

ISSA Proceedings 1998 - The Good Case For Practical Propositions: Limits Of The Arguer's Obligation To Respond To Objections



1. Introduction

This paper will discuss several questions about public deliberative argumentation raised by Trudy Govier's conception of a Good Case. In the interests of "developing realistic standards for the evaluation of arguments and argumentation," Govier distinguishes between an Exhaustive Case for a proposition and a Good Case. Unlike the *Exhaustive Case*, she observes, "the *Good Case* does not require that the arguer respond to *all* objections and *all* alternative positions." (Govier, 1997: p. 12) This important concept has special significance for studies of the public argumentation which enables groups, institutions, polities, etc. to reach decisions regarding their future acts and policies. It may be that Govier's conception of the Good Case identifies a basic contour of the normative ideal for public deliberative argumentation. To explore this possibility, I will, first, attempt to identify an ideal function for public deliberative argument which plausibly implicates a Good Case as its normative ideal. Second, I will try to clarify the concept of a Good Case as a norm for deliberative argumentation.

2. The Normative Status of a Good Case in Public Deliberation

The issue here is not whether Govier's conception is important. Most approaches to the study of argumentation would, I think, recognize that given limitations of time, circumstances, etc., often an arguer could not reasonably hope to establish an Exhaustive Case for her position; the best that could be expected from an advocate in many situations is a Good Case - a body of argumentation which, at least provisionally, dismisses some remaining objections and (possibly) some alternative positions. Rather, the issue concerns the normative status of a *Good Case* as contrasted with an *Exhaustive Case*. Is the concept of a Good Case merely remedial, applying to argumentation which falls short of the ideal Exhaustive Case, or does the concept of a Good Case delineate an ideal appropriate to some

modes of argumentation and, specifically, to those which involve interpersonal deliberation about practical concerns? I do not hope to answer this very difficult question; in the discussion which follows, I will only attempt to show it poses a serious choice for students of argumentation.

The view that an Exhaustive Case is the normative ideal against which all modes of argumentation are to be assessed has widespread and well articulated support in current studies of argumentation. It has able champions in the pragma-dialectical approach to the study of argumentation developed by Eemeren and Grootendorst and significantly elaborated by many others. According to pragma-dialectics, the norm of an Exhaustive Case corresponds directly to *the* ideal end served by argumentation. In this well-known view, argumentation ideally serves to *resolve* disagreement on the merits. (Eemeren & Grootendorst, 1992: 34; Eemeren, Grootendorst, Jackson & Jacobs, 1993: 25) Resolving a disagreement is held to require more than merely settling a difference of opinion by setting aside or repressing doubts and objections; rather, resolution of a disagree occurs “. . . only if somebody retracts his doubt because he has been convinced by the other party’s argumentation or if he withdraws his standpoint because has realized that his argumentation cannot stand up to the other party’s criticism.” (Eemeren & Grootendorst, 1992: 34) A resolution-oriented system is “structured in such a way as to assure that if it comes to any settlement at all, the settlement is one recognized by both parties as correct, justified, and rational. Hence, one characteristic of the ideal model is an unlimited opportunity for further discussion; an ideal system does not constrain the possibilities for expansion of a discussion” (Eemeren et al., 1993: 25).

In short, the ideal of resolving a disagreement on the merits requires, according to pragma-dialectics, that proponents of a standpoint establish an Exhaustive Case, a case which answers all pertinent doubts and objections to the satisfaction of the parties to the disagreement.

Of course, a pragma-dialectical approach to the study of argumentation would not dismiss the idea of a Good Case as normatively or theoretically insignificant. Since a merely Good Case may leave some outstanding objections and alternative positions unanswered, a Good Case necessarily falls short of the ideal of resolving disagreement. It seems that proponents of a Good Case would necessarily violate the first two rules pragma-dialectics identifies for the conduct of ideal critical discussions:

(i) such proponents would in some way inhibit other parties from advancing

standpoints or casting doubt on standpoints relevant to the disagreement and (ii) they would sometimes fail to defend their standpoint when another party requests that they do so (Eemeren & Grootendorst, 1992: 208).

