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Shifting focus from the universal audience to the common good

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ABSTRACT: Humanist concerns to empower human beings and to promote justice inspired the modern argumentation movement. Turning to audience adherence and acceptability of inferential links raised a spectre of pernicious relativism that undermines concerns for justice. Invoking Perelman's *universal audience* as a remedy only begs the question with 'whose universal audience?' and frustrates fulfilling the justice commitment. Turning discourse toward the *common good* better addresses concerns of justice and social justice.

KEYWORDS: abstract individual, applied ethics, appropriative alienation, common good, humanist principles, jurist, nothingness, philosophy of argument, reification, social justice, subjective idealism.

1. INTRODUCTION: ORIGINS AND OUR INCOMPLETE PROJECT

Our modern argumentation movement is broad and diverse—combining explorations and rich discoveries from new rhetoric, informal logic, pragma-dialectics, communication theory, and dialogue logic.¹ And yet, thus far no one has enunciated a unifying theoretical foundation for a philosophy of argument *per se* in respect of both matters of content and matters of form, although there have been significant advances in matters of form. In fact, the APA does not recognize *philosophy of argument* as an area of specialization for graduate study and subsequent employment; and there is question among argumentation philosophers about whether such a philosophy is possible or even desirable. Nevertheless, a set of underpinning humanist principles was shared, at least implicitly, by early argumentation adherents, reviling with righteous indignation against the oppressive and antidemocratic realities of the day that challenged social morality and that provoked the movement into existence in the 1960s. Those principles subtly continue to animate the movement today (Boger 2006). However, the objects of these principles, namely, those of justice and social justice, and the empowerment of human beings against oppressive regimes, are in jeopardy of being subverted by two trends suffused within the argumentation movement itself, namely: (1) having shifted from truth and validity as normative principles of a good argument to audience adherence and premise acceptability (Boger 2005); and (2) having now focused on the pragmatics of discourse, especially with rules of critical discussion. The first trend brackets objective social reality, the second amounts to a new formalism—both trends obviate concern with the content of an argument in connection

¹ We use 'movement' here to be descriptive of the broad contours of concern for argumentation as generally defined by various trends that (1) trace their origins to the initiatives of Perelman, Toulmin, Hamblin, that (2) express commitments to justice, and that (3) consider a person's being adept with thinking critically, with argument analysis, as tantamount to his/her social empowerment.

with the movement's original inspiration. Perhaps we might add as a third feature subverting the movement's justice initiative the lack of a unifying philosophy of argument.

The negation of the despised formalist Cartesian rationality effected by new rhetoric and the emergence of informal logic has only been an abstract negation, an incomplete or ideal negation, just in its not addressing the material relations of production instantiated by reigning oppressive regimes with their absolutist (universalist and ahistorical) ideologies (Toulmin 2001: 156, 167; cf. Hamblin 1993: 242, 250). In great measure this is due to the movement's conflating *democracy* with *capitalism* (with its euphemism 'free market') and thereby inadvertently contributing to the appropriative alienation it had sought to dethrone (Boger 2009). We might cite, as emblematic toward problematizing concerns in our movement, Hamblin's critique of the rationalist's God's eye view, that

truth and validity are onlookers' concepts and presuppose a God's eye view of the arena ... [an onlooker might intervene but] become simply another participant in an enlarged dialectical situation and that the words 'true' and 'valid' have become, for [the participant] too, empty stylistic excrescences. To another onlooker, my statement that so-and-so is true is simply a statement of what I accept. (Hamblin 1993: 242)

Implicit here is a conception of freedom established on the notion of a disembodied, or isolated and abstract, individual severed from social reality, something contrary to the original impulse of argumentation philosophy, but, unfortunately, endemic to its self-identity.

This presentation proffers two related positions, namely: (1) that the argumentation movement as a social movement needs to establish itself on a firm philosophical foundation in order to re-integrate its justice-commitment; and (2) that this foundation itself consists in a set of 'self-evident' principles that are non-negotiable (in the sense of Etzioni 2010). In fact, we believe that there is already tacit universal agreement about these principles—our project is to help make evident their place in philosophy of argument. In this connection, then, our presentation has a philosophical orientation rather than addressing the pragmatics of argument or the analyses of arguments. Accordingly, it picks up philosophic threads already scattered throughout the movement's various currents, and asks for our recalling the humanist roots of our movement. In one sense, this discussion takes up Christopher Tindale's remark that

a theory of argumentation and its associated notion of reasonableness should contribute to the development of *the idea of the human*, facilitate an environment in which it can flourish, and promote ends that connect the threads of that project. (1999: 202; emphasis added)

Recognizing the spectre of pernicious relativism as haunting philosophy of argument and eclipsing efforts to effect justice, some philosophers have invoked the universal audience to mediate argumentative disputes. These invocations have failed in the face of increasing human suffering and deprivation in a globalizing world. Nevertheless, the humanism underpinning philosophy of argument profoundly recognizes the common dignity of human beings, a principle, moreover, that entails a sense of responsibility each person has both to herself/himself and to others. This being so, then, we suggest, in connection with the argumentation movement's concern for justice, that the movement finds its philosophical completion through embracing the notion of *the common good*, that in this way it can develop a firm *philosophical foundation for justice* and in the process allay pernicious relativism.

