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Title: A Generalized *Stasis* Theory and Arguers' Dialectical Obligations

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ABSTRACT. This paper, based on the rhetorical theory of *stasis*, investigates a theory of an arguer's dialectical obligations to deal with objections and alternative positions. It will cover: (a) the nature of classical *stasis* theory, (b) a critical assessment of the implications of classical *stasis* theory for an arguer's dialectical obligations, (c) an attempt to generalize classical *stasis* theory, (d) an examination of the implications of generalized *stasis* theory for an arguer's dialectical obligations pertinent to the construction and appraisal of arguments.

1. Introduction

In the mid-1980s, Ralph H. Johnson started to investigate an arguer's dialectical obligations. In Johnson's view, an arguer is obliged to include replies to objections and alternative positions when she or he advances a thesis, because those whom the arguer wants to persuade rationally are likely to be aware of these dialectical materials and would like the arguer to deal with them (Johnson, 1996a, pp. 6-7, 1996b, pp. 264-266, 2000a, pp. 165-166, 2000b, pp. 2-3). Since the theory of an arguer's obligations can reformulate our understanding of good argument and good argumentative exchanges, as well as impact on the production and assessment of argument, an investigation of the arguer's dialectical obligations is of significant importance to the study of argumentation.

In this paper, based on the rhetorical theory of *stasis*, I investigate a theory of an arguer's dialectical obligations to deal with objections and alternative positions. Specifically, this paper attempts to answer the following research questions: (a) What is the nature of the classical rhetorical theory of *stasis*? (b) What are the limitations of that theory? (c) How can the classical rhetorical theory of *stasis* be generalized to be applied to any type of argument? and (d) To what extent does a generalized *stasis* theory provide a systematic tool for identifying dialectical obligations pertinent to the construction and evaluation of arguments? In section 2, I review the current status of the study of an arguer's dialectical obligations. In section 3, I review the past scholarship on the rhetorical theory of *stasis*. In section 4, I re-develop the rhetorical theory of *stasis*. In section 5, following the spirit of the theory of an arguer's dialectical obligations that I investigate in this paper, I examine dialectical materials that relate to my position and attempt to discharge my dialectical obligations as an arguer by answering some objections and criticisms. In section 6, I offer conclusions and a discussion.

2. Literature Review

A review of the literature attempts to specify approaches that argumentation scholars currently take in dealing with the topic of an arguer's dialectical obligations to reply to objections, criticisms, and alternative positions. I examine papers by three scholars: Ralph H. Johnson, Trudy Govier, and Joseph W. Wenzel. Although I do not claim exhaustiveness of my review, the approaches taken by these scholars are well-known in the community of informal logicians.

Ralph H. Johnson (2000a, p.168) conceptualized that an argument has a two-tier structure: an illative core and a dialectical tier. The illative core consists of reasons or evidence and a claim, and the dialectical tier is a dimension of an argument "in which the arguer discharges his [sic]

dialectical obligations" (2000a, p. 168). According to Johnson, if an arguer attempts to persuade her or his interlocutor rationally, she or he is under an obligation to deal with objections, criticisms and alternative positions in accordance with the constraints of rationality. For instance, the arguer supporting the prohibition of abortion will find that objections and alternative positions exist to the concept of humans that she or he supports. In that situation, the arguer, in Johnson's view, must address the objections and the alternative positions in order to discharge her or his dialectical obligations. If the arguer does not account for these objections and alternative positions, then her or his act "could hardly be considered the moves of someone engaged in the process of rational persuasion" (2000a, p. 160). In other words, an argument should have a second component (the dialectical tier) which consists of a claim and reasons in support of the claim. According to Johnson's conception of argument, an arguer can make her argument structurally complete by including both an illative core and a dialectical tier. The omission of one dimension of an argument will result in its being structurally incomplete, on Johnson's theory.

In discussing the theory of an arguer's dialectical obligations, Johnson (2000b, pp. 6-7) suggested that we make a list of the topics that have a bearing on the theory of an arguer's dialectical obligations. He (1999, p. 14, 2000a, pp. 327-333) attempted to specify the characteristics of an arguer's obligations and objections that call for the arguer's reply. Regarding an arguer's obligations, he listed three questions: "What is obligation in the context of an arguer's obligations?" "What is an arguer's obligations?" and "What is dialectical adequacy?" Regarding the features of objections that call for an arguer's reply, he listed the following: (a) Standard Objections¹, (b) strong objections, (c) objections that the arguer thinks that she or he can handle, and (d) objections that the audience wants her or him to have treated. Besides discussing objections, Johnson (2000b, pp. 6-7) also expanded his list of dialectical materials to include alternative positions, criticisms, and challenges. His research is significant in that he has called to our attention the importance of the topic, elaborated conceptual elements involved in the theory, and laid out the issues that need further study.

In making a list of topics that are relevant to an arguer's dialectical obligations, Johnson did not appear to be guided by any specific theory. This probably derives from his understanding that logic traditionally has not treated the issue (1996a, p. 16). Because of the lack of a guiding theory that underlies his research, we are not clear about when we have a comprehensive theory on an arguer's obligations, or what a comprehensive theory of an arguer's obligations would look like.

Trudy Govier (1999, pp. 203-240) critically examined Johnson's idea and advanced our understanding of the theory by offering a definition of what counts as an objection. She defined an objection as:

- (a) any claim alleging a defect in the argument or in its conclusion; (b) which, insofar as it does not compete for the same intellectual and social space as that conclusion, does not constitute an alternative position to the conclusion; and either (c) raised by the audience to which the argument is addressed or (d) might plausibly be raised by that audience; or

¹ Johnson defines "The Standard Objections" as the "class of **salient** objections *typically or frequently found in the neighbourhood of the issue that have achieved this prominence*" (1999, emphasis in original p. 12).

(e) might plausibly be raised by a rational person to whom the argument might plausibly be addressed. (1999, p. 229)

Based on this definition she attempted to specify which objections need, and which objections do not need, the arguer's reply. She (1999, p. 232) stated that strong objections against the conclusion and the argument in support of the conclusion would call for the arguer's reply. Also, she discussed the problems that would arise in specifying some objections to be answered while dismissing others².

