

ISSA Proceedings 2010 - Dancing, Dueling, And Argumentation: On The Normative Shape Of The Practice Of Argumentation



1. Introduction [i]

Do we have an obligation to argue? If so, where does that obligation come from and how does it bind us? Is the obligation to argue a moral obligation, or a prudential one, or is it perhaps an obligation of some other sort? These questions all fall within a more general sphere of concerns that I believe would be aptly labeled the sphere of *normativity in argumentation*. These questions are not the whole of this sphere of concerns, but they are important members of it—perhaps even essential starting points. In this paper I will address this sphere by arguing: 1) that we do have an obligation to argue, and 2) that the obligation to argue applies to us by virtue of our standing as co-participants in a convention of argumentation. My account has its basis in social philosophy, and so is somewhat unlike other contemporary views on offer regarding the obligation to argue. It will be worthwhile to begin with a brief review of these accounts before proceeding to my own. [ii]

2. Two Views of the Obligation to Argue

Most positive treatments of the obligation to argue are individualistic in their construction. In them the obligation to argue is treated analogously to moral obligation. This individualistic focus is understandable—it is a great aid in moving, via easy conceptual transits and analogies, between the familiar territory of philosophical ethics and the less-settled country of normative considerations about argumentation. That said, I wish here to think about the obligation to argue from the standpoint of the social and pragmatic context. I wish to think of the obligation to argue not as it applies to individuals in particular instances of argumentation, but in terms of *the practice of argumentation taken as a whole*. [iii] But is there any such thing as a practice of argumentation within which one could find an obligation to argue? At least the idea is not an entirely new one. In *Manifest Rationality* Ralph Johnson, for example, characterizes the

practice of argumentation as

...the sociocultural activity of constructing, presenting, and 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, which continues to maintain it and that the practice serves (Johnson 2000, pp. 154-5).

Johnson goes on to suggest that his view of practice is not unlike that of Alasdair MacIntyre. MacIntyre's view is explicitly normative, sounding in as it does the idea that the form of the activity named by the practice is bound up with standards of excellence, and with particular goods embraced by anyone who sincerely does the activity. Of course in Johnson's case the activity is argumentation, and the value of manifest rationality gives life both to the standards that arguers (in theory) follow and to the goods that that arguers (again, in theory) seek via argument.

While this view of the practice of argumentation may fit the presentation of ideas in Johnson's work, it seems susceptible to an obvious attack. For it seems that persons do argue with different purposes in mind besides the upholding of rationality in communicative acts. Persons argue to impress or annoy or entertain one another, to slow deliberations down or speed them up, or just because they plain feel like it. **[iv]** Fred Kauffeld is one who seizes on this heterogeneity in the purposes of arguers. He holds that not only is it the case that persons engaged in argumentation cannot plausibly be cast as always aiming at the achievement of rationality in their discourse (even in ordinary cases!), but they have other discursive obligations that cannot be accounted for in terms of rationality (Kauffeld 2007). The latter of these charges is the more serious, since the first has an easy answer.

The first objection to Johnson's view- that persons argue for reasons other than to manifest rationality- involves a conflation between *a person's telos* in using argumentation and the *telos of argumentation in general*. Johnson's position can easily be defended from this objection by restricting its scope so that it applies only to the *telos* of argumentation in general. Then, if persons use argumentation for reasons outside of that *telos*, the case is no different than using one's shoe for a hammer, or the edge of one's desk for a bottle opener. Johnson could, if he wished, even go so far as to claim that those who argue for reasons other than the

manifesting of rationality are misusing argument. Of course this defense depends on there *actually being* a *telos* of argumentation in general! I shall return to that notion momentarily.

It is important to stress that Kauffeld's objection to Johnson's view is not that Johnson claims that we have obligations to manifest rationality when we argue. Rather, Kauffeld objects to the notion that appeals to rationality can tell the whole story about why and how human beings legitimately deploy argumentation. It is this reservation that motivates the second half of Kauffeld's objection, namely that arguers bear discursive obligations to one another that are not directly related to considerations about rationality. How then does he think arguers incur obligations?