Our discussion consists in three parts. First, we identify the humanist principles running throughout the various currents of the argumentation movement (§2). Second, to indicate the incompleteness of our first negation, we turn to two problems suffused throughout the movement that frustrate fulfilling our social agenda. We further indicate how justice is accordingly eclipsed (§§3-4). And finally, towards effecting a second negation, a negation of the negation, that would re-appropriate the social agenda of empowerment, we show that one aspect of a philosophy of argument, besides its formal side already highly developed, must recognize that it is grounded in a humanism that embraces the notion of the common good and that this is a principal tenet of our philosophy of argument (§§5-6). Our thinking embraces the breadth and depth of argumentation study that has focused on the pragmatics of argument, just in its filling out the character of discourse foundational for a well-functioning democratic society. In this connection, our discussion aligns with the liberatory practices of Paulo Freire (1985, 1998, 2000, 2005; cf. Glass 2001).

2. OUR HUMANIST ORIENTATION

When we review the recent writings of argumentation theorists, especially those working within the contours of informal logic, pragma-dialectics, and dialogue logic, we cannot escape recognizing the pervasive concern with the well-being of human persons. Consider here, for example, the prolific writings of Frans van Eemeren & Rob Grootendorst (1992), Douglas Walton (1991), Ralph Johnson (2000), David Hitchcock (2002), Trudy Govier (1987, 1999), and Christopher Tindale (1999) to name a few. And, of course, these philosophers are deeply indebted to the progenitors of the modern argumentation movement, Charles Hamblin, Chaim Perelman, and Stephen Toulmin, all of whom have been moved by deeply-seated humanist concerns for justice. In this connection, we have identified a set of argumentation principles that are themselves rooted in 18th century Enlightenment philosophy proffering the rights of mankind (Boger 2006: 167):

- Argumentation opposes all kinds of philosophical absolutisms and promotes free and open rational deliberation in modern democratic, pluralistic society. Argumentation is egalitarian, opposing a top-down method of persuasion.
- Argumentation is associated with a notion of reasonableness that recognizes the relativity of diverse human experiences. Participants embrace, endorse, and cherish rationality, an especial human faculty.
- Argumentation recognizes that all thought is human thought, that knowledge is not impersonal but personal. Argumentation encourages personal development.
- An absolute precondition of argumentative practice is the assumption of good will. Argumentation recognizes the personhood of the other; participants respect other minds and their beliefs.
- Argumentation, in promoting the free exchange of ideas, recognizes the necessity to regulate argumentative discussion by means of dialogical rules that result from the various wills of participants. Participant obligations and responsibilities to abide the rules arise from a duty to respect the person of the Other.
- Argumentation promotes the values of —acting fairly, justly, honestly, and sharing; acting so as not to take advantage of a situation unfairly for the benefit of the one and the harm of the other. Participants eschew the use of prejudice and thoughtlessness. Participants forswear the use of force, flattery, trickery, deception, baneful use of the informal fallacies and illicit dialogue shifts.
- Argumentative discussion aims to change ignorance to knowledge, prejudice into reasoned judgment to promote human well-being. This is especially important since knowledge and beliefs aim at practical implementations that affect the well-being of the community of human beings. Argumentation promotes the idea of the human.

While we have identified these principles more recently, we nevertheless recognize them as having underpinned argumentation philosophy from the start, especially in respect of its taking argumentation to be centrally a human activity, indeed, a social activity, involving real persons with real interests. We might easily recognize that the axiom underlying Immanuel Kant's deontological ethic, namely, that "*rational nature exists as an end in itself*", underpins all philosophy of argument in connection with its humanist objectives (without committing these philosophers necessarily to a Kantian ethic). This should come as no surprise for western peoples, since its expression, in one form or another, traces back to Aristotle and privileges moral standing of human beings in the natural world; it is also a foundational aspect of modern liberal social philosophy.

Since it is common among those who take a more philosophical tack when treating argumentation matters to invoke various aspects of Kant's moral philosophy, whether in the form of a regulative principle or moral imperative, we might then invoke other aspects of this thinking. Here we include the important distinction between *person* and *thing*, where a person is taken as existing for-itself, having all its value in-itself, while a thing strictly speaking has only instrumental value, a value relative to something other than itself. Thus, immorality is defined as 'treating a person as a thing', as having instrumental value. Whether we deduce from this axiom the practical imperative, and whether we modify that imperative somehow according to utility, we recognize this *axiom* to underlie a moral imperative more commonly expressed as the *golden rule*, that itself underlies all the specific practical imperatives that arise during theorizing about argumentative discussion. All seven items cited above are deducible (with appropriate background) from this axiom. We take it, then, that informal logic, or any of the non-formal currents within the argumentation movement such as pragma-dialectics, is more appropriately appreciated as an *applied ethic* than strictly speaking as an applied epistemology (Boger 2006).

Now, taking our lead from Kantian (or Kantianistic) thinking characteristic of some informal logicians and pragma-dialecticians, we cite the notion that a person is *above all market price*. And here we ask whether this kind of moral philosophy requires the promotion of positive human rights and not merely negative rights. What are the practical implications that issue from such a principle for the argumentation movement just in its being a social movement founded upon concerns for justice and human empowerment? The rules of critical discussion seem more aligned with libertarian thinking than with a classical principle lying at the core of enlightenment political philosophy, namely, that the larger community compassing and organizing the association of human beings (the state) exists for the well-being of its members, not merely to prevent incursion upon or abrogation of one member's rights by another member's actions.

