‘The idea of an essentially contested concept is incoherent.’

Daniel Alexander Harris (2015)
This essay will demonstrate the idea of an essentially contested concept (ECC) is incoherent because the necessary requirements to reach this diagnosis are paradoxical, revealing a lack of persistent disagreement, sufficient common ground to decontest the concept or requiring that mutually contradictory positions be held by each inquirer relative to the debate. W. B. Gallie argues a “fairly rigid schematisation” can enlighten discussions of highly complex concepts, where ECC’s “inevitably involve endless disputes about their proper use.” Here, I focus on two criteria offered by Gallie, which I take as essential for establishing a concept as being essentially contested (EC), reciprocal recognition (RR) and an exemplar. RR, along with acknowledgement of the authority of an original exemplar as the necessary evidential standard (the 6th criteria), delineates ECC’s from other confused and contested concepts. I start by examining RR from the perspective of agents involved in the argument and those analysing it objectively, concluding that incoherence at every step precludes establishing a concept as EC. I will explore the weaknesses of the different types of evidential standard. I also refer to Dworkin’s idea of interpretive concepts as those which people share on the basis their “correct application is fixed by the best interpretation of the practices in which they figure.” Finally I discuss the risk of relativism and conclude the idea of an ECC is thoroughly incoherent.

Figure 1.

<table>
<thead>
<tr>
<th>1. Recognition:</th>
<th>1. Non-recognition:</th>
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<tbody>
<tr>
<td><strong>Objectively</strong></td>
<td><strong>Recognition:</strong></td>
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<tr>
<td>(Exemplar)</td>
<td>Agents cannot maintain the other is wrong*</td>
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<tr>
<td><strong>Subjectively</strong></td>
<td></td>
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<tr>
<td>(Paradigm Cases)</td>
<td>Possible 2nd order contestation as to whether the instance is a paradigm case</td>
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</tbody>
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*Presume objective recognition and non-recognition and proceed.

2. Do they objectively recognise the concept as one that is essentially contested?

3. Yes- ECC

3. No-

I distinguish between requirements for agents and external observers. It is important to note, as Dworkin does, that “these distinctions are interpretations of usage, not themselves part of usage.” This facilitates acknowledgement of the distinction between different perspectives and the inconsistencies entailed. As I develop my argument incoherence between the requirements of agents and observers becomes clear.

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1 Gallie P168
2 Gallie P169
4 Dworkin P163
At stage 1, agents must acknowledge each other’s use of the concept as justified otherwise they cannot know whether they are discussing the same concept. However, they must also maintain the other agent is wrong and therefore not recognise their use otherwise there would be no disagreement. For example in a dispute involving the concept of a lion, agents must acknowledge that they are each presenting an account of a lion, not a cat. How can this be achieved if at the same time each must claim the other isn’t presenting an account of a lion? Similarly if the other agent isn’t presenting an account of a lion they aren’t discussing the same concept and contestation will cease. A certain level of base agreement must be established to ensure the agents are having the same conversation. However, if this base agreement is established the agents cannot maintain the other is mistaken and on that basis the argument cannot continue. These requirements contradict one another and demonstrate the incoherence that lies at the heart of the framework for establishing ECC’s. Proceeding on the basis that non-recognition is compatible with recognition, we face another paradox: Without recognition you cannot know if you are contesting the same concept. To ensure agents only recognise uses that constitute accounts of the same concept, requires crossing a certain evidential threshold. This threshold involves reference to an ideal account of the concept, accepted typical uses of the concept or some other common ground. Regressing the respective arguments back to more fundamental propositions can reveal agreement and in doing so engage in a process of decontestation revealing each other’s account is in fact a more nuanced conception of the exemplar. For example regressing arguments over accounts of distributive justice reveals supporters of Rawls and those of Nozick share common ground- to ensure that inequalities are to the benefit of all people. Finding common ground excludes them from being able to say the concept of distributive justice is EC; each endorses nuanced accounts of fundamental values on which they agree. The initially limited aim of trying to identify the concept over which agents are arguing to ensure genuine disagreement, ends with the paradoxical result of decontestation. Equally, should agents fail to identify common ground they will have also failed to establish that they are discussing the same concept and as a result cannot know whether they are in disagreement or not.

As above terms like ECC’s and interpretive concepts are themselves interpretations of practice, rather than part of standard usage and stand apart from daily practice itself. Such interpretations are important for external observers to explain the behaviour of agents. Diagnosis of a concept as EC can only occur from an external perspective because recognition at stage 1 precludes them from holding that the other parties are mistaken and therefore explicit recognition that the concept is EC. Recognition of the concepts essential contestedness needs to be met objectively by external observers because otherwise it could be claimed the concept isn’t EC and there is a final answer. This constitutes a 2nd order contestation as to whether the concept is EC. Should this be the case, 1st order contestation over what the answer is cannot occur because they disagree as to whether there can be an answer. If this 1st order contestation cannot take place there isn’t true contestation. There must be the possibility of an answer, before there can be disagreement or agreement as to whether the disagreement is unending. Inconsistency at stage 1 denies the possibility of an answer because agents also require this recognition, which if achieved decontests the dispute and therefore stage 2 cannot be reached.

