund, *Utopophobia: On the Limits (If Any) of Political Philosophy*, Princeton–Oxford 2020, p. 26.

<sup>19</sup> G.A. Cohen, *Rescuing Justice...*, p. 229.

<sup>20</sup> Sh. Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought*, Princeton–Oxford 2016, p. 19.



warrant was seen as synonymous with *grounds*. Within the utopian argumentation we can observe the path of reasoning which consists in using political principle as a moral principle. These projects of utopian order are, first and foremost, moral ones and only then political ones, because of the radical change of opinion about social reality that they involve. Thus, one has to be persuaded about the moral content of utopian beliefs. Political principle has a derivative character in this context.

As Wolin points out:

For the essence of a “political” order is the existence of a settled institutional arrangement designed to deal in a variety of ways with the vitalities issuing from an associated life; to offset them where necessary, to ease them where possible, and, creatively, to redirect and transmute them when the opportunity allows.<sup>21</sup>

In the utopian perspective there are no tasks such as these mentioned above. Utopian institutions are not projected to be a useful tool of political action. They are rather symbols of a political order than substantial elements of politics.

Thus, what is this lacking element which matters in political reasoning? As Robert Nozick stated in one of his brilliant remarks about utopia:

The idea that there is one best composite answer to all these questions, one best society for *everyone* to live in seems to me to be an incredible one. (...) No utopian author has everyone in his society leading exactly the same life, allocating exactly the same amount of time to exactly the same activities. Why not? Don't the reasons also count against just one kind of community?<sup>22</sup>

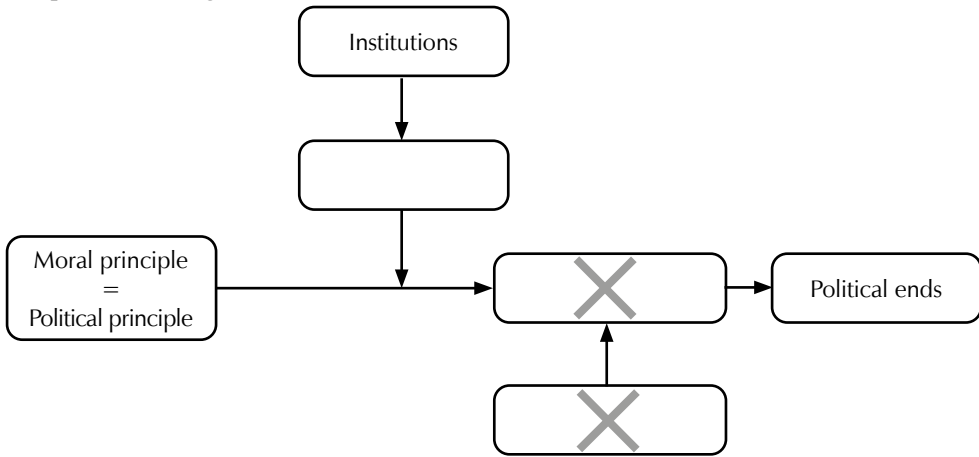
This objection highlights the importance of being precise when determining the scope of an argument's cogency. As we have mentioned above, no arguments are effective and cogent under all conditions. The same is true of political arguments. Within the structure of a political argument this lacking element presents itself in a form of political instruments, because political instruments determine the effectiveness of a political argument in a particular case. Instruments are the main positive elements of every political action. Regardless of the ideological approach or moral background, political instruments operate in many different modes, including: political education, social programs, technology, public media, etc. Each of these elements can be used as a means to a political end. The negative impact of political action is determined by the constraints. Constraints should be understood as the limits imposed on political action, derived from particular objective conditions and independent circumstances. In utopian thinking there is no room for such detailed investigations. As Nozick says, it is hard to find nuances in utopian visions. They are projected without any regard for either political instruments or constraints imposed upon political action. Gates of imagination are open wide and when we ask what is unreal about the utopia, the proper answer is that it ignores instruments and constraints. These elements present some of the greatest challenges to a political argument. They demand advanced knowledge about the ins and outs of politics. The utopian perspective considers these elements as redundant. This fact constitutes the main difference between political and utopian arguments.

<sup>21</sup> Sh. Wolin, *Politics and Vision*..., p. 41.

<sup>22</sup> R. Nozick, *Anarchy, State and Utopia*, New York 1974, p. 311.

**Chart 4.**

## Utopian reasoning



Source: own elaboration.

