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Comment on Fred Kauffeld: “Two Views of the Necessity to Manifest Rationality in Argumentation”

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In the last couple of years, reading the work of Jean Goodwin and Fred Kauffeld has won me over what Jean has called a “design theoretic” approach to the “normative pragmatics of arguing”¹ and which Fred in this paper is calling the “interactionist view” of probative obligations. Jean has said (Goodwin 2002, p. 6)

[t]he 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 the approach to that task which she once labeled *design theory* tells a story in which “norms arise because arguers so act as to impose them on themselves and each other.”² This, it seems to me, is precisely what Fred Kauffeld is attempting to offer us in this paper.

Because I’ve already been won over to this way of thinking, when Fred presents me with this paper, he is preaching to the converted, as it were. However, there are two reasons why I find his present paper especially illuminating.

1. Fred’s responsible and thoughtful attempt to compare and contrast his view of the basis of probative obligations with Ralph Johnson’s has brought into much clearer focus for me my unease with certain aspects of Johnson’s account of argumentation in *Manifest Rationality* (Johnson 2002). For a long time, that account of what the practice of argumentation requires of its practitioners has struck me as an “expansive” view which requires from arguers much more than it seems reasonable to expect in most of the contexts in which argumentation transpires.

Like Fred, I think that Johnson’s account

may be satisfactory for some kinds of argumentation, i.e., argumentation exchanged among persons who share a similar conception of the practice of argumentation and for whom rationality is the primary good to be pursued [p. 8 of ms].³

¹ In Goodwin 2002. See also Goodwin 2007.

² Goodwin 2002, p. 10. She adds, “theory ought to analyze the arguers’ strategies and explain how they work.”

³ Fred has suggested (ms, p.2) that *philosophical* argumentation provides Johnson’s exemplar for the practice he is describing – a suggestion that Johnson’s own remarks (2000, p. 158) make plausible.

Moreover, I agree with Kauffeld that by conceiving argumentation as a practice in which has “manifest rationality” is a principal “internal good,” Johnson puts himself in a position explain how probative obligations – and especially dialectical obligations – arise out of the need to *seem* as well as *be* rational.⁴ But Kauffeld (ms. p. 7) sees “two closely related weaknesses” when these ideas are applied to the probative obligations that “commonly” arise – i.e., that arise in a host of everyday situations in which people expect each other to provide reasons for their claims or suggestions, as well as to answer objections to them. As I read Fred’s paper, those weaknesses center around two facts which he thinks Johnson’s conception fails to take into account.

- a) Given the “liabilities of rationality” – its vulnerability to abuse and error and the prudential costs that it imposes – many will be “unwilling to undertake the *fulsome commitment* [to] rationality Johnson attributes to the practitioner of argument”⁵
- b) Johnson’s story sheds no light on the much more *limited* burdens of proof or rejoinder which people *in fact* commonly undertake, as exemplified in King’s “Letter from Birmingham Jail.”

I think these points are basically valid, and they help me to understand my unease with the expansiveness of Johnson’s account. Moreover, the interactionist view outlined in Fred’s paper takes the “liabilities of rationality” quite seriously, and is able to make sense of why *limited* burdens of proof or rejoinder are reasonable in so much everyday argumentation.

2. Fred attempts to link his account of the basis of burdens of proof to an explicit account – drawn from Warnock – of what *obligation* is. This is, I think, an important and very positive development, and for two reasons.

(a) Until quite recently, the difficulties Johnson has encountered spelling out just *how far* an arguer’s “dialectical obligations” extend has made me skeptical of the very idea of assessing an arguer’s performance in terms of whether she has discharged her dialectical *obligations*.⁶ But by offering an explicit account of obligation, linked to the interactionist view that arguers assume quite *specific* probative obligations for quite *specific* strategic

⁴ Which is how Johnson himself puts it (2000. pp. 163-64), with respect to why the arguer “is obligated to respond to criticisms and objections from others and not ignore them or sweep them under the carpet.” He says that failure to respond to criticisms and objections from others would violate the norm of manifest rationality because (p. 164) “it would not only not *be* rational, it would not *look* rational.”

⁵ Ms. p. 8, with emphasis added. See also ms. p. 9 (again with emphasis added): “On Johnson’s account, once one purports to occupy the status of practitioner of argumentation, a corresponding *full fledged and unqualified* obligation to promote rationality descends on the arguer.”

