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Two views of the Necessity to Manifest Rationality in Argumentation

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ABSTRACT: This paper contrasts two views of the necessity to manifest the rational adequacy of argumentation. The view advanced by Ralph Johnson's program for informal logic will be compared to one based on an account of obligations incurred in speech acts. Both views hold that arguers are commonly obliged to make it apparent that they are offering adequate support for their positions, but they differ in their accounts of the nature and scope of those obligations.

KEYWORDS: Burden of proof, interactionist view, manifest rationality, probative obligations, speech acts, status view

1. INTRODUCTION

It seems apparent that there is a connection between the probative obligations (burdens of proof) which arguers incur and their need to make manifest the rational adequacy of the persuasive arguments they advance. This paper compares and contrasts two views of that connection. The first view, which I will refer to as the *status view*, holds that the necessity to manifest the rational adequacy of argumentation is inherent in the practice of argumentation and that arguers incur probative obligations in conjunction with that necessity. According to this view, a speaker who purports to occupy the status of a practitioner of argumentation necessarily strives to manifest the rational quality of her argumentation and in doing so openly undertakes probative obligations (Johnson, 2000). This view has been ably expressed by Ralph Johnson. The second view, to be referred to as the *interactionist view* holds that the arguers find it pragmatically necessary to manifest the rational adequacy of their argumentation in interactions which generate and discharge probative obligations. This view finds its foundation in a Gricean view of the pragmatics of speech acts (Kauffeld, 1998). These views have a number of features in common. I will begin by elaborating key similarities between the status view and the interactionist view and will, then, proceed to delineate their differences and comment on their comparative adequacy.

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2. MANIFESTING AN ARGUMENT'S RATIONALITY AND THE ARGUER'S PROBATIVE OBLIGATIONS

Let us begin with several key points of agreement shared by the two views in question. First, both views focus on persuasive argumentation and hold, though on somewhat different grounds, that (competent) persuasive arguers commonly strive not just to provide rationally adequate arguments but also to manifest the adequacy of their argumentation. Second, both views recognize that arguers commonly incur probative obligations, i.e., the burden of providing good reasons for the propositions they put forward for consideration and acceptance and (in many cases) the further obligation to answer questions, objections, doubts, etc. As we will see the two views in question arrive at these common observations from somewhat different perspectives.

Ralph Johnson holds that the practice of argumentation is characterized by manifest rationality: "it is patently and openly rational [T]he participants . . . agree to do nothing that would compromise either the substance or the appearance of rationality" (Johnson, 2000 p. 163). As he later explains ". . . . participants in the practice of argumentation not only exercise their rationality but they need to be seen to be doing so" (p. 164). "Manifest rationality," in Johnson's view, is characteristic of the practice of argumentation as conducted within an ideally rational community of arguers (p. 163). Philosophical argumentation provides Johnson's exemplar for such a practice.

In Johnson's view the arguer's probative obligations, what lawyers would call her burden of proof, inhere in the demands of manifest rationality. Thus Ralph Johnson holds

The requirements of manifest rationality make it obligatory that, if I wish to persuade you of the truth or the acceptability of some thesis-statement and wish to do so in accordance with the dictates of rationality, recognizing your rationality, then I must give reasons . . . advanced in support of the conclusion; what others call the premises of the argument. (p. 165)

To this he adds the further observation that there will in all likelihood be "objections to the argument, whether to the thesis-target assertion, the reasons supporting or both. Realizing this, the arguer, who we are supposing is rational, is under a rational obligation to address these dialectical dimension: alternative positions, and standard objections" (p. 165).

The interactionist view holds that in a variety of communicative acts, such as *proposing, accusing, advising, exhorting, answering criticisms, insisting*, etc. speaker's openly incur probative obligations as a matter of pragmatic efforts to establish conditions under which arguments can function persuasively (Goodwin, 2001; Kauffeld, 1998). In this view arguers find it necessary to manifest the rational quality of their arguments in order to make it apparent that they are fulfilling their probative obligations. So, for example, in making a proposal a speaker typically puts forward a proposition for consideration, and in order to induce her addressee to at least tentatively consider that proposition, the proposer openly commits herself to providing good reasons on its behalf and to answering her addressee's doubts, objections, etc. Often, where a proposer is able to manifestly discharge that commitment, she is able create a body of argument which her addressee believes merits serious consideration and which the addressee ought to consider in making relevant decisions. Here the proposer's burden of proof arises out of the pragmatics of her interaction with her addressee, and the necessity to manifest the

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quality of her argumentation is a matter of her need to make it apparent that she is fulfilling her openly incurred probative obligation.