But pragma-dialectics recognizes that in real life argumentation is often conducted under less than ideal circumstances and constraints:

“. . . practical demands such as the need to come to a decision now or an artificial limitation on the range of standpoints available for consideration will restrict the principle of open exploration of possible standpoints and the grounds for those standpoints.”(Eemeren et al., 1993: 33) “Actual argumentative practices,” are held to be shaped by these practical demands, “and institutions developed to control argumentation are built to overcome or compensate for these constraints.”(Eemeren et al., 1993: 34) Accordingly, in a pragma-dialectical view, the concept of a Good Case and corresponding argumentative practices are to be regarded as approximations to the ideal of an Exhaustive Case made necessary by limiting circumstances. The deformities of a merely Good Case, in this view, may be practically necessary, but a pragma-dialectical approach to the study of argumentation seems committed to interpreting a Good Case as a mere approximation to the ideal of an Exhaustive Case.

No doubt pragma-dialectics articulates a powerful ideal model for the conduct of argumentation. The view that argumentation ideally serves to resolve disagreement through an open-ended critical discussion is widely shared. It is explicitly drawn from Barth's and Krabbe's formalization of rules for the conduct of critical discussions, work with roots in the formal dialectics of the Erlanger school. (Eemeren, Grootendorst & Snoeck Henkemans, 1996: 246-275) A comparable conception of the ideals of argumentation have developed by the critical theorists Jurgen Habermas, Karl-Otto Apel, and their students.(Benhabib, 1990: 336-355; Habermas, 1990: 90) Indeed, the idea that argumentation ideally aims at a mutually satisfactory resolution of disagreement through an open-ended exchange of reasons and objections runs at least back to Plato's Socrates. And it seems apparent that full rational resolution of disagreements is the predominate ideal appropriate to some kinds of arguments, viz., scientific and theoretical argumentation among experts. Nor would I want to deny that resolving disagreement on the merits is an important, though often unrealizable hope, in other contexts.

But must we suppose that all modes of argumentation are subordinate to a single

ideal end? “Aren’t there many different forms of argumentative interaction and not just one ideal type?” asks Robert Maier.(Maier, 1989: 55) Western scholarly traditions provide ample historical precedent for the view that there are several distinct modes of argumentation with distinct normative structures which do not reduce to a single ideal type. Aristotle, all will recall, distinguishes between the argumentative discourse among the learned in the sciences and theoretical disciplines, i. e., dialectic, and the argumentative discourse addressed to ordinary citizens regarding the practical concerns and legal affairs of the community, i. e., rhetoric. (Aristotle, 1954: 1356a25-1358a35) And he quite explicitly warns against expecting argumentation outside the sciences to conform to scientific standards of reasoning and proof. (Aristotle, 1941: 1094b10-25) Similar distinctions between dialectical argumentation and rhetorical argumentation come down to us from the traditions of rhetorical study that run from Isocrates through Cicero and Quintilian. And something like these distinctions survive in the argumentative practices of our own time.

But it is not so clear what the traditions which recognize distinct rhetorical modes of argumentation identify as an ideal that might correspond to the dialectical ideal of fully resolving disagreement on the merits of reasoning and evidence. Aristotle, for example, identifies three distinct modes of rhetoric: deliberative, judicial, and epideictic. (Aristotle, 1954: 1358b1-25) He assigns each an end, but the ends Aristotle adduces for his rhetorical genre are not ideal functions of these modes of argumentation. Rather, the end for each genre is the basic proposition that an advocate must be prepared to sustain if she is to carry the day when arguing that kind of case. Isocrates, Cicero and Quintilian are each concerned with characteristics of the ideal orator and with the education necessary to produce such an advocate. But their discussion of the ideal orator is so speaker centered, so single source specific, that is not immediately easy to see what these students of rhetorical art take as the ideal for dialogues or argumentative interactions between rhetors. And it can seem that the traditions of rhetorical art are preoccupied with questions about how to persuade audiences to the exclusion of interest in norms of discourse as related to the ideals of any type of argumentation.

