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One Question, Two Answers

Jean Goodwin
Iowa State University

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1. Introduction.

I take the assessment of arguments to be a primary responsibility of Informal Logic (Johnson and Blair 1994a); certainly, it is the task that those of us in the Communication field could most use your help with. In the following section of this paper, I suggest that to deal with many of the "live" questions in argument assessment we apparently need to make reference to the activity of arguing in which the arguments are deployed. The work on these diverse questions thus raises one central question. What account can we give for the activity of arguing? Needed is what has rightly been called a theory of its normative pragmatics. At present, the only widely recognized proposals for such an account are the various dialogue theories, especially those proposed by Douglas Walton and the pragma-dialecticians. There is, however, an alternative: what I will call the design theory of the activity of arguing. Design theory takes arguing to be a self-regulating transaction in which at least some of the norms governing argument arise from the arguers' own efforts. In the third section of the paper, I sketch the contours of design theory, in particular as it contrasts with the more familiar dialogue approach. In the fourth section, I provide some details of its success: in building models responding to the problems of argument assessment; in elucidating actual practice; and in articulating basic values. I conclude that at a minimum design theory deserves attention within Informal Logic.

2. One question.

2.1 Raising the question.

We have long since become used to distinguishing between arguments as products and arguments as processes (Wenzel 1990)--which, at the cost of alliteration, I am going to silently correct to arguments as *activities*, or more simply *arguings*. An argument is made up of propositions; it has a form, a structure or at least a pattern (schema). Arguing is done by a person; she has a purpose, something she wants to achieve in the context she is in.

My contention here is this: Current work in Informal Logic indicates that to assess an argument as product requires reference to the activity of arguing in which it was deployed.

In some sense, the recent renaissance in the study of argument has been committed from its inception to examining the activity of arguing. Each of the men who can be adopted as ancestors to our current projects was interested in finding some alternative to the formal or structural approach, which examined arguments abstracted from their contexts. Chaim Perelman, for example, began with a contrast between "artificial," functionless formal logic and argument in practice. In studying the activity of arguing, he commented, it is not possible "to neglect completely, as irrelevancies, the psychological and social conditions in the absence of which argumentation would be pointless and without result" (1969, 13, 14). Henry Johnstone likewise began his analysis of philosophical argument by reconstructing why philosophers would be driven to using such a thing (1959). Even Stephen Toulmin supported his well-known structural model of argument by showing it to be the outcome of a mini-dialogue in which one person asks

another questions; a dialogue itself embedded in a series of stages in a larger process of justifying a claim (1958).

The immediate forefather of Informal Logic must also be placed in this class. In Charles Hamblin's words,

> We may or may not be concerned with 'pure' Logic in this book, but we are certainly concerned with the Logic of practice. Consequently it is important to move on to the additional or modified criteria of appraisal that are relevant when Logic is put to work (1970, 236).

Evaluating real arguments, Hamblin further argued, requires references to "the 'raw' facts of the dialectical situation" (242), the "features of [the] dialectical contexts within which arguments are put forward" (254).

Recent book titles would seem to indicate that these early commitments are finally being fulfilled. Walton's *A Pragmatic Theory of Fallacies* (1995) and *Argument Structure: A Pragmatic Theory* (1996), Tindale's *Acts of Arguing: A Rhetorical Model of Argument* and Johnson's *Manifest Rationality: A Pragmatic Theory of Argument* (2000)--not to mention the works of Govier and Freeman in Foris' series on Studies of Argumentation in Pragmatics and Discourse Analysis--all suggest a turn in argumentation studies to the examination of arguments in practice.

These rather general indications of the significance of the activity for the product can be reinforced by examining exactly what the references to context, practice, process, activity and so on are supposed to accomplish. In the following paragraphs I quickly go through what appear to be the main current debates within Informal Logic, showing how the activity of arguing has been invoked by at least some of those proposing answers within them. (I take comfort that the following discussion does not diverge too far from that of more official surveys, e.g. Johnson 2000, chap. 5).

In what from the outside seems to be a rather odd move, Informal Logic began developing its theory of argument assessment by developing a theory of bad arguments--that is, of *fallacies*. What makes an argument a fallacy? One conspicuous answer has been that at least some arguments are fallacious because they impede the activities in which they are being deployed. This view has been put forward by Hamblin, by Frans van Eemeren and Rob Grootendorst (henceforth, the "pragma-dialecticians," 1992) and by Douglas Walton (1998). Although their particular accounts vary, in general they agree that a move like an *ad hominem* attack only undermines our attempts to achieve rational consensus, and thus is fallacious when deployed in the course of that activity.

Turning next to the theory of not-so-bad arguments, there appears to be consensus as to the basic dimensions along which arguments must be judged: premise adequacy, relevance, and sufficiency. With regard to *premise adequacy*, theorists including Johnson and Blair (1994b) and Trudy Govier (2001) have followed Hamblin in proposing that to be adequate, it is necessary for a premise to be acceptable to those to whom it is addressed. Obviously, acceptability cannot be determined by examining the premise in isolation; to make this judgment the assessor will have to examine the mental contents or public commitments, of the persons involved in the activity of arguing, including perhaps herself.

