

ABSTRACT

Leading You Down the Choice Path: Persuasion as Collective Rationality

Professor Bruce Chapman*

Professor of Law

University of Toronto Faculty of Law

In this paper I explore the possible advantages of a form of non-arbitrary path dependence within social choice that I call rational persuasion. Persuasion is characterized here as conversationally leading one's protagonist down a particular choice path to a particular result. The selected choice path is enticing, or rationally persuasive, because it "makes sense" in a way that alternative choice paths do not. It makes sense because it tends to group, or partition, alternative choices together in a way either that allows us to see or think of the partitioned alternatives as instantiations of some *concept* or *category*, or presents us with some *issue* that we recognize as important in the choice situation. We shall see that not all partitions of the alternatives do this equally well. Nor are they as easy to talk about under the shared concepts that will organize, and be persuasive in, conversation. In this respect rational persuasion is a partition dependent idea.

However, we shall also see that the partitions have to be presented in a certain order, or sequence, if social choices (and the individual preferences that give rise to them) are going to be *sensitive to* the issues and concepts at stake as well as *sensible under* them. So, in the final analysis, I will be arguing that rational persuasion must not only be a *partition* dependent idea, but a *path* dependent one as well. However, contrary to what Arrow suggests in *Social Choice and Individual Values*, I argue that path dependent social choice need not be viewed as arbitrary. Indeed, because rational persuasion is a form of social interaction and social choice that is both sensible and sensitive to the issues that divide us, persuasion is an exhibition of our collective rationality. It is a serious mistake, under the idea of a social preference ordering (which precludes path dependent social choice), simply to define it away as a possible approach to the social choice problem.

*Prof. Bruce Chapman is a Professor of Law and a former editor of the *University of Toronto Law Journal*. He holds a law degree from the University of Toronto, and a doctorate in economics from Cambridge University. Prior to attending law school Professor Chapman served as Assistant Professor in the Department of Philosophy at the University of Western Ontario and as Associate for Law and Philosophy at the Westminster Institute for Ethics and Human Values. He was appointed a John M. Olin Faculty Fellow at the Yale Law School and since then has held visiting appointments at the University of Virginia School of Law, Oxford University, The Australian National University, The University of Torcuato di Tella in Buenos Aires, the University of Louvain in Belgium, and the National University of Singapore. His principal teaching and scholarly interests are in Tort Law, Legal Theory, Decision Theory and Rational Choice, Law and Economics, and Corporate Law, and he has published widely in each of these areas. Prof. Chapman has been awarded Connaught Research Grants from the University of Toronto to conduct research into theories of rational decision-making.