3. AN INCOMPLETE NEGATION OF OPPRESSION: REAFFIRMING THE DISEMBODIED INDIVIDUAL

Let us begin by affirming that in the cause of justice and social justice we must move beyond a call for 'equal opportunity', that such a call, or principle, proffered as an end and not as a means, is inadequate to meet genuine needs of human persons in modern times—the call by itself is now outdated, albeit not achieved even modestly. Let us furthermore call such a principle 'formal'. With this proposition (about the inadequacy of 'equal opportunity') we have already struck a nerve, not only within the reigning regime

but also within our own social movement infected by the privileges of class, education, gender, and racial identity. For, abiding the rules for critical discussion does not in itself address the underlying moral concerns of social injustice announced in the argumentation movement's manifesto writings. The formalism implicit in the principle of equal opportunity is the analog of that in the rules of crucial discussion—neither addresses eliminating the underlying infrastructural inequalities and both provide a cloaked ideological instrument of continuing appropriative alienation and the domination of the oppressor culture.² We are concerned that these new logicians, taking joy in throwing off the shackles of an old idealist metaphysic *per* Hamblin, and then revelling in the newfound freedom, really reassert a form of pure subjectivity that recognizes nothing external as having authority. Hegel did not mince words in his criticism of Kant's moral philosophy.

This philosophy made an end of the metaphysic of the understanding as an objective dogmatism, but in fact it merely transformed it into a subjective dogmatism, i.e. into a consciousness in which these same finite determinations of the understanding persist, and the question of what is true in and for itself has been abandoned. (Hegel 1968: 427)

The concern we address in this discussion is philosophical. We suggest that argumentation philosophers, while ardently promoting the forms of democratic discourse, have inadvertently become apologists for privilege and inequality within a reigning *status quo* and in the process compromise genuine concerns for justice by becoming just as *abstract*, or formal, as their first objects of scorn.

3.1. Reifying dialogical forms of argument results in the nothingness of argument content

Philosophers of argument have universally aimed to *materialize* logic (to focus attention on content and context) to embrace the *concrete given-ness* of an argument, and to throw off the abstract and oppressive formalism of Cartesian rationalism. From the start an important feature of argumentation study has been recognizing the complexity of human reasoning and appreciating the *context relativity* of cogency and inferential links, even of truth and falsity. Identifying an argument's purpose to rest in its gaining audience adherence, as being meaningful only in an individual context, has resulted in re-centering logic (1) on acceptability away from truth, on participant-determined cogency, on the relativity of varying narratives, and consequently (2) on the formal pragmatics of discourse management or, that is, on the rules for *managing* an argumentative discussion, which is foundationally dialogical. There has been a significant shift, for example, in evaluating informal fallacies—from considering them mistakes of reasoning to now considering them illicit dialogic practices. Moving in this direction has required suspending judgments about objective truth and falsity and about propositional implication relations—these have been bracketed and effectively placed beyond human apprehension without objective means for mediating knowledge of them. Abandoning concern with establishing

² We use 'formal' ('formalism') to compass not only the traditional sense that distinguishes the *form* of an argument from its *content* but also a sense that characterizes the rules used for managing an argumentative discourse (or situation) as distinct from an argument's content. In both senses, that of formal logic and that of, say, pragma-dialectics, the focus of concern is not on the content *per se* but on 'forms of argument'. This similarity is evident when we consider that for formal logic an argument consists in propositions with a strict syntax and for pragma-dialectics an argument is a social activity consisting in speech-acts.

knowledge, say, with establishing who is right who wrong in a given controversy, and shifting concern from objectivity to acceptability admits only of treating the forms or rules of argumentation. This amounts to surrendering concern for justice, or, that is, leaving concerns for justice to reside with the mediator, or judge—justice amounts to following the rules, whatever the content of a controversy. When argumentation philosophers negated the formalism of traditional logic, whose rationalism seemed to disregard the messy content of an argument, they produced an equally pernicious formalism and drew no closer to real arguments. This formalism appears in the dialogical or pragmatodialectical rules of critical discussion.³

An irony of moving in this direction consists in these philosophers having distanced themselves from genuine realizations of justice just because such realizations require objective knowledge and not merely discourse management. Their negation of oppressive absolutism is incomplete and abstract—it has resulted in establishing *the nothingness* of each discourse in a controversy and producing a residue of pure, abstract individuality. The putative affirmation of a thoroughgoing contextual subjectivity is empty just in its *denial* that the being of the one is identified and mediated through the being of the other as these are thoroughly immersed in *objective social praxis*. This is precisely a failing of libertarian philosophy. It denies the truth of social being, which has now become bracketed and, for all practical purposes, inaccessible. All discourses become equal; any hierarchic sifting out, any so-called ‘winner’, is the one best adept at marshalling rules.

3.2. *The vacuity of the universal audience*

Argumentation philosophers have recognized a need to mediate a given discourse (or dispute) by something *other than itself* in order to avoid pernicious relativism. They recognize that otherwise a discourse remains empty and abstract with only the appearance of fullness and individual identity. In this connection, with a turn away from embracing a traditional purpose of argumentation as *establishing truth and objective knowledge* using formal logic *instrumentally* and then toward *establishing audience adherence*, some argumentation logicians have invoked *the universal audience* (e.g., Tindale 1999) or a community of model interlocutors (e.g., Johnson 2000). However, considering such an audience to be merely a useful fiction, at best a Kantian regulative principle, they have vacillated between a particular audience and *its* universal audience with the result that knowledge of the particular remains bracketed as a thing-itself and thus itself forever inviolable. And this inviolability equally applies to the universal audience. They remain in the alienated condition of subjective idealism. And just here injustice can insinuate its pernicious intention to deny the just causes of the disenfranchised, the marginalized and oppressed, whether they are or are not self-aware of their own conditions. This tack masks an *appropriative alienation* by means of universalizing a subjective certainty that provides only the illusions of freedom and recognition necessary for a just society. And

³ Our discussion aims to highlight one aspect of a shortcoming of the argumentation movement in respect of a commitment to justice. In this connection, we embrace the notion that the rules of critical discussion, for example, are an important dimension of an argumentative situation for effecting justice. Our remarks are meant to embrace those rules, but, further, to indicate that by themselves they are inadequate for a fuller realization of justice.

exercising good will is an inadequate antidote, however much a welcomed part of any argumentative situation.