Govier's research is similar to Johnson's in two respects. First, Govier advocated having a list of dialectical material (i.e., the material that usually surrounds an arguer's position) by specifying what dialectical material would or would not require the arguer's response. She focused on objections and alternative positions and attempted to define them, and determined what objections and alternative positions the arguer ought to address. Second, she did not clarify what theory she relied on in treating the problem. Like Johnson, she emphasized the conceptual aspects, such as laying out some of the dialectical materials and clarifying their nature, but she did not seem to be guided by any specific theories. In conclusion, although the conceptual elements involved in the theory of an arguer's obligations have become clear thanks to the research by Johnson and Govier, their research does not have a guiding theory or approach.

Joseph W. Wenzel's criticism of Johnson's theory (1998, paragraphs 27-34) suggested possibilities of a rhetorical approach in dealing with the theory of an arguer's obligations. He argued that the classical rhetorical theory of *stasis* would help an arguer analyze the controversy in an exhaustive way and construct arguments, attending to the possible issues. According to Wenzel, *stasis* theory is a tool that classical rhetoricians used in legal rhetorical situations to invent arguments. They constructed a case by breaking down the subject matter into: "issues of fact, issues of definition, issues of quality (value), and issues of legal procedure" (paragraph 30). If *stasis* theory is a method to treat controversies in an exhaustive way, as Wenzel suggested, then it might provide a theory to draw on regarding the theory of an arguer's dialectical obligations and the dialectical materials surrounding the arguments.

Although Wenzel's suggestion sounds promising, it is a synoptic one. He introduced *stasis* theory and laid out its constituent parts, but did not go on to delineate whether his idea it might actually work in an arguer's treatment of dialectical materials and in fulfilling her or his dialectical obligations. Thus, at this point it is not clear whether *stasis* theory can cover dialectical materials in an exhaustive way.

In summary, there are at least two routes for us to develop the theory of an arguer's dialectical obligations. The first route is to continue the path that Johnson and Govier have paved, namely, to further develop a list of topics. The second path is to critically examine Wenzel's suggestion to see if *stasis* theory can help an arguer construct a case by incorporating dialectical materials. In this paper, I choose the second path to investigate the theory of an arguer's dialectical obligations, because *stasis* theory, if it is actually exhaustive, has the potential to offer a comprehensive list of the dialectical materials that an arguer needs to consider in constructing and delivering argument.

² Govier calls the problems involving specifying objection to be addressed "the Discrimination Problem," and examined implications of the problem in her work (2000, pp. 217-8, 231-2).

3. Classical Rhetorical Theory of Stasis

Having made a preliminary investigation into an arguer's dialectical obligations and the dialectical tier, this section of the paper turns to investigate the first two research questions: "What is the nature of the classical rhetorical theory of *stasis*?" and "What are the limitations of the classical rhetorical theory of *stasis*?" First, I describe the classical rhetorical theory of *stasis* based mostly on Cicero's *De Inventione*. Second, I investigate how much insight classical *stasis* theory can offer into the theory of an arguer's dialectical obligations and the dialectical tier. Third, I examine the limits of classical *stasis* theory. Finally, I summarize this section.

3.1 What is Stasis Theory?

Stasis, a word that has its origin in classical Greek, means "a contemporary standing between contradictories or contrary statements, or a thing temporarily 'divided' between contrary willed and hence contrarily thinking, speaking, and acting agents" (Dieter 1950, p. 353)³. *Stasis* is the issue in an argumentative exchange on which two arguers present their arguments to resolve the dispute. *Stasis* theory, first presented by classical Greek rhetorician Hermagoras in the second century BC, consisted of a certain number of stock issues that helped people to analyze issues in controversies. Although his writing is not available to us, *stasis* theory was so influential that later rhetoricians, such as Cicero, Quintilian, and Hermogenes incorporated it in writing their own handbooks on rhetoric.

Among the five canons of rhetoric--(a) invention (discovering argument), (b) arrangement (setting up an adequate order of the argument), (c) expression (using the language to express the argument properly), (d) memory (grasping the argument firmly), and (e) delivery (controlling voice and body)--*stasis* theory governs the invention process. Rhetoricians used *stasis* theory to discover the issues in specific argumentative exchanges, and to search for adequate arguments to support their claims, drawing on the *topoi*, or the metaphorical places in which arguments were situated⁴. In other words, *stasis* theory generally governs points that are potentially at issue in argumentative communication, and *topoi* specifically govern how to make arguments on the points that are at issue. Although the persuasiveness of the discourse relies on the other four canons as well as invention, the invention process was understood to be "the most important of all the divisions" (Cicero, 1949, p. 21).

Although classical *stasis* theory covered all three genres of judicial, legislative, and epideictic rhetoric, in classical Greek and Roman rhetoric it was most refined in its treatment of judicial

³ The Latin translation of the word *stasis* is either *constitutio* or *status*. I use *stasis* to credit Hermagoras for establishing *stasis* theory first in history.

⁴ The followings are some examples of *topoi*:

(1) *topos* of the more and the less: I can lift up this rock. Since she is much stronger than I am, she can probably lift up this rock.

(2) *topos* of the cause: Inflation adversely affects the economy in the long run. Since the current economy is in a condition of inflation, the economic condition will soon be sluggish.

We can find the origin of *topoi* in Aristotle's *Topica* and *On Rhetoric*. In *On Rhetoric*, he (1991: 46) subdivided *topoi* into common *topoi*, which apply to every genre of rhetoric, and specific *topoi*, which apply to certain genres but not others. See Perelman and Olbrechts-Tyteca's (1969, pp. 83-99) treatment of *loci* (Latin translation of *topoi*) for a contemporary discussion of *topoi*.

rhetoric (Conley, 1990, p. 32; Nadeau 1959, p. 54). Because of its theoretical refinement, from here on I will focus on *stasis* theory that governed judicial rhetoric.

