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Pragmatic Argumentation in European Practices of Political Accountability

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Abstract In this paper, the author examines the use of pragmatic argumentation in European practices of political accountability in which the politicians explain and justify a future course of action which they plan to undertake in order to solve an existing problem. The author explains some vital institutional characteristics of the practices under discussion and demonstrates how these institutional characteristics constrain the use of pragmatic argumentation. In addition, the author shows which criteria arguers commonly invoke in practices of political accountability to make their pragmatic arguments acceptable to critics.

Keywords Pragmatic argumentation · Political accountability · Acceptability criteria

1 Introduction

In the last decades, it is a common practice of the European Parliament to set up committees of inquiry in order to examine closely the activity of the European Commission. Especially in cases of alleged fraud and mismanagement, the Parliament exercises its right of inquiry by asking for explanations and justifications of the Commission's political performance. The inquiry into the activity of the European Commission by the European Parliament in 1999 is perhaps one of the best known instances of political accountability practices not only because it was widely mediated, but especially because of the result of the investigation: All Members of the European Commission led by Jacques Santer were obliged to resign. During the investigations, the Members of the Commission had to explain

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and justify their managerial activities by offering information about their decisions and policies and advancing arguments justifying their actions (Verhey 2009; Syrier 2013).

This is a typical case of a political accountability practice in which an executive actor—the European Commission—accounts retrospectively for its past actions to the elected representatives—the European Parliament. Political accountability practices typically take place with a view to evaluating the past performance of political actors. Traditionally, accountability is understood as “a retrospective process that involves giving an account of prior conduct” (Curtin and Nollkaemper 2005: 8). In giving an account of their past performance—a case also known as *ex post facto* accountability—the politicians provide information about their actions and present their reasons for undertaking these actions.

This retrospective view of accountability is being “increasingly challenged by approaches that argue for a more participative and ongoing process of accountability” (Curtin and Nollkaemper 2005: 8) in which the politicians’ future actions are put to a critical test. In view of the current social and political situation in which citizens take a more participatory role in decision-making than ever before (Mulgan 2003), prospective accountability—also referred to as *ex ante* accountability—is at least as necessary and common.¹

A well-known case of prospective accountability practice is the investigation, carried out in the period 1995–1999, by a temporary committee of inquiry of the European Parliament into the crisis following the outbreak of BSE (bovine spongiform encephalopathy), also known as the ‘mad cow disease.’ At the time of the crisis, several Member States had to explain and justify the measures they were planning to take for protecting public health in the European Union.

In providing an account of the way in which they planned to handle this public health issue, Member States often argued for the standpoint that ‘meat imports from Great Britain should be banned’ by referring to the protection of the European consumers. The members of the committee of inquiry judged whether the measures advocated (banning meat imports from Britain) were indeed necessary and sufficient by examining whether the actions would really lead to the alleged consequences (protecting the consumers) and whether there were no better alternatives.

In argumentation studies, the form of arguing in which a future course of action is prescribed (‘meat imports from Britain should be banned’) by pointing at the (positive) results (‘consumers will be protected’) is known as *pragmatic argumentation*. In its negative variant, a prescription against a course of action (‘not all citizens should enjoy pension money’) is made by pointing at the negative

¹ The politicians’ future actions are commonly discussed in the media, if only because in this way the proposed policies are put to public testing (Mulgan 2003). Such forms of accountability occur especially in situations of crisis in which politicians are questioned about their decisions while still being in the process of adopting them. Curtin (2007: 525) refers in this case to *dumque* accountability. Bovens (2006: 13–14) challenges that this form of account-giving constitutes accountability by emphasizing that “proactive inputs into the policy process should be classified and studied separately for what they are: forms of consultation and participation.” Most scholars investigating the issue of accountability no longer share this restricted view.

consequences ('people are encouraged not to work'). In pragmatic argumentation, the arguer seeks to support a recommendation to carry out or not to carry out a course of action by underlining its desirable or undesirable consequences (Perelman 1959).

Pragmatic arguments have been investigated in argumentation studies for their form and reasonableness (e.g., Perelman 1959; Schellens 1987; van Eemeren and Grootendorst 1992) as well as for their role in various communicative contexts such as legal proceedings (Feteris 2002, 2005), law-making debates (Ihnen Jory 2012) and health brochures (van Poppel 2013). The aim of this paper is to examine how pragmatic argumentation is used in prospective political accountability practices. A proper theoretical and social understanding of political accountability practices cannot be achieved until the typical forms of arguing used in this context, such as pragmatic arguments, are understood well and assessed critically. Because in prospective practices of political accountability politicians always justify their plans for adopting new legislation, making decisions and proposing new policies by highlighting the positive outcomes of their actions, pragmatic argumentation is commonly employed.² Politicians argue for the adequacy of their future actions in response to explicit or anticipated criticism in which the quality of their political conduct is doubted.

The research on pragmatic argumentation reported here is conducted within framework of the pragma-dialectical theory of argumentation. According to this approach, argumentation is to be examined within the context in which the discussion takes place paying careful attention to the institutional characteristics affecting the arguing (van Eemeren 2010). In Sect. 2, I will highlight some vital institutional characteristics of practices of political accountability and demonstrate how they constrain the use of pragmatic argumentation when political actors have to explain their future actions. In Sect. 3, I will show which criteria arguers commonly invoke in prospective practices of political accountability to make their pragmatic arguments acceptable to critics.