⁶ I have suggested to Johnson in several conversations that he might do better to abandon the notion of dialectical *obligation*, and simply to recognize that failure to address some specification objection, or to respond to a competing view, can sometimes be taken to be a *weakness* in the argument or case somebody has made. I have also suggested that it would be up to the *critic* who alleges such a weakness to make a case for claiming the omission is indeed a weakness in the case at hand – that there is some special reason why the arguer should have addressed that *particular* objection or contrary view in the context at hand.

reasons, Kauffeld lays the grounds of my skepticism to rest. To oversimplify: Fred's account makes it possible to say that an arguer's probative obligations are limited to what that arguer has more or less explicitly undertaken to do in the situation at hand – both with respect to *what* she has undertaken to offer reasons *for* and with respect to *extent* and the “*style*” of the reasons she has committed herself to produce.

(b) By linking his account of burdens of proof to an explicit account of obligation, Fred brings into focus what I can now see as an important question about such burdens. Let me explain.

Two paragraphs back, I bent Kauffeld's account in a direction he may not be entirely comfortable with, since I assumed that probative obligations are *always* freely undertaken by those who are subject to them. I am not sure whether the account of obligation that Kauffeld takes over from Warnock is consistent with restricting probative obligations to those that are freely undertaken. In Warnock's account, only the third clause deals with the actions *by* which a person may have incurred an obligation, and it references such actions rather indirectly. In that clause, Warnock says that when a person is obligated to perform a given action

- (iii) he or she must so act in order to avoid speaking or having spoken or even having acted falsely.

Now, in a paper on burdens of rejoinder which has just appeared in print (Pinto 2007), I offered an account of how we assume or become entangled in obligations *through* that we do.⁷ Though I was unaware of Warnock's account of obligation when I produced it, my account bears a strong resemblance to his in a couple of respects.⁸ However, a crucial feature of my account is that a person incurs an obligation to do Y by performing an action which she knows or ought to know *gives others a reason* to think they can rely on her to do Y. If this be taken as a *necessary* condition of incurring an obligation – or at least a necessary condition of incurring a *probative* obligation – then probative burdens will always be freely assumed.

I do not know whether Fred is willing to follow me in the step I just outlined. I suspect he is not. At one point in his paper he says (ms. p. 10, with emphasis added) that an *accuser's* commitment to treat an accused fairly “may suffice to oblige the *accused* to participate in a discussion which the accused would otherwise avoid.” And at another

⁷ What I offered did not take the form of a definition or “analysis”, but rather attempted to formulate a sufficient condition for assuming an obligation with respect to an action y by performing some other action x. It ran as follows:

By doing x a person S assumes or becomes subject to an obligation to do or to have done y if

- i) by doing x S gives someone else O a reason to believe she can rely on S to have done y or to do y
- ii) S knows or ought to know that by doing x she will give O a reason to so believe, and
- iii) giving O a reason to so believe is likely to induce O to perform some action that would be a waste of O's resources if S has not done y or would fail to do it when called upon to do so.

⁸ In my account, as in Warnock's, the notion of others relying on me to perform a certain action, as well as the notion that others will likely suffer some sort of harm if I fail to act, play central roles.

point (ms. p. 11) he says about King, “Having presumptively established his status as a patient and reasonable man of good faith, King uses that status as platform from which to impose an obligation on his fellow clergy to answer for their failure to support his cause.” These comments appear to echo words I quoted from Jean Goodwin at the beginning of this paper, she spoke of arguers imposing norms “on themselves *and each other*” (emphasis added).

It is of course a commonly accepted notion that I can be subject to obligations which I do not freely assume – as when, for example, the authorities in certain jurisdiction enact legislation which imposes on me an obligation of military service.⁹ But leaving aside the very general question of whether I can be subject to *any* obligations which I do not freely assume, I would like to know whether Fred thinks it is indeed possible for one person to impose a probative burden on another which the other does not freely assume and, if he thinks it *is* possible, I would like a fuller account of what he thinks makes it possible.

I now see these as important questions that I could not have asked were it not for the light shone on probative obligations by the paper we have just heard.

[link to paper](#)

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⁹ Though even with respect to obligations arising from “positive law” there is a long tradition, going back to Plato’s *Crito*, that views my obligation to obey the laws of the state as arising from my having chosen to continue to live within its borders!