Stasis theory consisted of four stock issues⁵, and rhetoricians used it to discover arguments to construct their case, especially in the court. They are called the *stases* of "conjecture," "definition," "quality," and "translation." Each *stasis* emerges out of the incompatibility of two views presented by the arguer and her or his interlocutor. The arguer can use *stasis* theory to understand the issue in particular argumentative communications and to invent adequate arguments. Regarding the role of *stasis* theory, Cicero said:

Every subject which contains in itself a controversy to be resolved by speech and debate involves a question about a fact, or about a definition, or about the nature of an act, or about legal processes. This question, then, from which the whole case arises, is called *constitutio* [Latin word for *stasis*] or the "issue". (1949, p. 21)

In this passage Cicero suggests broad scope of *stasis* theory in dealing with argumentative communication. Let me briefly describe Cicero's *stasis* theory by showing how it works in an argumentative exchange between an arguer (AR) and her or his interlocutor (IN) regarding whether a suspect S is guilty of the charge of murdering a victim V.

The first *stasis*, that of conjecture, concerns the existence of a certain fact (Cicero, 1949, p.23, p. 179-213). The claim of the existence of fact refers to past, present, or future. For example, the claim, "John killed Susan" refers to the past; "Abby is friendly to Cindy" to the present; and "The economy will be sluggish in a year" to the future. In the above example, AR argues that S killed V. In reply, IN argues that S did not kill V. Out of this dispute emerges an issue, "Did S kill V?" If IN's argument is more reasonable than AR's, then AR fails in the charge against S. If AR's argument is more reasonable than IN's, then the dispute regarding S's killing V will no longer be the focus of this charge.

The second *stasis*, that of definition, concerns which definition is adequate to describe the fact specified in the *stasis* of conjecture (Cicero, 1949, pp. 23-25, pp. 213-221). When this *stasis* is in question, arguers disagree about the meaning of words. It is what today would be called a semantic issue. In the above example, AR argues that what S did was the act of murder. AR offers a definition of murder and tries to show that the act done by S falls under the definition of 'murder.' In reply, IN argues that what S did was not murder but manslaughter, and offers support for that claim. Out of this dispute emerges an issue, "Did S commit murder?" If IN's argument is more reasonable than AR's, then AR loses in this charge against S. If AR's argument is more reasonable than IN's, then the dispute regarding the definition of the act will no longer be the focus of this charge.

The third *stasis*, that of quality, concerns qualifying factors related to the deed specified in the previous *stases* (Cicero, 1949, p. 25, pp. 225-285). Two main subdivisions of this *stasis* are equity and legality. On these two subdivisions, Cicero said:

The equitable is that in which there is a question about the nature of justice and right or the reasonableness of reward or punishment. The legal is that in which we examine what

⁵ There is disagreement about the number of stock issues in *stasis* theory among rhetoricians. According to Nadeau (1959: 53-62, 66-71), while Hermagoras' *stasis* theory consisted of four stock issues, Hermogenes' *stasis* theory consisted of three. Since Hermagoras' *stasis* theory covers issues more comprehensively, I examined Cicero's *stasis* theory, which derived from Hermagoras' theory and consisted of four issues.

the law is according to the custom of the community and according to justice. (1949, p.31)

He further subdivided the equitable into the absolute and the assumptive. The absolute concerns the question of right and wrong. The assumptive concerns such extraneous circumstances as: (a) asking for pardon, (b) shifting the charge to another person, (c) claiming the action was provoked, and (d) comparing the charged act with some other lawful and advantageous action. In short, the parties concerned attempt to settle this issue and determine the significance of the deed. In the above example, AR argues that there is no factor that will diminish the importance of the S's act of murdering V. In reply, IN asks for a pardon by arguing that S was mentally handicapped. Out of this dispute emerges an issue, "Can S be exempted from punishment because she was mentally handicapped when she committed the murder?" If IN's argument is more reasonable than AR's, then AR loses in this charge. If AR's argument is more reasonable than IN's, then the dispute on the qualification of the deed will no longer be a question in this charge.

The fourth *stasis*, that of translation, concerns the legitimacy of the legal process that governs the argumentative exchange (Cicero, 1949, p. 25, p. 33, pp. 221-225). This *stasis* requires a transfer of the case, because:

the right person does not bring the suit, or . . . he [sic] brings it against the wrong person, or before the wrong tribunal, or at a wrong time, under the wrong statute, or the wrong charge, or with a wrong penalty. (1949, p. 23)

Cicero mentioned that because this *stasis* rarely became the focus of the trial since its force was not so strong, it was supported by other issues (1949, p.221). In the above example, AR argues that the procedure is legitimate and the court is justified in imposing punishment on S. In reply, IN argues that this court has no jurisdiction over this charge. Out of this dispute emerges an issue, "Does this court have jurisdiction over the charge against S?" If IN's argument is more reasonable than AR's, then the court will dismiss the case and AR will lose it. If AR's argument is more reasonable than IN's, then a dispute over the legal process will not be the focus of the charge.

Since *stasis* theory, as described above, covers the points that might be argued in a trial, an arguer can draw on the theory and anticipate what will be possibly at issue in the specific argumentative exchange. In this framework, an argument will be good if it is more reasonable than the objections and the alternative positions that the interlocutor actually advances in all the four *stases*. In actual argumentative communication, the number of *stases* to be argued varies from one situation to another. However, *stasis* theory helps the arguer understand the basic issues that she or he must demonstrate. The four issues that the arguer needs to resolve are: the existence of a certain act, the definition of the act, the qualifying factors for excusing or pardoning the agent, and the legitimacy of the procedure⁶.

⁶ Modern scholars of rhetoric realized the value of *stasis* theory, and some of them attempted to re-develop the theory (Braet, 1987; Conley, 1990, pp. 32-33, pp. 53-59; Toulmin, 1987, p. 378; Ziegelmueller and Kay, 1997, pp. 153-167). Although those research projects claimed that *stasis* theory can be a tool for the criticism as well as for the invention of arguments, and that the theory can be applied to argumentation in general, they still retained a link with legal argumentation.

3.2 Stasis Theory, Arguers' Obligation and the Dialectical Tier

The previous section has demonstrated that *stasis* theory may help an arguer attend to potential issues in constructing an argument. The next question to be answered is how an arguer can use *stasis* theory to identify those objections and alternative positions that require reply.

With regard to objections and alternative positions to the *stasis* of conjecture, the arguer must be ready to reply to the position, "What the arguer claims to exist does not exist." Since the interlocutor could deny the arguer's claim of the existence of certain actions, the arguer must offer reasons that the interlocutor's position is weaker than the arguer's.