2 Prospective Practices of Political Accountability in Europe³

Practices of political accountability consist of discussions in which a politician (the accountor) gives an account of his conduct, i.e., explains and justifies it to a forum (the account-holder) (Bovens 2006: 9). This account-giving may occur in settings varying from highly formalized parliamentary meetings of committees of inquiry to less formal media debates.⁴ Political and legal scholars agree that formally the concept of political accountability refers to the accountability of executive actors *vis-à-vis* elected representatives (e.g., Strøm 2000; Mulgan 2003; Bovens

² Van Eemeren and Garssen (2014) explain that pragmatic argumentation is a typical form of arguing in political discussions, because generally the policies at issue are justified by mentioning their positive or negative consequences.

³ This section is based on my characterization of political accountability practices published in Andone (2014). My earlier characterization concerns both retrospective and prospective accountability practices.

⁴ For a comprehensive presentation of the various settings in which practices of political accountability occur, see Mulgan (2003).

2006; Syrier 2013). In most political systems, the government is the executive actor and this actor has to account to the national parliament. In a political system such as that of the European Union the executive is not concentrated within one single political body, but shared among the European Commission, the European Council, the Council of the European Union, the European Central Bank, the European Union agencies, and the Member States. The European Parliament constitutes the account-holder of these institutions. Informally, political accountability is understood broadly as a practice in which the executive actors account to the electorate, for example through journalists—as in political interviews (Andone 2013)—and various forms of political communication—such as governmental reports (Mulgan 2003).⁵

Irrespective of their more or less formalized nature, the institutional point⁶ of all prospective practices of political accountability is to offer those with political responsibility—such as parliamentarians, Members of the European Commission, representatives of the European Council—an opportunity to discuss the quality of their intended actions, decisions and policies as well as the reasons for proposing to carry out these actions, decisions or policies in a certain way (Mulgan 2003). By accounting for their policies, the political actors put the adequacy of their future actions to critical testing.⁷

The issues for discussion in prospective political accountability practices concern in all cases future decisions and policies which political actors plan to adopt with a view to solving an existing problem or in order to prevent certain problems from occurring. Especially in cases of crisis, political actors are commonly required to account for their actions, because in such situations controversial measures are usually proposed to justify their future enterprises.

The account-giving involves two phases. In the first phase, the political actors inform their audience and explain the proposed measures, plan and policies. They outline their intentions, as well as the available means, the procedures they intend to follow and the envisaged results. In the second phase, the politicians proceed with the actual arguing in which a justification of their ways of acting is provided (Strøm 2000; Mulgan 2003; Bovens 2006).⁸ The propositions for discussion in prospective

⁵ Although political accountability can be distinguished from other forms of accountability, such as legal accountability (to a court of law) or financial accountability (to a court of auditors), in practice it is as a rule combined with these other forms. Syrier (2013) shows, for example, that in accounting to the European Parliament, the European Union executive always uses political, legal, financial and ethical arguments at the same time.

⁶ The term ‘institutional point’ is used in the meaning explained by van Eemeren (2010: 130–131).

⁷ The account-holders judge their performance and impose sanctions in case of malperformance. In case of adequate performance, the political actor is rewarded (Bovens 2006: 9). If account-holders do not have the full authority to impose immediate sanctions—journalists are a good illustration—they prepare the ground for sanctions being imposed by others who do have the required authority. For instance, a journalist may not ask a politician to resign because it turns out in an interview that the politician has acted improperly, but the politician’s peers may do so after having taken note of the interview (Mulgan 2003).

⁸ The people to whom an account is rendered may vary from voters, political parties, courts, auditors, peers, interest groups, and other stakeholders (Bovens 2006: 15–17). It is therefore not uncommon that politicians explain and justify their future performance from a political perspective, as well as from a legal, administrative, and social viewpoint, so that the demands of most people possibly affected by their conduct are taken into account. In this way, multiple issues are up for discussion.

political accountability practices are typically prescriptive ('This measure should be taken'). In these propositions, a future course of action is prescribed and the results of this course of action in the situation at hand are shown to be positive because the envisaged action solves a certain problem.

In response to the politician's positive evaluation of his own future actions, doubt is expressed by the account-holder, thus giving rise to a non-mixed difference of opinion. In this difference of opinion, the account-holder simply questions the adequacy of the politician's actions and the latter explains and justifies his performance. In 1995, for example, when the Members of the European Commission had to account for the measures they were planning to take concerning the 'mad-cow disease', they did so against a background of doubts about the adequacy of their measures. Various account-holders (e.g., journalists, stakeholders, committees of inquiry) advanced critical questions doubting the necessity and appropriateness of the politicians' measures.