The observation which these two points of view have in common, *viz.*, that competent arguers commonly incur probative obligations and strive to manifest the rational quality of their argumentation, can readily be illustrated by critical examination of much competent argumentation. Consider, for example, the introductory passage to Martin Luther King's brilliant "Letter from Birmingham Jail."¹ Addressing his "fellow clergymen," King wrote,

While confined here in the Birmingham city jail, I came across your recent statement calling my present activities 'unwise and untimely.' Seldom do I pause to answer criticism of my work and ideas. If I sought to answer all the criticisms that cross my desk, my secretaries would have little time for anything other than such correspondence in the course of the day, and I would have no time for constructive work. But since I feel that you are men of genuine good will and that your criticisms are sincerely set forth, I want to try to answer your statements in what I hope will be patient and reasonable terms (2003, pp. 777).

Here King openly undertakes an obligation to respond in "patient and reasonable terms" to the criticism directed at his actions by fellow clergymen. His letter is conspicuously reasonable in its argumentation. His effort to manifest the rational quality of his argument is reflected in his concluding statement.

If I have said anything in this letter that overstates the truth and indicates an unreasonable impatience, I beg you to forgive me. If I have said anything that understates the truth and indicates my having a patience that allows me to settle for anything less than brotherhood, I beg God to forgive me (p. 794).

These features of King's "Letter"—his openly undertaking a probative obligation and his patent attempt to make manifest the rational quality of his argument—have clear parallels in many instances of competent persuasive argumentation.

Recognition of the fact that in competent persuasive argumentation, speakers commonly incur probative obligations and strive to manifest the rational quality of their argumentation sets the status view and the interactionist view apart from several other approaches to the study of argumentation. It distinguishes them in the first instance from the approach taken by Chaim Perelman and Olbrechts-Tyteca. As I argue elsewhere, their *New Rhetoric* holds that a speaker's selection of arguments is governed fundamentally by what we might call the Principle of Maxim Audience Adaptation (Kauffeld, 1995). Regarding the principles which might guide a competent advocate in her selection of arguments and proofs, they bluntly hold, "There is only one rule in this matter: adaptation to the audience whatever its nature" (Perelman & Olbrechts-Tyteca, 1969, p. 25). This view relegates consideration of the quality of available arguments to a secondary role in the speaker's determination of which to use in her discourse. Matters pertaining to the quality of reasons and arguments include the truth of available premises, the validity and cogency of inferences, their relevance to the issues, their bearing on the addressee's substantial interests and concerns, etc. The Principle of Maximum Audience Adaptation relegates such considerations of quality to secondary status at best; following

¹ For a concise history of the context of King's "Letter" and an insightful discussion of its structure see: Leff, M. (203).

the maxim a speaker's primary question is simply which arguments is my audience likely accept. Whereas, it seems that in much competent persuasive discourse a speaker's selection of arguments would be guided by a need to identify reasons and evidence the rational quality of which she can make apparent to her addressees.

Secondly, the status view and the interactionist view differ from accounts of persuasive argumentation which construe the arguer's *burden* of proof simply as a matter of the would-be-persuader's need to provide reasons in order to secure agreement, assent, and/or consideration from his addressee (Baird, 1950, p. 26; Cronkhite, 1966, pp 273-276; Ehninger & Brockriede, 1966, pp. 81-83). Such views regard arguments in simplistically practical terms and fail to recognize that commonly arguers do incur probative obligations; the arguer's *burden* of proof in many cases is an *obligation* to provide reason and evidence in support of her position.