Nevertheless, it is, I think, possible to identify from within the inheritance of rhetorical studies an ideal which remains relevant to our public discourse about practical affairs, whether that be the political discourse of a state, the institutional deliberations of an organization, or the deliberative dialogues within informal groups. As a starting point, I offer an ideal articulated by the great

Athenian leader Pericles. Speaking in 430 B. C. E. as the official voice of the city in honoring the Athenians who had fallen that year in war, Pericles provided a now famous inventory of the achievements and institutions which he claimed comprised the greatness of classical Athens. His final boast is of special interest to students of argumentation. The great distinguishing excellence of Athens, according to Pericles consisted in her citizens' ability to muster the greatest daring in action, while carefully debating beforehand the expediency of their measures. The courage of others, he maintained, was the result of ignorance; deliberation made them cowards. (Thucydides, 1952: 2: 40) Here, I suggest, we have the kernel of an ideal for deliberative argumentation. Simply put, a Periclean ideal expects deliberative argumentation to issue in well-informed and resolute action suited to the exigence at hand. A precise statement and thorough defense of this suggestion is beyond the scope of the present essay. Here I want only to indicate that something like this ideal is at least implicit in classical rhetorical conceptions of deliberative excellence, that this ideal continues to animate significant contemporary reflection on deliberative argumentation, and that ideal seems to implicate something like Govier's conception of a Good, but less than Exhaustive Case, as one of its primary norms.

Consider Pericles's boast as an expression of the culture which gave rise to classical rhetorical arts. Pericles was not alone in lauding Greek deliberative excellence. Nicole Loraux's celebrated study of the Athenian funeral oration reminds us.

For Herodotus, the history of the cities is that of decisions, and on the Greek side there was no battle that was not preceded by a genuine debate: various opinions had to be expressed before the best carried the day, for according to the optimism then reigning, the best always did win the day. This strictly political schema is Greek, of course, and stands in stark contrast with the false deliberations of the barbarians (Loraux, 1986: 205).

Pericles' boast casts the deliberative excellence of Athens in terms of this Greek commonplace regarding the ideals of deliberation. A Periclean ideal for deliberative argumentation is implicit in the cultural value ascribed to rhetorical art by the traditions of study which descend from Isocrates through Cicero and Quintilian. (Kimball, 1986: 26-28; Schiappa, 1995: 50) In this connection, the opening paragraphs of Cicero's *de Inventione* are instructive. Here Cicero rehearses a myth which attributes the civilization of men, first, to the founding of cities and, then, to discourse which was both wise and eloquent:

. . . after cities had been established how could it have been brought to pass that men should learn to keep faith and observe justice and become accustomed to obey others voluntarily and believe not only that they must work for the common good but even sacrifice life itself, unless men had been able by eloquence to persuade their fellows of the truth of what they had discovered by reason. (Cicero, 1949: I.3)

According to Cicero, excellence for rhetorical argumentation consists not simply in persuading the community; persuasive success can corrupt a community, if the discourse is not well argued (Cicero, 1949: I.4) Rather, ideal rhetorical argumentation eloquently articulates the truths of reason so as to engender just and appropriate action by the community, while cultivating the habit of such virtuous action. In these traditions of rhetorical art, the orator is to learn from dialectical training, but her own argumentation, responding to the demands of public dialogue, needs a vigor, timing, and grace which is missing in dialectical disputation (Quintilian, 1920: 12.2.11-15).

As inheritors of a culture shaped both by traditions of rhetoric and of dialectic, contemporary students of argumentation inhabit a world in which the Periclean ideal for deliberative argumentation is still very much alive. John Dewey's analysis of *The Public and its Problems* can serve as a indication of the continuing vitality of that ideal. According to Dewey, the central problem of democracy is to transform the actions of self-interested individual hands so that they will act jointly as required by social needs. (Dewey, 1927: 82). This great pragmatist holds that the first prerequisite for drawing individuals into a functioning public (add: group, committee, team) capable of responding to community needs is mutual recognition of the consequences of joint action; however, in complex modern societies, Dewey argues, the agency of joint action is hard to perceive (Bitzer, 1978; Dewey, 1927: 131) Thus, the "prime difficulty . . . is that of discovering the means by which a scattered, mobile and manifold public may so recognize itself as to define and express its interests" (Dewey, 1927: 146). The second prerequisite is a sense on the part of individuals of participating in the life of the community and especially through "the give-and-take of communication" (Dewey, 1927: 154). For Dewey, the only possible way to satisfy these requisites for the development of an effective public consists in "perfecting the means and ways of communication of meanings so that genuinely shared interest in the consequences of interdependent activities may inform desire and effort and thereby direct action" (Dewey, 1927: 155). And, more specifically, the creation of

an effective public depends upon the development of argumentation regarding shared interests and concerns. "The essential need," Dewey writes, "is the improvement of the methods and conditions for debate, discussion and persuasion. That is *the* problem of the public." (Dewey, 1927: 208) Thus, in Dewey's analysis of the public and its problem, the predominate ideal for public deliberation has a clear Periclean echo: to debate the expediency of measures vigorously beforehand and to generate a public which both does and is capable of wisely deciding and acting on its decisions. Dewey's pragmatism both reflects and influences much twentieth century thinking about rhetorical argumentation (Bellah, Madsen, Sullivan, Swidler & Tipton, 1985: 167-218; Bitzer, 1968; Bitzer, 1978; Sproule, 1997).