Relevance appears to me so complex a matter that I hesitate to comment upon it. I can only point to two recent works that propose that context plays an essential role in our judgments of relevance. In addition to propositional relevance of the premise to conclusion, an argument as a whole may need to be relevant to the audience (Tindale 1999) or the dialogue (Walton 1998) in which it occurs. Again, this means that a full theory of relevance for arguments will have to refer to the activities in which they are embedded.

As Ralph Johnson has recently confirmed for me, *sufficiency* has been the subject of much less attention than the other dimensions. Still, any theory of sufficiency is going to have to deal with its conspicuous variability. An argument that O.J. Simpson killed his ex-wife, for example, must be "beyond a reasonable doubt" to be sufficient in a criminal case; supported by "the preponderance of the evidence" in a civil case; not be made with a "reckless disregard for the truth" if published by a U.S. newspaper; and probably just supported by at least some shred of evidence if put forward in gossip between myself and a colleague (see also Johnson 2000, 205). To be sufficient is to be sufficient *for* something, and it would seem to be necessary to look to the activity in which the argument is embedded in order to specify *for what*.

To these three dimensions, Ralph Johnson has recently proposed to add a fourth: that of *dialectical adequacy* (2000). Clearly, in some cases an extended argument can be judged as less than sound because, although it provides reasons for its claim, it does not defend its claim against the objections of others. Johnson has framed this dimension in terms of dialectical obligations, echoing a long tradition within the Communication discipline of talking about probative obligations or burdens of proof. But what are the limits and the scope of these dialectical obligations? The very framing of the question shows that it is necessary to look to the activity in which the argument is deployed for answers, for obligations are relationships between people, not propositions, and identifying objections requires attention to what those people did to impose or incur them.

Finally, consider the problems involved in putting arguments into such a form as they can be assessed at all. First, there must be proper *identification* of some stretch of discourse *as* an argument. Formal features such as the presence of the word "therefore" will not suffice, since explanations also possess them. Govier (1987b) has argued that the difference must be pragmatic; we must identify the utterer's purpose in order to identify the discourse as an argument or not.

Secondly, once identified there must be proper *reconstruction* of "the" argument from the messy, incomplete and intermingled utterances in which it is found. It is widely recognized that some sort of "principle of charity" must be employed. But what are its contours? It is again Govier who has argued that the principle can be derived from the principles governing communicative activities more generally. Arguments are exchanged with the typical "function or purpose" (1987a, 150) of rational persuasion; we are therefore licensed to presume that some stretch of prose we find in some argumentative activity is at least an attempt at a good argument, and are thus licensed also to reconstruct it to be one.

So much for a survey of the land of argument assessment: the fertile provinces of fallacies, adequacy, relevance, sufficiency, dialectical adequacy, identification and reconstruction. In each, I have pointed out, there are proposals which require the assessor to refer to the activity of arguing in order to assess the product. Now, it may--or undoubtedly, will--turn out that some of these proposals are wrongheaded and that some of the problems they address are empty. The

very persistence of reference to contextual features, however, suggests that some ideas about arguing will be necessary to fill out our ideas about argument.

2.2. Framing the question.

Once it is noticed that our assessment of an argument may depend in part on features of the arguing in which it occurs, it turns out not to be very difficult to give novice assessors some plausible advice about how to proceed:

> Long chains of reasoning ought to be avoided (Aristotle, *Rhetoric* 1.2)

> The standard objections must receive a reply (Johnson 2000)

> The weakest argument should be in the middle, the strongest first and last (old rule of thumb).

As argumentation theorists, however, we probably should not rest on the meager laurels of having more know-how than our nineteen-year-old students. Further, there are at least some aspects of the context that are in fact irrelevant to the arguing. For example, no one would advise this:

> When the moon is full, a conclusion requires twice as many reasons as usual to be sufficiently supported.

But how can we dismiss this suggestion as inessential, unless we can identify what is essential? Our goal as argumentation theorists must be, as Aristotle put it, to say *why*: to give an account of arguing that organizes, grounds and criticizes such heuristics.

Such a theory can reasonably be called a theory of the *normative pragmatics* of arguing. This term, coined by van Eemeren (1994) and recently re-asserted by Scott Jacobs (1999) tries to capture "a perspective on argumentative discourse . . . which overcomes both the limitations of the exclusively normative approach exemplified in modern logic and the limitations of the exclusively descriptive approach exemplified in contemporary linguistics" (van Eemeren 1994).

The "pragmatics" in "normative pragmatics" reflects an interest in the context-dependent features of language (see generally Levinson 1983, sect. 1.2). The primary object for a theory of pragmatics is the *utterance*: the use of a sentence by someone, to someone, at some place and time, in some medium, about some topic, in the course of some other talk (and so on). "Pragmatics" further bears the connotation of practical; like any other tool-use, we expect the use of language in arguing to help us achieve our goals, at least relatively routinely.

