ISSA Proceedings 2002 – Arguers' Obligations: Another Perspective

Recent work by Ralph Johnson (1998, 2000, 2001) has made the question of arguers' obligations an important one on the agenda of argumentation theory. I first heard Johnson address that topic when I responded to the paper he presented at the Ontario Society for the Study of Argumentation conference on Argumentation and Rhetoric (Johnson, 1998; Wenzel, 1998). In that paper Johnson discussed some differences he perceived in the approaches of logic and rhetoric to the demands of argumentation. One important difference, he claimed, is that logic requires that, in addition to his main argument, the "illative core" as he calls it, the arguer must construct a "dialectical tier". The dialectical tier would consist of the arguer's replies to "dialectical stuff" that has come to cluster around the argument; it would include objections, criticisms and alternative positions. The *telos* of rational persuasion demands the dialectical tier, not only because the audience addressed may be aware of criticisms of and objections to the arguer's position, but also because ignoring them would not be fully rational, even when the objections and criticisms may be unknown to the immediate audience or interlocutor. Without the dialectical tier, an argument would fail to meet the requirement Johnson calls manifest rationality. Like a judge who must avoid even the appearance of partiality while administering justice, "arguers are under a similar constraint in argumentative space, where rationality must not only be done, but it must be seen to be done, and where anything that compromises the appearance of rationality must be avoided" (1998, 4).

In contrast to logic's telos of rational persuasion, Johnson held, rhetoric aims at (merely) effective persuasion. Unlike logic, rhetoric imposes no requirement such as manifest rationality on an arguer. The rhetor is concerned merely with winning over a particular audience by means of a case sufficient for the occasion; such a case need not contain the dialectical tier. As he put it on that occasion:
Thus we have come upon a second difference in how their respective *teloi* influence the structure of argument. From the perspective of Logic, the obligation to deal with dialectical stuff is unconditional; a dialectical tier is required. From

the perspective of rhetoric the obligation is conditional (1998, 6).
The unconditional and comprehensive requirement of the dialectical tier – i.e., the arguer must answer any and all objections and criticisms – seemed to me rather unrealistic, but I did not focus on that in my response. Instead, I wanted to support the claim that there is a rhetoric of argumentation that is as fully concerned with achieving rational outcomes as is logic (Wenzel, 1998). By the rhetoric of argumentation I mean that special branch of rhetoric that comes into play when speakers or writers commit themselves to argumentation as a method of decision-making or problem solving, or, as Johnson might say, when they enter into "argumentative space" (1998, 3). The rhetoric of argumentation appears in many forms of critical discussion e.g., in courtrooms, legislatures, and in the debates of learned societies. What these uses of rhetoric have in common is an understanding of and commitment to argumentation as a method of critical decision-making that aims to achieve rational outcomes. And these rhetorics are necessarily concerned with arguers' obligations. So, I will return to that topic presently.

More recently, while wrestling with *Manifest Rationality* and listening to Johnson speak at the last OSSA meeting in Windsor, my interest in the whole topic of arguers' obligations was rekindled. But, Johnson's way of approaching the specification of an arguer's dialectical obligations raised questions that make me uneasy, and which seem to lead to larger issues. In this paper I want to articulate some of those concerns to see if they might lead to a different way of talking about arguers' obligations. I realize that Johnson's recent work on arguers' obligations is limited by his focus on argument-as-product and, especially, the requirement of the dialectical tier. And, I understand that he is working in the realm of theory. Nevertheless, the language of theory has a way of spilling over into practice and pedagogy, and that's what makes me uneasy. The application of his theory to real argumentative occasions will necessarily lead one into the procedural and process-oriented concerns of dialectic and rhetoric. So, I don't think it's entirely wrong-headed to use Johnson's work as a starting point (and a foil, if you will) for my discussion.

Johnson's theory of argument is probably well known to those here, but to recapitulate briefly, let me quote from a draft of his last OSSA paper (which he kindly provided). He proposed "the following principle: the arguer has a *prima facie* duty to respond to *all* the dialectical material directed at the argument."