With regard to objections to the *stasis* of definition, the arguer must be ready to reply to such objections as that "There is something wrong with the proposed definition of the thing or event in question" and that "The alleged fact in the *stasis* conjecture does not fall under that definition, even assuming it to be the correct definition for the thing or event in question." On alternative positions to the *stasis* of definition, she or he must be ready to reply to the position, "The correct definition of the thing or event in question is not the one given, but another one, but the alleged fact does not even fall under the correct definition."

With regard to the *stasis* of quality, the arguer must be ready to reply to objections and alternative positions that weaken the arguer's position established through the *stases* of conjecture and definition. According to Cicero, included here are questions about justice/right and the degree of reward and punishment (equity), and the governing law (legality) (Cicero 1949, p. 31). As described earlier, the equitable issues include: (a) asking for pardon, (b) shifting the charge to another person, (c) claiming the action was provoked, and (d) comparing the charged act with some other lawful and advantageous actions. The interlocutor might advance one or more of these equity issues to weaken the arguer's position. The interlocutor may ask for pardon either by denying intent or by acknowledging intent but still asking for pardon. She or he might shift the charge to another person either by claiming another person committed the offence, or might shift the cause of the act to another by arguing that the power or authority of another person caused the accused person to act in a certain way. She or he may retort to the charge by arguing that the act is lawful because somebody had initially provoked the accused person. She or he may compare the alleged act to some other lawful and advantageous acts and argue that the accused person acted in a certain way in order to perform the lawful and advantageous act. This list is the collection of the potential issues under the *stasis* of quality. In order to fulfill her or his obligation to respond to dialectical materials, the arguer must be ready to advance the following positions:

- 1) The accused person had the intent to do the action, and there is no reason to pardon her or him.
- 2) The accused person is responsible for the act. Nobody had the power or authority to cause her or him to do it.
- 3) Nobody had provoked the accused person, so there is no reason to regard her or his act as provoked.
- 4) The alleged act is not analogous to the act that the accused would like to compare it to. There is a striking difference between the alleged act and the act to which the accused compared it.

By advancing these points, the arguer can respond to the dialectical materials advanced in the *stasis* of quality. This *stasis* is extremely important, because the objections and alternative positions can overturn the case that the arguer presents. However, because classical *stasis* theory emphasizes the substance of legal matters, it does not seem to apply to argument outside the court that does not deal with legal matters.

With regard to the *stasis* of translation, the arguer must be ready to reply to the position, "There is something wrong with procedure of argumentation that we are using." Cicero included in this *stasis* the following issues:

- 1) The right person does not bring the case to trial.
- 2) The prosecution does not bring the charge against the right person.
- 3) The prosecution does not bring the charge to the right court.
- 4) The prosecution does not bring the charge at the right time.
- 5) The prosecution does not charge the person under the right statute.
- 6) The prosecution does not make the right charge.
- 7) The prosecution does not charge the person with the right penalty (1959, p.23).

Like the list in the *stasis* of quality, this list represents potential issues under the heading of the *stasis* of translation. So the arguer must be ready to respond to the issues raised by this list. By addressing these issues, the arguer can improve the quality of the argument she or he supports, and fulfill her or his obligations. However, as is the case with the *stasis* of quality, this *stasis* emphasizes the substance of legal matters and is not likely to offer so much insight into argumentation in general.

As described, classical *stasis* theory directs an arguer to consider the above issues in constructing arguments. Since the arguer must consider these potential objections and alternative positions regardless of whether she or he mentions them in the actual controversy, *stasis* theory helps the arguer specify certain types of objections and dialectical materials whether or not the interlocutor actually raises them in the argumentative communication.

At this point, it is helpful to rely on Johnson's distinction between the construction and the revision of argument. The construction phase refers to the process of initially building arguments. At this phase Johnson takes the position that the arguer has to respond to known objections and alternative positions, and anticipate potential ones. The revision phase refers to the process of rebuilding arguments. At this stage an arguer has to respond to actual objections and alternative positions that an interlocutor has directed against the argument (Johnson, 2000b, p.8). In short, the construction phase covers the situations in which an arguer has not yet established a communicative relationship with a specific interlocutor, and the revision phase covers the situations in which the arguer has established and promotes the communicative relationship.

If we accept this distinction between the construction and the revision of argument, it can be seen that *stasis* theory is a helpful tool in both stages. The arguer can use *stasis* theory before

she or he establishes a communicative relationship with the interlocutor (in the construction of argument). At this point, she or he relies on *stasis* theory to help anticipate objections and alternative positions that the interlocutor is likely to raise under the *stases* of conjecture, definition, quality, and translation. She or he can also use *stasis* theory in the revision phase. After listening to the interlocutor's argument in court, the arguer can analyze to which *stasis* certain objections and/or alternative positions belong, and reconstruct her or his case by handling these objections and alternative positions.

Among the four *stases*, the *stases* of conjecture and definition seem to be more useful than the *stases* of quality and translation, because of their broader scope of coverage. We encounter claims of existence of a certain fact and of definition outside the legal arena. For example, such claims as, "Global warming is occurring" and "The economy will go into a downturn within a year" are about the existence of a certain fact. Also, the claim, "A fetus is human." is the one of definition. On the other hand, the above examples of the *stases* of quality and translation show a strong tie with the substance of legal matters, and thus in their present form they are unlikely to offer much insight into the theory of an arguer's obligations and the dialectical materials outside judicial rhetoric.

In conclusion, classical *stasis* theory is to some extent helpful for the arguer to specify some objections and alternative positions under the heading of conjecture, definition, quality, and translation in constructing and revising her or his argument. However, because of its emphasis on the substantive matters raised in trials, classical *stasis* theory, as conceived by Cicero and modified by modern scholars, cannot claim comprehensive coverage of dialectical materials.

3.3 Limits of Classical Stasis Theory

Following the spirit of fulfilling an arguer's obligations to respond to dialectical materials, I now attempt to consider potential and actual questions and objections to classical *stasis* theory and to respond to them. They may not constitute an exhaustive list of dialectical materials surrounding *stasis* theory. However, some of them are dialectical materials that I conceived of in the construction phase of argument, so they constitute potential issues. The others in the list are the actual questions or objections raised by argumentation scholars, so they constitute actual issues. By responding to them, I hope to construct a better understanding of the nature of *stasis* theory and to set out the limits of the theory as conceptualized by classical and contemporary scholars.