Once cogency, now expressed as reasonableness, is relativized to what is acceptable to a given audience's epistemic standards, philosophers of argument have inescapably vacillated between (1) fixing an internal, emergent standard while recognizing the need for an objective standard and then (2) immediately recognizing and then recoiling from its becoming an external standard. Consequently, all meaningful distinctions between is and ought, being and thinking, knowledge and belief, reality and appearance, the necessary and the contingent become conflated and empty. Genuine mediation of opposites becomes entirely eclipsed, save for an exercise of good will. While astutely aware of this predicament, argumentationists have not been able to provide a philosophical foundation for empowering the disenfranchised and marginalized, that is, again, besides supplying, or democratizing, rules of argumentative discourse. Again, this is something crucially important and necessary but not sufficient for effecting genuine justice. Justice remains elusive and abstract, subordinated to pragmatic utility, and frustrated by continually encountering only subjective certainty and the nothingness of both extremes. The particular audience and the universal audience repel one another and each falls away as an empty abstraction. The whole project of knowledge or possible knowledge remains suspended within subjectivity and abandons access to the knowability of the external object, the other—whether in the form of another person or other peoples, the universal audience, or the objective material and practical social ground that underlies all human discourse and activity.

4. PROBLEMATIZING THE PROJECT

A philosophical project before argumentation theorists, and we might venture to affirm it to be *the problem* before the argumentation movement itself, has been to exorcise the spectre of pernicious relativism. Efforts in this connection have principally focussed on demonstrating how the universal audience arises from within a particular audience while simultaneously not itself becoming just another particular audience. Success would overcome their own alienation by recognizing the objective reality of the multiplicity of argumentative discourses *of which they themselves are a part*. Success would also entail distinguishing discourses that promote justice from those that promote injustice.⁴ However, Perelman had already prefigured failures in this project when he abandoned the universal audience that might serve as a genuine norm along with scuttling the model of Cartesian rationalism that failed in providing incontestable truths or facts—every fact “loses its [objective] status as soon as it is no longer used as a possible starting point, but as the conclusion of an argumentation”. And what holds for facts holds also for truths—“[e]verything just said about *facts* is equally applicable to what are called *truths*” (Perelman 68).

When philosophers of argument aim to construct the universal audience, their manner of characterizing the *content* of the universal audience never provides confidence in its efficacy to mediate difference and ameliorate conflict to achieve *material justice*

⁴ Of course, this statement might be taken to ‘beg the question’ about justice, for we might hear someone ask ‘whose justice?’ just as has been asked ‘whose universal audience?’, ‘whose truth?’, ‘whose sense of cogency?’. Our project here is to extend discussion of this matter among philosophers of argument.

and not merely to apply pragmatic disputation rules. The following is a gloss of various treatments of this matter to indicate the shortcoming of these attempts.

The universal audience somehow lying within a particular audience is constructed from the mind of the arguer as an imagined tool or regulative principle with heuristic ends. Somehow it is the universalization of the particular in its context. By certain universalizing techniques, emerging from standards that an audience would deem on reflection to be relevant—in the appropriate way sufficient to support the conclusion; drawn with the appropriate sensitivity; standards of relevance and rationality in the broader culture; ultimately persuasive for anyone who thinks in the normal way; in the long run, by any audience relevantly similar to the audience—the participants aim to broaden the audience as much as possible in order to transcend a milieu or a given epoch. These participants are model ‘ordinary people’, namely those in possession of high critical standards, outstanding exemplars but not gods. Premise acceptability is adjudicated by the pertinent community of ideal interlocutors and only arguments that can be universally admitted are judged reasonable. The universal is fully grounded in the practical requirements of the real just in its being the distillation of the concrete audience. Only premises are admitted that are universalizable, that is, not contradictory. (Boger 2010)

Tindale, while valuing reasonableness over effectiveness, poignantly observes that “of course, the racist himself, as well as most of his audience, may not recognize this, *but the evaluator will*, and now he has a clear *reason* for why such statements should be rejected” (see Tindale 1999: 114-115). This, of course, is just the problem *not overcome* with these attempts at constructing a universal audience. Subjective idealism instantiates the nothingness of the multitude of argumentative discourses, brackets the objective infrastructural social ground and thus obviating it as useful for genuine mediation, and amounts to sanctioning the prevailing social injustices, whatever the intentions of persons of good will (see Figs. 1 and 2).

Again, an irony of this situation is that the evaluator, the one supposed to recognize prejudices (contradictions?), must in fact become external to the particular community to be meaningful or else lose its objective content. However, such an evaluator arising from a given community, consisting in a milieu of contrary sets of beliefs, collapses back into that community. They have what appears to be an impossible task (or responsibility), namely, to distance themselves from their long cherished prejudices, to become *ideal people*, sufficiently able to bracket their own subjective context. However, universality continually converts to particularity, and we are none the closer to answering the racist. And the assurance provided by some argumentationists—that, while the racist misses the point, the non-omniscient evaluator catches it because, armed with the method of categorical thinking, “he has a clear *reason* for why such statements should be rejected”—this wishful thinking is not comforting as they burn another Rosewood to the ground. The universal audience is *an empty abstraction*, that by itself lends no help toward rectifying any injustice, let alone promoting a deeper culture of justice.

SHIFTING FOCUS



Figures 1 & 2: Argumentation and *strange fruit* ... as the good town's folk gather for a family outing under the umbrella of *their* universal audience.