Kauffeld suggests that we incur obligations in argumentation through what he calls the "*Principle of Pragmatically Incurred Obligations*": In serious human communication, pragmatically necessary presumptions are strategically engaged by openly manifesting addressee-regarding intentions and, thereby, incurring corresponding obligations (Kauffeld 2007b, p. 6).

The upshot of this principle is that arguers are obligated by what they *do*, not by the kinds of beings that they are, and not in virtue of considerations about the inner moral workings of argumentation considered as a practice. Kauffeld's inspiration, one might say, is not practices but promises. Drawing on Geoffrey Warnock's account of moral obligation, Kauffeld suggests that an arguer incurs only those obligations that she voluntarily takes on by clear indications to her audience that she intends to argue, and intends to be taken as arguing (Kauffeld 2007a, pp. 6-9). One of the obligations she thereby takes on is an obligation to display rationality in her argumentation, but the reasons for her entering into argumentation in the first place might have other motivations—a desire to display concern about a particular issue, say, or perhaps to advance a larger political or diplomatic strategy.

For Kauffeld, then, to argue is to put oneself into a particular relationship with one's audience— a relationship in which they, among other things, rightly expect (good) reasons to be given on behalf of the claims one advances. These expectations run in both directions, for to argue (at least in the ideal case) is also to construe the audience as fair, impartial, and rational, and thus to put *them* on notice that one expects one's arguments to be evaluated accordingly. For

Johnson, by contrast, to argue is to participate actively in an independently existing practice of reason-giving and evaluating that is embedded in a socio-cultural and an historical context that to some degree guides one's sensibilities for when argumentation is appropriate (or necessary), supplies the norms by which we critique not just arguments but arguers in their role as arguers in a given situation, and which animates argumentation through provision of a *telos* unique to it: the manifesting of rationality.

It can certainly be agreed that both Johnson's and Kauffeld's views capture important insights about the human activity of argumentation. The issue between them really is one of the location of the *telos* of argumentation. Does it rest with the speaker's *telos* in using argumentation, or does argumentation have its own *telos*? If it is the former, then argumentation is like social dancing. It cannot be said to have a purpose beyond the situational purposes for which agents engage in it (e.g. for courtship, for enjoyment, for entertainment, or for bragging rights). If it is the latter, then argumentation is like dueling. It has an express *telos* of its own (in the case of dueling this is the settlement of disputes and the preservation of honor through regulated rather than unregulated violence) that is its *raison d'être*, whatsoever the purposes of the individual persons who partake of the practice. Which then is it? Has argumentation its own *telos* or not?

In the remainder of this paper I wish to explore the possibility that it does. Certainly there is no denying that persons argue for their own reasons, just as they dance for their own reasons, but argumentation seems importantly to be disanalogous to dance. The practices of argumentation, though not identical, are remarkably similar across cultures (Harpine 1993; Suzuki 2008). Dance proliferates in truly wondrous variety. More to the point, cultures have used dance in a multitude of ways, whereas argumentation routinely tends to be used for the same tasks (on which more will be said soon).

Another difference between dancing and argumentation is that while one may at times be right to demand an argument from someone, one would never be in a position to demand a social dance *regardless of the preferences of the person or persons involved*. As one widely repeated source on the etiquette of dancing puts it (the emphasis is mine):

The first thing to do when one is turned down for a dance is *to take the excuse at face value*. Typical social dance sessions can be as long as three to four hours, and there are few dancers who have the stamina of dancing non-stop. Everyone

has to take a break once in a while, and that means possibly turning down one or two people each time one takes a break (Nosratinia 2005).

By contrast, it often seems as though the giving of reasons is in order, that argumentation is what we *owe* to others or what they *owe* to us, and that sometimes the preferences of persons are worth contravening in order to get them to argue. There is no standing norm of argumentation that says that excuses must be taken at face value. In this respect argumentation is more like dueling, wherein refusals to participate expose one to risks somewhat more serious than exclusion from the activity. I will have more to say on this in the later sections of this paper. For present purposes however, I take it that the possibility that argumentation has a *telos* is at least initially plausible enough to motivate the attempt to sketch it that I will make here. My proposal will turn on the attempt to characterize argumentation as a convention, after the fashion of David Lewis. **[v]**

3. Argumentation as a Convention

Convention, David Lewis tells us in the 1969 book of the same name, is a response to what he calls “coordination problems”. To illustrate the nature of coordination problems Lewis provides several examples, including this well-known one from Rousseau:

Suppose we are in a wilderness without food. Separately we can catch rabbits and eat badly. Together we can catch stags and eat well. But if even one of us deserts the stag hunt to catch a rabbit, the stag will get away; so the other stag hunters will not eat unless they desert too. Each must choose whether to stay with the stag hunt or desert according to his expectations about the others, staying if and only if no one else will desert (Lewis 2002, p.7).