First, as has been mentioned already in this paper, *stasis* theory may not apply to controversies outside the legal arena, because of its connection with the substance of legal affairs. I admit that *stasis* theory, as conceptualized by classical rhetoricians and modified by contemporary scholars, emphasizes the substance of legal matters, and that it is not likely to apply to extra-legal matters. This is the case especially with the *stases* of quality and translation. However, since controversies over claims about existence, definition, quality, and translation can occur in fields other than jurisprudence, the issues covered in *stasis* theory can apply to non-legal rhetoric with some modifications. The modification of classical *stasis* theory will be the topic of the next section.

Second, *stasis* theory might not cover controversies in which there is only one viable position, or there are more than two positions, because the theory assumes that the controversy emerges out of a bifurcated opposition of opinion. Although this objection suggests that *stasis* theory cannot

cover all controversies, it does not make *stasis* theory appear altogether unacceptable. There is good reason to think that it can be illuminating in those circumstances where it applies.

Third, even within legal rhetoric, *stasis* theory cannot cover all types of controversy. Each *stasis* functions as a *stasis* (an issue to be resolved by arguments) only when the clash of positions has occurred and an exchange of arguments can pave the way to a resolution of the controversy. According to Nadeau, Hermagoras perceived that *stasis* theory cannot adequately treat the following situations:

- 1) There are insufficient data and reasons available to constitute a case.
- 2) The state of equal balance cannot be resolved through an exchange of arguments because of equal distribution of the available reasons and data.
- 3) The amount of available reasons and data favors one side and so a clash of the positions is not likely.
- 4) Some questions are difficult to reach a conclusion about. The example given to support this situation is: "Alexander was said to have been urged in a dream not to have confidence in dreams" (Nadeau, 1964, p. 378).

The third situation is similar to the second objection I have just dealt with, so I can leave it out to avoid redundancy. I am not clear about why the fourth situation can become a topic for argument. I agree with Nadeau that this situation is not suitable for *stasis* theory, but I doubt that anyone can make an argument about what happened in Alexander's dream. I therefore leave this situation out. Then I have two situations in front of me. Let me treat each in turn.

In the first situation, the arguer cannot meet her or his burden of proof to present a *prima facie* case. Since a *stasis* emerges when a conflict of two positions occurs, *stasis* theory cannot cover situations in which there is no incompatibility of two positions. However, an arguer can use the theory to realize that she or he cannot meet the burden of proof.

In the second situation, there is no likelihood that the arguer and the interlocutor can resolve the controversy because both sides have equally strong positions. I understand Nadeau to mean by this condition that when *stasis* theory cannot help the participants to resolve the controversy by way of argument, *stasis* theory will not be helpful. However, I think that arguers can still use *stasis* theory to understand and analyze the known objections and alternative positions to their own position. This objection is therefore not so strong, because an arguer can draw on *stasis* theory to analyze the dialectical material that surrounds her or his positions.

The list of objections that Nadeau collated shows that *stasis* theory cannot be a tool to analyze every instance of legal argumentation. However, his list does not seem to deny the role of *stasis* theory when the arguer constructs an argument. Even in these situations specified in the list, an arguer can use the *stases* of conjecture, definition, quality and translation as a guide to know what he or she ought to demonstrate.

Fourth, it is doubtful whether the four issues specified in *stasis* theory really exhaust the potential types of issues. At this moment I do not know if the theory is exhaustive in its coverage of issue

types⁷. In other words, there might be issues other than those specified by the *stases* of conjecture, definition, quality, and translation. If this is the case, then *stasis* theory cannot claim to be exhaustive in the treatment of an arguer's obligations.

Fifth, *stasis* theory does not embrace the spirit of the rational practice of argumentation, because it does not oblige an arguer to reply to serious objections known only to an arguer herself or himself (Johnson 1998b, p. 9). I agree with Johnson that *stasis* theory does not guarantee that an arguer actually addresses serious objections, because it is originally designed for the invention of argument, or the discovery of argument, not for the delivery of argument in public. However, as described in the previous section, *stasis* theory can help an arguer to attend to dialectical materials, and to construct and revise arguments. So an arguer can know the serious objections that can be raised in the *stases* of conjecture, definition, quality, and translation, and construct replies to them. It is true that the construction and revision of an argument does not automatically cause the arguer to express the argument publicly, but the invention of an argument is the first step toward its delivery. Since an arguer can use *stasis* theory to construct answers to some of the serious objections, the theory is too important to be dismissed.

In conclusion, these questions and objections collectively set out the limits of classical *stasis* theory. The first objection limits the scope of classical *stasis* theory to legal argumentation. The second and third objections collectively limit the applicability of *stasis* theory even within legal argumentation by showing that people can effectively analyze some examples of legal argumentation. The fourth item in the list is a question rather than an objection, but it potentially weakens the exhaustiveness that Wenzel claimed for *stasis* theory. The fifth objection limits the role of *stasis* theory in the fulfillment of an arguer's obligations to respond to actual dialectical materials.

3.4 Conclusion

In this section of the paper, I have examined classical *stasis* theory and its relations to an arguer's obligations and the dialectical tier. In the first part of the section, I laid out the components of classical *stasis* theory, based on Cicero's work. *Stasis* theory is designed for the resolution of two contrary positions, and comprises of the *stases* of conjecture (existence of a certain act), definition (characterization of the act), quality (importance of the act) and translation (validity of the legal procedure). In the second part of the section, I examined how much insight *stasis* theory can offer with regard to an arguer's obligations. Although *stasis* theory can help the arguer anticipate dialectical material, it does not seem to be greatly helpful to general argumentation because of its strong tie with legal argumentation. The *stases* of quality and translation especially emphasize a strong connection to the substance of legal matters and thus seem to be less insightful than the *stases* of conjecture and definition. In the third part of the section, I examined those dialectical materials that I anticipated in the process of thinking through *stasis* theory and those which I encountered in the literature. Besides being unhelpful to argumentation outside of court, *stasis* theory cannot cover all legal disputes, might not be

⁷ Following Johnson (2000b, p. 9), I draw on a type-token distinction for clarification. If there are three objections that essentially mean the same, there is one type of objection, but three tokens of it. If we have some other kinds of objections that are not covered by the four *stases*, then we will have a fifth type of *stasis*, and classical *stasis* theory cannot be exhaustive. See Martinich (1996, p.7-8) for a concise explanation.

exhaustive in its treatment of possible issues, and would not cause an arguer to fulfill her or his obligations in actual argumentative communications.