The "normative" in "normative pragmatics" reflects a commitment to building a theory which will serve goals like argument assessment, not just descriptive accuracy. I here follow the apparently common custom of using the word "normative" promiscuously to refer to rules, principles, ideals, goods, obligations, duties, responsibilities, rights, privileges, cares, concerns, interests, virtues and any other basis upon which we praise and criticize each other's conduct. It is conspicuous that the arguer in practice frequently makes normative comments about what she and others are doing. Since we are arguers ourselves, our theories must take these comments seriously. If the world is divided into "anthropologists" and "natives," theorists of the normative pragmatics of arguing all remain natives--the shamans of argument, perhaps.

The ultimate aim of any theory of the normative pragmatics of arguing is quite ambitious. It takes, as Austin famously said, the "total speech act in the total speech situation [as] the *only*

actual phenomenon which, in the last resort, we are engaged in elucidating" (1975, 148). Since no one has yet been able to meet Austin's benchmark even for speech activities much simpler than arguing, however, it would seem best to be more modest in the short run. From the meta-theoretical work of the Amsterdam school (the "five estates," as presented e.g. in van Eemeren 1994) we can borrow three lines along which any theory of the normative pragmatics of arguing should proceed.

First and most obviously, the theory should propose and defend explicit models for the activity of arguing; what the pragma-dialecticians have called "theoretical" or "normative research."

Second, the theory should have, "downwards," some demonstrable relationship to arguing in practice; what the pragma-dialecticians have called "empirical research." As Scott Jacobs has put it, "our theories [must] be responsible to the puzzles we find in real messages and to the details we see in them" (2000, 282). Calls for increased attention to practice have been common throughout the recent renaissance in argumentation studies (e.g., Johnson and Blair 1980), so this line of research too is hardly controversial. Any model of arguing should provide accurate accounts of, and improve our sensitivity to, the full range of features evident when people actually go about the task.

Third, the theory should have, "upwards," some demonstrable relationship to broader normative concerns; what the pragma-dialecticians have called "philosophical research." It would be remarkable if the goods we achieve in and by arguing were utterly unrelated to the goods we achieve in other aspects of our lives. Any theory of the normative pragmatics of arguing should therefore be able to demonstrate how its "normative" aspects are grounded in a more encompassing theory, as for example the pragma-dialecticians ground their approach in an ideal of reasonableness.

(I would also join the pragma-dialecticians in requiring a fourth line for any theory: it should have a practical component, leading to improvements in the teaching of skills or the "engineering" of practices (e.g., van Eemeren et al. 1993, 120 ff.). Since we as yet have no well-established modes for *publishing* the results of such "practical research," however, it is unfair to judge theories on this point.)

At present, there is one conspicuous contender for the title of *the* theory of the normative pragmatics of arguing: what I will call the "dialogue theory" of arguing. (I prefer "dialogue" to the perhaps more common "dialectics" as being less likely to lead to misunderstanding or confusion.) Dialogue theorists include most notably the pragma-dialecticians (e.g., van Eemeren et al. 1996), Douglas Walton (e.g., 1998), and (within the Communication discipline) Douglas Ehninger (at least his early thinking, 1958, 1966). Between them, these scholars have put forward an impressive body of work on each of the three lines of research sketched above.

There is, however, an as yet overlooked alternative to the dialogue approach: what I will be calling the "design theory" of arguing. Design theorists include Fred Kauffeld, Scott Jacobs and this author. Design theory, I believe, has also put forward an impressive body of work. But what *is* a design theory?

3. Two answers.

In this section I sketch the principles of the design-theoretical approach to the normative pragmatics of arguing, developing it by contrast to that of the more familiar dialogue theory.

3.1. What model for the activity of arguing does design theory propose?

Obviously, arguments are deployed in many situations, for many purposes, in the midst of many other activities. Indeed, there is no reason to suppose they could not occur in any situation, for any purpose, joined with any activity--including for example free-associating arguments out loud while wandering in the wilderness, to entertain oneself or scare off bears. Any theory of the normative pragmatics of arguing will have to cut down on this variety and define which among all the possible uses of argument are the most "central," "basic" or "paradigmatic," leaving the others to be accounted for as bearing some sort of "family resemblance" to the central cases.

Dialogue theorists, obviously enough, propose the *dialogue* as the paradigm for the activity of arguing. A dialogue is a form of verbal interaction, recognized by the participants, involving taking turns contributing to some common topic. As Walton defines it, the dialogue

> is a conventionalized, purposive joint activity between two parties (in the simplest case), where the parties act as speech partners. It is meant by this that the two parties exchange verbal messages or so-called speech acts that take the form of moves in a game-like sequence of exchanges (1998, 29).

Van Eemeren and Grootendorst have used similar language, noting that in arguing participants enter into different communicative roles as part of a single, "bilateral process." Thus "a *dialogue* is initiated," they conclude (1984, 9).

Design theory, by contrast, proposes the *transaction* as the paradigm for the activity of arguing. At least since Aristotle's distinction between deliberative, forensic and epideictic speaking (*Rhetoric* 1.3), the rhetorical tradition of studying argument has tended to view arguments as deployed in multiple and diverse contexts. The early work of Sally Jackson and Scott Jacobs (e.g., 1980) cast the net wider still, including informal conversational settings generally. The design approach draws from these strands within the Communication discipline a very inclusive conception of the paradigmatic activity of arguing as a transaction. "Transaction" has a connotation of *practicality*; in a transaction a person is doing business, carrying out her projects. In specific, she is carrying out her projects within an environment whose most important features are other people. To use the vocabulary made popular by the economists, a transaction will require the participant to employ strategic rationality in planning her engagement. This is captured by *Webster's Third International,* which defines "transaction" as "a communicative action or activity involving two parties or two things reciprocally affecting or influencing each other."