Finally we should note that the status and the interactionist views contrast with what we might call an "institutional view" of probative burdens. The latter, dominant in much study of argumentation since Whately's *Elements of Rhetoric*, attempt to illuminate ordinary burdens of proof primarily by analogy to the institutionally regimented distributions of probative obligations found in courts of law (Whately, 1963, pp. 112-132). While there is much to be learned from such analogies, both the status and the interactionist views, as instanced in the literature under discussion here, hold that accounts of probative obligations outside the courts should be built up primarily from within the study of argumentation as ordinarily practiced and should not be simply modeled on institutionalized legal practices (Johnson, 2000, pp. 48-49; Kauffeld, 1998).

3. COMPARISON OF THE STATUS AND THE INTERACTIONIST VIEWS

Let us now briefly sketch and then compare these perspectives on manifest rationality and the arguer's probative responsibilities. The basic question here is how well each constructively illuminates these normative features of argumentation. That is, how well does each fit with and explain the fact that competent arguers commonly incur probative obligations and attempt to manifest the rational adequacy of their argumentation? And, beyond that question, how well does each enhance our understanding of the normative basis of argumentation? We start with the status view and proceed to the interactionist view.

The status view presents manifest rationality and the arguer's probative burdens as products of expectations that arise within a set of "shared social understandings" which, according to this view, enable the "practice of argumentation" (Johnson, 2000, p. 155). Exactly what those social understandings are and, indeed, determining what the "practice of argumentation consists" in is a major project for Ralph Johnson and for others inclined toward the status view of manifest rationality, and it may be that conceiving of argumentation as a practice ultimately proves to be a happy way to approach the study and conduct of arguments. However, our immediate concern is not with this larger project but with the specific doctrines Professor Johnson has advanced relating the practice of argumentation to manifest rationality and the arguer's probative burdens.

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Johnson conceives of a *practice* along lines inspired by Alasdair MacIntyre (1984, pp. 187-203). In MacIntyre/Johnson's view a *practice* is:

- (i) *a coherent and complex form of socially established cooperative human activity* (examples: the games of football and chess; architecture, farming; the inquiries of physics, chemistry, biology, history; in medieval times the sustaining of human communities; broadly: arts, sciences, games, the sustaining of human families).
- (ii) *through which goods internal to that form of activity are realized* (examples: goods internal to chess include a particular kind of analytical skill, strategic imagination, competitive intensity; as contrast with goods external to chess such as winning a prize for participating or for being victorious; portrait painting has the internal good of showing how the face at any age is the face that the subject of the portrait deserves). (MacIntyre, 1984, p. 189)

A critical feature of Johnson's view of argumentation as a practice is the priority he assigns to *rationality* as the primary internal good realized through the activity of argumentation. Of the goods internal to the activity of argumentation, he writes:

The goods internal to the activity are generally an increase in rationality and specially a deeper understanding, and-or being rationally persuaded, and-or coming closer to an acceptable position. (p. 155),

An argument depends on the Other for its success and well-being. To understand this, we must go back to the practice of argumentation and be reminded of its purpose(s). The fundamental purpose, although admittedly not the only one, is to arrive at the truth about some issue. The practice exists because everyone realizes that to achieve that goal, they need to reason; they need to give reasons and then access them. (p. 158).

Consistent with this emphasis on promoting rationality Johnson offers the following characterization of those fully committed to the practice of argumentation.

- (i) They are devoted to rationality: "To engage in the practice, *the participants must embrace and endorse and to some degree cherish rationality*. . . . Argumentation shares with other rational processes—like proving and theorizing—the requirement that nothing be accepted but what is shown to have reason behind it." (p. 162)
- (ii) Their primary aim is to increase rationality: "As a result of engaging in the practice of argumentation, the participants are more rational and the amount of rationality in the world has increased. The arguer and the critic have each exercised reasoning powers. . . . As a result of each instance of argumentation, then, the world has become a slightly more rational place" (p. 162).
- (iii) The practitioner of argumentation exhibits rationality. "It is not just that the participants embrace rationality, which they might do secretly but not publicly. No, the participants in the practice exhibit what it is to be rational. To give reasons; to weigh objections; to revise over them or to reject them—all of this describes a vintage performance of rationality." Correspondingly, practitioners of argumentation regard breaches of rationality as "shocking." (pp. 162-3)