The general account of coordination problems that emerges from Lewis’s examples is that they are, generally, ...situations of interdependent decision by two or more agents in which coincidence of interest predominates and in which [...] relative to some classification of actions, the agents all have an interest in doing the same one of several alternative actions. **[vi]** (Lewis 2002, p.24)

Note that ‘coincidence of interests’ does not mean ‘identity of interests’, here. It simply means that all the agent-parties to the decision share *at least some* interests. In a communicative setting we might think of these as being on the order of interests in being understood, interests in being able to speak, and so on.

Of course, coordination problems call for solutions, or at least strategies. Lewis argues that the strategies that emerge over time and become the regularities that we call convention will most often have begun as salient alternatives to the solution of a novel coordination problem. A salient strategy is one that stands out among the alternatives as unique—not uniquely good or bad, just unique. If successful, the strategy becomes a precedent for what to do in further, analogous coordination problems (this has the effect of bestowing a sort of salience by precedent on the strategy). Precedents are important not just because they are, in effect, immediately salient, they are important because the condition the *expectations* that all parties to analogous coordination problems have, given that they have at least some contact with the precedent. Precedents, then, shape the expectations of parties to a coordination problem, and thereby shape their actions as well. Over time, among persons who typically encounter the same sort of situation with some frequency they become the “default” set of strategies for handling that particular problem. They become *conventions*.**[vii]**

A convention, according to Lewis, is a regularity in the behavior of members of a circumscribed population that obtains when they find themselves in a recurring situation. In order for a convention to exist, it must be true that, and it must be common knowledge among members of the population that in almost any instance of the recurrent situation almost everyone will act in conformity with the regularity. It must also be true, and be common knowledge that almost everyone *will* conform to the regularity, and further, that doing so *will* satisfy the preferences of almost everyone regarding the alternatives in such situations. Finally, if a convention holds in the recurring situation then almost everyone will have a preference to act in accord with the regularity provided that everyone else does too.

Can we say that argumentation is a convention? I believe that we can. To see how, we must first describe the sort of recurring situation to which the convention applies. My hypothesis is that such situations are of a sort that calls for what I will call *rational doxastic coordination*. That is, they are situations that call for the production of cognitive equilibrium among multiple agents. In some cases this means the resolution of differences of opinion, in others it means only the achievement of a greater transparency among agents as to each others' viewpoints. The practical upshot of rational doxastic coordination is one of two scenarios: either agents will gain greater intersubjective alignment (their “maps”

of the “territory” will come to match to a greater degree), or they will gain a clearer understanding of each other’s points of view (that is, even if their “maps” do not come to match, the parties to the argumentation will leave with a more informed view of how the others see the “territory”). The idea of cognitive equilibrium among agents is thus a family resemblance notion, of which multiple, diverse instances are possible. What holds the family together is that the coordination is achieved through the use of more or less cognitive methods of reasoning—via the giving, hearing, and evaluation of reasons for claims. It is when we find ourselves in coordination problems with others that call for rational doxastic coordination that we naturally gravitate towards argumentation as the method of choice for solving the problem. **[viii]**

In such situations we *do* argue, and it is at least somewhat common knowledge that this is what we do. That this is so is shown by the readiness with which we enter into argumentation in certain situations, even though no one ever tells us explicitly that argumentation is appropriate. Situations involving group deliberation over a range of possible actions, for instance, nearly always give rise to argumentation, even when things aren’t that serious (e.g. when deciding which movie to see, or where to go to dinner). Our expectations in such situations quite naturally incline to the giving and evaluation of reasons for the proffered alternatives, and this is so regardless of whether or not anyone makes explicit an intention to argue. It is simply understood that this is what is happening. To adapt a famous line from William James, we simply find ourselves arguing, we know not (most of the time, anyway) how or why.