Finally, although *stasis* theory helps the arguer attend to dialectical material, and to construct and revise her or his argument, the theory, as conceptualized by classical Greek and Roman rhetoricians and modified by modern argumentation theorists, is unlikely to be helpful in constructing and assessing arguments outside the realm of legal rhetoric. So Wenzel's suggestion that we use *stasis* theory to construct replies to objections and alternative positions is not satisfactory. However, an adaptation of classical *stasis* theory might reformulate our judgment on *stasis* theory. Let us turn to this topic in the next section.

4. Generalized Stasis

The previous section has demonstrated that although classical *stasis* theory helps an arguer consider dialectical material and construct argument in some situations, it is not likely to apply to argumentation in general. Based on what we have seen there, this section turns to investigate the third and fourth research questions: "How can the classical rhetorical theory of *stasis* be generalized to be applied to any type of argument?" and "To what extent does a generalized *stasis* theory provide a systematic tool for identifying dialectical obligations pertinent to the construction and evaluation of arguments?" First, I reconceptualize each of the *stases* of conjecture, definition, quality, and translation, so that they can be more comprehensive than those understood by classical rhetoricians and modern rhetorical scholars. Second, I apply the reconceptualized *stasis* theory to actual cases to understand the extent to which the reconceptualized *stasis* theory will be helpful in detecting how an arguer fulfills her or his dialectical obligations. In light of the reconceptualized *stasis* theory, I examine a paper by Johnson about an arguer's obligations. In the third part, I summarize this section.

4.1 Reconceptualization of Stasis Theory

The previous section demonstrated that classical *stasis* theory has four major problems. First, *stasis* theory, as is, cannot be applied to argumentation outside the courtroom. Thus, in order for us to claim that *stasis* theory is a tool for inventing any type of argument, we must eliminate its strong tie to legal argumentation and make the theory neutral, so that it can apply to argumentation in any forum. Let me call this problem "the Scope Problem."

Second, *stasis* theory, as is, cannot deal with every type of argumentative communication even within the legal forum. For instance, it cannot deal with the following situations: (a) neither side can make a good case, (b) the arguers have equally strong arguments and are unlikely to settle the dispute, and (c) only one side has a good argument. Although this criticism is directed to classical *stasis* theory that emphasized legal argumentation, it seems to apply to the other types of argumentative communication, because we can imagine such situations that only one side has a good case in a social controversy. A general *stasis* theory must cover argumentative communication more comprehensively. Let me call this problem "the Exception Problem."

Third, *stasis* theory, as is, is not likely to exhaust the possible types of issues. For example, the *stasis* of conjecture, or the claim of existence, actually concerns the existence of a certain action by an agent. Claims that do not involve actions are therefore excluded from an analysis based on *stasis* theory. A general *stasis* theory must cover propositions of the latter type and, indeed, exhaust all possible types of issues. Let me call this problem "the Exhaustiveness Problem."

Fourth, the use of *stasis* theory will not cause an arguer to fulfill the obligation to deal with dialectical materials. Even if an arguer uses classical *stasis* theory and anticipates what objections and alternative positions she or he must handle in fulfilling her or his dialectical obligations, the arguer might not respond to these objections and alternative positions in presenting her or his case. Must a general *stasis* theory, when used, cause the arguer to fulfill her or his obligation? Let me call this problem "the Performance Problem."

Dealing with these four problems constitutes the task to be handled in creating a general *stasis* theory. In this section, I focus on the first and the third problem, because the scope and the exhaustiveness of the theory seem to precede the practical problems of exception and performance. The relationship among the four problems is summarized in the following way. If *stasis* theory were to have an inclusive scope and exhaust the potential issue types, then can we use the theory in every type of argumentative communication without exception? And if *stasis* theory were to have an inclusive scope and exhaust the potential issue types, then will the use of the theory cause the arguer to actually fulfill her or his dialectical obligation to respond to dialectical materials? The Exception Problem and the Performance Problem arise as problems to be handled once we settle the Scope Problem and the Exhaustiveness Problem. In this section I am concerned with the Scope Problem and the Exhaustiveness Problem, because the investigation to these two problems will offer us an answer to the two research questions listed above. In other words, by investigating the scope of a new *stasis* theory, we will understand how comprehensive it is. Also, by investigating the exhaustiveness of a new *stasis* theory, we will understand the extent to which it offers a systematic tool for identifying dialectical materials. After establishing these theoretical positions and applying the theory to actual texts in this section, I will turn in the next section to the question whether the generalized *stasis* theory provides answers to the Exception Problem and the Performance Problem. Now, let me turn to the reconceptualizations of the *stases* of conjecture, definition, quality, and translation.

4.1.1 Reconceptualized *stasis* of conjecture

According to Cicero, the *stasis* of conjecture concerned claims of a fact, and he stated that factual claims cover the past, the present and the future (1949, p. 23). However, the actual focus of this *stasis* was the past performance of an act (A) by an agent (S), i.e., whether or not S did A.

This focus is limited in two respects. First, the focus on past performance excludes from this *stasis* performances in the present and in the future. The emphasis on the past in classical *stasis* theory is in line with Aristotle's rhetorical theory that legal rhetoric concerns the past, epideictic the present, and legislative the future (1991, pp. 47-48). However, by being consistent with the Aristotle's tripartite scope of judicial, epideictic, and legislative rhetoric, classical *stasis* theory fails to cover performances in the present, and performances in the future.

Second, classical *stasis* theory was concerned with the performance of an act by an agent. The emphasis on the agent and her or his act seems to derive from the legal notion of an agent's unlawful act. However, since the focus of the *stasis* of conjecture in classical *stasis* theory is the agent's act, this *stasis* cannot cover propositions that describe a state of affairs and propositions that do not refer to a specific agent. With its emphasis on the past and on an agent's performance of act, the classical *stasis* of conjecture fails to account for other controversial propositions.