3.2. How do the norms governing arguing arise?

The key task of any theory of the normative pragmatics of arguing is to tell some sort of story about where the norms governing our arguing come from--and, one hopes, not just a "just-so" story.

Dialogue theorists derive their norms from a two-fold assumption about the argumentative dialogue: first, that argumentative dialogue performs one or more social functions; second, that arguers are obligated to cooperate with each other to ensure that function is accomplished.

Probably the most commonly cited function for arguing is the rational resolution of disagreement. Arguing in this view promotes two related goods for society as a whole: first, it produces social concord by resolving disputes; second, it produces good conclusions (truths, decisions) by systematically subjecting claims to criticism. Douglas Ehninger may have been the first argumentation theorist to articulate this view clearly. In his 1958 article "Debating as Critical Deliberation," he stressed debate as a method society adopts to "shape its collective beliefs and make its collective choices" (26). The pragma-dialecticians are similarly committed to the "functionalization" of arguing. "Argumentation," they say, "has the general function of managing the resolution of disagreement" (van Eemeren et al. 1996, 277). And Douglas Walton, who believes that there are many different types of argumentative dialogue serving many different social functions, isolates one type--the "critical discussion"--as having the collective goal (i.e., function) of resolving conflicts of opinion (1998, 47).

If the argumentative dialogue has these (or other) important social functions, it seems not untoward to impose on arguers the obligation to help further them. Since a dialogue requires two or more persons to fulfill their interlocking roles, this means that the participants are specifically obligated to cooperate with each other. Again, dialogue theorists have committed themselves to this view explicitly. Ehninger originally proposed that "debaters are co-workers in the task of finding correct beliefs and decisions. They co-operate in the process of submitting a proposition to rigorous tests" (1958, 28). The pragma-dialecticians turned to Grice's Cooperative Principle for their earliest expression of this view, concluding that in arguing, participants share a "*common goal*" and a "*jointly agreed regimentation*" of the process for achieving it (1984, 121-2). More recently they have again drawn heavily from Grice and explained the principle of the "socialization" of argument as producing a "collaborative structure" to the activity "that emerges from dialogic interaction" (1993, 12). Walton, finally, has similarly invoked Grice to back his notion that argumentative dialogues are "collaborative" enterprises (1998, 254).

It should be noted that several theorists who do not explicitly take arguing to be a dialogue have made remarks that suggest similar commitments to either or both of the claims that arguing performs a social function and that arguers are obliged to cooperate to achieve it. These scholars in the penumbra of dialogue theory include:

> *Ralph Johnson*, who takes rational persuasion to be the function of argument, and who quotes with approval a remark by Alasdair MacIntyre requiring cooperation (2000, 149, 155);

> *Christopher Tindale*, who draws on Grice in claiming that "as a conventional social practice, argumentation shares the mutual goals of cooperative communication, where each participant recognizes 'a common purpose or set of purposes, or at least a mutually accepted direction'" (1999, 67);

> *Trudy Govier*, who asserts that "*the practise* [sic] *or social institution of argument has* [rational persuasion] *as its typical function or purpose*," and also draws on Grice to support the arguers' obligations to achieve this function (1987, 150; emphasis in the original).

Design theorists, by contrast, do not *assume* that argumentative transactions are necessarily either functional or cooperative. For one thing, these transactions are so varied that it seems rash to assign them any one social function--unless perhaps the function of "giving some order to our interactions;" and even then, only if we included war and anarchy as instances of "order." There are also serious problems involved in determining the function of any activity; indeed, it's my understanding that social scientists have long since abandoned "function" talk. Design theorists, further, view with suspicion the rather counterintuitive claim that arguing is ideally a cooperative activity; Fred Kauffeld's paper at this conference should be providing more details on this.

Instead of deriving norms from the standards set by some social function external to arguing, design theories contend that the argumentative transaction is internally self-regulating. Each arguer, to achieve her goals, tries to establish for herself and the other participants a normative environment within which their arguing can proceed. Douglas Ehninger's last work was the first to put forward this idea. Ehninger contended that someone engages another in arguing typically to correct the other's knowledge. To obligate that other to engage *back*, Ehninger went on, the arguer will find it necessary to impose on himself a variety of obligations to argue soundly. As Ehninger put it:

> In freely submitting his own view to criticism, the arguer not only earns the right to criticize the view of his opponent, but more importantly, imposes upon his opponent an obligation to observe in the presentation of his case the same standards of adequacy and fairness. . . . Out of these mutual obligations and opportunities, the self-regulative character of argument is born (1970, 109).

Whether or not Ehninger's specific account of the obligations is correct, his general direction is that adopted by design theory: probative obligations do not inhere in the argumentative process itself; instead, they emerge from the arguers' activities as they try to achieve their goals.