Excluding recognition as a factor, non-recognition at stage 1 also causes further issues. If the agents must not recognise the other’s use, it is on the basis the other is mistaken and they are correct. However, this would mean neither agent could acknowledge the EC dynamic of the

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5 The objectivity or subjectivity of this threshold will determine how easily it can be met and the difficulties faced in trading the benefits of one for the other. I will argue below that only an objective standard provides the necessary evidential threshold but that such a standard is unlikely to be met.
dispute. Non-recognition concludes the dispute because on that basis the agents would not be claiming that the other is mistaken. To acknowledge there is no single answer requires awareness that various answers are disputed, which requires agents to contest each other's answers. This non-recognition, i.e. the continued assertion that there is an answer and that each agent claims theirs is correct means agents cannot simultaneously acknowledge there to be no single answer. Explicit recognition of the concepts EC character is essential for external observers because in being parties to the dispute, agents cannot achieve such recognition.

Finally, if these multiple inconsistencies can be overcome, explicit recognition of a concept as being EC nullifies contestation because there is no reason to debate concepts that involve positions so entrenched that no final outcome is possible. Therefore, ECC’s as Gallie conceives them are unknowable through the necessary steps to establish their existence. The idea of ECC’s is incoherent because the procedure for determining their existence either results in an end to contestation (through either recognition of each other's positions or because awareness of the unending nature of a contest nullifies it), or circumstances in which it cannot be determined as to whether a concept is EC.

I previously discussed the need for an evidential threshold, which ensures agents are discussing the same concept and therefore their dispute is genuine. This standard needs to be met objectively, however I argue that it cannot be in practice. Gallie’s idea of an exemplar “whose authority is acknowledged by all,”6 is intended to “distinguish the [ECC] from the kind of concept which can be shown […] to be radically confused.”7 I endorse the need for universal acknowledgement because otherwise it could be argued that the concept presented as the exemplar is in fact not the exemplar. As Lukes writes “Contests […] are after all, contests over something: essentially contested concepts must have some common core; otherwise, how could we justifiably claim that the contests were about the same concept?”8 Gallie’s account of the exemplar relies on the 2nd, 3rd and 4th factors used to identify ECC’s: It must be “internally complex and variously describable,”9 and have an “open character.”10 As a result, the only difference between the ECC and the exemplar is purported agreement from all parties that it is the exemplar. Given the exemplar is meant to act as an anchor for complex concepts it is logical that it should have a variously describable character, otherwise the accounts provided would not be different enough to result in contestation; moreover, if they were sufficiently different, such derivations would no longer be tied to the exemplar.

Gallie claims this vagueness has no effect on the ability of the exemplar to anchor debate over contested concepts. However, the internally complex, variously describable and open character of the exemplar makes agreement as to its authority highly unlikely, at least as unlikely as agreement over the use of the concept itself by the respective agents.11 Swanton asks, “Is this common core itself contested […]?”12 According to Gallie the exemplar could assume many forms including historically independent but sufficiently similar traditions.13 I argue that contestation over the supposedly common core would be likely on this broader reading because “it is unlikely that all agents will acknowledge its authority,”14 specifically because of its imprecise

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6 Gallie P180
7 Ibid.
9 Gallie P176
10 Gallie P177
13 Gallie P186
14 Collier P220
character. If the only difference is all parties recognise that particular account as an exemplar, then that account remains open to the same type of 2nd order contestation discussed above; an agent could contend the exemplar in question isn’t in fact the exemplar. As it is plausible if not certain that there would be contestation over what constituted the exemplar, we are faced with a dilemma according to Swanton: If the exemplar is contested we must either abandon the view that there are concepts that admit a variety of interpretations such that their proper use is disputable or we must abandon the view that an ECC must have “a uniquely specifiable ‘core’ common to the various contested interpretations of that concept.” If an exemplar could be established, it would undermine the evidential standard necessary to distinguish ECC’s from confused concepts. This impossibility demonstrates the incoherence of the steps necessary to establish a concept as being EC.

On the other hand if universal endorsement of the exemplar were possible it would present another challenge to establishing a concept as EC. If there were agreement on the reasonable parameters of the accounts each could provide, that fact alone would decontest the disagreement, each being forced to recognise they had emphasised certain elements of the exemplar more than others, each unable to continue claiming their account was right and the other wrong. Instead they would have to recognise each had provided a more nuanced account of the exemplar. As Swanton writes if there is no essential contestation over the exemplar there must exist absolute truth conditions to establish that the exemplar is the single, correct formation of the concept and also a procedure to justify such endorsement. Accordingly, if an exemplar could be established, it would undermine its own purpose to anchor the debate, not resolve it.