Very often, especially in cases of alleged maladministration, account-holders go beyond mere doubt and advance a contradictory or contrary standpoint of their own in which a negative evaluation of the politician's conduct is given (Syrier 2013). In this way, a mixed difference of opinion is created in which the account-holders motivate with the help of arguments their points of criticism by pointing out why certain of the politician's decisions, policies or measures are not correct. For example, the temporary committee of inquiry of the European Parliament investigating the 'mad-cow disease' advanced the standpoint that the European Commissioners' intended measures were inappropriate for the protection of consumers, which they justified by arguing that the Commissioners did not inform the public sufficiently about the possible negative effects of consuming beef products'.⁹

The critical testing procedure in which the politicians advance standpoints, which are afterwards criticized for their adequacy, proceeds in line with a number of material and procedural starting points.¹⁰ The procedural starting points are divided into three categories: (1) starting points which specify the politician's obligations pertaining to his standpoints; (2) starting points which specify the account-holder's rights and obligations in criticizing the politician's standpoints and arguments; and (3) starting points which specify the politician's obligations in countering criticisms advanced against his standpoints and arguments. In this article, only those starting points are outlined which will be relevant in understanding the use of pragmatic arguments in prospective practices of political accountability, leaving aside those which do not constrain this form of arguing:

⁹ The standpoint and arguments presented here are selected from the *Report on alleged contraventions or maladministration in the implementation of Community law in relation to BSE* (Part AI and AII, A4-0020/97/SA, 7.2.1997).

¹⁰ In what follows, these starting points will be reproduced from Andone (2014: 68). For further clarification of all starting points regulating practices of political accountability, see Andone (2014: 68). These starting points regulate both the politician's argumentative behavior and the account-holder's rights and obligations in criticizing the politician's standpoints and arguments.

I *Material starting points*

- (1) The participants adhere to democratic and constitutional values.

II *Procedural starting points*

The politician's obligations pertaining to his standpoints

The protagonist of a standpoint pertaining to a proposition p

- (2) [...]
- (3) should explain his political performance (decisions, actions, policies) by making clear his motives, approach and purposes if requested to do so;¹¹
- (4) should be able to show that his political performance is adequate when requested to do so.¹²

The account-holder's rights and obligations in criticizing the politician's standpoints and arguments

The antagonist of the protagonist's standpoint pertaining to a proposition p

- (5) [...]
- (6) [...]
- (7) should criticize the adequacy of the politician's performance by doubting or refuting his standpoints and arguments;
- (8) [...]
- (9) [...]
- (10) [...]
- (11) [...]

The politician's obligations in countering criticisms advanced against his standpoints and arguments

The protagonist of a standpoint pertaining to a proposition p

- (12) [...]
- (13) should, in principle, maintain his standpoints and arguments criticized by the antagonist.
- (14) [...]

I have explained that in prospective practices of political accountability, politicians advance, justify and maintain a prescriptive standpoint in which they advocate

¹¹ Starting point (3) is formulated in line with the feature of political accountability which imposes the provision and demand of explanations in 'the information phase' before 'the debate phase' can start (Bovens 2006).

¹² Starting points (4) and (13) are based on the view that a politician who has carried out an action has done so because he believes that his action is adequate. He can be held committed to this belief because he has allegedly acted in line with the democratic and constitutional values. By arguing that his political performance is adequate, the politician should be able to show also that the consequences of a particular action are adequate.

certain measures, plans and policies. The institutional characterization of practices of political accountability makes clear that the difference of opinion in such practices is either non-mixed or, more often than not, mixed. Specific material and procedural starting points pertaining both to the informational and the argumentative aspects regulate the actual explanation and justification of political actions, so that a proper process of critical testing specific to these practices is ensured.

Putting to the test the appropriateness of political actions in prospective practices of political accountability means basically testing the quality of pragmatic argumentation.¹³ Verhey et al. (2008: 16) show that currently in Europe both at the national level and in the European Union the executive is always accountable for the process of policy-making, i.e., for the way in which certain policies are to be adopted. In the European Union the point of accountability is no longer to check only the adequacy of past actions, but also the quality of future actions, in order “to promote openness, effectiveness and public participation [which are] central to the promotion of good governance” (Oliver 2009: 14).

This sense of accountability is, in my view, fully consistent with the two direct purposes of accountability usually recognized by political and legal scholars (see Bovens 2006). The first purpose is to maintain democracy by helping citizens to control those holding a public function (March and Olson 1995: 141–181; Bovens 2006: 25). In the European Union such control is exercised through the European Parliament and its various committees of inquiry. These institutions always put to the critical test the consequences of decisions yet to be made and policies yet to be adopted. These consequences are an integral part of the pragmatic arguments used by politicians to convince the critics that their actions are acceptable.

The second direct purpose of practices of political accountability is constitutional, i.e., their aim is to contribute to the prevention of corruption and the inappropriate use of power (Bovens 2006: 25–26). This is especially important in the European Union, which functions on the principle of ‘institutional balance.’ As Syrier (2013: 6) explains, “the institutional structure of the EU is based on the division of powers between the various institutions established by the Treaties [for the functioning of the European Union].” The legal and political principle of the division of powers imposes that the consequences of future actions be constantly put to the test, because in this way it can be ensured that these actions do not lead to abuses of power. Pragmatic argumentation is employed by the political actors in order to put the consequences of their performance to the test.