At this point it might be objected that the ideal for deliberative argumentation which I have attributed to Pericles is not an aspiration for a kind of argumentation but rather an ideal for institutional arrangements - a matter for political, social and organizational theory, not centrally a matter for students of argumentation. This is an important and difficult objection for which I have no decisive answer. But I doubt whether students of argumentation can or should avoid the question of how deliberative argumentation prepares arguers for action and both carries over into action and conditions a group's capacity to act. At the macro-level of organization, argumentation has an irreducibly social structure within which duties are assigned to advocates and norms are defined in terms of the execution of those duties. Where argumentation addresses the concerns and interests of a group, institution or community, it is hard to see how macro-level evaluation can assess the social organization of the argumentation without consideration of how that structure interacts the larger life of the group, institution or community. It is, I think, a platitude that the quality of argumentation within a decision-making group conditions the group's capacity to decide and act on its decisions. So I think argumentation theorists properly have an interest in how the norms for argumentation relate to the broader engagement of persons within communities of arguers. On that note, I should like to return to the significance of Govier's concept of a Good, but not Exhaustive, Case.

If we suppose that deliberative argumentation on public issues aims ideally at well-informed and resolute action which meets the exigence at hand, then it is also plausible to suppose that Govier's concept of a Good Case marks out the contours of a normative ideal for deliberative argumentation. In order for

argumentation to issue in appropriately vigorous action, it must be possible to bring the argumentation to some sort of closure within limitations set by time and circumstances. Very often action - whether private or public, individual or joint - must be taken within the temporal limits of the opportunity to act; all too often if action is not taken in a timely fashion, the problem at hand deteriorates into a new and more intractable difficulty. And where joint or public action is required, the window for timely action may be further circumscribed by circumstances which limit the opportunity and resources available for deliberation and debate. There are serious costs associated with public (and group) deliberation involving scarce resources of time, energy, information processing, education and trial. The time required to deliberate about one problem all too often is time taken away from the effort to resolve another pressing difficulty. And where these resources do not seem to members of the community or the group to be well spent, where the deliberation drags on and on without conclusion, it comes to seem to many that deliberating is a waste time. There then arises the serious possibility that members of the community or group will lose confidence in the community's or group's capacity to deliberate, and the community or group's ability to deliberate regarding its concerns and to vigorously execute its decisions is apt to deteriorate. In short, if the deliberation of a community, institution or group is to issue in well-informed and resolute action, its argumentation needs to prudently come to some kind of closure within the temporal limits fixed by the opportunity to act and by the resources which can be devoted to deliberation. While it is practically important to bring deliberative argumentation to appropriate closure, if all potential doubts and objections are to be considered, then deliberation may ramify indefinitely. The range of doubts and objections which can be raised with respect to a prospective course of action is, in principle, limitless. The consequences of action ramify indefinitely into the future, so the potential for dire outcomes which can be raised against any prospective course of action is limited only by the imagination of those inclined to oppose adoption of that course of action. And in many situations, the array of alternative courses of action which could be considered is vast. It follows that that if deliberative argumentation is to issue in well-informed, appropriately vigorous and timely action, some conception of a Good Case is needed which limits the range of objections to be considered.

3. A Good Case in Deliberative Argumentation

Govier's conception of a Good, but less than Exhaustive Case emerges in connection with her efforts to clarify what Ralph Johnson has called the second

tier of argument appraisal (Govier, 1997: 1). Govier and Johnson recognize two tiers or levels on which arguments can be evaluated. The first level, referred to as the logical tier, “is the familiar one of premises and conclusion: an argument is evaluated, at this level, on the basis of how well its premises support its conclusion” (Govier, 1997: 1). The second *dialectical* tier concerns how well the argument addresses objections and alternative positions. This is an important distinction; the second or dialectical tier for argument evaluation corresponds roughly to the level of case construction discussed in textbooks on debate and argumentation theory. And as a clarification of Johnson’s original terminology, Govier suggests that, instead of speaking of two tiers, argumentation theorists speak of “building a case for a position.” (Govier, 1997: 12) Constructing a case, in Govier’s view, is a matter of presenting a main argument for the arguer’s position and responding to objections and alternative positions “by offering cogent supplementary arguments in which either there is rebuttal or refutation, or the original position is amended” (Govier, 1997: 12). A Good Case requires that the arguer have a cogent main argument for his or her position and that he or she respond to objections and alternative positions with cogent supplementary arguments, but “unlike the Exhaustive Case, the Good Case does not respond to all objections and all alternative positions” (Govier, 1997: 12).