## 6. How about a realistic utopia?

Is utopia a realistic ideal? This question is crucial for utopian thinking. An affirmative answer to this question was proposed by John Rawls in *The Law of Peoples*.<sup>23</sup> This work constitutes the final stage in the development of his theory, which transitioned from ethical argumentation (*A Theory of Justice*<sup>24</sup>) to political argumentation (*Political Liberalism*,<sup>25</sup> *The Law of Peoples*). One of the peculiarities of Rawls's theory is the attention he gives to the problem of institutions. As he declares:

political philosophy is realistically Utopian when it extends what are ordinarily thought to be the limits of practicable political possibility and, in so doing, reconciles us to our political and social condition. Our hope for the future of our society rests on the belief that the social world allows a reasonably just constitutional democracy existing as a member of a reasonably just Society of Peoples.<sup>26</sup>

What exactly makes Rawls's argument a political one rather than merely utopian? As we have seen, the crucial difference between these two types of reasoning consists in lack of instruments and constraints in the utopian perspective. The main reason why Rawls created a full-fledged political argument is that he addressed the question of constraints. His argument becomes more realistic when he establishes some conditions necessary for political order. To be strict about this element:

the realism component in his ideal theory comes from his respecting what seem to be hard constraints of human nature (even though he includes in the category of "hard constraints" persons' moral natures), whereas soft constraints in the form of institutions and existing preferences ought not to limit the ideal vision. Yet even though the range of hard constraints of

<sup>23</sup> J. Rawls, *The Law of Peoples*, Cambridge–London 2000.

<sup>24</sup> J. Rawls, *A Theory of Justice. Revised Edition*, Cambridge (Mass.) 1999.

<sup>25</sup> J. Rawls, *Political Liberalism*, New York 2005.

<sup>26</sup> J. Rawls, *The Law...*, p. 11.

human nature that Rawls's realism boundary is based on may be very small, he does set this boundary, and has to do so in order to achieve the aim of reconciliation.<sup>27</sup>

Due to this differentiation of constraints it becomes clear why the utopian component is present in his vision of *realistic utopia*. Moreover, this vision can be understood as a utopia-in-action – a political process determined by time. To complete our work we have to arrange Rawls's theory in the terms of the scheme of political argumentation and reveal his statement as a political argument.

### 6.1. Political ends

According to Rawlsian perspective (which is inspired by Hobbes at this point), the crucial end of political action is political stability. This category is strictly related to his conception of justice as the principle of a well-ordered society. He wrote about this issue in the context of the realistic approach to utopia in the following way:

The first [condition] is that it must rely on the actual laws of nature and achieve the kind of stability those laws allow, that is, stability for the right reasons. (...) The second condition for a liberal political conception of justice to be realistic is that its first principles and precepts be workable and applicable to ongoing political and social arrangement.<sup>28</sup>

### 6.2. Moral principles

The theoretical path of Rawls's conception can be described as a transition from a moral theory (*A Theory of Justice*) to a political one (*Political Liberalism*). This turn in Rawls's approach can be seen quite clearly in the difference between *fairness* (as a moral principle) and *impartiality* (as a political principle). This distinction is also present in the series of his lectures: *Lectures on the History of Moral Philosophy*<sup>29</sup> and *Lectures on the History of Political Philosophy*.<sup>30</sup> In the former work, we can read that he ascribed to political philosophy such themes as: the controversy over tolerance and the historical origins of liberalism, the efforts to establish constitutional limits on the sovereign of nation-states.<sup>31</sup>

The moral principles were articulated at the initial stage of the development of Rawls's theory. *Justice as fairness* as the main moral idea consists of two moral principles: the principle of equal basic liberties and fair equality of opportunity plus the difference principle. The main feature of moral principles as such is that they are rooted in social practices. It is about how people live and what kind of life they can choose. What do people want in politics, given a moral ground? This is exactly the question related to moral principles which should be embodied in e.g. political constitution, economic institutions, etc.

This moral situation is obviously determined by preferences, beliefs and needs of the members of society. As Rawls says:

<sup>27</sup> M. Böker, *The Concept of Realistic Utopia: Ideal Theory as Critique*, "Constellations" 2017/1, p. 94.

<sup>28</sup> J. Rawls, *The Law...*, pp. 12–13.

<sup>29</sup> J. Rawls, *The Lectures on the History of Moral Philosophy*, Cambridge (Mass.) 2000.