In the next section, I will examine how pragmatic argumentation is employed in these practices. I will concentrate on the positive variant of this type of argumentation in which the positive results of a future course of action are underlined. My focus on positive pragmatic argumentation is dictated by the institutional practice in which this type of argumentation is investigated: In prospective political accountability practices politicians always justify certain actions they plan to carry out by pointing at their positive consequences. In my

¹³ The material starting point (1), according to which democratic and constitutional values need to be adhered to, indirectly imposes the use of this form of arguing, because in this way the politicians’ future actions can thus be evaluated and kept under democratic control.

account, I will first examine the general characteristics of this type of argumentation and then proceed to explaining the way in which this type of argumentation is used in European practices of political accountability. Finally, I will propose a number of criteria which an arguer should invoke to make his argumentation acceptable and convincing.

3 Pragmatic Argumentation in Political Account-Giving

3.1 General Characteristics of Pragmatic Arguments

In the pragma-dialectical theory, argumentation is envisaged as an illocutionary act complex in which this form of language use is performed with certain communicative and interactional purposes (van Eemeren and Grootendorst 1984). Just like any other form of argumentation, the communicative purpose of pragmatic argumentation is to make the party to whom the argumentation is directed understand which illocutionary act is performed. The interactional purpose is to obtain a particular response from the other party, in this case acceptance of the standpoint that is defended.

A proper understanding of pragmatic argumentation as an illocutionary act complex becomes possible by examining the recognizability conditions (i.e. the propositional content condition and the essential condition) and correctness conditions (i.e. the preparatory and the sincerity conditions) which the listener considers to have been fulfilled when an arguer puts forward pragmatic argumentation (van Eemeren and Grootendorst 1984). According to the propositional content condition of argumentation, “the constellation of statements [forming the argumentation] consists of assertives in which propositions are expressed” (van Eemeren and Grootendorst 1984: 43). In the case of pragmatic argumentation in its positive variant, the relevant statements consist of (a) a prescriptive proposition (*Action X should be carried out*) supported by (b) a complex proposition encompassing a descriptive component of the causal kind and an evaluative component in which the positive result is mentioned (*Action X will lead to positive result Y*) (van Eemeren 2013, personal communication).¹⁴

The prescriptive proposition consists of a practical standpoint in which a recommendation is made for a course of action. The complex proposition that is both causal and evaluative concerns the actual argument in which the desirable or positive consequences are mentioned (Perelman 1959: 18). The connection between the standpoint and the argument is implicitly made by means of a linking statement which expresses that, in principle, if the complex proposition is acceptable, then the standpoint is acceptable (*If actions of type X lead to a positive result Y, then those*

¹⁴ Other scholars, such as Ball (1995: 5) refer to a normative proposition, which corresponds to the pragma-dialectical prescriptive proposition. In his view, such arguments are an attempt “to convince an audience that an action ought to be taken using relevant value principles and facts [of the policy issue].” According to Ball (1995: 6), in such form of arguing conductive inference is at issue, because the arguments are inconclusive, since there is no guarantee of the truth.

actions should be carried out). The argument scheme of pragmatic argumentation can be represented as follows:

1. Action X should be carried out.
- 1.1 Action X will lead to (positive) result Y
- (1.1)' (If actions of type X lead to a (positive) result Y, then those actions should be carried out)¹⁵

Perelman (1959: 19) explains that the consequences mentioned in the argument “may be present or future, established or hypothetical; in some cases they will influence our actions, in others only our judgments.” As far as the causal relation is concerned, Perelman embraces a view according to which “the pragmatic argument may be based on a generally recognized causal relation, which may or may not be verifiable; or it may be based on a relation which is known only to a single person, who is prepared to give a justification of its working” (1959: 19).

A concrete illustration of pragmatic argumentation is the following example adapted from Ball (1995: 13) in which the prescriptive (in Ball’s words ‘normative’) component, the causal (in Ball’s words ‘factual’) component and the evaluative (in Ball’s words ‘valuative’) component are included. In the presentation of the example the different components of the pragmatic argument are made clear:

Welfare programs should implement work requirements for recipients (prescriptive/normative)
 Because doing so furthers the end of the government (causal/factual) to maintain order (evaluative/valuative).

According to the essential condition of the illocutionary act complex of argumentation, “advancing the constellation of statements counts as an attempt by the speaker to justify an opinion to the listener’s satisfaction, i.e. to convince the listener of the acceptability of the opinion” (van Eemeren and Grootendorst 1984: 43). In the case of pragmatic argumentation in its positive variant, the argumentation is instrumental in supporting a prescriptive standpoint in which a directive (most commonly policy) statement is made (Ball 1995: 5; van Eemeren 2013, personal communication). The arguer attempts to convince the interlocutor of the acceptability of a recommendation by pointing at the positive consequences of carrying out an action X (Perelman 1959).

According to the preparatory conditions of argumentation, “the speaker believes that the listener does not accept the expressed opinion, that the listener will accept the propositions expressed in the statements, and that the listener will accept the statements as a justification of the opinion” (van Eemeren and Grootendorst 1984:

¹⁵ Pragma-dialecticians opt for a general formulation of the unexpressed premise (*If actions of type X lead to a positive result Y, then those actions should be carried out*) because only in this way the pragmatic optimum is captured. This general premise is more informative than a more specific formulation such as *If an action X leads to a (positive) result Y, then that action should be carried out*, based only on the logical minimum. For a clarification of the logical minimum and pragmatic optimum, see van Eemeren and Grootendorst (1992: 60–66).