This point has been recently re-articulated by Scott Jacobs in a series of papers beginning with his 1998 ISSA keynote address. "Argumentation theory," he has contended, "should be concerned with the way in which argumentative messages enhance or diminish the conditions for their own reception. . . . The pragmatic problems and solutions of argumentative practice exist in the form of discourse strategy--and not just discourse norms" (1999, 400). It is by such strategies that arguers create the conditions under which they may themselves assess "the substance of good reasons, the form of good reasoning, and the status of any conclusion" (2000, 274). Optimistically, the strategies may even serve to induce "otherwise bad deliberators to be their best, . . . and to make the conditions for argumentation conducive to reasoned deliberations" (2000, 281). In sum, he concludes, arguing is "self-regulating" (1999, 400; 2000, 275).

To say that arguing is self-regulating should not be taken as imagining that the activity exists off by itself, on some isolated island of norms--as if arguers could dispose of our ordinary prohibitions (say) against injuring others via some self-regulatory fiat. Rather, self-regulation supposes that the normative background for arguing is no different from that of our activities generally. For example, in undertaking and imposing obligations to produce arguments, arguers rely on the same understandings that underwrite the undertaking and imposition of obligations in other contexts. Similarly, the norms that are ordinarily invoked to criticize flaws in the way someone is arguing—as (say) unfair, manipulative, overbearing, coercive, tricky, fraudulent--are not unique to arguing, but apply in judging conduct in a variety of other transactions as well.

Design theory proposes, however, that it may take quite a bit of discursive work for arguers to bring anything from the general normative background to bear on their particular situation. The norms governing arguing in specific do not arise simply because people have entered into a dialogue; they must be created by the arguers in response to complex, vexed and always-varying local conditions.

3.3. *What form does the theory itself take?*

As Ralph Johnson has pointed out, theories of argumentation have often (and laudably) been pedagogy-driven: we start by teaching something, and then we try to figure out why or whether what we're teaching is sound (2000, 115-116). And the textbook tradition is indeed strong, stretching back more or less continuously at least to Aristotle's *Rhetoric* and *Topica*. But perhaps our very strength in teaching has provided little incentive to go further, and there is certainly no shared sense of what a normative pragmatic theory of arguing would even look like.

Dialogue theory tends to proceed by proposing rules. The theorist may advance constitutive rules, specifying exactly what the participants are permitted to do if their behavior is to count as a dialogue of a certain type. Pragma-dialectics, with its four stages for the dialogue, its listing of the speech acts allowed in each stage, and its statement of the rules for making each act (e.g., van Eemeren and Grootendorst 1984), is a particularly well-worked out example of a theory of constitutive rules. The theorist may also advance regulative rules, specifying how the arguer ought to act in the dialogue in order to cooperate to achieve the dialogue's asserted social function. The well-known "Ten Commandments" of the pragma-dialecticians are good examples of such regulative rules, prohibiting arguers from doing such things as preventing arguers from raising doubts and objections, using inappropriate argumentation schemes, or failing to retract a standpoint that can no longer be defended (e.g., van Eemeren et al. 1996).

Design theorists do not have the luxury of proposing rules. Clearly, some argumentative transactions are governed by rules. From a design-theoretical point of view, however, this only occurs when the participants in the transaction have seen fit jointly adopt them, as a group might adopt *Robert's Rules of Order*. But why did the arguers select just this set of rules?--the theorist must ask. And through what sort of transaction? If that transaction was itself constituted or regulated by rules, where did those second order rules come from? At some point, the threatened infinite regress of rule-governed transactions must stop in a transaction that is not itself rule-governed; instead, it is self-regulated.

The goal of the design theorist is to elucidate the strategies the participant in an argumentative transaction can use to regulate the transaction. Given the diversity and complexity of argumentative transactions, design theorists presume that arguers will turn out to possess a considerable repertoire of strategies. A design theory must first provide analyses of the strategies, specifying what she must do to accomplish them. A design theory must further account for the strategies *as* strategies, that is, explain how an arguer's utterance of some words can be expected to accomplish things like the imposition of probative burdens. In a complete design theory of a strategy, these two aspects--analysis and explanation--will reinforce each other; what must be done to execute some strategy (analysis) will be just what is practically necessary to achieve some purpose (explanation).

It should come as no surprise that the strategies through which actual arguers prosecute their business are often sophisticated and subtle. Engaging in a self-regulating argumentative

transaction requires planning, craftsmanship and careful execution--it requires, in short, *design*. Design theories of arguing will respect the complexities of the activity by retaining a certain modesty. As Scott Jacobs has commented, the inventive cunning of actual arguers means that "strategies and practices can never be listed exhaustively ahead of time" (2000, 275); the theorist must remain a sort of Owl of Minerva, flying out at dusk.

3.4. Summary

The following summary, in place of a table, can be taken as a quick review of the contrast between dialogue and design theories of the normative pragmatics of arguing.