Govier concludes her account of the Good Case with two questions for further discussion, both of which are critical to whether the concept of a Good Case can serve as a normative ideal for public deliberative argumentation. First, Govier asks, “just *which* objections and alternative positions the arguer should address, in order to have a Good Case.” This is a conceptual question about the caliber of the standards to be applied in determining whether objections and alternative positions are to be addressed. Are the objections to be answered the most telling, those put forward by the most influential or prestigious person, or, as Govier is inclined to suppose, those which are *dialectically* significant? (Govier, 1997: 13). The second question, which Govier raises in concluding her essay is how should we regard the possibility that arguing “on the dialectical tier may go on indefinitely”? For while Govier distinguishes between a Good and an Exhaustive Case, still within the limits of a Good Case she envisions the possibility that “arguing can go on forever, and new arguments and argumentation may be expected to emerge at any time” (Govier, 1997: 14). In the discussion that follows, I will take up these questions as they arise with respect to public deliberative argumentation, and I will offer an answer to the first question which, in turn, responds to the second by suggesting how deliberative arguments can be brought

to suitable closure.

An important clue to answering these questions is, I think, provided by Govier's claim that "the arguer has a *dialectical obligation* to respond to objections and alternatives put forward by the audience. If we can clarify the nature and content of that obligation, then we can hope to determine what objections she is bound to answer and when she can claim to have established a Good Case. It is entirely natural, and in keeping with terminology commonly used in studies of argumentation, to refer to this *dialectical obligation* as the arguer's *burden of proof*, i. e., her probative obligations. In this connection, studies of the roles speech acts play provide compelling reason to believe that in much ordinary argumentation, the probative burdens which structure an arguer's case are generated by speech acts which initiate the dialogue between the arguer and those to whom her arguments are addressed (Eemeren et al., 1993: 91-96; Kauffeld, forthcoming). Thus, we may reasonably expect to find, at least, a preliminary answer to Govier's questions by reflecting on the burdens of proof undertaken in such speech acts as *accusing*, *proposing*, *advising*, and so on.

At this point, our inquiry faces an important choice. An arguer's probative burdens may be structured by any of various kinds of speech act. A proposer's burden of proof, for example, differs somewhat from the probative responsibility an arguer can undertake in an act of imperative advice, and both will differ from the probative burdens undertaken in making an accusation. (Kauffeld, 1986: 277-285; Kauffeld, forthcoming) This suggests that there is not a single answer to Govier's questions; what objections and alternative positions the arguer ought to address will vary depending on the kinds of speech act in which she incurs her burden of proof.

We cannot hope to survey the available variety of speech acts. If our inquiry is to remain manageable we must focus on a particular kind. The remarks which follow will focus on the speech act of proposing. Speech acts of this kind have suitable scope: in principle, any proposition which can be put forward for discussion and consideration can be proposed. Moreover, the burden of proof which proposers incur has properties which closely approximate Govier's conception of a Good Case.

Typically proposals are made in order to induce tentative consideration of a proposition or propositions which the addressee might otherwise be inclined to regard as not worth considering. (Kauffeld, 1986: 166-181; Kauffeld, 1995: 85-86; Kauffeld, forthcoming) In making a proposal, the speaker states the proposition(s) for which she is seeking consideration, and she openly commits herself to

answering whatever doubts, objections and questions her addressee may have about her proposition(s) and her reasons for adopting it. This open assumption of a burden of proof is calculated to provide the addressee with reason for supposing that the proposer may well have diligently thought through the matter while taking her addressee's interests into account. Failure to provide adequate answers would subject the proposer to criticism for making imprudent use of her addressee's time and attention, and the addressee may reasonably be expected to suppose that the speaker would not openly risk such criticism without first carefully preparing her case. Accordingly, the addressee is to presume that what the speaker has to say on behalf of her proposal may prove to be of interest, and on this basis, the proposer expects that her addressee will have good reason to at least tentatively consider the proposal.