We now are faced with a question arising among argumentationists about managing an argumentative situation, namely—who is the judge in such situations? Four candidates come to mind. There are:

- (1) Either the one or the other of two disputants engaged in an argumentative situation; or
- (2) The mediator, putatively disinterested, facilitating a given dispute according to rules of critical discussion; or

- (3) The universal audience, again, not a transcendent (perhaps transcendental?) entity;
or
- (4) The philosophers or analysts of disputation, who apparently are outside a given dispute in their having a metasytematic orientation.

The universal audience fails to promote justice, and we seem to be faced with an unsavory prospect of deciding against our own principles of non-interference, or so-called objective mediation. Is there any foundational agreement among philosophers of argument that might dispel the spectre of pernicious relativism?

5. A NEGATION OF THE NEGATION: MOVING TOWARD EFFECTING JUSTICE

5.1. *The philosophical requirement for grounding philosophy of argument*

Thinking back on Hamblin's remark about *onlookers' concepts*, whom might we consider satisfactory among those possible judges, that is, working within a culture of domination? Relativizing cogency to what are acceptable epistemic standards for a given audience results in a vacillation, or dissemblance, that masks the hegemony of the prevailing ruling authority in the larger social context, a context beset by profound controversies crying out for justice and an objectification of injustice. The rule of law—in the case of argumentation philosophy, the *rules of critical discussion*—masks the reality of the arbitrariness of the evaluator. And this arbitrariness is directed against historical necessity through the power of the jurist—the legislator, mediator, arbiter, evaluator; might we add the philosopher of argument?—over social contradictions. The judge in these cases takes on the semblance of objectivity. However, the independence of the mediator, acting in accord with pure duty in officiating a set of rules, masks his particularistic and arbitrary intention. It might even be the case that this judge is himself unaware of his particularist officiating. His universality, or objectivity, is inauthentic and purely formal. Mediation turns out to be vested in an *external judge* and thus open to the discretion of his arbitrary will. We need something more foundational and constitutive of the human condition to provide an objective vantage point.

Since the universal audience, as thus far presented, is informed only by subjective certainty—which amounts to the nothingness of pure subjectivity unmediated by objective infrastructural relations—it can never achieve genuine independence and thus it can never become adequately objective in its mediations. This amounts to resurrecting Kant's subjective idealism to bracket as inaccessible and unknowable the very social ground required for a satisfactory resolution of conflicts and the genuine promotion of justice.

The social outcome of this vacillating is to leave vulnerable those lacking power. Their interests are eclipsed, that is, appropriated, by the rival power already vested in the state or in a prevailing authority, often legitimating itself through religious dogma, rule of law, national security, or various forms of intimidation. The appearance of objectivity and universality masks an appropriative posture, whether or not this posture is intentional. We have only to appeal to recent labor negotiations in the US to witness inequality at work, or the outcomes of mediating divorces, or addressing concerns of persons held on suspicion of terrorism but never being charged ... and our situation only promises to worsen and intensify.

An irony of argumentation philosophers consists in their encountering in their own thinking the very object of their original scorn. When they critiqued oppression, Cartesian rationalism a part of that object, they did not recognize their complicity in bourgeois ideology. They accepted that the principles of free and open political discourse had been eclipsed, but they did not delve deeper to critique the infrastructural class relations of production that continually reproduce structural injustices. Every attempt to address pernicious relativism resulted in constructing, naturally enough, something independent and apparently external. But having generalized over ‘independence’ as alien and oppressive, as necessarily instantiating forms of Cartesian rationalism, they rejected such constructions and threw out the baby with the bathwater.⁵

Nevertheless, buried within the integument of liberal political philosophy that embraces the forms of personal liberty, but which also reifies the abstract individual, are the deeper principles of the worth of the human person. This situation characterizes a vital strain of the argumentation movement. Once philosophers of argument connect their interests in critical discussion with an analysis of modern oppression using categories of gender, race and ethnicity, and class, they can then burst asunder the bourgeois integument of democratic liberty—infected as it is by the notion of the de-contextualised individual and by the distorting of freedom through conflating democracy with capitalism—as incompatible with their valuing human persons. In fact, they already recognize that their moral values, which maintain the moral equality of all human persons, are incompatible with prevailing market society values, which focus rather on quantifying the hierarchy of social roles performed by persons than on recognizing the worth of the human person. Thus, once taking seriously the notion that the human person is above all market price, we can easily embrace the common good and promote the principle that the state exists, not to secure the maximization of wealth for the few but the maximization of virtue and well-being for the multitude. We propose that the notion of *the common good* contributes toward this negation of the negation and the fulfilment of the *social agenda* of the argumentation movement for social justice.

5.2. *Incorporating a notion of the common good—opening a way toward justice*

Contemporary philosophers treating the notion of the *common good* trace their thinking to Aristotle and St. Thomas Aquinas and mean to refer to the end, or purpose, of political and social life—that is, the life and well-being of a community as a whole. The common good in this classical tradition refers to a positive good and not merely to an instrumental or secondary good subordinate to particular goods. Corollary concerns in connection with the common good address the meaning of life, the good life, individual virtue, and human flourishing or happiness. Below we identify some of the principal features within the notion of the common good, which, we believe, already lie within the humanist core of the argumentation movement.

- Human beings are social beings. They live in communities, whether immediately in families or more mediately in social associations such as clubs, religious asso-

⁵ It is interesting to note that those who invoke a form of universal audience invariably discover, or invariably construct, it to possess the principles of a rationalism they wish to reject, namely, its possessing the principle of contradiction.

ciations, neighborhoods, political districts, and other organizations subsidiary to a community as a whole.

