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by [Noah Millman](#)

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### [The Ethos of an Advocate in an Adversarial Model of Democratic Discourse](#)

Reading Jonathan Rauch's [interview](#) with Brink Lindsey about "traditional and liberal conservatism," I was struck by these sentences from John Stuart Mill that he quotes early on:

In politics, again, it is almost a commonplace, that a party of order or stability, and a party of progress or reform, are both necessary elements of a healthy state of political life; until the one or the other shall have so enlarged its mental grasp as to be a party equally of order and of progress, knowing and distinguishing what is fit to be preserved from what ought to be swept away. Each of these modes of thinking derives its utility from the deficiencies of the other; but it is in a great measure the opposition of the other that keeps each within the limits of reason and sanity.

Lindsey's explanation of why to include the emphatically liberal Mill on a list of the five best books about conservatism is that Mill articulated the place of conservatism within a liberally-constructed order – explained what conservatism was for, even if he wasn't one.

I don't know if that's a good enough reason to include him on this particular list, but it is an absolutely essential insight – and just as much a conservative one as a liberal one, in that its essential quality is intellectual humility. A liberal would say that you need to hear from people who reject your premises because you need to keep an open mind so you can learn; a conservative would say that you need to hear from people who reject your premises because you are not God, and neither is whoever you learned your premises from, and hearing from strong advocates of opposing points of view will remind you of your own limitations.

So far, so fine: in our capacity as citizens, we need to hear from opposing points of view; and as a society, we need distinct parties advocating said points of view. But what about the advocates themselves?

There are those – Damon Linker is a good example – who argue that advocates need to keep their views within certain agreed-upon bounds. There are some premises that we all have to accept to participate in political life; not many, but there are some, and more than merely the abjuration of violence as a political tactic. Within those bounds, have at it, but you must stay within the bounds. The rationale is, basically, that if argument doesn't stay within certain bounds, then eventually one side or the other will simply not accept the outcome of victory by their opponents, and political life will dissolve into civil war. That certainly does happen – it's what happened in 1860 in this country – but I really question whether such developments can be prevented by establishing those kinds of ground rules for debate (which, indeed, was the way politics mostly operated in the period between Jackson and Lincoln). After all, there is no meta-enforcer of this kind of bargain; when it ceases to be in the interests of one or the other party, it simply collapses.

But the alternative of saying that an advocate owes nothing to the system itself, and is perfectly justified in cultivating a kind of ideological tribalism among his or her following, strikes me as problematic as well. Among other things, if the citizenry *sorts* itself into partisans, then who's doing all this valuable listening?

Is it possible to be a humble and yet fierce advocate? To say, in effect: I like making arguments of this sort – based on these premises, in defense of these groups or interests, on the side of this intellectual tradition, etc. – and I don't intend to make arguments that “belong” to the other side, because I believe that *my* side deserves the best representation it can possibly get. And yet: I know that my own arguments are not complete, precisely because they are merely arguments, part of the process of getting to truth rather than the truth itself. Is it possible to advocate in that spirit and still advocate effectively? Does this, ultimately, devolve into something resembling a “bounds of decency” argument?

Indeed, I worry that the whole premise of a “contest of advocates” model is that there is someone sitting in the jury box, someone being convinced. But the more we sort into ideological tribes, the smaller the pool from which one might draw such a jury. And yet it makes all the sense in the world for advocates to try to *encourage* that sorting – because it makes their job easier, if nothing else, and also because it's an arms race, and they can't forgo any tactic that the other side might use to its advantage. And I tend to think that the best arguments in an intellectual sense – the ones that best advance the conversation – are far from the best ones for achieving that ideological sorting.

Politics is a game played by elites who are trying to capture enough of the electorate to retain power; I'm not deluded into thinking there's such a thing as a “popular will” that ought to be or even can be expressed through politics. If I could be certain that terrible arguments in the courtroom still led to a good approximation of justice – that, in effect, the system works even if the jurors have mostly prejudged the case, and those who haven't are mostly knaves or fools – then I wouldn't really worry about this question, except from the private standpoint of someone who enjoys political argument. But

I'm not sure they do.

More on this later; now, off to a show.

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