Proposing, in short, is designed to induce participation in a dialectical exchange wherein the speaker has the burden of proof.

The burden of proof which a proposer openly incurs closely approximates the responsibility to establish a Good Case, in Govier's terms, for her proposal. To establish a Good Case, it will be recalled, the arguer must (i) provide a cogent case for her position and (ii) respond to some, but not all, objections and alternative positions with cogent supplementary arguments. These conditions are closely approximated by (i) the proposer's commitment to provide reasons for adopting her proposal which are well thought out and which take her addressee's interests into account and (ii) the proposer's pledge to answer her addressee's doubts and objections. Notice that while the proposer is committed to answering whatever doubts and objections her addressee raises, she is, nevertheless, not committed to providing an Exhaustive Case. The proposer's commitment to respond to objections is a token of her larger duty to make prudent use of her addressee's time and attention. Accordingly, she is committed to provide cogent supplementary arguments only to those doubts and objections *which are worth considering*, and she is at liberty to dismiss some objections by arguing that they do not merit consideration. Thus, the proposer's burden of proof does not require that she respond to all objections and alternative position by providing supplementary arguments.

The proposer's burden of proof is nicely exemplified by the probative obligations undertaken by the authors of the *Federalist Papers* at the outset of their argumentation. The *Federalist Papers* is a series of eighty-five letters written under the pseudonym of Publius by Alexander Hamilton, James Madison, and John

Jay. Published in 1787 and 1788 during the course of public debates over ratification of the United State Constitution, the Papers provide a powerful and competently argued body of discourse advocating adoption of the newly proposed Constitution. The opening letter is a model of the probative burdens undertaken by proposers. There Hamilton proposes the Constitution for the careful and candid consideration of his countrymen, and as rationale for the careful and unbiased attention he is seeking, Hamilton openly commits himself to its defense. Yes, my countrymen, I own to you that after giving it an attentive consideration, I am clearly of opinion it is your in interest to adopt it [the new Constituion]. I am convinced that this is the safest course for your liberty, your dignity, and your happiness. I affect no reserves which I do not feel. I will not amuse you with an appearance of deliberation when I have decided. I frankly acknowledge to you my convictions, and I will freely lay before you the reasons on which they are founded. The consciousness of good intentions disdains ambiguity. . . . My arguments will be open to all and may be judged of by all. They shall at least be offered in a spirit which will not disgrace the cause of truth. . . . In the progress of this discussion I shall endeavor to give a satisfactory answer to all the objections which shall have made their appearance that may seem to have any claim to your attention (Hamilton, Madison & Jay, 1961: 35-36).

Here, Hamilton deliberately and openly commits himself to arguing for the proposed Constitution, showing his addressees that it is in their interest to adopt it, and he pledges to satisfactorily answer all those objections which arise in the course of the debate and which merit attention. He commits himself to providing a satisfactory answer to all objections, but holds open the possibility of dismissing some as unworthy of attention.

We are now in a position to offer an answer to our first question:

What kinds of objections and alternative positions need to be addressed in constructing a Good Case? For argumentation on behalf of a proposal, objections and alternative positions should be answered with satisfactory secondary argumentation (a) if they have been raised or put forward by other participants in the dialogue and (b) if they are worth considering, given the circumstances. This is a comfortably broad rule of thumb. In principle objections which raise doubts about the cogency of the proposer's arguments, the thoroughness of his consideration of the interests bearing on his proposal and of the consequences likely to attend its adoption - all these deserve cogent answers. In fact this rule of thumb is so broad that, at first glance, it seems almost uninformative. But that is

a misunderstanding. In argumentation on behalf of proposals the important question is, What shows that an objection or alternative position is not worth considering? If an objection is raised or alternative position is put forward, the proposer presumably has a responsibility to answer. Her answer, however, may be that the objection or alternative position is not worth considering, and in the event that this is her response, she has the burden of showing why the objection or alternative position is to be disregarded.