Furthermore, it is reasonable to think that argumentation accords with our preferences in such situations when one considers the other ways in which the coordination problem could be solved. The alternatives to argumentation in group deliberation situations aren’t that palatable. Coercion or domination, such as silencing dissent by violence is one such alternative. Simply doing nothing and “letting whatever happens happen” is another. Still another might be settling things with a coin flip, or by a contest of strength. If the question were put seriously to people which of these methods they would prefer over argumentation in settings of group deliberation over non-trivial choices, it doesn’t seem unreasonable to suppose that the answer would be “none”. **[ix]** Too, it is worth pointing out that among the reasons for which persons abandon argumentation is a reasonable belief that others have done so already (or at least have done so with

regard to *them*).

If the account so far is a reasonable one, then it makes sense to think of argumentation as a convention. We therefore potentially have an alternative to Johnson's and Kauffeld's views of the obligation to argue. Recall that Johnson's obligations are rooted in our nature as rational beings, and hold primarily because our arguing manifests rationality. Kauffeld's obligations were rooted in the bilateral expectations a speaker creates (perhaps even imposes upon) an audience by indicating that she wishes to be taken as arguing. If we apply Lewis's model to the case of argumentation then a third, different story emerges.

On the Lewisian model, if we think of argumentation as a convention then the expectations we have are grounded neither in a morally salient feature of persons, as is the case on Johnson's view, nor in the act of will of a particular speaker, as is the case on Kauffeld's view. Rather, the expectations are grounded in the fact of the coordination problem being the sort it is, and the fact that there is a precedent for using argumentation in those sorts of cases of which persons generally are aware even if in ways they cannot always articulate. The Lewisian account, I think, is much closer to how we actually do things than the rivals I have discussed here. The choice, however, is not a mutually exclusive one between the three. Important aspects of both Johnson's and Kauffeld's views are consistent with the Lewisian picture. It is, in many ways, a middle ground.

To begin, it may be that Johnson's emphasis on rationality is correct given that a situation can be constructed as one in which argumentation is an appropriate solution only if the parties *do* hold an image of each other as rational beings with whom argumentation is at least possible. Johnson is also right in seeing argumentation as having a *telos*. It's just that the *telos* isn't rationality *per se*, but the resolution of coordination problems that call for rational doxastic coordination.

Likewise, Kauffeld's perspicuous description of the dynamic nature of the way in which argumentative burdens are assigned to the speaker and the audience can be retained even if we do not agree that those burdens are *created* by the speaker-audience relationship, but insist instead that those burdens arise naturally out of the precedent-based expectations of the parties. What Kauffeld will have given us then, is a picture of at least one of the sets of rules governing the giving and receiving of reasons for claims. One who declares an intention to

argue doesn't just create expectations in the minds of her audience as to the nature of her discourse, but frames the entire situation as one in which argumentation is appropriate. The audience probably knows this already, however, so her framing of the situation doesn't so much create the space for argumentation and its attendant obligations as it does emphasize to them that she is (correctly) following the appropriate convention and expects her audience to do so as well. In such occasions, where explicit emphasis is placed on the convention, all parties are held to higher standards perhaps than in ordinary cases, but the convention works as it always does. The difference between cases like those Kauffeld discusses (e.g. Martin Luther King's "Letter from a Birmingham Jail") and more ordinary cases of argumentation is like the difference between intramural and competitive (i.e. collegiate or professional) football. The "game" is the same in its essentials, but the expectations in the competitive case are heightened, and the rules that govern the practice are attended to with more scrutiny.

But what of the obligations of individuals in argumentation, conceived of as a convention? Both Johnson and Kauffeld offer a robust grounding for these obligations. What does the Lewisian account offer?

4. Dueling Revisited: The Moral Dimension of the Obligation to Argue

At first blush, it may not seem to be much of an account at all. In fact, it one could be forgiven for criticizing the Lewisian account as morally deflationary compared to both Johnson's and Kauffeld's accounts. Both of their accounts provide moral resources for criticism of those who fail to live up to their argumentative obligations. On Johnson's view such persons are irrational. On Kauffeld's view such persons have betrayed the trust of their audience. As first impressions go, it simply doesn't seem that a Lewisian account carries the same sense of *gravitas*. What sanctions are there for derogation from convention?