And, he spelled out the rationale for that principle, a rationale which he says is "specific to the practice of argumentation":

… if the arguer wishes to achieve the purpose of rational persuasion, he must take such material in hand… Moreover, the constraint I call manifest rationality (Johnson. 2000, 164-65) also requires that the arguer respond to all material, if possible. If there is an objection and the arguer doesn't respond to it, the argument will not have the appearance of rationality (2001, 2).

In other words, an arguer must construct the "dialectical tier", consisting of all the "dialectical stuff" (i.e., objections, criticisms and alternative positions) that are clustered about the argument in order to be considered a satisfactory argument.

Now, here are some of the concerns, questions and objections that arise for me from that way of approaching an arguer's obligations.

First, demanding the unconditional construction of a dialectical tier places the burden of manifest rationality on the individual arguer. This seems unreasonable simply because of the sheer quantity of "dialectical stuff" that would be associated with any significant issue. Trudy Govier gives several reasons why the requirement that an arguer deal with all dialectical material clustered about an issue is unrealistic. Although some of her points are technical and theoretical, she acknowledges the sheer complexity of some problems, as well as the fact that some arguments extend over long periods of time (1998, 6-7). One can imagine any number of questions that a person might endeavor to answer with an argument that would require enormous knowledge and expertise (Were the dinosaurs warm-blooded? What ethical guidelines are needed to control genetic research?).

At the very least, this problem puts a strain on the concept of manifest rationality. Is that objective ever actually attainable? Are there degrees of manifest rationality? Govier says, "There are degrees of completeness [in making an argument] and there is an important sense in which the dialectical tier will never be absolutely complete" (1999, 7).

Johnson acknowledges the problem, but in what seems to me to be a curiously restricted way. In his last presentation at Windsor he appears to be envisioning a limited dialogue in which "responses are typically fewer… than the arguer might hope" (2001, 2). Nevertheless, he acknowledges that an arguer might be "swamped", and thus calls for a "rational policy" that would enable arguers to decide which "dialectical stuff" they must attend to. Johnson raises even more

difficulties for his approach, it seems to me, when he writes, To develop a rational policy, we will have to take into account a number of factors. Certainly the policy must take into account the context, which would include the setting for the argument, as well as the audience… The policy must take into account the arguer's own limitations: the arguer cannot be expected to reply to objections that she cannot be expected to be aware of. The arguer will have limits of other sorts; one can only spend so much time on this exercise. The policy should probably accord some role to the interest of the arguer, for not all responses will be of equal interest. Finally, we must take into account the type of dialectical material on the grounds that some types of material may have a greater claim on the arguer than others (2001, 3-4).

Let me pause here to observe that Johnson and I apparently have in mind different models of argumentation. He explicitly claims a focus on texts (2000, 156), and that "product-orientation", as he calls it, is what enables him to put so much normative weight on a theory of what constitutes a rationally satisfactory argument. In addition, however, Johnson maintains that argument is dialectical in the sense that the arguer is responding to one or more critics: "By the process of arguing, I understand an essentially dialectical process between two persons or points of view, according to which one attempts to persuade another rationally by producing a good argument" (2000, 209-10). Johnson doesn't go quite so far as to say that two philosophers in dialogue constitute the paradigm case of argumentation, but he comes close (2000, 157-59).

In contrast, I have in mind a broader sense of what it means to say that argumentation is dialectical. Argumentation occurs in a multitude of contexts, some public, some private, some limited to specific institutions, disciplines and the like. Argumentation is instantiated in many of the processes (or procedures) by which people endeavor to solve problems, make decisions, and generally come to agreement on all sorts of issues. As a rhetorician, I tend to think primarily in terms of public discussion and debate. There, the rhetoric of argumentation takes the form of "deliberative rhetoric", which Goodnight defined as "a form of argumentation through which citizens test and create social knowledge in order to uncover, assess, and resolve shared problems" (1982, 214). I see argumentation as dialectical in the sense that arguers agree to (or are institutionally bound by) procedural rules that bring their rhetorical efforts under some control in pursuit of a discussion that is candid, critical, comprehensive, and ultimately cooperative (Wenzel, 1990, 14). Consequently, I have trouble

understanding how norms to define arguers' obligations can be grounded in a theory of argument-products, alone, except in the most abstract and theoretical way. In concrete terms, the dialectical stuff demanding an arguer's attention will always be conditional in light of the rhetorical situation and the dialectical setting.