> According to dialogue theory, arguing is paradigmatically a dialogue;
>
> According to design theory, arguing is paradigmatically a transaction.
>
> According to dialogue theory, norms arise because arguers are bound to cooperate to achieve a social function;
>
> According to design theory, norms arise because arguers so act as to impose them on themselves and each other.
>
> According to dialogue theory, a theory ought to define the constitutive and regulative rules for the dialogue;
>
> According to design theory, a theory ought to analyze the arguers' strategies and explain how they work.

Or consider the following metaphor. Dialogue theories propose that arguing is like *waltzing*. To waltz successfully, two people must cooperate to realize a pre-set, patterned behavior. A theory of waltzing would lay out in perspicuous form exactly what is required of each waltzer, for their movements together to count as a waltz at all, and a good one.

Design theories propose that arguing is like *walking*; in particular, walking through some crowded event, like a state fair. Everyone walking is trying to achieve his or her own projects in an environment filled with other people. For anyone to succeed, some degree of coordination is required; otherwise everyone will always be bumping into each other. There are some strategies for getting through the crowd--things like conspicuously turning one's body to indicate the direction one is planning to go, or warning someone who's not looking where he's going to watch out. A theory of walking would collect such strategies, dissect them, and explain how they work.

To say that arguing is (paradigmatically) a dialogue is to make a strong claim. To say that arguing is (paradigmatically) a transaction, is clearly to say something much weaker. After all, what activity involving other people *wouldn't* count as a transaction?--what we do entirely on our own, I suppose, and what we do among others without attempting to influence them (as when I push someone out of my way), but perhaps not much else. Further, the assumptions of functionality and cooperation have given dialogue theory a big head start in developing a normative pragmatics of arguing, allowing theorists to justify many and detailed rules in relatively short order. (One might consider this one of the *disadvantages* of dialogue theory.) The idea of self-regulation described above is by contrast only an overall directive for future research; it opens, but does not answer, the question of how arguers actually achieve self-regulation in practice. If a design theory is to be worthy of attention, it has to go on to show results on the "one question" with which this paper started. I therefore turn in the next section to

a summary of some current work, organizing the discussion around to the three lines of research any theory must pursue.

4. Design theory: some results.

4.1. Line 1: Modeling the argumentative transaction.

It should be obvious that design theory will never offer a general answer to all the problems of argument assessment in all situations. I believe, however, that design theory in the near future will be in a position to offer at least some advice on each of the problems in some contexts. Scott Jacobs, for example, has been promising some remarks on fallacies from a design-theoretical perspective. My forthcoming work on issues attempts to sketch some ways in which arguers establish for each other the proposition towards which their arguing ought to be directed; this should give an account of some aspects of dialectical relevancy. And Fred Kauffeld's underlying ideas about assumptions and presumptions could be turned to a theory of how arguers go about generating adequate premises for their arguing. For the purposes of this paper, however, I will focus on design theory's achievements in accounting for two common strategies for creating a normative environment in which arguments can be assessed: the strategy of proposing, and the strategy of accusing.

4.1.1. The strategy of proposing.

Fred Kauffeld has given an analysis of the strategy of proposing (1995, 1998); skipping over his argument, the necessary and sufficient conditions are as follows. To propose, a speaker must:

> (a) state the action being proposed, and act as if she was resolved to undertake it;

> (b) openly commit herself to defend it by answering any doubts and objections that might be brought against it; and

> (c) openly act as if her statement and her commitment to advocacy provide her addressee with reason to raise doubts and objections about it.

If we are to take this skeleton as practical strategy, what does it achieve? Kauffeld has sketched the following explanation. As autonomous individuals, we ordinarily make up our own minds regarding what is in our interest, relying on our own thinking and our own experience. Our standard response to attempts to influence us to serve others' interests--e.g., by billboards, or beggars--is to ignore them; they waste our time. This creates a practical problem, however, in those instances where one person, the proposer, is convinced that it would be a good idea for other(s) to undertake something *new*. As a first step towards eventual adoption of her proposal, the proposer must begin by inducing her fellows to give it at least tentative consideration. To do this, she must give them reason to believe that such consideration will not waste their time. She can try claiming that *she* thinks it is worthy of adoption, but she can hardly expect that to influence anyone else, to whom the proposal does not appear to be of interest. So she in a sense sweetens the deal, offering to her addressees her personal guarantee that the proposal is worth their time and attention, because it will on closer examination hold up against all the reasonable doubts and objections they may raise. Her guarantee has the potential to get her into a lot of trouble--if she can't pay what she promised, she has left herself open to being blamed for wasting others' time. Her commitment to advocacy therefore gives her addressees good reason to

presume that the proposal is indeed worthy of at least tentative consideration, and to lend the proposer their ears.

Consider the payout of this analysis and explanation of proposing for the problems of argument assessment. By her guarantee, an arguer undertakes a specific dialectical obligation that defines which objections she must meet. As Kauffeld concluded in his last OSSA paper, in the normative environment created by 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" (1999a). Indeed, since the proposer guarantees to answer doubts as well as objections, the obligations she undertakes in proposing define the same limits for the standard of sufficiency to which her arguments will be held. A design theory of proposing thus contributes to specifying standards of assessment for arguments in one context.