Interestingly, Lewis allows for sanctions only when a convention is or involves rules (not all do). He cites game rules as the central example of what rules are, observing that they are partially constitutive of the activity of playing the game they define, and that "violation [of the rules] would be taken as decisive evidence of inability or unwillingness to play" (Lewis 2002, p.104). He is also quick to point out that the stipulated rules "are not the only conventions in the game. Any group of players will develop understandings—tacit, local, temporary, informal conventions—to settle questions left open by the listed rules." (Lewis 2002, pp.

104-5). These are two very important ideas for answering the objection: (1) that violation of the rules is evidence of inability or unwillingness to participate in the convention and (2) that the “game” is larger in scope than the stipulated rules that govern it.

The first point prepares the way for a kind of virtue-ethics of argumentation wherein a participant’s character as an arguer is determined by the degree to which she shows willingness and ability to abide by all aspects of the convention of argumentation, both “written” and “unwritten”.**[x]** The importance of the second point concerning the scope of the game, and thus the “unwritten” aspects of the convention cannot be overstressed. For it is only when we have them in view that we can see the mistake in endorsing any particular construction of the explicit rules of argumentation as eternal and binding. The rules are only a part of the larger practice. The practice itself continually evolves along with its socio-cultural (and yes, moral) context. It is the idea that there are “unwritten” guidelines (and this is just another way of expressing the point that the “game” is more than the rules that constitute it) that allows us to evaluate a person’s argumentation behaviors on grounds that go beyond mere technical competence in stringing together chains of reasons for his claims, and thus allows our assessments of argumentative virtue to carry more substantive moral weight. This dual-aspect way of looking at the obligation to argue has something of a precedent. Kuno Lorenz was onto much the same idea when he wrote:

Hence, norms in argumentation are *technical norms* which when appropriate are called rational with respect to purpose; the norm of argumentation itself is a case of *practical norms*, that is, the actions following it—in our case certain sequences of social encounters involving arguments—exhibit ways of life of the agents concerned and don’t serve further extrinsic ends. Internally they show ‘intentions’, externally they are ‘behaviour’, which, in traditional terminology, is expressed by saying that such actions are *constitutive* of the agents (Lorenz 1989, p.18).

If all this is right, then the sanctions one suffers for flouting the obligation to argue are to be labeled, as Lewis suggests, as either incompetent or unwilling to argue. These are not charges to be taken lightly. To briefly return to the metaphor of dueling, incompetence (usually due to age or infirmity) was one of the only excuses that one could legitimately deploy for not answering a challenge to one’s honor (Wilson 1838). Even for those who do not believe in honor, it

should be easy to see that to be branded with incompetence as an arguer would be no small slight, and would have enormous practical implications among one's fellows, especially at work or in politics. One need only think of those circumstances in which it would be right to judge that a person was incompetent to argue in order to see what those consequences might be. For, truly incompetent argumentation means exclusion from participation in deliberative processes.[xi] In those cases the best the incompetent could hope for would be representation a competent advocate. Failing that, the only hope would be for deliberators who sincerely and honestly weighed one's own interests alongside the others under consideration. This, of course, is not something upon which one can always count.

The same is true of those who are unwilling to argue. Those who will not engage in argumentation when they should exhibit a kind of cowardice. Those who, by contrast, engage in argumentation too much or at inappropriate times show a kind of hubris, or pride that equally makes them unwelcome participants in collective deliberation, and likely candidates for marginalization. The bully is as unwelcome as the coward at times when deliberation is necessary. Thus one must not only be competent to argue, but willing to do so in those occasions that call for it. Otherwise one faces real setbacks to one's own interests and the interests of anyone one happens to represent. Hence there are substantial sanctions for failing to uphold the obligations of argumentation on the Lewisian conventionalist view, and the objection that it lacks the resources to frame the moral dimension of argumentation fails.