In order for the *stasis* of conjecture to include more types of controversial claims of conjecture, I argue that its domain should shift from the performance of an act by an agent to the ascription of

a property to a thing. Under this reconceptualized *stasis* of conjecture, as the ascription of a property (P) to a thing (X), the key proposition will have the form: "X is P." By removing its exclusive emphasis on the past and on the agent's performance, the *stasis* of conjecture is now more inclusive. First, not only past conditions but also present and future conditions are covered. So this *stasis* can cover such proposition as: "Jane is likely to get married to James in a year or so." Second, since the reconceptualized *stasis* of conjecture concerns the ascription of properties as, it can include more than the performance of actions. For example, besides such propositions, "Wilfrid was the person who committed the murder." it can cover ones like, "The US has been hostile to communist Cuba," which refers to a state of affairs, not an action. Third, this *stasis* can include more than animate agents. By changing the focus from an agent to a thing, we can cover with the *stasis* of conjecture not only the acts of entities like humans, corporations, and states, but also the conditions of inanimate entities like, the economy, society, and culture, to name a few. So this *stasis* can include such propositions as: "One function of rhetoric is to create reality," and "The economy will be sluggish in a year." These three changes collectively expand the types of proposition to which this *stasis* can be applied. Because of its reformed nature, I will label the revised *stasis* of conjecture "the *stasis* of predication."

4.1.2 Reconceptualized stasis of definition

According to Cicero, the *stasis* of definition concerned the definition of words to characterize the essence of an action specified in the *stasis* of conjecture (1949, p. 23). The focus of the *stasis* of definition in classical rhetoric is limited for three reasons. First, the word "essence" seems to presuppose that acts have essences. I will not go into the detail here, but the idea of essentialism has been challenged in the history of philosophy. So it is not wise to buy into wording which is reminiscent of a philosophically controversial thesis.

Second, Cicero presupposes that definitions can identify an essence under dispute. However, definitions do not always offer us essences (Pinto, Blair, & Parr, 1993, p. 281). For example, when an arguer states that Susan murdered Jimmy out of hatred and when her interlocutor asks what is meant by hatred, the definition that the arguer offers might not show us the essence of hatred, but merely cite examples: e.g., "Hatred is the feeling that the US federal government has held toward communist states."

Third, definitions that delineate essences might not be necessary even when they are available. If people have a dispute over the meaning of the word 'argument,' they might not need a definition at all, but only a paradigm case that supports their concept of argument. A point that O'Keefe made in an article (1982, p.7) is a clear example. He argued that for the purpose of distinguishing and understanding argument as product and argument as interaction between two or more people, offering a typical instance of each concept of argument would serve better than offering definition of each concept. He says: "By focusing on such (paradigm) cases and by asking ourselves what such cases have in common, we may be able to clarify the concept under discussion" (1982, p.7). In other words, a clear understanding of words or phrases under dispute is sometimes possible without a definition. O'Keefe's conceptual clarification by offering paradigm cases would apply to disputes over concepts in general. We do not necessarily need the definition of a term, but examples that will show us the key feature of the concept in question will serve the need for a clear understanding of it.

In conclusion, the classical *stasis* of definition presupposes that the essence of a concept exists and that disputes over definitions would be about essences. However, a definition showing its

essence might not be needed for an understanding of a concept. These limits of the classical *stasis* of definition collectively exclude ways of understanding concepts, such as understanding through a typical example or actual use.

In order for us to make the *stasis* of definition more inclusive, I propose that its domain should shift from the definition of words aimed at characterizing essences of acts to any clarification of the meanings and uses of any terms and concepts relevant to a dispute. Under this reconceptualized *stasis* of definition, the key propositions will be: "'X' and 'P' in 'X is P' are respectively understood in such and such ways." Having its emphasis on essences dropped, the *stasis* of definition will become more inclusive. First, this renewed *stasis* of definition can avoid problems of essentialism. Second, this *stasis* can include more than definitions by means of the characterization of essences. Because it concerns any clarification of the meaning and uses of any terms and concepts, understanding important notions through paradigm cases and actual use of the terms and concepts in practice will be possible. Also, since the focus is broadened to include concepts as well as words, this *stasis* can broadly cover disputes over the way we understand important notions. For example, this *stasis* can cover such propositions as:

- 1) "Rhetoric" is conceived of as persuasive symbolic acts and "reality" is what we perceive through our five senses.
- 2) A "sluggish economy" is a condition in which the GDP growth of a state is less than 1 %.
- 3) "An arguer's dialectical obligations" is to be conceived in such a way that the arguer deals with objections, alternative positions, criticisms and challenges when she or he constructs and delivers her or his argument.

Each of these examples is not a definition in the sense of essential definition. They rather indicate ways we can better understand the concepts in a rough way. An arguer can also show illustrative and typical examples to make her or his idea better understood. These two changes in the *stasis* of definition enable us to broaden its domain and cover conceptualization in general. Because of its reformed nature, I will label the revised *stasis* of definition "the *stasis* of clarification."

4.1.3 Reconceptualized stasis of quality

According to Cicero, the *stasis* of quality concerned whether there are any factors to give qualifications to the act performed by an agent (1949, p. 25). The focus of the *stasis* of quality in classical rhetoric is limited because the substance of this *stasis* is connected to legal issues. As we have seen in section 3, this *stasis* concerned: (a) asking for a pardon, (b) shifting the charge to others, (c) justifying an act based on the provocation of the act by others, and (d) justifying the act based on the end of the act (Cicero, 1949, pp. 237-261). These issues function to weaken or overturn the case that the arguer has presented to the judge, or to shift the presumption, and their domain is legal argumentation in a strict sense. With emphasis on the qualifying factors that lead to questioning or overturning the arguer's case, the classical *stasis* of quality can cover only legal or quasi-legal issues. So it is unlikely to deal with such aforementioned topics as a sluggish economy, the function of rhetoric in creating reality, or the obligation of an arguer to handle objections and alternative positions.

In order for the *stasis* of quality to include more types of controversial claims about qualifying factors, I argue that its domain should shift from qualifications of a *prima facie* judgment of guilt

by exempting factors to the questioning or overriding of an arguer's position by defeating conditions. Under the reconceptualized *stasis* of quality, the key proposition will be: "X is P unless some qualifying factor exists," and "X and P are respectively conceived in such and such way unless some qualifying factor exists." Setting aside its emphasis on judgments of guilt, the revised *stasis* of quality will cover qualifying factors more comprehensively than its classical counterpart. For example, it would include not only factors related to the presumption of innocence, but also factors related to other types of presumption. An arguer, facing objections and alternative positions that can question or override the presumptive force of her or his position, must argue that objections and alternative positions raised by her or his interlocutor will not diminish the logical cogency of the case.