- Human beings are not solitary and isolated individuals. They are inextricably dependent upon a complex network of social relationships beginning with the care of parents, family, and community, and continuing up through education, and an array of material provisions in a complex social division of social labor.
- The content of individual human identity is thoroughly social. An individual's manners, language, customs, practices, wants and desires are informed by the society of which he/she is a member.
- Human life—the life of each human person—is valuable in-itself. This value subsists without reference to any external utility. Each human person has dignity and is accordingly worthy of respect.
- The well-being of the individual persons composing a community and the well-being of the community itself are interdependent and mutually beneficial.
- The human good requires the development of virtue. The cultivation of each person's virtue, or moral goodness, is a crucial constituent for living the happy life.
- Moral virtue is thoroughly social. Goodness is bound up with the social good; in fact, social stability is contingent upon its members have regard for one another and the community of which they are a part.
- A signature feature of a healthy, or well-functioning, community is its securing the well-being of its members and its promoting their personal virtues.
- The purpose of human association is itself a good—the special good that makes political association intelligible. This is, in fact, the common good that serves as a regulative principle of social and political life.
- Each community is organized to secure the daily life of its members and to reproduce itself. Whether its organization is simple or complex, its organization is structured to appropriate materials from nature, have them transformed through labor into useful goods, to circulate them through the community for their consumption by its members.

This list might well be augmented. Here we intend more modestly to initiate further discussion. In any case, we can appreciate that these statements are principal to the humanist ethic underlying argumentation philosophy, whether having a deontological or a utilitarian slant, but perhaps they are especially pertinent to virtue ethics as the thinking here resonates with the humanist principles identified above (§2).

Now, none of these statements is especially controversial, that is, that people generally work within or from this moral framework; and this is the case inclusive of persons within and outside the argumentation movement, even of persons working from quite difference political ideologies. Moreover, each statement might well be taken as 'self-evident', in the sense that its truth is graspable upon reflection or intuitively (Etzioni 2010). We might further affirm that most people accept the intension of the notion of *person* underlining these statements. And were we to invoke Kant's reasoning, familiar to many philosophers of argument, for the universality of his categorical imperative, we can easily accept that all persons come to appreciate the moral worth of the other as analogous to their own self-worth as an end. The universality of this thinking is especially evident when we consider that most peoples of the world operate on some formulation of the

golden rule. Traditionally the problem has not lain in accepting the intension of *person*; rather the human community has been plagued with arbitrarily delimiting the extension of *person*, for example, developing an ontology that excludes certain peoples to justify enslaving them as possessing only thinghood. This matter, of course, is seriously problematic. Nevertheless, we can still recognize a foundational principle that has universal acceptance where the universal audience seems to fall short.

Putting aside the matter of the intension and extension of *person*, we can appreciate that controversy about these statements emerges when we consider the moral consequences for action that logically issue from them. This is especially the case in respect of determining the responsibilities that are attributable to the larger community of which persons are members, that is, attributable to the state, or nation-state. Here minimally we might note the following without argumentation, our purpose being to elevate discussion about our proposal.

- The supreme virtue is social justice. This involves reciprocity between fellow citizens for the common pursuit of each person's virtue and the mutual identity of the community and the persons composing it.
- The purpose of the state is to secure the excellence of its citizens. The complex of relationships that combine to produce a society, or nation-state, ought to be organized to promote the development of personal excellence necessary for happiness and the good life. Embracing the common good is constitutive of genuine human flourishing.

The common good is not an aggregation of separate useful goods, material or spiritual, but a *dialectically interdependent association* of persons with the special concern to address the character of its citizens—a community unconcerned with the character of the citizens is a community *in name only* (to import an Aristotelian notion).

To hold that human life, the life of each human person, has intrinsic worth, and moreover, that human beings are social beings, requires our recognizing that the community has a responsibility to secure the common good and that the members of the community should aim to form consensus on the common good. In respect of social justice, the community should serve the good of all its citizens and not merely serve the particular good of one group or class. This entails that the 'business' of the state does not lie in the protection of the private ownership of the means of production and subsistence in the hands of a few, but in securing the well-being of all its members. Securing the well-being of a community's members requires a coherent social complex of supportive practices and institutions that promote the perfection of virtue.

Underlying controversies about accepting this principle arise because of certain predilections people have toward favouring their own group against others. Be that as it may, our concern here is to promote replacing the universal audience with the notion of the common good. Incorporating the notion of the common good in philosophy of argument poses less philosophical problems than does the universal audience, just in its deflecting the criticism that it becomes just another particular audience. The theoretical content of the common good already underlies the moral principles of most persons and thus it possesses a universality not shared by the universal audience. Its intentional and widespread acceptance has been thwarted by particularist class interests confusing the people with false consciousness about freedom and eclipsing the classical notion of the state in

the process. In this connection, then, we believe that promoting the use of rules of critical discussion by themselves is inadequate to fulfill the justice-commitment of the modern argumentation movement. Perhaps now, as world crises continue to expand and deepen, we in the argumentation movement might find it morally imperative to elevate argumentative discourse about the common good while deploying the rules of critical discussion to facilitate that discourse likely beset with reasonable and unreasonable hostilities (as expression borrowed from Karen Tracy's keynote address "Reasonable hostility: argument and emotion in citizen participation" at the 2011 OSSA conference).

6. CONCLUDING REMARKS

Working through how argumentation philosophers address the problem of nihilistic relativism, we continually encounter a vacillation between the universal audience being transcendent and not being transcendent, between its being concrete and populated yet rising above a given milieu, between being *an* audience and *the* audience, between fixing an argument and its continually changing, between standards that are objective and those that are embedded in a particular context. The individual self becomes abstract and not informed by objective social infrastructural relations because individual discourse narratives have been infinitely atomized. Being informed only by subjective certainty, the universal audience can never achieve the independence necessary to mediate conflict objectively. Consequently, this vacillation, or dissemblance, *masks* the oppressive hegemony of the prevailing ruling authority in the larger social context where profound controversies require justice and an *objectification of injustice*. Appropriative alienation is accordingly masked and there appears the illusion of universal and objective morality and justice which is, in truth, particularistic. The underlying *moral attitude* here is contradictory in respect of (1) its consciously producing the object to be itself through its active subjectivity and (2) its recognizing for its own validation the necessity of this object to be outside itself, the other, but then having immediately to deny its independence.