The text of the *Federalist* provides indication of the grounds on which objections may fail to merit consideration. Publius argues, for example, that objections which raise potential harms or dangers which cannot be foreseen within the time the proposal must be weighed do not merit consideration. This line of thought plays a sweeping role in the *Federalist Papers*. Many of the dangers projected as possible consequences of following the plan proposed in the Constitution, Publius maintains, would occur only if the legislature adopts this or that specific policy in spheres which any form of government must leave to the law-giver's discretion. Since neither Publius nor his opponents can foresee whether Congress would enact the policies in question, these objections do not merit consideration (Hamilton et al., 1961: 185, 196, 207-208, 228-289). Elsewhere, an objection may fail to be worthy of consideration, if it cannot be substantiated, (Hamilton et al., 1961: 156-57) if it raises a theoretical possibility which is contrary to fact (Hamilton et al., 1961: 166-67), if it is entirely at odds with commonsense (Hamilton et al., 1961: 146), if it posits a danger that safeguards reduce to a very low level of risk (Hamilton et al., 1961: 157-87). There are, no doubt, other grounds for dismissing objections as unworthy of consideration, but these examples suffice to illustrate how proposers can limit the range of objections to which they must respond by providing supplementary arguments.

How, then, can the proposer bound her argumentation, or is she committed to an endless dialogue? As Govier observes the concept of a Good Case leaves open the possibility that, even though the arguer does not have to exhaustively answer all objections, still the range of objections she should answer might be indefinitely large (Govier, 1997: 14). This important point holds for a Good Case on behalf of a proposal. A cogent body of argumentation for a proposal, which includes cogent supplementary arguments in response to all objections which have been raised and seem worth considering, cannot entirely rule out the possibility that tomorrow new objections might arise that are not only worth considering, but are also telling. For this reason I would prefer to speak of an Apparently Good Case,

rather than a Good Case. I have used Govier's terminology because I have been trying to build on her ideas. To describe an body of argumentation as an Apparently Good Case does not imply that it is not a Good Case; things may be as they appear. But it does imply that, upon subsequent viewing, reconsideration, re-evaluation, etc., the arguments which now seem good *might* turn out to be defective (Kauffeld, 1995: 79; Perelman & Olbrechts-Tyteca, 1969: 415-419). Given that an Apparently Good Case for a proposal leaves open the possibility that subsequently significant new objections might arise, how could such argumentation reach closure as required by the Periclean ideal for deliberative argumentation?

An Apparently Good Case for a proposal reaches closure, not by exhausting the domain of conceivable objections, but by affording powerful reason for drawing the argumentation to a conclusion. When the proposer has provided a cogent case for her proposal and has provided cogent supplementary arguments to all those objections which seem to be worth considering, she is in a position to claim that she has discharged her burden of proof. She is also in a position to claim that her addressees now have an obligation to carefully consider the arguments she has offered on behalf of her proposal - arguments which cogently call for its adoption, and she is in a position to demand that if deliberation is to continue, opponents of the proposal justify the time and energy that delay will involve by accepting the burden of proof (Kauffeld, 1995: 84-86). These are powerful grounds for bringing a deliberation to close; they are the terms on which Publius brings argumentation in the *Federalist Papers* to its conclusion (Hamilton et al., 1961: 523-24). Often, where the persuasive force of an Apparently Good Case for a proposal does not provide adequate reason to conclude a deliberation, the deliberation ought to continue.

But we have, at any rate, reached the temporal and physical limits of this essay. I have been exploring the idea that Govier's concept of a Good Case may delineate the basic contour of the normative ideal for evaluating public deliberative argumentation. I have tried to identify a normative ideal for deliberative argumentation and have tried to elaborate Govier's conception in ways which would fit that ideal. My discussion leaves many important questions unanswered. Is the potential persuasive force of an Apparently Good Case for a proposal capable of supporting vigorous and timely action as envisioned by the Periclean ideal for deliberation? How can that ideal be more clearly formulated? On what grounds can it be defended besides the empirical footing outlined above? I hope to have indicated that argumentation theorists may productively inquire after the

normative ideals for deliberative arguments, but whether such inquiry requires that we recognize a variety of ideals for argumentation, rather than positing variation from *the* ideal of resolving disagreement, remains an open question.

