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Commentary on Tone Kvernbekk's "Theory and Practice: Gap or equilibrium?"

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1. INTRODUCTION

Tone Kvernbekk's paper raises an interesting question about the proper relationship between theory and practice. I found the paper fascinating and the many questions which she raised challenging and interesting.

While Tone discusses both descriptive and normative theories she seems to focus primarily on the latter—which following Wertheimer, she refers to as “systems of ideality” Tone argues that most models of how theories should relate to practices subordinate theory to practice. Since theories of practice such as argumentation theory are meant to codify practice, they cannot have much critical force in criticizing practices. Tone cites examples from education theory, moral theory, argumentation theory, and alludes also to descriptive theories. While criticizing Toulmin and Johnson, she also argues against the adoption of the reflective equilibrium approach to reducing the theory/practice “gap” on the grounds that it deprives theory of its autonomy, its critical edge and fails to honour the intrinsic value of theories.

My own view, given what I know of philosophy and philosophers, is that the most dangerous gap between theory and practice is that theory will fail to properly accord with practice not that theory will lose its critical role. But let me quickly clarify that I am not advocating that theories of practice should be merely descriptive of ordinary practice. Rather, normative theories of practice should be based on “best practices” and intuitions about best practices. In order to develop my perspective I will look at a number of theories but especially *utilitarianism, and computer based grammar*.

Utilitarianism claims both to be a more or less descriptively correct theory of morality, but also a theory that has a critical edge. (Cf. its use by Bentham and Singer.) On the other hand many people take some of the implications of utilitarianism, especially act utilitarianism, as serious objections, if not refutations, of utilitarianism. For example, if we are to maximize human utility it appears that we have a duty to give most of our money away to the more impoverished and perhaps not pay our bills to the affluent. Of course some (such as Singer) take some of these counter intuitive results to be moral insights.

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Presumably that would be the kind of subservience of practice to theory that Tone would admire.

The other example that I wish to focus on is Chomsky's effort at constructing a grammar as a theoretic model of linguistic competency. Chomsky's work in *Syntactic Structures* was my first experience with reflective equilibrium (though it was not called that). There he argued that the test of a grammatical theory (a grammar) should be that it provided a model of *linguistic competency*, not linguistic behaviour. It should

1. Identify as grammatical all sentences that native speakers identify as grammatical.
2. Identify as ungrammatical all sentences that native speakers identify as ungrammatical, and
3. Provide intuitively plausible guidance in those cases where native speakers' intuitions differed.

This seemed to me an excellent model for scientifically and objectively studying rule governed aspects of human life. I later learned that Goodman and Rawls had argued for a similar approach to the development of other theories of normative behaviour. I do not know if Chomsky was influenced by them.

As Tone points out, a problem for theories of "normative behaviour" (admittedly not her term) is that it is not clear what the relationship should be between the theory and the behaviour it refers to. Clearly, as Tone points out, a theory of logic cannot be subservient to people's actual reasoning behaviour. But then again neither can a moral theory or a grammar be merely descriptive of people's actual behaviour. Following Chomsky's lead, what a normative theory is studying is *competency* or "ideality" not actual behaviour. This requires that the practitioners and theoreticians have intuitions of correctness about the relevant behaviour that differs from mere reportage. Chomsky's model serves as an example of what "data" should be used to evaluate normative theories. Not descriptions of actual behaviour, but the intuitions of correctness asserted by appropriate participants in the practice.

This "observational data" is likely to be tainted by participants' informal theories of what they are about. Tone addresses this problem with a useful distinction between weak and strong theorizing. Weak theories are the unformulated pre-reflective theories that "go beyond the observational" are involved in our everyday discourse about life and nature. They inevitably influence our perceptions or at least our description of our perceptions. Strong theories are those theories which are "well articulated and deal with a carefully delineated aspect of the world." While weak theories are inevitably enmeshed with practice, strong theory can transcend and criticize practice. Strong theories should, if I understand Tone correctly, exhibit a critical independence from practice while the view of Toulmin and Johnson et al that theory needs adjust to and reflect practice threatens this critical independence. But I think Tone is presenting us with a false dichotomy. Our choice in theorizing is not either to pontificate *a priori* on the rules or to sink into descriptive subservience. The object of theories of normative behaviour is competency not actual practice. The method for getting at this competency is to use the pre-theoretic intuitions of correctness of participants' particular judgments. Note that the intuitions I am referring to are not intuitions about rules or justifications, they are intuitions about

COMMENTARY ON TONE KVERNBEKK

whether a particular act, practice, inference or decision is correct. I do not deny that these intuitions will often be influenced by what Tone calls “weak theories.” This is especially true in moral theorizing where many people have theories of morality that they appeal to while justifying a particular judgment. On the other hand English speakers can have clear intuitions about the grammaticality of a sentence without knowing anything about grammar (subordinate clauses etc.). Nonetheless theory contamination of intuitions is one reason that we need *reflective equilibrium*.