An exemplar could only achieve the degree of endorsement necessary if sufficiently rigid and criteria-based. If the exemplar were criteria-based there would be a strict list of components such that agents would be in agreement as they would use the same criteria to identify instances where the concept should be used. If the agents were to agree over the correct criteria for the range and application of the concept we would have agreement on an exemplar concept against which to measure the various different accounts. However, the exemplar is not criteria-based, it is itself an interpretive concepts and according to Dworkin the test it is subject to is that of agreement as to the typical uses of the concept in paradigm cases. Similarly Swanton states a lack of a shared exemplar does not mean agents necessarily lack a common referent. Swanton writes, “A theory of reference could be proposed in which rival theories are deemed to refer to the same thing by virtue of their agreement on sufficiently many ‘samples’. These standards are even less precise than Gallie’s exemplar. We are asked to look for sufficient agreement on what we take to be paradigm instances of the concept’s application. Dworkin states “we cannot say just how much or what detail of agreement about paradigms is required […] to justify treating a concept as interpretive.” If established, we could treat the concept as one over which there is disagreement as to the “particular characterisation [that] best justifies…shared paradigms.” Sacrifice in terms of specificity to gain perhaps broader endorsement actually decreases the extent the evidential standard can guarantee we are discussing the same concept, as it is more subjective. There remains the question of whether the disagreement is explained better by the idea that those in disagreement “share a single interpretive concept and disagree about its character or […] that the

15 Swanton P816
16 Ibid.
17 Dworkin PP160-161
18 Swanton P818
19 Ibid.
20 Dworkin P161
21 Ibid
disagreement is illusory.”

There are also concerns over the relativism that ECC’S and interpretive concepts potentially introduce. The risk of relativism is real as disagreement persists in different cultures despite quite broad agreement on certain paradigm or exemplar cases of values like equality — to give but one example. Despite many liberal democracies regarding gender equality as a necessary element of any paradigm case of equality other cultures continue to permit discrimination on the basis of gender. However, Dworkin first asks why we should assume the different uses to which concepts are put around the world refer to the same concept? He states the threat of relativism “presupposes enough structural similarity to justify the assumption that their concept is our concept.” The way in which we meet this challenge is through reference to paradigm cases. The use to which other agents put the concept in question will be considered sufficiently similar to our own where our best justification of the paradigm cases in which the concept applies justifies doing so. Where we cannot Dworkin states we would be correct in saying the other agent doesn’t have an account of the concept discussed. He also suggests the same argument resolves the risk of relativism. We need not say other cultures have different accounts of the concept under discussion, according to Dworkin we can regard the substantive claims of the other as mistaken when we believe the best justification of paradigm cases in which the concept applies justifies this rejection. However Dworkin, like Gallie, fails to provide an objective standard against which we can judge these other accounts. Dworkin argues “we must judge for ourselves that justification of these shared paradigms and structures is adequate.” Far from acting to exclude the risk of relativism, this reintroduces relativism at the level of agreement or disagreement over the correct account of the concept. Dworkin’s failure to provide an objective standard for the claim one agent can count the substantive claims of the other as mistaken leaves him open to the charge of relativism. Lukes’ account of power also demonstrates the risk of relativism because ECC’S often involve moral values. Whereas with knowledge “truth is distinguishable from error because there are non-relative truth conditions…and ways of justifying claims to such knowledge,” such that we can justify this knowledge is objectively better, moral judgements can be incompatible but still rational as the criteria of rationality and justification in morals are relative to conflicting perspectives. They are not unified by non-relative truth conditions. ECC’S often embody moral values because they are appraisive and relative to conflicting perspectives, given differences in history, culture and legal systems. This more subjective standard against which to measure different accounts leaves agents open to the relativist criticism and the risk of 2nd order contestation as to whether there is or even can be agreement on paradigm cases.

In conclusion the idea of an ECC is incoherent because the method for distinguishing contestation from confusion includes the contradictory maintenance of both recognition and non-recognition of the agents use if you are a part of the dispute itself and also explicit recognition that the concept has no single answer if you are an external observer. At stage 1 you cannot maintain recognition and non-recognition simultaneously and on this basis Stage 1 cannot be met. Moreover, the evidential threshold to establish recognition either decontests the concept or establishes the agents were not arguing over the same concept. This standard cannot be met objectively because discussion of the exemplar replicates the dispute at a higher level, whilst a subjective standard leaves claims to the authority of the exemplar on uncertain ground. Finally, even if the inconsistencies and directly contradictory requirements could somehow be reconciled, a concept technically characterised as EC through Gallie’s framework would no

22 Ibid
23 Dworkin P171.
24 Ibid.
25 Ibid.
26 Lukes P172
longer be EC. If the positions of the agents concerned are so entrenched, the possibility of progressive competition developing from such discussions and debates is prevented. Therefore, the framework necessary to establish a concept as essentially contested in fact empties the category of all content.
Bibliography:


Gallie, W. B. ‘Art as an essentially contested concept.’ The Philosophical Quarterly 6 (1956), PP97-114.