43). In the positive variant of pragmatic argumentation, the speaker believes that the listener is not convinced of the acceptability of a certain action, that the listener will accept the causal and the evaluative components of the complex proposition, and that the positive result that is aimed for is beyond doubt.

Finally, according to the sincerity conditions of argumentation, “the speaker believes that the opinion is acceptable, that the propositions expressed in the statements are acceptable, and that the constellation of statements constitutes an acceptable justification of the opinion” (van Eemeren and Grootendorst 1984: 44). In the positive variant of pragmatic argumentation, the speaker believes that it is good to carry out action X, that the (positive) result of the action is beyond doubt, and that the argument gives enough support to the opinion expressed in the standpoint.

3.2 The Evaluation of Pragmatic Arguments

In practices of political accountability, just like in other communicative contexts, arguers employing pragmatic argumentation will try to show that their argumentation is acceptable. For this purpose, they will have to show that the critical questions pertaining to the connection between the argument (1.1) and the standpoint (1) have been answered satisfactorily (van Eemeren and Grootendorst 1992). The specific critical questions which a politician has to answer in political accountability practices are to a great deal dictated by the particular context in which the discussion takes place, because arguments can be seen as acceptable or not in view of the specific situation at hand (van Eemeren 2010). The institutional point of political accountability practices and the characteristics they have constrain the way in which pragmatic argumentation can be judged for its acceptability, i.e., they determine the specific critical questions that may arise in the discussion. In this section, I will formulate the specific critical questions applying to pragmatic argumentation when it is used in political accountability practices.

In order to check whether the complex proposition encompassing a causal component and an evaluative component in which the (positive) result is mentioned (*Action X will lead to (positive) result Y*) gives enough support to the prescriptive standpoint (*Action X should be carried out*) both the causality and the positive character of the result need to be tested for their acceptability. As imposed by the procedural starting points (3), (4), (7) and (13), the political actions should be explained and justified by demonstrating the adequacy of their purpose and approach, if met with explicit or anticipated criticism.

In practices of political accountability, in evaluating pragmatic argumentation it makes sense to test first whether the envisaged result of an action is indeed positive. If the critic is not convinced that a result will be obtained that is positive or desirable, then it makes no sense to test anymore whether an action leads to something (the causality component). In the case of the ‘mad cow disease’, some people argued for the standpoint that ‘the citizens should be well informed of the consequences of consuming infested beef,’ justified by the argument that ‘being well informed helps people to choose whether to consume beef or not.’ But the result concerning the conscious choice by citizens is not something that representatives of some European

countries thought desirable. For the exporting countries, for instance, it was actually undesirable to have well-informed citizens, because these would never buy their products.¹⁶ This example shows that testing the positive character of the result of an action is preliminary to testing all the other components of the pragmatic argumentation employed by the politicians.

The result of an action X is usually put to the test by means of a critical question asking ‘Is result Y really positive?’ (see van Eemeren and Grootendorst 1992: 102).¹⁷ In the case of political accountability practices, this general question needs to be specified in such a way that it becomes clear when the result of a political action is positive. As shown in the empirical findings of political and legal scholars (see Ball 1995: 18), the result of a political action is in the first place seen as positive when this action is demonstrated to be necessary for solving a particular problem in the situation at hand. Therefore, in testing the positive character of the result of an action, an affirmative answer is required to the question: (1) *Is result Y necessary?*

That a certain result Y of a proposed course of action X should be shown necessary is well illustrated in the answer provided by Germany in 1997 before a temporary committee of inquiry of the European Parliament. The inquiry concerned ‘alleged contraventions or maladministration in the Community Transit System.’¹⁸ The system was created to defer tax payment for goods entering the European Community until the goods either exited the Community or reached the country of destination. At that time, the system was so weak that the Member States commonly took advantage of it and pledged fraud (Syrier 2013: 61). Germany argued for the necessity of finding in the first place a way of revising the system such that forgery was longer invited. Thus, they claimed that,

- 1 The outdated administrative methods used in the Community Transit System should be revised.
- 1.1 The revision of the outdated administrative methods used in the Community Transit System will no longer invite forgery.

The envisaged result of no longer inviting forgery is argued for in such a way that its necessity is emphasized: ‘And this is necessary before the whole Community Transit System can be improved.’

¹⁶ On the main level, the discussion concerns the issue of combating the ‘mad cow disease.’ Of course, no one can disagree that combatting this disease is indeed a positive result to be obtained and there is, therefore, no need actually to argue for this. But in arguing for certain measures to combat this disease, their desirability is not so obvious, as when it comes to informing the citizens. Hence, testing the positive character of the result needs to take place preliminary to testing the advocated causality relationship.

¹⁷ This question is a reformulation of the question ‘Is the announced effect of the proposed measure really so desirable?’ (van Eemeren and Grootendorst 1992: 102). It is a matter of debate whether this question is indeed a critical question. Ihnen Jory (2012: 28–29) explains that such a question tests in fact the acceptability of the evaluative proposition of pragmatic argumentation (because it tests the positive character) and should therefore not serve in testing the correctness of pragmatic argumentation. In this paper, I follow the view according to which critical questions are the dialectical method used to decide upon the correctness of the application of the pragmatic argument scheme (van Eemeren and Grootendorst 1992).