4.1.2. *The strategy of accusing.*

The accusation is another speech act arguers commonly employ to create a normative environment for arguing. Kauffeld has provided an analysis of this act as well (1994, 1998); again skipping the derivation, the essentials are as follows. To accuse, a speaker must:

(a) say that the accused did something, implying that it was wrong;

(b) demand that the accuse answer the charge; and

(c) openly act as if her charge and her demand provide her addressee with reason to answer.

What can a person expect to accomplish by doing just this? Accusations typically arise when the accuser strongly suspects that the accused has wronged her, but wants to give him the opportunity to explain his version of events--perhaps in order to test her suspicions, or to give the accused the opportunity to make amends before she takes direct action. It is quite likely, however, that the accused will be unwilling to give her more than a quick denial; even if he's innocent, responding to the accusation may be deeply offensive, and certainly a waste of his time. The accusation itself is designed to provide the accused an incentive to answer. As Kauffeld notes, a person is ordinarily obliged to explain his behavior when it has caused a disturbance and when the person disturbed is forbearing retaliation, relying on him to provide an explanation. The accuser can bring about just such an obligation by designing discourse that makes manifest that she is disturbed on account of the accused's conduct and makes manifest that she is forbearing retaliation, relying on the accused to answer. Such discourse lands the accuser in a difficulty, however. In addition to creating the conditions under which the accused has an obligation to give her an answer, the accuser has actually done the accused the injury of impugning his good name. Under many circumstances, therefore, the accused will be able to make manifest that he himself is upset by the charge and wants the accuser to answer for it. "Thus," Kauffeld concludes, "by challenging the accusation, the accuse[d] can impose on the accuse[r] an obligation to substantiate the charge" (1998, 259).

This analysis and explanation of the strategy of accusing again provides an interesting view on dialectical obligations--in this case, the dialectical obligations of *both* parties to the transaction. In the normative environment created by an accusation, the accuser is obliged to produce reasons which justify her apparent affront to the accused. The accused, in turn, is

responsible to produce reasons which answer (deny, justify, excuse) his apparent affront to the accuser.

The account also suggests some interesting consequences for the theory of the reconstruction of arguments, as I have argued in a forthcoming paper. An accusation arises in response to an apparent wrong by the accused to the accuser, and in accusing the accuser commits an apparent wrong back. In the normative environment thus created, each party is responsible for offering a justification of his or her own apparently wrongful conduct. It seems unlikely in this environment that either participant in the exchange will presume that the reasons the other offers have been designed to help her (the addressee) out. It seems unlikely, in other words, that either participant will adopt a principle of charity in reconstructing the other's argument. Instead, each will presume that the other is acting in his own interest, and interpret the arguments accordingly. If the other participant's argument omits some evidence, for example, the addressee will not presume that it was unnecessary to include it, and supply the best evidence herself, thus making his case *stronger* than it seems. She will rather presume that it was in the arguer's interest to omit it, that it was probably unfavorable to him, and thus conclude that his case is *weaker* than it seems. In the place of a principle of charity for the reconstruction of arguments (or a presumption of cooperation), arguers in the normative environment created by the strategy of accusing by rights employ a principle of reasonable skepticism.

4.2. Line 2: Grounding in the facts.

I will spend less time discussing the progress on this line of research, largely because it is the point on which design theorists have had the greatest success. Where dialogue theorists tend to see the messiness of arguing in practice as a necessary but unfortunate compromise of the ideal with the real, design theorists take that messiness as the outcome of arguers' quite admirable strategic craft. Design theory has thus come close to what Ralph Johnson termed "dustbin empiricism" (2000, 190)--a epithet which is quite accurate if we imagine the empiricist proceeding like an archaeologist, digging through the pile of discarded argumentative discourse with a toothbrush. Each of the analyses described above was developed in conjunction with a very close engagement with actual arguing: for Kauffeld, the debate over the adoption of the U.S. Constitution (e.g., 1999a) and the Lincoln/Douglas debates (1994); for Jacobs, his corpus of editorials, advertisements and advertorials (1999, 2000); for myself, the U.S. Congressional debate on entry into the Gulf War (1999) and the O.J Simpson trial closing arguments (forthcoming). In each case, design theory has enabled a more sophisticated reading of the texts, showing the significance of even minor details. The details of practice have in turn tended to refine and confirm the analyses. Indeed, it is perhaps because of its empirical sophistication that design theory has thus far remained relatively unnoticed by the argumentation theory community; readers may lose track of the theory construction when it appears embedded in the middle of a close reading of a text.

4.3. Line 3: Articulating deeper values.

I must admit that design theory has failed to clearly articulate a vision of the attractiveness of arguing as a self-regulating, strategic transaction (although some remarks do occur, e.g. in Kauffeld, 1986, esp. chap. 5; 1999b). I attempt here only a skimpy plug for this gap, again using a contrast with dialogue theory, and adding the strong caveat that on this more than on other topics design theorists may find they disagree with each other.

There are clearly all sorts of good reasons to value arguing. Collegiate debaters in the U.S., for example, pursue the activity with extraordinary intensity because it is fun, elegant and can lead to success in life. Over the years, U.S. argumentation textbooks have advertised an even greater range of benefits to the students who have been forced to buy them (Goodwin, 1999). Can one of these reasons be picked out as *the* one for which we value arguing?