<sup>30</sup> J. Rawls, *The Lectures on the History of Political Philosophy*, Cambridge (Mass.) 2007.

<sup>31</sup> J. Rawls, *The Lectures on the History of Moral...*, p. 7.

Because religious, philosophical, or moral unity is neither possible nor necessary for social unity, if social stability is not merely a *modus vivendi*, it must be rooted in a reasonable political conception of right and justice affirmed by an overlapping consensus of comprehensive doctrines.<sup>32</sup>

This consensus is about moral values which are espoused by the citizens of pluralistic societies.

Hence, moral principles in their essence should be identified with a set of relevant values that are valid within a particular community. The normative character of those principles is expressed in Chart 2, where ethical reasoning is depicted. The main role of these principles is to justify given claims about what should be done. Regarding the difference between moral and political principles, one should say that there is no discrepancy between them. Quite the contrary, they are complementary. The main concern of political principles is how to bring moral principles into politics. The methods of implementation are the main subject-matter of political principles in this context. The question of implementation can manifest itself in constitutional solutions, political projects, and particular doctrines.

### 6.3. Political principles

The element which makes Rawls's theory strongly political is its focus on political principles, especially in his later works. The most important of these political principles is the idea of *public reason*. It has a general character and it guides all political actions. In this sense it is crucial for determining the shape of institutions. One of the examples of embodiment of this principle is the Supreme Court of the United States.<sup>33</sup> Rawls develops this idea in the following way:

in political liberalism persons are viewed as citizens, and a political conception of justice is built up from political (moral) ideas available in the public political culture of a liberal constitutional regime. The idea of a free citizen is determined by a liberal political conception and not by any comprehensive doctrine, which always extends beyond the category of the political.<sup>34</sup>

The connection between this political principle and the vision of institutional order is obvious. Political principles differ from moral principles due to a different level at which we think about community. The regime is a central concept for such investigations and those issues are more related to the technical conditions in which the political system functions. Political principles should be backed by institutions which are designed to provide stability in practice.

### 6.4. Institutions

There are plenty of various political and social institutions. The social reality is made up of these elements and within these institutions citizens are able to exercise their rights and develop their social capacities. The hallmark of civil society is cooperation within the frame of these institutions. Rawls describes their role in the functioning of society as follows:

<sup>32</sup> J. Rawls, *The Lectures on the History of Moral...*, p. 16.

<sup>33</sup> J. Rawls, *Political...*, pp. 231–239.

<sup>34</sup> J. Rawls, *The Law...*, p. 15.

Because of the fact of reasonable pluralism, constitutional democracy must have political and social institutions that effectively lead its citizens to acquire the appropriate sense of justice as they grow up and take part in society. They will then be able to understand the principles and ideals of the political conception, to interpret and apply them to cases at hand, and they will normally be moved to act from them as circumstances require. This leads to stability for the right reasons.<sup>35</sup>

Two crucial elements remain to be described. These are the elements that make the vision of a realistic utopia a proper political theory equipped with complete political arguments.

### 6.5. Political instruments

The clearest and most matter-of-fact enumeration of the political instruments can be found in *The Law of Peoples*, where Rawls writes about the requirements necessary for achieving political stability. For Rawls, political stability is, as we argued above, one of the main political ends. As we can read in his book:

Important requirements to achieve that stability are these: (a) A certain fair equality of opportunity, especially in education and training. (...) (b) A decent distribution of income and wealth meeting the third condition of liberalism (...) (c) Society as employer of last resort through general or local government, or other social and economic policies. (...) (d) Basic health care assured for all citizens. (e) Public financing of elections and ways of assuring the availability of public information on matters of policy.<sup>36</sup>

Beyond any doubt, this part of the argumentation is where theory meets practice and here we can find an element which is far from the classic vision of a utopia. Rawls takes into consideration social nuances and specific conditions of political order, which he proposed in his theory. This is another reason why a *realistic utopia* is not a rigid and unchangeable construction, but rather a flexible project which can be applied in a given social environment. However, political instruments cannot fulfil all requirements necessary for a realistic political argument and that is why Rawls puts constraints on them.