Placing the demand for manifest rationality on the individual arguer sets the bar too high. Johnson's individualistic model envisions an Arguer and an Other in a process of arguing, criticizing and revising to achieve manifest rationality. I envision any number of participants enacting a variety of roles which, taken together, will fulfill a collective responsibility to fashion a rational product. What is the "product" that we hope to gain from the social practices of argumentation, after all? It is a decision that deserves to be called rational. It might be a legal opinion, or a piece of legislation, or a consensus in a scientific community, etc. In some cases, the arguers might hope to achieve an exhaustive consideration of all the factors, the arguments and counter-arguments, that bear on a complex issue. In Johnson's theory, that's what manifest rationality seems to amount to, i.e., a case supporting a position that is exhaustive. Can we reasonably put that burden on the individual arguer?

Willard offers a different sense of how arguers achieve rationality, one that comports more accurately, I think, with the empirical realities of argumentative practices:

Arguers are doing something definitive of their humanity – accommodating their private views to the requirements of public justification by entering into a structure of reciprocal intentions with others. In using "rationality" to name this accomplishment, we emphasize its nature as a personal achievement without resorting to Individualism (1989, 165).

I understand Willard to be saying that individuals can take part in rational enterprises without being expected to do the whole job alone.

Both Johnson, and Govier in commenting on his work, focus on the individual arguer as the One responsible for the achievement of rationality in a dialectical exchange with an Other. Johnson writes of the process of preparation, presentation and revision, but the burdens of dialectical adequacy and manifest rationality always come back to rest on the arguer (2000, 156-57). In a similar way, Govier writes,

The process of back-and-forth arguing continues over time, sometimes for a very

long time. I might make out a complete case for conclusion C on November 30, 1997 only to discover that someone studied it on December 1, 1997 and launched a new objection against it. After laboring for years to reply to *all* objections and consider *all* alternatives, after just one day I shall have failed to offer a "complete" argument. Given the ongoing dialectic nature of argument on some issues, a more flexible and realistic condition regarding objections and alternatives should be developed (1998, 7).

In a similar spirit, I am suggesting that a more flexible and realistic portrait of the agents of rational decision-making is needed.

Johnson's product orientation seems to run counter to his desire to strengthen argumentation as a social practice because it diverts attention away from the empirical facts about how those practices appear in the world. In the preface to *Manifest Rationality*, he writes, "The underlying concern that motivates this work is the health of the practice of argumentation as an important cultural artifact" (2000, xi). And later, he elaborates:

"By the practice of argumentation, I understand the socio-cultural activity of constructing, presenting, interpreting, criticizing, and revising arguments… This activity cannot be understood as the activity of any individual or group of individuals but rather must be understood within the network of customs, habits, and activities of the broader society that gives birth to it, that continues to maintain it and that the practice serves" (12).

Except for the reference to "the broader society", that statement sounds rather like Willard's view that "rationalities", as he calls argumentative practices, are local affairs that find their capacity for producing rational outcomes in the customs, habits, and procedures of disciplines, organizations and communities (1989, 167).

In contrast to the product orientation featured here, Blair and Johnson seemed to be on a track to develop a procedurally oriented approach to the basis of rational decision-making in their fine article "Argumentation as Dialectical" (1987). In discussing grounds for premise acceptability, it appeared that they were placing the responsibility for achieving rational outcomes with a "Community of Model Interlocutors" (50-53). Following that line, it would seem that the strengthening of argumentation as a socio-cultural practice calls for inquiry into questions like: How do such communities of good reasoners form? And how do they function? What procedures or methods do they employ? What kinds of institutions sustain

them? And so forth. That kind of inquiry calls for a dialectical, i.e., a procedure-oriented, perspective, and perhaps a more robust one than the currently popular dialogue model. In an essay devoted, in part, to a consideration of Johnson's position, Michael Leff argued for a dialectical perspective connected to actual situated argumentation. "If rational argument is to mean something in practice", he wrote, "it must be conceived in relationship to the controversies and disagreements that enter into our real world experience, and it is precisely here that argument becomes dialectical" (2000, 251).