The answer proposed by the dialogue theorists may be that it is only through arguing that we will be able to make the best choices. Absent any "foundationalist" method that would allow us to simply check or calculate the truth of assertions or the expediency or morality of plans, the only way we have to test their worth is to subject them to thorough criticism and see how they stand up. We therefore need a procedure that will encourage such sustained, critical scrutiny from as many different points of view as possible. That procedure is arguing, specifically in the form of the critical discussion. Arguing thus plays the same role in collective decision-making that the scientific method does in collective theory-building.

In an era in which a bad decision might lead not only to insecurity, poverty and injustice for the decision-makers, but possibly wipe out life on earth, this picture is certainly attractive. But its conflation of good decision-making in practical affairs with good theory construction in science seems at least a bit troubling. Rather than pursuing this sort of criticism, however, I turn to articulating an alternative view.

I would start from the intuition, shared with the dialogue theorists, that arguing is important in the way we make decisions on matters of common concern. Instead of looking to decision-making's outcome in the best choices, however, I would look to the conditions in which the process originates. For us (moderns, inheritors of Western culture), collective decisions must, paradoxically, be made by autonomous individuals. An autonomous individual makes decisions for herself; she relies on her own thought and experience and determines her own course of action. She does this by right. Now, if all autonomous individuals happened always to make the same decisions, collective decision-making would be no problem. Even ideally, however, such total agreement is impossible; an autonomous individual relies on her own experience, and her own experience will be *individual*. Each individual therefore needs some practical strategies for influencing the decisions of other individuals, while at the same time respecting their autonomy.

Design theory undertakes to study just these strategies. Proposing, for example, is a strategy by which one person can earn the attention of those whose individual thought and experience makes some plan appear not even worth considering. It is not by chance, furthermore, that many of these strategies involve the exchange of arguments, as opposed (say) to the exchange of monetary payoffs. Autonomous individuals can demand the respect of others in part because of the role reason plays in their lives. This idea was expressed in the Renaissance conception of the dignity of man as a rational being. It is implicit also in the vocabulary with which we criticize failures of autonomy, some of which picks out flaws in reasoning: not just charges of irrationality--which I think are rather uncommon--but also of being imprudent, rash, reckless, thoughtless, injudicious, prejudiced, heedless, inconsiderate, careless, indiscreet, stupid, mad, and so on. Our reliance on arguments to influence each others' decisions is thus an expression of our basic confidence that each autonomous individual, to deserve the respect of others, will eventually have to *see reason*. So we value arguing because it makes reason manifest in the practical affairs of autonomous individuals; or so design theory might say.

5. *Conclusion.*

In closing, let me disavow any hint of normative-pragmatic imperialism that the reader may have detected in the above discussion. Attention to the activity of arguing will help resolve some, but far from all, the problems that arise when we assess arguments. As Scott Jacobs has commented:

> I do not see pragmatics as a substitute for traditional logical analyses--formal, informal, or otherwise. . . . I see normative pragmatics as a corrective to traditional analyses and as a complement to those studies, not as a replacement of them (1999, 403).

Indeed, I suspect that many of the problems that arise in accounting for the activity of arguing will not be able to be resolved without a strong theory of argument assessment; arguments and arguings, in other words, will turn out to be interdependent. Many probative obligations, for example, require the arguer to produce apparently good reasons for her claim. But this will not be possible unless a project like that of Informal Logic is around to say what an apparently good reason might be.

I do also not want to overstate the contrast between the design and dialogue approaches to the normative pragmatics of arguing. Anyone would admit that there are instances in which arguers are obliged by rules to engage cooperatively in a process leading to a rational resolution of their dispute. Society often forces people to achieve this important social function, as for example when U.S. judges force child custody disputes into mediation. Design theory, however, takes this, and other clear cases of argumentative dialogues, to be only special cases of self-regulating transactions generally.

Still, I hope this paper has shown that the divergences between design and dialogue theories of the normative pragmatics of arguing are not inconsiderable. Consider this paper as a final example. I would deny that I am trying to rationally resolve any of the current disputes about how we ought to assess arguments; any one of them is far too weighty for an outsider to attempt in a conference paper. Nor am I (as is commonly thought of rhetoricians) trying to persuade anyone to convert the design-theoretical camp. Instead, I have designed this work in an attempt to alter the environment within which we are considering the questions of assessment. I observe that at the moment, work such as Scott Jacobs' and Fred Kauffeld's is not being taken into account. That is bad. This essay is aimed to help create conditions in which anyone taking up issues of assessment would be thought to be negligent if they did not at least take design theory into account. Specifically, I have attempted here to eliminate the common excuse that they did not realize design theory even existed. Now, I'll admit that I have a further purpose as well. To take design theory into account, these hypothetical scholars will have to think it through. While respecting their right, and indeed duty, to make their own decisions on the merits of the case, I remain confident that with attention, thought and care, they will eventually come to the most sound view—mine! In that sense, I believe I have articulated one question, distinguished two answers, and proposed that one of them is right.

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