It is relatively easy to see, how given these characteristics, the practitioners of argumentation would each want to and find it necessary to manifest the rationality of their argumentation. Each cherishes rationality and regards her argumentation as an opportunity to exhibit the rationality of her arguments, and she would scorn failures of rationality in the argumentation of her co-practitioners. She likewise expects that they similarly cherish rationality and will strive to exhibit the rationality of their

argumentation, scorning any failures of rationality in hers. In these circumstances there arises a mutual expectation that arguers will not only present arguments which are rational but will also strive to manifest the rationality of their argumentation. Indeed, in these circumstances arguers will have reason to rely on each other to manifest the rationality of each others argumentation.

Does this view of manifest rationality support an account of how arguers may incur probative obligations both to give good reasons in support of the propositions to which they try to persuade others and also to answer doubts and objections raised by critics to the argument?

Although Professor Johnson has written at length about the arguer's obligations and especially her dialectical obligations, he has not to my knowledge committed himself to any specific analysis of "obligation." However, at this point we may turn to analysis of *obligation* developed by the English philosopher Geoffrey Warnock. Professor Warnock argues convincingly that obligations are incurred where: (i) it is foreseeable that others will suffer or will continue to suffer harm in the event the obligee does not act; (ii) others are counting on his or her acting in order to avert, prevent, ameliorate, or rectify that harm; and (iii) he or she must so act in order to avoid speaking or having spoken or even having acted *falsely* (Warnock, 1971, pp. 94-117). This is a somewhat more specific sense of 'obligation' than one sometimes encounters. We sometimes speak of an "obligation" in the broad sense of an act which one ought to do, and we sometimes speak vaguely of obligations in ways which approximate our sense of 'duty' (for example: Gewirth, 1978, pp. 135-137; Sher, 1987, pp. 196-197). But it is clear that there are many things which one has a strong reason to do, and thus ought to do, but one is not bound to do in the sense of having an obligation to do them. As George Sher observes, when we say that an especially hard-working self-employed farmer deserves to succeed or a person of fine moral character ought to fare well (and even suppose that we ought to support their efforts), we typically do not mean that anyone is obligated to take steps to provide what is deserved (Sher, 1987, p. 5). Similarly beneficence often indicates that we ought help this or that person, though we may be under no obligation to do so (Warnock, 1971, p. 94). While duties often give rise to obligations, the latter require some action which tacitly or explicitly commits the obligee, such as accepting an office to which specific duties are attached (Rawls, 1971, pp. 114-115; Warnock, 1971, p. 116). Thus, in Warnock's view, a promisor is obligated to do what she has promised because (a) others are counting on her to so act, (b) would be frustrated in their coordinated actions should the promise not be kept, and (c) the promisor has given the promisees to believe that she will so act, if only because she said she would.

Given Warnock's analysis of obligation, it seem clear that a speaker who presents herself as a practitioner of argumentation in Johnson's terms—who purports to cherish argumentation, to increase and to exhibit rationality in her argumentation—will incur an obligation to both provide good arguments for her position and answer doubts and objections to that position: (1) other practitioners are expecting her, indeed relying on her to provide arguments of manifestly good quality and to exhibit the rationality of her position by answering doubts and objections, (2) they will suffer harm should she fail to live up to their expectations, partly in that their valued practice of argumentation will not have served to increase the amount of rationality and partly by being shocked and disturbed by her failure, and (3) the arguer herself will have acted falsely in that by

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purporting to be a practitioner of argumentation, she generated the expectations which have not been satisfied.

At this point in the discussion, then, we should recognize that Johnson's version of the status view does afford an explanation for why the practitioner of argumentation (when addressing other practitioners) would both find it necessary to manifest the rationality of her argumentation and would incur probative obligations. There are, however, two closely related weaknesses to this account as it applies to the fact that competent arguers *commonly* incur probative obligations and strive to manifest the rationality of their arguments.