REFERENCES

- Aristotle. (1941). *Nicomachean ethics* (W.D. Ross, Trans.). New York: Random House.
- Aristotle. (1954). *Rhetoric* (Rhys Roberts, Trans.). New York: Modern Library.
- Bellah, R.N., Madsen, R., Sullivan, W.M., Swidler, A., & Tipton, S.M. (1985). *Habits of the Heart: Individualism and Commitment in American Life*. Berkeley: University of Chicago Press.
- Benhabib, S. (1990). Afterword: Communicative Ethics and Contemporary Controversies in Practical Philosophy. In: S. Benhabib & F. Dallmayr (Eds.), *The Communicative Ethics Controversy*, (pp. 330-371). Cambridge: MIT Press.
- Bitzer, L.F. (1968). The Rhetorical Situation. *Philosophy and Rhetoric*, 1, 1-14.
- Bitzer, L.F. (1975). Rhetoric and Public Knowledge. In: D.M. Burks (Ed.), *Rhetoric, Philosophy, and Literature*, (pp. 67-93). West Lafayette: Purdue University Press.
- Cicero. (1949). *de Inventione*. (H.M. Hubbell, Trans.). Cambridge: Harvard University Press.
- Dewey, J. (1927). *The Public and its Problems: An Essay in Political Inquiry*. New York: Henry Holt and Company.
- Eemeren, F. H. v., & Grootendorst, R. (1992a). *Argumentation, Communication, and Fallacies. A Pragmadiialectical Perspective*. Hillsdale, New Jersey: Lawrence Erlbaum Associates.
- Eemeren, F. H. v., Grootendorst, R., Jackson, S., & Jacobs, S. (1993). *Reconstructing Argumentative Discourse*. Tuscaloosa: The University of Alabama Press.
- Eemeren, F. H. v., Grootendorst, R., & Snoeck Henkemans, F. (1996). *Fundamentals of Argumentation Theory*. Mahwah, New Jersey: Lawrence Erlbaum Associates.
- Govier, T. (1997). *Arguing Forever? Or: Two Tiers of Argument Appraisal*. Paper presented at the Ontario Society for the Study of Argumentation Conference on Argumentation and Rhetoric, St. Catherines, Ontario.
- Habermas, J. (1990). Discourse Ethics: Notes on a Program of Philosophical Justification. In: S. Benhabib & F. Dallmayr (Eds.), *The Communicative Ethics Controversy*, (pp. 60-110). Cambridge: MIT Press.

- Hamilton, A., Madison, J., & Jay, J. (1961). *The Federalist Paper*. New York: New American Library.
- Kauffeld, F.J. (1986). *Accusing, Proposing, and Advising: The Strategic Grounds for Presumption and the Assumption of Probative Responsibilities*. University of Wisconsin.
- Kauffeld, F.J. (1995). The Persuasive Force of Arguments on Behalf of Proposals. In: F.H. van Eemeren, R. Grootendorst, J.A. Blair, & C.A. Willard (Eds.), *Analysis and Evaluation: Proceedings of the Third ISSA Conference on Argumentation*, (Vol. II, pp. 79-90). Amsterdam: International Centre for the Study of Argumentation.
- Kauffeld, F.J. (forthcoming). *Presumption and the Distribution of Argumentative Burdens in Acts of Proposing and Accusing*. *Argumentation*.
- Kimball, B. (1986). *Orators and Philosophers: A History of the Idea of Liberal Education*. New York: Teachers College Press.
- Loraux, N. (1986). *The Invention of Athens: The Funeral Oration in the Classical City*. (Allan Sheridan, Trans.). Cambridge: Harvard University Press.
- Maier, R. (1989). Natural Logic and Norms in Argumentation. In: R. Maier (Ed.), *Norms in Argumentation. Proceedings of the Conference on Norms 1988*, (pp. 49-66). Dordrecht: Foris Publications.
- Perelman, C., & Olbrechts-Tyteca, L. (1969). *The New Rhetoric: A Treatise on Argumentation* (John Wilkinson and Purcell Weaver, Trans.). Notre Dame: University of Notre Dame Press.
- Quintilian. (1920). *Institutio Oratoria* (H.E. Butler, Trans.). Cambridge: Harvard University Press.
- Schiappa, E. (1995). Isocrates' Philosophia and Contemporary Pragmatism. In: S. Mailloux (Ed.), *Rhetoric, Sophistry, Pragmatism*, (pp. 33-60). Cambridge: Cambridge University Press.
- Sproule, J.M. (1997). *Propaganda and Democracy: The American Experience of Media and Mass Persuasion*. Cambridge: Cambridge University Press.
- Thucydides. (1952). *The History of the Peloponnesian War* (Richard Crawley, Trans.). Chicago: Encyclopaedia Britannica.