Any normative theory of practice must be tested against our pre-theoretic intuitions while recognizing that some of these intuitions may be appropriately rejected if they can be shown to be “outliers” from the best fit theory we can generate. This is the strategy of testing theories by counter examples that philosophers are so fond of. But even in the process of theory development and validation, theory can have a critical role. If a plausible theory fits most intuitions but calls into question a particular pre-theoretic intuition we might justifiably reject that intuition. But it is also true that if a theory conflicts with strong intuitions about correct practice, this can be a basis for revision or rejection of a theory. This is the challenge that faces utilitarianism for example when it appears to support actions that conflict with basic justice.

This process of seeking a theory that is in reflective equilibrium with intuitions of correct practice is a well established method in philosophy. Philosophers are especially fond of testing moral theories against intuitions about hypothetical cases.

There is an additional test for theories that applies only to some rule governed behaviour. So far I have been addressing theories such as grammar or morality that aim at describing the constitutive rules of the practice. But some practices also clearly defined ends. Competency in these cases becomes an issue of effectiveness. Best practices are not simply those that are identified as such by practitioners, but also those that are effective means to the relevant ends. For example, a theory of how criminal courts should proceed in the treatment of an accused must not only respect intuitions about the principles of justice but also must be evaluated to see if they reliably identify the guilty and free the innocent. Effectiveness of achieving relevant ends then becomes a second test of a theory of practice. Theories of education presumably must also meet this kind of test.

To summarize. Normative theory of practice is dependent not on actual practice but primarily on intuitions of proper practice for its legitimating data. As argued above, this does not mean that some intuitions cannot be rejected in the face of theoretical insight and coherence, but respecting this “data” must be a fundamental part of theory creation and justification. Reflective equilibrium is not algorithmic because it requires that we balance our pre-theoretic intuitions of correctness against the implications of the theory being tested. Reflective equilibrium does not use actual practice as the evidential basis for evaluation of the normative theories. Clearly actual practice won’t do. The relevant information is our pre-theoretic intuitions of correctness. This is not to say that theory must be “subservient” to these intuitions, but rather that they are the primary data we have to test and justify a theory. In addition for some normative theories there is a second test—does the theory of practice provide an effective means of achieving the goals of the practice?

2. IMPLICATIONS FOR ARGUMENTATION THEORY

Turning from these general reflections to the situation of argumentation theory or informal logic. For years I have argued that the very term “informal logic” has mis-focused theorizing about non-formal reasoning. Given what I said above, I obviously believe that to develop a proper theory of non-formal reasoning we should consult the intuitions and “best practices” of the best non-formal reasoners. Identifying these practices and practitioners is not without controversy, but philosophers do it all the time. In addition, we have the highly successful non-formal reasoning practices of science to supply best practice “data.”

Let me illustrate with part of my own intellectual journey. Like most of you, perhaps all of you, I started with the deductive logic as the ideal theory of reasoning and only as I was teaching did I fully recognize its limitations. When teaching I began attending more carefully to how people, especially myself actually reason. I had the hubris to think that I was a model of a competent reasoner. That is not to say that I always reasoned well in practice, but rather that, like a native speaker’s relation to grammatical correctness, I recognized good reasoning when I saw it and I could, when careful, exhibit it. I noticed two crucial items. First, I noticed that almost all claims were based directly or indirectly on appeals to authority so that the assessment of such appeals had to play a central part in any practice and evaluation of reasoning. Secondly, I noted that reasonable belief in any areas of controversy could not be arrived at by using a single, individual argument. I saw that to assess the correctness of any controversial claim you needed to look at pros and cons—indeed the whole variety of relevant arguments. Individual, fallacy-free, perfectly good (even deductively valid) arguments could not be taken to provide a reasonable basis for belief unless they were assessed in relation to competing arguments. For example, there are good reasonable arguments for the legalization of voluntary euthanasia. But the argument cannot be settled by referring only to the pain of suffers of terminal illness and rightful autonomy of someone deciding on their death. Leaving aside the religious objections, there is the legitimate concern that legalization of euthanasia could result in abuse. I am not suggesting that there is not a reasonable resolution to this tension. My point is simply that without, reference to what Ralph Johnson calls the dialectical tier, you cannot assess what is reasonable to believe on this question. By attending to how reasonable people actually come to a reasonable belief we see the role of the dialectical tier in decision making. The earlier theory of reasoning, both formal and non-formal focused on individual arguments that were truth preserving, presuming that such arguments would provide truthful conclusions. Reflection on actual best reasoning practices shows that this approach is not adequate and that the theory must be revised. I am of course making a very short argument for a controversial claim that Sharon Bailin and I will defend in another session at this conference. But if my observations are correct, this certainly an instance in which a theory of argumentation must accord to be best practice.

In closing I want to thank Tone for her stimulating paper which prompted these reflections. Her concern that theoreticians not slip into an undo subservience to practice in our areas of interest seems to me legitimate. Nonetheless, given what I know of philosophers and theoreticians a much more likely error is undo satisfaction with a theory supported by insufficient attention to the details of relevant best practices. The process of

COMMENTARY ON TONE KVERNBEKK

reflective equilibrium based on practitioners' intuitions of correctness and best practice provides a basis for theorizing that does not make theory subservient to practice nor prevent theory from being critical.

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