From a normative point of view, a strength of Johnson's account is its emphasis on rationality as an internal good realized through the practice of argumentation. Undoubtedly the capacity of argumentation to yield conclusions well founded on rational grounds is among its most important values. However, given the fallibility of human agents, rationality in argumentation is not the unalloyed primary good that Johnson's view of the practice of argumentation suggests. Here it is helpful to recall that when Martin Luther King undertook the probative obligations which initiated his "Letter from the Birmingham Jail," he first announced that it was not his habit to answer all the criticism which crossed his desk for he then "would have no time for constructive work." This remark may serve as a healthy reminder that the exercise of reason in argumentation requires substantial commitments of scarce cognitive resources; prudent individuals are unlikely to commit themselves to such exercises unless they foresee a good chance that the effort will result in some positive outcome (Pratkanis & Aronson, 1992, p. 38). They will often be unwilling or very reluctant to commit the time, research, and expenditure of effort required by argumentation without some strong assurance that the argumentation will be conducted within limits that enable an outcome which warrants the effort. In addition, argumentation often puts the arguer at considerable risk. Johnson, himself, recognizes that even among the well intentioned arguing is a risky business: "But it is also known full well that intellectual imaginations may be limited, that there may be a failure to see certain limitations in the arguments produced. In eagerness, certain items of evidence may be overrated and others may be underrated or ignored" (p. 158).² Reflecting this simple fact that rationality as exercised in argumentation by fallible persons is an imperfect instrument, addressees may regard arguments addressed to them as potentially meddlesome, misguided intrusions into their affairs. Similarly, person suspected of wrongdoing may prudently doubt whether their answers to the complaints brought against them will receive fair and dispassionate consideration. Then, too, even flattering arguments may seem to pose a distasteful potential to distort one's own self-regard. Rationality for all its inherent value is subject to abuse, error and misapplication, even among the well intentioned.

Given the liabilities of rationality, it should come as no surprise that in a great many cases persons who value argumentation and regard as it an potentially useful process are, nonetheless, unwilling to undertake the fulsome commitment rationality

² It should be noted that Professor Johnson makes this observation about the vulnerability of argumentation to error in the course of pointing up the importance of dialectical responses which can serve to correct the errors made by the argument's initial sponsor. While it is true that dialectical exchanges may serve to correct errors; it is also the case that the responses a critic makes to one's argument may be no less subject to error than one's initial statement.

Johnson attributes to the practitioner of argument. King, it will be recalled, restricts himself to defending the wisdom and timeliness of his actions as leader of non-violent protests at Birmingham; he does not commit himself to answering all criticisms addressed to his cause, and he commits himself only to such exercise of reason as is consistent with recognition that years of racial injustices warrant considerable impatience. King's example is not unique. In a great many cases a speaker's willingness to undertake a burden of proof is prudently (and reasonably) qualified by considerations which seriously limit the speaker's interest in "increasing the total rationality of human affairs." Parties putting forward propositions for consideration and manifestly willing to defend their positions commonly restrict their commitment to respond to only to those questions and objections which recognize the urgency of the matter or, alternatively, to those which respect the preliminary state of the project. Persons to whom potentially meddlesome argument are addressed may require a commitment from the arguer to consider the matter primarily in terms of their concerns. Persons suspected of wrong-doing may require special commitments regarding the fairness of the argumentation in which they are invited to participate. And parties to whom laudatory arguments are addressed may require special assurance regarding a speaker's motivations. Very commonly in day-to-day argumentation the probative obligations which enable argumentation to do useful work require that the speaker restrict, qualify, or otherwise limit her commitment to rationality in ways which are not compatible with the commitment which, according to Johnson, identify a speaker as a practitioner of argumentation.