Another reason to hesitate about putting the burden of manifest rationality on the individual is that it may be pedagogically counter-productive. Presumably, a program to strengthen argumentation as a social practice has a pedagogical dimension. Johnson remarks on the unfortunate reaction that many people have had to their encounters with logic as students: "Mention the word logic, and for many people the walls go up. … For most, [their college] experiences were enough to persuade them that logic had nothing to offer. Worse still, they might have come away from such encounters with the belief that they were not logical" (2000, 17). Now, if students have been so turned off by symbolic logic or Aristotelian syllogisms, imagine how they might react when told that, in order to make a rational argument, they have an unconditional obligation to answer every objection, criticism, and alternative position – or at least every one that is "dialectically significant". For that's what they will hear when told that a "good" argument must have a dialectical tier. Perhaps we should set them less demanding tasks, at least to begin with, and make it clear that, within the social practices of argumentation, modest contributions can often contribute meaningfully to a rational outcome. A letter to the editor, for example, consisting of no more than a well argued illative core might very well make a strong contribution to rational public decision-making.

At this point, having used Johnson's theory as a foil, and admittedly having taken it far out of the context he intended, I am reminded of Socrates predicament in the *Phaedrus* (242) where, following the speeches about the non-lover and the bad lover, he fears he has committed an impiety against the god *Eros*. He makes amends, however, with another speech praising the noble lover who, by some accounts (Weaver, 1953, 3-26) is emblematic of a noble rhetoric. I don't know if I can make amends, but I'll follow Socrates' example by turning to talk about a kind of rhetoric that even Plato would approve.

From the perspective of argumentation theory in general, I believe we need a more modest way of talking about arguers' obligations. I find that way of talking in the traditional pedagogy of rhetoric, conditioned by a dialectical perspective that calls for rationally motivated rhetorical behavior. I call that the "rhetoric of argumentation."

In the actual social practices of argumentation, the problem of identifying arguers' obligations becomes, in large part, a rhetorical problem. If rhetoric is understood as the adaptation of discourse to a purpose, and the purpose of argumentation as a critical practice is to craft a rational position on a controversial issue or problem, then the rhetor who enters argumentative space must adapt whatever resources he or she commands to the situation. The responsible rhetor must analyze the problem at hand, the audience to be addressed, the constraints of the situation, and the like. Govier suggests that an arguer can make a Good Case for a position, without making an Exhaustive case, by dealing with objections and alternative positions that are dialectically significant and mentions "various considerations" that bear on the question: what is significant (1998, 9-10). In teaching arguers how to prepare for debate on complex topics, the rhetoric of argumentation answers the question in terms of the integrity of the subject matter, the interests of parties who have a stake in the decision or judgment to be made, and the limitations of time, place, and the like. But, and this is a big *but*, we need to recognize that not every individual arguer can be expected to carry the entire burden of making out a complete Good Case on each and every occasion. Rather, the rhetor must face the question: Given these particular circumstances, what sort of rhetorical performance can I undertake in order to make a constructive contribution to the ultimate goal of a rational decision?

The rhetoric of argumentation assumes an ideal not unlike the ideal of manifest rationality, namely, coming as close as humans can to an exhaustive treatment of the dialectical stuff clustering about an issue in order to craft the most rational resolution. But, rhetoric does not make it an unconditional obligation.

Although it has its roots in antiquity, the contemporary rhetoric of argumentation can be seen most clearly in textbooks on argumentation grounded in communication studies. Typically, one finds in those texts chapters devoted to "The Brief". Early in the twentieth century, teachers of argumentation adapted the model of the lawyer's brief to teach a method of analyzing propositions for debate. In contemporary textbooks, one finds model briefs which endeavor to

include everything that might be said about a controversial question, including: the history of the controversy; definitions of key terms and special vocabulary; a systematic outline of issues underlying the controversy; all the reasonably relevant arguments; and sometimes a sampling of the evidence available to support each argument. In this way, generations of students have been prepared to meet the demands of particular argumentative encounters. The brief serves as a storehouse of the dialectical stuff that a skilled speaker or writer will draw upon in order to make a constructive contribution to the resolution of a problem. But that constructive contribution must be adapted to the immediate audience and context. An invitation to address a group of businessmen on the merits of free trade might be adapted especially to connect with their interests, for example. A different audience might call for a different case to be presented, not because the rhetor wants to win the audience over by inappropriate appeals, but just because time is limited, and audiences' interests should addressed in the effort to help them move toward a rational decision. Certainly, none of us, as citizens, gets all of the dialectical stuff we need from a single source at a single time.