¹⁸ The decision of the European Parliament to set up this committee was published in the *Official Journal of the European Communities* on 12 January 1996 (OJ C 7, 12.1.1996).

The result of a political action is, in the second place, seen as positive when it is shown to be sufficient for solving an existing problem: (2) *Is result Y sufficient?* This question is formulated based on the empirical insights of political scientists (e.g., Ball 1995: 17), who are of the opinion that completeness is one standard for judging the quality of (policy) decisions. It might well be the case that achieving a certain result is necessary, but not sufficient for solving an alleged problem. This does not automatically make the argument unreasonable, but if the intended result is insufficient for solving the problem the chances that the action is fully acceptable are decreased. If result Y is shown to be sufficient, then it is seen as positive, because no other material possibilities need to be explored.

That an intended result Y should be sufficient for solving the problem at hand is emphasized in 2007 by a temporary committee of inquiry set up by the European Parliament to investigate the crisis of the Equitable Life Assurance Society.¹⁹ This is a British life insurance company which sells insurance products providing a series of periodic payments guaranteed in terms of amount and payment period. With such an insurance product, people can have a guaranteed source of income until their death. The prediction concerning the life expectancy made by the company's board in the 1950s, when the company was established, proved later to be unrealistic, as many insurers lived longer than predicted. That meant that the company had to pay money for a longer period of time. In order to avoid money loss in the 2000s, the company, which in the meanwhile sold many of its products all over Europe, decided to pay less than the guaranteed amount. This decision was attacked by policyholders in their own countries, but most complaints were not solved in their favour in national courts. A temporary committee of inquiry was set up by the European Parliament in 2006 to investigate alleged mismanagement. During the inquiry, the Equitable Life Assurance Society argued basically as follows:

- 1 We should reduce the payment amount.
- 1.1 Reducing the payment amount helps us reduce our shortages.

The result of reducing shortages is shown to be sufficient because 'if we reduce our shortages, this is enough for consumer safeguards.' The advocated sufficiency was criticized by the members of the temporary committee of inquiry, which made clear in its final report that such safeguards were not sufficiently in place and stronger supervisory and regulatory standards were required. In this way, the intended result of reducing shortages was shown not to be sufficient, unlike the Society claimed.

The result of a political action is, in the third place, seen as positive when it is shown to be in line with 'the aggregative principle' (Ball 1995: 20). In testing this, the question arises: (3) *Is result Y something which most people want?* According to Ball, "there are many possible circumstances in which majority rule may not be the most desirable decision process to invoke", but an appeal to such a standard is often at issue in order to convince the critics of the adequacy of policy arguments (1995: 20). In practices of political accountability, testing whether an alleged result is in line with what most people want—something imposed by the material starting point

¹⁹ The investigation is presented in detail in the *Final Report on the Crisis of the Equitable Life Assurance Society* (A6-0203/2007, 23.5.2007).

(1)—seems necessary, because more often than not an inquiry starts after repeated complaints. This is exactly the reason why the Equitable Life Assurance Company just mentioned tried to convince the members of the temporary committee of inquiry of the necessity and sufficiency of their financial measures in view of satisfying the majority of those complaining in the national courts. Indeed, one of the criticisms of the account-holders was directed at the fact that most affected people did not want minimal financial compensation—as the company offered—but full compensation.

The result of a political action is, in the fourth place, seen as positive when it passes ‘the consistency test’ by answering the critical question: (4) *Is result Y consistent with other possible results?* Ball (1995: 19) underlines ‘the principle of consonance’ by pointing out that inconsistencies should be kept at a minimum. Ball and other political and legal scholars (e.g., Hambrick 1974; Majone 1989) do not advocate absolute consistency, because, as they explain, a certain degree of inconsistency and incoherence with other results is always there. For instance, in the famous case of the ‘mad cow disease,’ the parliamentary temporary committee of inquiry examined the different results envisaged by the Member States and showed that some of them were inconsistent. Most Member States tried, for example, both to manage the market and to protect their citizens against human risks. But managing the market meant allowing infected beef to be sold, which was inconsistent with the protection against human risks because in this way public health was put at risk. Such inconsistency, as shown by the Member States and accepted by the critics, could not be entirely avoided if economic and social goals had to be achieved at the same time.

Finally, the result of an action is seen as positive when an affirmative answer is provided to the following question: (5) *Is result Y more desirable than other results?* In solving an existing problem, more than one intended result may be a possible solution of a problem. The intended result Y argued for is the more acceptable if it is more desirable compared to other results (for instance because it keeps costs at a minimum) or because it has minimal side effects (such as a minimal negative impact on the population) (Majone 1989). In comparing the desirability of certain results with other results, it is unrealistic to imagine a situation in which the result of an action is envisaged as being more desirable in comparison with other results because it has no side effects (Majone 1989). Such side-effects (also referred to as negative consequences in Majone 1989) are always there. Therefore, in examining the desirability of an intended result in comparison with other results, it is taken into account whether the side-effects of achieving the intended result are minimal or less damaging than the side-effects of achieving another result.²⁰

This explanation concerning the desirability of a result Y of an action X seems valid for understanding why some Member States argued during the crisis of ‘the mad cow disease’ that that protecting health was more desirable than managing the market. Protecting health involved certain side-effects (such as more costs), but

²⁰ Based on this explanation, the fifth critical question could also be formulated as ‘Does result Y have minimal side-effects?’ or ‘Do the side-effects of the result Y of action X outweigh the side-effects of the result Z of action K?’

these effects outweighed the side-effects of managing the market (allowing infected beef to be sold).