It is important to be clear about the difficulty these considerations pose for Johnson's account of the arguer's probative obligations and, indeed, for all status views of those obligations. The problem is not just that Johnson fails to recognize that argumentation serves many ends and that it may be associated with many goods besides rationality. The difficulty is that Johnson's status view cannot account for many of the probative obligations arguers do ordinarily incur, nor does it cast much light on how those obligations are undertaken. As we have seen, in Johnson's view a speaker incurs probative obligations by presenting herself as a practitioner of argumentation, i.e., as one who cherishes rationality, openly embraces and endorses rationality, accepting nothing but what is shown to have reason behind it, striving to maximize the amount of rationality in the world, scorning limitations on the exercise of rationality, and seeking to exhibit what it is to be rational. It is this self-representation which warrants the supposition that she will have acted or spoken falsely should she fail to satisfy her probative obligations and, so, seals her commitment as an obligation. This 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. But given the fallibility of persons, the vulnerability of rationality to abuse and error, and the prudential costs of argumentation, many arguers would, like Martin Luther King, avoid openly undertaking the sweeping commitment to rationality which for Johnson identifies the practitioner of argumentation. Accordingly, on Johnson's account they would not in good faith be able to undertake the probative obligations which, in fact, many arguers do authentically incur on a day-to-day basis.

The problem for Johnson's account of manifest rationality and probative obligation is that it makes the self-representation required to engage the arguer's burden of proof categorical: the arguer represents herself as a member of a category of persons

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with a specific and identifying set of commitments to rationality; whereas, many of the burdens of proof incurred by persons on a day-to-day basis in the actual practice of argumentation are variable depending on the problems, opportunities, risks, etc. which persons reasonably and prudently anticipate and encounter when they engage in arguing with one another. Nor is it readily apparent that a party representing herself as a practitioner of argumentation has room to modify the probative burden she is expected to accept. However she identifies herself, if that identification suffices to mark her as a practitioner of argumentation, her fellow practitioners are thereupon entitled to expect that she shares their regard for and commitment to rationality, and relying on this expectation they will suffer harm should she fail to accept and live up to that burden, and it will be the case that she has acted falsely if she fails to conform her behaviour to this expectation. 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.

Let us turn now to the interactionist's view of the arguer's probative obligations and to its account of her need to manifest the rationality of her position. This view also traces the genesis of an arguer's probative burdens to socially established expectations, but it presents a very different picture of those expectations and of how and why they arise. Like the status view, the interactionist regards argumentation as a useful practice capable of bringing reason and evidence to bear on the resolution of a many matters, but unlike the status view, the interaction perspective does not suppose a priori that argumentation is governed by an overriding commitment to rationality which identifies its practitioners and dictates their probative obligations. Rather the interactionist analyzes the kinds communicative exchanges in which arguers incur probative obligations with special attention to how those commitments are undertaken, how they may be realigned in particular cases, how they vary from one kind of interaction to another, and the pragmatic roles which probative obligations play in argumentation.

Thus, the interactionist observes that in many communicative acts, e. g., *proposing, responding to criticism, (some varieties of) advising*, speakers deliberately and openly accept probative obligations, while in many others, e. g., *accusing, insisting, exhorting, criticizing*, they place themselves in positions at which they can be called upon to undertake probative obligations. As noted above, the proposer typically puts forward a proposition for (tentative) consideration and openly commits herself both to providing reasons which justify its acceptance and to answering her addressee's doubts and objections. The accuser, typically, demands an answer to her allegations of wrong doing and, by openly committing herself to treating the accused fairly, places herself in a position where she must accept an obligation to support her allegations should she be called upon to do so. The advisor openly commits herself to speaking out of regard for her addressee's concerns, and she may also openly undertake to provide reasons for following her advice. King, it will be recalled, explicitly committed himself to answering the criticisms of his actions in patient and reasonable terms. In these and similar communicative exchanges, arguers incur probative burdens which satisfy Warnock's conception of obligations: the arguer says and does things which foreseeably provide her addressees with a basis for relying upon her to provide reason and evidence of a specific quality; the addressees will suffer corresponding harm should she fail to live up to those

expectations; and she will have spoken or acted falsely if argumentation does not fulfill her commitment.

The probative obligations speakers undertake interactively make are related in various ways to presumptions which warrant participation in reason-giving exchanges which otherwise might not be possible (Kauffeld, 1998). Under favourable circumstances, the proposer's probative commitment warrants a presumption that what she has to say may prove to merit serious consideration and, so, may provide an addressee with reason to engage in dialogue about and give careful consideration to propositions which he otherwise might suppose not worth a serious cognitive investment. Similarly, the accuser's commitment to treat the accused fairly and her concomitant willingness to substantiate her allegations may suffice to oblige the accused to participate in a discussion which the accused would otherwise avoid. The advisor's open commitment to speak out of regard for her addressee's concerns and, accordingly, frame her arguments from that perspective may serve to warrant a presumption to the effect that her arguments will not be meddlesome and, so, serve to engage the attention of an addressee who would otherwise ignore her arguments. King's probative commitments seem well designed to warrant a presumption that his answers rise above a context of inflamed and impassioned diatribes and, so, merit careful and thoughtful consideration.