The rhetoric of argumentation historically has attended to something like Johnson's requirement of manifest rationality by fostering systematic inquiry into the subject matter under discussion. Ancient rhetorical handbooks helped the arguer undertake a comprehensive analysis of the subject under discussion with the doctrine of *stasis* (Conley, 1990). *Stasis* systems consisted of sets of stock issues on which to base the analysis of a controversial question or proposition. So, in a legal dispute, for example, the advocate was instructed to break down his subject matter, exhaustively, by identifying all the points of potential conflict (*stases*) under the headings: issues of fact, issues of definition, issues of quality (value), and issues of legal procedure. With such an outline before him, the legal advocate could prepare arguments and evidence responsive to each and every possible issue (issues being understood as questions answerable yes or no which identify precise points of actual or potential controversy). Thus, the objective of these handbooks was to prepare the legal advocate to deal with any issue or argument that might arise in trying his case. In short, it was a way of constructing a dialectical tier, not as actual discourse to be presented, but as rigorous preparation to be drawn upon as needed.

I had made that point about stasis in my reply to Johnson at the St. Catherine's meeting but I had not developed it very far. At the last OSSA meeting in Windsor,

Takuzo Konishi (2001) presented an interesting paper in which he reported on his investigation of ancient stasis theory to see if that method might help an arguer construct the dialectical tier. He wrote, "because stasis, if it is actually exhaustive, has the potential to offer a comprehensive list of the dialectical materials that an arguer needs to consider" (2001, 3). After carefully working through the application of stasis theory to construction of the dialectical tier, Konishi considered several objections to his hypothesis about the utility of stasis. The most telling objection, I believe, is his conclusion that "stasis theory may not apply to controversies outside the legal arena" (2001, 9). He reached that conclusion, apparently, just because he had confined his examination to stasis systems for forensic rhetoric in ancient texts. But, that's not all there is in the rhetorical toolbox. The modern equivalent of stases are "stock issues." They amount to the same thing: yes-no questions that identify potential points of clash on certain kinds of controversies. Thus, in addition to legal stock issues, contemporary textbooks feature systems of stock issues on questions of value and policy since those are the usual stuff of intercollegiate debate (e.g., Freeley, 1990; Rieke & Sillars, 1997; Warnick & Inch, 1994). In my own teaching I used to incorporate a tentative set of stock issues to apply to questions of fact. Indeed, in any specialized line of inquiry, one is likely to find specialists working with analytical tools which, if not already cast in the form of stock issues, could easily be so transformed, e.g. what are the criteria for calling a conflict a "just war"?

Historically, rhetoric has taken the position that arguers simply have to wrestle with the realities of the argumentative situations in which they find themselves, draw on the analyses and materials they have previously prepared, and do their best. In a rhetorical perspective, manifesting rationality is an on-going, continuous process. Arguments – at least arguments of any consequence – are not one-time phenomena. They flare up and simmer down: they shift from one forum to another; different arguers become involved; and so on. Insofar as the burden for achieving a rational outcome falls on the individual arguer, it is a requirement that one prepare oneself as carefully as one can to play a constructive role in argumentative encounters. Insofar as the burden of achieving a rational outcome is lodged in a social practice, it is shared collectively by all who enter into that practice.

I began this rumination hoping to find a less stringent, more flexible way of talking about arguers' obligations. Shifting the focus from argument as product to argument as process and procedure helps us to see another way. Considering argumentation as a critical practice embedded in the routines, habits and

procedures of problem solving and decision making groups highlights a shared responsibility for the achievement of rational outcomes. At their best, such practices invite individual arguers to act as responsible rhetors within deliberations constrained by appropriate dialectical principles. Arguers' obligations cannot be described in terms of a theoretical definition of argument, alone, but must have regard for argumentation as rhetorical and dialectical as well.

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