### 6.6. Constraints

In this section we could invoke many examples of constraints which Rawls puts on political instruments. His theory is intended to be a solution that can be applied to social issues. Towards the end of *A Theory of Justice* he confesses that the conception of justice outlined in this book can be used in many different social contexts and many different times.<sup>37</sup> Thus, its character is very practical and we can say that between *A Theory of Justice* and *Political Liberalism* this practicality increases. One of the most important constraints that is invoked in this context is the *fact of reasonable pluralism* (an issue raised for the first time by Joshua Cohen<sup>38</sup>). Rawls's later works are organized around this fact, which is not of a theoretical nature, but a purely social and practical matter.

<sup>35</sup> J. Rawls, *The Law...*, p. 15.

<sup>36</sup> J. Rawls, *The Law...*, p. 50.

<sup>37</sup> J. Rawls, *A Theory...*, p. 514.

<sup>38</sup> J. Cohen, *Moral Pluralism and Political Consensus*, in: D. Copp, J. Hampton, J. Roemer (eds.), *The Idea of Democracy*, Cambridge 1993, pp. 271–291.

As he emphasizes: “[t]his fact of reasonable pluralism limits what is practicably possible here and now”.<sup>39</sup> A theory which is not blind to present social circumstances cannot be called simply a utopian one, because it comprises realistic elements, hence the realistic utopia is possible and it has a structure of political argument.

## 7. Conclusions

To recall the first question of this paper: What is the main reason for distinguishing ethical and political arguments? There is a significant difference between ethical and political reasoning, based on the fact that the latter is more nuanced, while the former is rather straightforward. In the ethical argument, a warrant is identical with grounds, whereas in the political argument a warrant (political principle) is separated from the grounds (moral principle). Moreover, the political argument has additional content related to political instruments and constraints. Hence, the main reason why we should distinguish ethical and political arguments are the differences in their structure and the fact that they cover different fields of investigations, although the former may be a part of the latter. Being able to distinguish between these two types of reasoning can help us highlight the thin line between moral and political theory. It is worthy of note that both of them have a normative character thus it is important to know *differentia specifica* of these genera.

The second question focuses on the proper structure of political argument, that is, consistence with Toulmin’s model of argumentation. As we have showed above, the necessary elements of political argumentation are: 1) political end; 2) moral principle; 3) political principle; 4) institutions; 5) political instruments; 6) constraints. With their help we are not only able to analyse many different perspectives in the political context, but we can also use them when attempting to create an original political argument. Thus, this layout of argumentation can be considered universal because of its form.

Thirdly, is the realistic utopia a consistent idea or, in other words, what conditions are necessary for actualizing the realistic utopia? Rawls’s idea of a realistic utopia is the main example of this thinking, but of course it does not exhaust all modes of thinking about realistic utopias. The question about the conditions of feasibility of such a project has been a significant thread in our investigation about political, ethical and utopian thinking. In the light of arguments presented herein it is obvious that if a utopia is to be a realistic political project, it must be determined by the proper structure of political argument. As we have established above, the most important elements of argumentation which can indicate a realistic or non-realistic character of a particular position are political instruments and constraints. Both of these categories are contained in Rawls’s theory (especially as espoused in *The Law of Peoples*). In this case we can see political instruments such as distribution of income, education, basic health care institutions, etc. Amongst the many possible constraints there are general ones (constraints of human nature) and those related to specific contexts (fact of reasonable pluralism). Thus we can conclude that the feasibility conditions of a realistic utopia consist in specifying political instruments and constraints.

As a general conclusion we would like to emphasize that Toulmin’s model proved to be a very useful tool of analysis. This holds gives promise of seminal studies in political science and political philosophy. This paper is just a modest attempt of such research which, as we believe, can be developed fruitfully within the remit of political reasoning.

<sup>39</sup> J. Rawls, *The Law...*, pp. 11–12.

### **A Theory of Argumentation: The Case of Ethical, Political, and Utopian Thinking**

**Abstract:** A relevant problem in political philosophy and political theory is the distinction between political and utopian arguments. The boundary between these two types of argumentation may be blurred, which leads us to the point when we often deal with contaminations of both ways of thinking in individual positions. This involves, for example, presenting a utopian argument as a political argument and vice versa. The main purpose of the article is to organize these issues by applying the argumentation model developed by Stephen Toulmin to the analysis of both theoretical approaches. The three main problems of this work are: 1) the distinction between political and ethical arguments; 2) identifying the proper structure of political argumentation; 3) evaluation of the coherence of the idea of a realistic utopia (proposed by John Rawls).

**Keywords:** political philosophy, theory of argumentation, Toulmin's model, utopia, John Rawls, realistic utopia

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