Here we can see a comparative strength of the interactionist views of probative obligation. Where the status view presents rationality as the prime good in argumentation and seems to neglect the various reasons why persons may be reluctant to engage in argumentation principally designed to promote rationality, the interactionist view brings to attention ways in which the allocation of probative obligations can serve to provide persons with reason to participate fruitfully in rational argumentation. An interactionist view enables us to see how in much day-to-day argumentation an appropriate distribution of probative obligations enables persons to square the value of reasoned discourse with practical consideration of time and urgency, fairness, independence of decision-making, and so on.

Moreover, an interactionist view helps us to understand some of the importance of manifest rationality in argumentation, and this in two respects. First, the interactionist view calls attention to the fact that commonly speakers deliberately and *openly* commit themselves to providing rational support for propositions they put forward for acceptance and, also, to answering doubts, objections, counter-arguments, etc. They do so for good practical reasons related to the possibility of engaging others in argumentation. Second, by manifesting the rational adequacy of their arguments, speakers can conspicuously and openly discharge the probative obligations they incur, and in many cases, as I have argued elsewhere, manifestly fulfilling those obligations has considerable pragmatic value (Kauffeld, 2002). King's address provides an interesting example of the pragmatic value of conspicuously discharging a probative obligation. His letter falls into two parts. The first responds to the criticism directed against him by fellow clergymen (pp. 777-784). It provides a carefully reasoned body of argument which persuasively vindicates the protest activity for which he had been criticized and which very plausibly defends his status as patient, sincere and well intentioned Christian minister—a fellow clergyman. Having presumptively discharged his initial probative obligation, the second part of his letter expresses his disappointment with the failure of his white ministerial brothers, and of “moderates” in general, to support non-violent protest activities on the behalf of black

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civil rights (pp. 784-794). The overall structure of his appeal repeats this form: King expresses his disappointment at the failure of the white clergy to support this or that aspect of Black demands and actions for civil rights. He purports to have expected their support as a matter of their avowal of Christian doctrines. 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. He is suffering harm in the form of profound disappointment, resulting from that failure on their part to fulfill expectations, which they as professed Christian leaders had aroused in King's breast. So, the interactionist view sheds light on the arguers need to manifest the rationality of her arguments.

Now, we come to what might be regarded as a troubling aspect of the interactionist view, for it may seem that the interactionist fails to support a sufficiently rigorous normative conception of the burden of proof. Legal conceptions of the burden of proof hold up a model which offers relatively clear conceptions of when in, for example, criminal cases the prosecution will have discharged its burden of proof, viz., when the prosecution has established the defendant's guilt beyond the shadow of reasonable doubt. Johnson's (initial) formulation of the status view of an arguer's probative obligation is even more rigorous. The arguer is obliged to provide positive reason for the proposition(s) she want accepted and to answer all doubts, objections, etc. known to her and to others (Johnson, 2000, pp. 269-270). The interactionist view also supports a normative conception of the arguer's probative obligation, but it's conception is far less rigid than some legal conceptions or the status conception developed by Johnson. Indeed, the interactionist's strength depends upon the possibility of engaging probative obligations appropriate to the nature of the argumentation at hand and the circumstances in which it will be conducted. Accordingly, a proposer will typically commit herself to answer all doubts and objections which in the circumstances merit consideration, and under conditions of urgency this standard may allow her to dismiss many objections, which in other circumstances might be considered quite important. Similarly, an advisor speaking in an imperative mode might accept a probative obligation limited to showing that such and such a course of action is required by what the advisee should regard as an overriding concern. Similarly, we have seen that King limited his probative obligations to questions concerning whether his actions were timely and wise. This apparent variation in the normative standards associated with probative responsibilities negotiated in the course of argumentative interaction may seem to lack the rigor necessary to ensure epistemic reliability.