Shifting from trying to exorcise pernicious relativism by invoking the universal audience to the common good provides a *firm philosophical underpinning* for effecting justice. Given the reality that vast populations of the human community are marginalized, poor, disenfranchised, undereducated and non-lawyers while at the same time living within states governed by the rule of law as well as being powerless and subject to the governing powers, both in respect of their laws and their priorities, these peoples have little chance of receiving justice when they subscribe to the rules of critical discussion without also incorporating the categories that explain inequality, namely, those of class, race and ethnicity, and gender. And while we embrace all exercises of good will while employing the rules for critical discussion, we believe that by themselves they are inadequate for materially rectifying the inequalities of the modern world. We believe that the world's vast social inequalities are structural and rooted in class domination and super-exploitation and that this is an objective fact of the modern world. We call on philosophers of argument to consult an argument's context in these ways in order to combat injustice in meaningful ways.

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Commentary on “SHIFTING FOCUS FROM THE UNIVERSAL AUDIENCE TO THE COMMON GOOD” by George Boger

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1. WHAT BOGER MEANS BY PHILOSOPHY OF ARGUMENT

Since Boger says that his presentation “has a philosophical orientation rather than addressing the pragmatics of argument or their analyses”, I find the concept of *philosophy of argument* is crucial to both his discussion and my comment. In the body of his paper the term of “philosophy of argument” appears 11 times, and the term of “argumentation philosophy” 4 times. When reading Boger’s paper, I am eager to know what he means by “philosophy of argument”, however he does not explain it.

As we have known, Govier first uses the expression “philosophy of argument” to describe what has been called “informal logic”. According to Govier (1999: 95), “informal logic, or, as we might better say, the nonformal, *philosophical theory of argument* is still the poor sister” (Italics original). She (1999: 100) also holds that “it is surely no overstatement to say that there is such a thing as *the philosophy of argument*” (Italics original). Blair (2009) uses the same expression to refer to what he calls a legitimate special area of philosophy and argues that “it seems far from clear that whatever counts as informal logic is the philosophy of argument”.

Even though Govier and Blair use “philosophy of argument” in different ways, its meaning is clear in their respective books or papers. However, this term in Boger’s paper seems very ambiguous. Boger often uses the expressions of “philosophers of argument” or “argumentation philosophers” to refer to those theorists who work in the field of what he calls “modern argumentation movement”. This suggests that one sense of Boger’s “philosophy of argument” is modern argumentation movement itself. According to this usage, new rhetoric, informal logic, pragma-dialectics, communication theory, dialogue logic and other approaches to argumentation all belong to what he means by “philosophy of argument”.

On the other hand, in the end of the first paragraph of his paper Boger mentions what he calls the third feature of modern argumentation movement—“the lack of a unifying philosophy of argument”. Clearly the term here is not equivalent to “modern argumentation movement”. Here comes what I consider as the second meaning of Boger’s “philosophy of argument”. In my view, what he means by “a unifying philosophy of argument” that underpins modern argumentation movement could be best understood as a set of philosophical assumptions shared by various currents of that movement. It is clear

enough for us that a set of assumptions underlying modern argumentation movement is not the same as that movement itself.

Because of the ambiguity of “philosophy of argument”, some expressions in Boger’s paper also seem quite ambiguous and misleading, such as “a unifying theoretical foundation for a philosophy of argument *per se*”, “the philosophical requirement for grounding philosophy of argument”, “the humanism underpinning philosophy of argument”, “the humanist ethic underlying argumentation philosophy” and “the original impulse of argumentation philosophy”.

2. THE SIGNIFICANCE OF ASSUMPTIONS UNDERPINNING MODERN ARGUMENTATION MOVEMENT

Although the term “philosophy of argument” in Boger’s paper is ambiguous, I find his approach to the reflection of modern argumentation movement is highly significant not only for understanding the origin of and the state-of-the-art in this movement but also for its future development. In general terms, Boger’s approach can be described as assessing the development or achievements of the argumentation movement on the level of its philosophical assumptions rather than its particular discoveries of argumentation analysis and evaluation.

It is this approach that reminds me of one point that Toulmin (2003: vii) makes in his preface to the updated edition of *The Uses of Argument*:

When I wrote it, my aim was strictly philosophical: to criticize the assumption, made by most Anglo-American academic philosophers, that any significant argument can be put in formal terms: not just as a *syllogism*, since for Aristotle himself any inference can be called a “syllogism” or “linking of statements”, but a rigidly demonstrative deduction of the kind to be found in Euclidean geometry. Thus was created the Platonic tradition that, some two millennia later, was revived by Rene Descartes...

In no way had I set out to expound a theory of rhetoric or argumentation: my concern was with twentieth-century epistemology, not informal logic. Still less had I in mind an analytical model like that which, among scholars of Communication, came to be called “the Toulmin model”. (Italics original)

Boger’s placing emphasis on the philosophical assumptions underpinning the argumentation movement also takes me back to what Perelman (1969: 1) argues in the beginning of the introduction to his *The New Rhetoric: a treatise on argumentation*:

The publication of a treatise devoted to argumentation and this subject’s connection with the ancient tradition of Greek rhetoric and dialectic constitutes a *break with a concept of reason and reasoning due to Descartes* which has set its mark on Western philosophy for the last three centuries. (Italics original)

These quotations show clearly that the progenitors of modern argumentation movement have been moved by a strong concern for a new philosophy or a new type of epistemology. Put it another way, they want to challenge the mainstream philosophy, particularly the mainstream epistemology in the Western tradition, and develop a theory of argumentation on the basis of a set of assumptions which differ from the dominant philosophy or epistemology in that time.