The five critical questions I have formulated so far test the positive character of the envisaged result *Y* of a proposed course of action *X*. Each criterion of acceptability is necessary and together these criteria are sufficient to establish whether the result *Y* of an action *X* is really positive. These criteria include necessity, sufficiency, satisfying the interest of the majority, consistency with other results and being more desirable than other possible results. Having shown their necessity in testing the acceptability of pragmatic argumentation, I move to explaining the criteria which should be applied in testing the causality invoked in the complex argument *Action X will lead to (positive) result Y* (argument 1.1). This question is necessary in order to complement the critical testing of the outcome of an action with the critical testing of the methods and the means involved in carrying out an action *X*. As Majone explains, “simply knowing that *outcomes* are satisfactory or unsatisfactory does not tell decision makers and critics very much about what to do. Where outcomes are evaluated without some reasonably accurate and coherent definition of the program, and without knowledge of the *manner* in which it is implemented, the results seldom provide a direction for action because the decision makers lack information about what produced the observed outcomes” (1989: 173–174). The critical question that needs to be answered in order to test the acceptability of the invoked causal relationship is formulated as ‘Do actions of type *X* automatically lead to results of type *Y*?’ (van Eemeren and Grootendorst 1992: 102).²¹ With this question, the means and the methods employed to achieve the desired result are put to the test.²²

The means employed in carrying out an action are shown to be adequate if an answer is affirmatively provided to the question ‘*Are the means employed to carry out an action X the most appropriate means?*’ Inhen Jory (2012) convincingly argues that usually alternative means are available to achieve a certain result, but this does not imply that the argumentation is defeated. However, what remains to be demonstrated is that in the case at issue the employed means are indeed the best to achieve result *Y*. In practices of political accountability, two interrelated aspects need to be demonstrated: (a) that the *costs* involved are reasonable, and (b) that *feasibility* is ensured.

Carrying out an action always brings about certain costs (administrative and human costs are most common), but it needs to be ensured that the involved costs are kept at a reasonable level. Presumably, as Majone shows (1989: 81), a policy maker—and by extension a politician held into account—will not choose “an

²¹ This question is a reformulation of the question ‘Will this effect indeed follow?’ (van Eemeren and Grootendorst 1992: 102).

²² Majone explains that in testing policy arguments three evaluative modes should be applied for a complete evaluation: (a) the outcome mode in which the evaluation focuses on the outputs or outcomes of a particular activity; (b) the input mode in which the emphasis is on the resources engaged in the activity; and (c) the process mode in which the attention shifts to the methods used to transform political, economic and other inputs into outputs/outcomes (1986: 172). These three evaluative modes correspond to the three aspects involved in testing the acceptability of pragmatic argumentation: results, means and methods.

alternative whose net benefit, taking all costs into consideration, turns out to be negative.” Hambrick’s (1974: 474) empirical research on policy arguments from a political science perspective clearly shows that pragmatic arguments are often attacked because the results are not worth the costs.²³ This is decided on the basis of comparing the costs necessary for employing a certain means with the costs necessary for employing alternative means. As emphasized by Hambrick (1974), it is important to realize that an argument invoking less costs does not necessarily make the justification stronger. On the contrary, in some cases, it can be shown that it is more beneficial to accept more costs because that brings about more benefits, whereas less costs result into less benefits, so that the results are worth the costs. Whether the one or the other is more desirable depends on the actual financial situation.

To illustrate this point, let us look again at the ‘mad cow disease’ case. In 1990 scientific evidence suggested that the infection with the disease could cross the barrier between species and transmit to cats and pigs.²⁴ Because this finding concerned a potentially serious threat to human health, advanced scientific research was required in order to confirm or disconfirm the hypothesis concerning cross-species transmission of the disease. Despite the high costs involved in advanced scientific research, countries such as France and Germany argued that,

- 1 Scientific research should be increased.
- 1.1 More scientific research will lead to better health protection.
(And that is worth the costs)

The argument (1.1) in which the high costs of scientific research are acknowledged proved indeed more acceptable to the temporary committee of inquiry investigating the case of countries such as Great Britain, which supported less scientific research because it would involve unnecessarily high costs.

The second aspect concerning the appropriateness of the means employed in carrying out an action X concerns feasibility. This aspect is the more important if it is taken into account that if a certain choice proves to involve too high costs, it is not automatically infeasible (Majone 1989: 81). There is general agreement (e.g., May 1986; Webber 1986; Majone 1989; Ball 1995) that the question of feasibility is of major importance in assessing the quality of pragmatic arguments, because it can help in gaining a sophisticated understanding of the prescribed action. However, feasibility is difficult, if not impossible to be made operational.²⁵ Arguably, in testing feasibility, the causality relationship is implicitly tested: ‘*Can action X indeed lead to result Y?*’

Majone (1989: 69) puts in a nutshell what a feasibility test involves: “a competent feasibility analysis attempts to identify all actual or potential constraints,

²³ This is identical to the idea that the costs involved bring insufficient benefits.