I am unsure as to the extent of difficulty posed by the preceding concern. No doubt allocations of probative responsibility are subject to abuse. Richard Gaskin's has shown that there is a possibility in some situations of advocates attempting to win a decision by imposing on the other side a burden of proof which could not be satisfied regardless of the merits of the opposing position's argumentation (Gaskins, 1992). And there can be no doubt that much contemporary advertising attempts to induce consideration of product purchases on be basis of deceptive probative commitments. On the other hand, the probative obligations incurred in paradigm cases of various communicative acts do commit advocates to rigorous argumentation. The proposer's commitment to provide a case which merits serious consideration imposes a demanding standard on her argumentation. Moreover, the question of how comprehensive an

arguer's probative burdens ought be is more complicated than might at first appear. Students of argumentation are accustomed to think of argumentation as a process which terminates in a judgment, decision, or consensus. Accordingly we conceive of an allocation of probative burdens spanning a bounded process such as a court proceeding, an academic debate, or regulated dialogue. In "real life" much argumentation is far more fragmentary than our idealized processes suggest. King's "Letter" constitutes one episode in a dialogue about race and social action which continues to the present. It explicitly aims at tolerance for and understanding of certain protest activities; its likely immediate result was to get some people to begin to rethink their views. The question of what are epistemically satisfactory probative commitments, then, is a complicated one—one which requires far more study and investigation.

Finally, I should like to briefly address the question of whether a status view of manifest rationality and an interactionist view can be merged. Perhaps, one might be inclined to think, the flexibility of the interactionist view could be given more spine, so to speak, were it merged with a status view along the lines put forward by Johnson. If the relevant status is taken to be the status of a *practitioner of argumentation*, such a merger is not easy to conceive. Such a proposal could only achieve sufficient generality by attaching some minimal core probative obligation to the very act of attempting to produce an argument. In view of the range of purposes argumentation serves and the variety of circumstances under which it is conducted, I doubt that such a universal core commitment could be formulated which assured much rigor in argumentation. There are, however, other ways in which considerations of status may enter the picture. King addresses his argumentation to sincere persons of good will. Insofar as his arguments qualify as considerations which merit the attention of sincere persons of good will, then failure to address his views leaves persons vulnerable to questions about whether they are indeed such properly motivated persons. In the eighteenth century, gentlemen commonly addressed their arguments to a "candid audience" and presented themselves as persons of candour, i.e., persons willing to attend carefully and respond reasonably to opposing views. Failure to conduct oneself in this fashion raised the possibility of being criticized for lack of candour, and that criticism was often taken seriously (Furtwangler, 1979). In these instances a general status related to civility figures into the conception and enforcement of argumentative commitments. Were we to find ways to merge status considerations in our conception of argumentative obligations, the productive merger would, I suspect, involve concepts of status having to do with civility and proper respect for persons and not specifically with the practice of argumentation.

4. CONCLUSION

This paper has compared a status account of the connections between manifest rationality and the arguer's probative burdens with the account given from an interactionist perspective. According to the former, persons purporting to be practitioners of argumentation attempt to, and are expected to, exhibit the rationality of their argumentation, while regarding the promotion of rationality as the primary internal good of their practice. As a consequence of this commitment, "practitioners of argumentation" incur an obligation both to provide good reasons for the propositions they put forward for acceptance and to answer questions and objections addressed to them. According to an

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interactionist view, arguers deliberately and openly undertake probative obligations strategically in order to generate presumptions which warrant participation in argumentative interactions. In this view arguers take pains to manifest the rationality of their argumentation because by so doing (a) they openly and strategically undertake probative obligations and (b) they make it apparent that they are fulfilling those obligations. The status view, I have argued, has a limited capacity to account for the probative obligations incurred in day-to-day argumentation because it does not afford the “practitioner of argumentation” with means to adapt her probative commitments to the complexities of the situations in which argumentation occurs. The interactionist view, on the other hand, affords insight into how arguers use the resources of manifest rationality to create circumstances in which argumentation can function.

[link to commentary](#)

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