So there is a story to be told about the sanctions that come into play if one derogates from the norms of the convention of argumentation. Hence the norms of argumentation can be said to have at least some binding force on the Lewisian conventionalist account. Still, one might say, "so what?" Suppose we grant there is a convention of argumentation. What follows from that? There are also conventions for standing in line at the bank. What makes the norms that flow from the convention of argumentation (if we are prepared to grant such a thing) any more important or special than those of more ordinary social conventions? The convention of argumentation as a whole needs defense. This objection is a good one and it demands an answer. Though constraints of space make it impossible to give the answer here, I believe that the defense of the convention of argumentation ultimately lies with an explication of the function that this

convention is uniquely suited to perform. **[xii]** For now however, the purpose of this paper will be met if I have established simply that there is a Lewisian conventionalist alternative to the contemporary interpretations of the obligation to argue, and that this alternative merits further exploration.

NOTES

[i] This paper has benefited substantially from a number of discussions with people at various points over the last year, beginning with and especially Jean Goodwin, Ralph Johnson, Tony Blair, Fred Kauffeld, Bob Pinto, Hans Hansen, Constanza Ihnen, Kelly Webster, Frank Zenker and nearly everyone associated with the Center for Research in Reasoning, Rhetoric, and Argumentation at the University of Windsor while I was a Visiting Research Fellow there in the 2009-2010 academic year. Any errors here naturally are mine.

[ii] Certainly there are many argumentation theorists who are hostile to the notion that we have an obligation to argue. Jean Goodwin, for example, offers several strong arguments against the notion that we have such obligations (Goodwin 2001).

[iii] I am here using argumentation in O’Keefe’s second sense, as “process” rather than “product”.

[iv] That we should ever feel like it at all is interesting. An exploration of such feelings by evolutionary biology in the same vein as the recent research into heuristics and biases could prove very useful for argumentation theorists.

[v] In (van Eemeren and Grootendorst 1984) Franz van Eemeren and Rob Grootendorst also consider Lewis’s account—though they take quite a different position on it than I do here.

[vi] Unfortunately space limitations preclude a treatment of Lewis’s more detailed, technical, and enlightening description of coordination problems in terms of coordination equilibria. For now, I direct the reader to Lewis’ discussion in Chapter 1 of *Convention*.

[vii] There is an interesting parallel here with the way that heuristics are described in cognitive psychology.

[viii] It would be natural at this point to ask how argumentation came to be the method of choice for such coordination problems. It is my hunch that there is an evolutionary story to be told here that hinges upon the inability of non-argumentative methods of decision-making to handle novel situations of choice. At some point deferring to elders, or following the directives of mythological meta-narratives may simply have proved inadequate to the task at hand. One thinks

here of crisis situations, perhaps environmental collapses, encounters with heretofore unknown peoples, or unprecedented social upheavals as the sorts of instances in which persons would have found themselves driven to give each other reasons rather than to simply follow the guidance of whatever system of stock reasons was already in place in their society. In such situations group reasoning of the sort argumentation theorists study would have stood out as salient in Lewis's sense, and it is easy to see how over time argumentation could have taken on the status of a precedent that says "Where appeals to tradition and mytho-cultural meta-narrative are of no avail, the thing to do is enter into argumentation." Although this is just a hunch, I think it a rather plausible one.

[ix] Deliberative democrats have long observed that properly conducted deliberations involving argumentation have numerous benefits, including a feeling among participants that their points of view have been respected, that the results of the deliberation are fair, that group solidarity has been enhanced, and so on. See, for example Dryzek's recent work. (Dryzek 2000)

[x] I owe the inspiration for the idea that moral qualities of character can be revealed in one's habits of argumentation to a CRRAR colloquium presentation by J. Anthony Blair.

[xi] There is an interesting flip-side to this coin. For inasmuch as one might worry about being saddled with a burden to answer every single argument one encounters, the account on offer here explains why that worry is unfounded. The arguments of advertisers and hardcore religious proselytizers, for instance, can be rejected on grounds of incompetence if one takes almost any dialectically-influenced view of argumentation. This is because such arguers typically have no intention whatsoever of adjusting their commitment stores, and indeed no intention of truly listening to any objection, challenge, or question for any purpose other than using it to deploy a pat counterargument. I would also argue that such arguers sometimes ply their "wares" in situations that do not call for argumentation at all, and thus fall well outside the boundaries of the convention of argumentation as described here.

[xii] I offer this account in a forthcoming paper in *Informal Logic*.

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