²⁴ This example is selected from the *Report on alleged contraventions or maladministration in the implementation of Community law in relation to BSE* (Part AI and AII, A4-0020/97/SA, 7.2.1997).

²⁵ A similar view is suggested by Perelman (1959: 24) when he wonders whether “seeing that an effect most often results from a combination of causes, and seeing that each of these is in itself a member of a causal chain, is it possible to provide unquestionable criteria which would indisputably pick out the cause to which the pragmatic argument is applied?”

separate them from fictitious obstacles, evaluate their significance for different implementation strategies, and estimate the costs and benefits of relaxing those constraints that are not absolutely fixed.” In sum, problems can or cannot be solved only with respect to certain constraints or limiting conditions, which may be procedural (laws, regulations, norms) or substantive (such as physical laws).²⁶ These constraints vary from case to case, and may range from objective constraints (such as legal constraints) versus self-imposed constraints (such as pre-selection), goals (such as obtaining a certain value) versus other constraints (such as institutional constraints) and short-run limitations (such as technological limitations) versus long-run limitations (such as manpower) (Majone 1989: 82–88).

Despite the lack of a clear notion of feasibility, it is a typical concern of the accountant to foreground it in his argumentation. As a case in point, take the reaction of the British authorities during the investigations into the ‘mad cow disease,’ in which they maintained that protecting humans would be feasible only if it could be demonstrated that the disease is harmful to humans. For a long time they refused to take measures because they were convinced that the disease was only an animal health matter. In a similar fashion, in the Report on the crisis of the Equitable Life Assurance Society it is pointed out that offering financial supervision is feasible in the British regulatory system only if an Appointed Actuary is delegated—a specific professional within the company who can be relied on by the prudential competent authority to monitor the financial position of the company on a continuous basis.

The examination of the causal relationship expressed in the argument supporting a prescriptive standpoint shows that this relationship can be put to the critical test in practices of political accountability by ensuring that the means chosen to carry out a certain action are the most appropriate. To judge their suitability, both the reasonableness of the costs involved and their feasibility need to be investigated.

4 Conclusion

My investigation of pragmatic argumentation combines insights from argumentation theory with research findings of political and legal scholars. This combination makes it possible to show not only that pragmatic arguments play a central role of pragmatic arguments in the practices of political accountability, but also to bring to light the characteristics of this type of argumentation and the conditions under which it can be considered acceptable to critics.

In prospective practices of political accountability, the issues for discussion concern future plans, decisions and policies which politicians intend to adopt in order to solve an existing problem or in order to prevent the occurrence of a problem. For this purpose, the political actors prescribe a certain course of action which they consider suitable in the case at hand. In argumentative terms, this amounts to the employment of pragmatic arguments in which a recommendation to carry out a course of action is made. The politician’s plan of action is at least doubted by an account-holder whose role is to put to a critical test the politician’s

²⁶ Ihnen Jory (2012: 31–32) explains feasibility in terms of how practical and allowable an action is.

envisaged conduct. More often than not, the account-holder goes beyond mere doubt and expresses criticism by giving a negative evaluation of the politician's intended result and the approach he wants to take in order to solve a problem. In this way, a critical testing procedure is ensured.

Material and procedural starting points constrain the argumentative activities of the participants in practices of political accountability. Thus, all participants must adhere to democratic and constitutional values with a view to preventing abuses of power and ensuring good governance. After providing the necessary information around the issue for discussion, the politician is obliged to explain his performance by justifying his purpose and approach. In doing so, he tries to demonstrate the adequacy of his political conduct. The account-holder always criticizes the politician for his actions and may impose sanctions in case of malperformance.

When prescribing a course of action by employing pragmatic arguments, politicians try to make their arguing acceptable. In the first place, politicians attempt to show that the results they intend to achieve in these practices are adequate. In line with the procedural starting points (4) and (13), when recommending a course of action politicians do so because they are convinced of its adequacy. In order to make their argumentation acceptable to their critics, they generally have to take five criteria into account: necessity of the result aimed for, sufficiency of the result, satisfying the interest of the majority of people, consistency with other results and a higher level of desirability than other possible results. Politicians attempt, in the second place, to convince their critics that the means they employ to achieve their results are the most appropriate. To do so, they demonstrate that the costs involved are reasonable and that the actions they propose are feasible.

The outlined criteria for acceptable pragmatic argumentation in its positive variant constitute an assessment instrument for judging the quality of this type of argumentation. They can also be applied, albeit with slight modifications, to pragmatic argumentation in its negative variant, in which the negative result of a course of action is pointed out. In addition, these criteria can be taken as a point of departure in investigating the possible strategic effects of the use of pragmatic arguments. Arguers living up to (most of) the criteria have a higher chance of winning the discussion in which they are involved because they have passed successfully the test of critical assessment of their argumentation. An interesting question to investigate concerns the way in which politicians involved in accountability practices cover weak aspects of their performance while emphasizing those aspects which are to their advantage. In addition, and more fundamentally, the outlined acceptability criteria for pragmatic argumentation can help to understand how account-giving takes place in practice. Detailed empirical research needs to be carried out to discover possible stereotypical ways in which pragmatic argumentation is employed in accountability practices. If this enterprise is successful, specific argumentative patterns will be brought to light that are characteristic for this context.

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