As far as I know, the concern for a new philosophy or a new type of epistemology has been neglected to a great extent by contemporary argumentation theorists. Most of them have been more concerned with the general and/or specific issues in argumentation analysis and evaluation; only few of them have paid attention to the issues about philosophical assumptions upon which modern argumentation movement should be based, and taken consciously as a task of theorizing about argumentation to make those assumptions evident, and shown an interest in how modern argumentation movement can contribute to contemporary philosophy, especially how it can help to further the criticism of what Toulmin calls twentieth-century epistemology or what Perelman calls Western philosophy since Descartes.

As Boger points out, our modern argumentation movement is broad and diverse, involving new rhetoric, informal logic, pragma-dialectics, communication theory, dialogue logic and other approaches to argumentation. To my mind, the multiplicity of modern argumentation theory can be ascribed to a large degree to its various underlying philosophical assumptions. When talking about the possibility of philosophy of argument, Blair (2009) have argued that there does seem to be room for a legitimate distinct field of philosophy called “philosophy of argument”, but also theoretical space for contending philosophies of argument. These particular philosophies of argument differ from each other on the basis of variations in their assumptions about metaphysics, epistemology, moral and political philosophy and the like. Under these conditions, I think that Boger’s call for reflections of the argumentation movement on the level of its philosophical assumptions is of crucial significance. In my view, by investigating, comparing and improving those assumptions we can not only see the similarities and differences between various currents in the argumentation movement at a deeper level, but also judge whether or not a particular argumentation theory is based on a firm philosophical foundation, and even provide a firm philosophical foundation for it if it has no such a foundation.

3. HUMANIST ORIENTATION OF MODERN ARGUMENTATION MOVEMENT?

According to Boger’s diagnosis, modern argumentation movement is lacking in a unifying philosophy of argument. A question arises naturally—what is Boger’s proposal for the philosophical assumptions underpinning the argumentation movement?

In his paper (2006) Boger urges that the argumentation movement should be based on a set of humanist principles that has its roots in the 18th century Enlightenment philosophy. In this paper he goes further into this issue. His argument can be summarized rather briefly as follows: The origin of modern argumentation movement lies in its concern for justice and human empowerment. However, two trends within the movement—(1) shifting from truth and validity as normative norms a good argument to audience adherence and premise acceptability and (2) paying more attention to the pragmatics of argumentative discourse than its content—have raised a spectre of pernicious relativism that undermines its concern for justice and human empowerment. In order to dispel the spectre a foundational agreement should be made among various currents of the argumentation movement, that is, only by embracing the notion of the common good as a principal tenet of its philosophical assumptions can modern argumentation movement fulfil its social agenda for justice and human empowerment.

Here I will focus more on the basic ideas of Boger's argument rather than going deep into the detail.

First, I doubt whether there is or should be a justice-commitment throughout various currents of the argumentation movement, even though I agree with Boger that some progenitors of the movement have been inspired by concerns for justice. At this point, I think that we need to keep in mind the difference between *the origin of one thing* and *the nature of this thing*. As a matter of fact, Toulmin and Perelman do find that the tool of formal logic is inadequate to the analysis and evaluation of arguments that appear in the field of law. Therefore it is legitimate to attribute the origin of modern argumentation movement, or at least Toulmin's and Perelman's expounding on argumentation, to concerns for justice. However, it is hard to say that all various currents of this movement (see van Eemeren *et al.*, 1996) have come out of concerns for the promotion of justice and human empowerment, or that the whole movement has such concerns as its nature. Accordingly, contrary to Boger's suggestion, I think it is illegitimate to call informal logic and other non-formal currents within the argumentation movement as applied ethics, even though some of them do have implications for the life-world. (See Johnson and Blair 2002: 389)

Second, I do not think that the argumentation movement needs a unifying philosophy of argument or a universal agreement about philosophical assumptions. The argumentation movement involves various currents, any of which stands for a distinctive approach to argumentation. For example, informal logic takes a non-formal logical approach to argument, pragma-dialectics sees the study of argumentation as a branch of normative pragmatics, new rhetoric as a theory of argumentation revives the ancient tradition of rhetoric, dialogue logic and formal dialectics represent a dialectical approach to argumentation. To borrow Blair's phrases, various currents of the argumentation movement differ from each other on the basis of variations in their philosophical assumptions. Just as it is impossible or even not desirable to unify various approaches to argumentation, the same is true of constructing a set of philosophical assumptions underlying all currents of the argumentation movement, whether it is humanist or not.

Third, Boger's approach to argumentation is quite different from those that are mainly aimed at addressing the issues such as how to analyze the structure of argumentation and/or how to evaluate argumentation. After revealing the above-mentioned two trends within the argumentation movement, Boger argues that the movement not only brackets objective infrastructural social reality in which argumentation is embedded but also amounts to a new formalism that results in the nothingness of argument content. In order to re-appropriate the so called social agenda of the argumentation movement for justice, he proposes that the study of argumentation should shift its focus from the universal audience to the common good, relate the analysis and evaluation of argumentation to the analysis of modern oppression in terms of the categories of class, race, ethnicity and gender, and devote more attention to the issues of how the argumentation movement can help to combat injustice and inequality. At this point, I suggest that we call it *the critical approach to argumentation*. Here the meaning of the term "critical" is the same as that in "critical theory".

COMMENTARY

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