The importance of the presumptive force of argument is explained well by Walton (1996, pp. 6, 8, 13). He states that non-deductive and non-scientifically-inductive argument is presumptive in nature⁸. Although it offers the audience some reason to accept the conclusion, "it is subject to default relative to what is known (or becomes known) of the further circumstances of the case" (1996, p. 8). Just as an argument in Walton's conception must withstand an examination that can change the presumption, so does the case presented by an arguer have to withstand an examination in the *stasis* of quality that can shift its presumption. This *stasis* can cover such propositions as:

- 1) Rhetoric is broadly conceived of as persuasive symbolic acts, unless coercive force is involved in the process of persuasion.
- 2) A sluggish economy is the condition in which GDP growth is less than 1%, unless the unemployment rate is zero.
- 3) An arguer's dialectical obligations is fulfilled when she or he handles objections, alternative positions, criticisms and challenges in constructing and delivering the argument. The arguer is obliged to fulfill her or his dialectical obligation unless there is not enough time and space to handle these dialectical materials.

These examples concern whether there are any qualifying factors that might diminish the cogency of the argument established in the *stases* of predication and clarification. The phrase "some qualifying factor" in the above key proposition might seem to be a little too broad. However, the very broadness enables us to accommodate many types of circumstances that can change a presumption. In this revised *stasis* of quality, the arguer must anticipate dialectical

⁸ Walton had a legal trial in mind in describing the presumptive force of argument. He said:

Once put forward by a proponent in a dialogue (for example, in a legal trial), the argument creates a presumption that shifts a weight or burden onto anyone who would doubt it to ask appropriate critical questions, or to give evidence to indicate that this case is somehow not typical in a relevant respect. (1996, p. 8)

This passage is important for two interrelated but separate reasons. First, his writing suggests that turning legal argumentation theory into theory for argumentation in general is an adequate move. Johnson (2000a, p. 26) questions such aspects of legal argumentation as an adversarial approach, but Walton's passage implies that we can create a good theory of argument out of legal argumentation theory. I will deal with this later in section 5, when I talk about the Performance Problem. Second, the shift of presumption is important to argumentation in general. Thus *stasis* theory, which contains the notion of the shift of presumption, is an adequate tool to analyze natural argumentation.

materials that can weaken or override a case, and address them. Because of its reformed nature, I will label the revised *stasis* of quality "the *stasis* of qualification."

4.1.4 Reconceptualized *stasis* of translation

According to Cicero, the *stasis* of translation concerned questions about the procedure of legal argumentative communication (1951, p. 23). In this *stasis*, what is questioned are: (a) Does the right person bring the charge against the right person? (b) Does the right court hold the trial at the right time, under the right statute? and (c) Is the charge correct and is the penalty adequate? These issues question whether the procedures governing the argumentative communication are adequate. As these examples indicate, the classical *stasis* of translation, as is the case with that of quality, is connected to legal matters in its substance. So the same story that I told about the *stasis* of quality would apply. That is, the classical rhetorical *stasis* of translation cannot cover domains outside legal or quasi-legal issues because of its substantive connection to legal issues. So procedural issues that have nothing to do with a legal charge against somebody's act are outside the domain of this *stasis*.

In order for the *stasis* of translation to include more types of controversial claims about procedures, I argue that its domain should shift from questions about the procedures of legal argumentative communication to those about the procedures of argumentative communication in general. Under the reconceptualized *stasis* of translation, the key proposition will be: "This is the right person, place, and time to discuss 'X and P.'" By its link to legal settings de-emphasized, the *stasis* of translation can cover not only procedures governing legal argumentation but argumentation in general. In this *stasis*, the arguer must anticipate dialectical materials concerning argumentative procedures, and must argue that the procedure that the relevant parties follow is adequate for the argumentative communication they are engaged in. The importance of procedure to argumentation has been recognized by scholars (Wenzel, 1990, p. 16; Eemeren, Grootendorst, & Snoeck Henkemans, et al., 1996, pp. 274-311). Van Eemeren and Grootendorst constructed their pragma-dialectic argumentation theory based on procedural rules. In their theory, if parties in argumentation abide by the rules designed to efficiently resolve differences of opinion, their argumentation will be judged to be good. On the other hand, if one of the parties violates any of the procedural rules for argumentative communications called "critical discussions," then the argumentation will be fallacious. Although the contents of their procedural rules are different from those of the above key proposition of the *stasis* of translation, the point they make about the importance of procedure in argumentation is worthwhile to attend to. Just as the arguers in pragma-dialectics must follow procedural rules, so does an arguer using *stasis* theory have to pass the scrutiny of the procedural examination specified above. This *stasis* can cover such proposition as:

- 1) This is the right person to talk about economic conditions, because she has a Ph. D. in economics and now works for the World Bank.
- 2) Since this is a journal on bioengineering, it is not the place to publish your article on the relationship between rhetoric and reality.

As these examples show, the reconceptualized *stasis* of translation concerns whether the procedure of argument is adequate to sustain rational practice. It covers the procedure of argumentation in general, so it is more inclusive than its classical counterpart. Because of its reformed nature, I will label the revised *stasis* of translation "*stasis* of procedure."

In summary, reconceptualized *stasis* theory consists of four *stases*, like classical *stasis* theory. The *stasis* of conjecture now becomes the *stasis* of predication, and concerns the ascription of a property to a thing. Its focus has broadened to include propositions referring to any time, conditions other than the performance of an act, and animate and inanimate things. The *stasis* of definition now becomes the *stasis* of clarification, and concerns the meaning and uses of any terms and concepts relevant to the dispute. Its focus has broadened to include the understanding of concepts in general, without a commitment to essentialism. The *stasis* of quality now becomes the *stasis* of qualification, and concerns qualifying factors in general. Its focus has broadened to include more than qualifying factors on a guilty charge in court. The *stasis* of translation now becomes the *stasis* of procedure, and concerns questions about the procedures governing argumentation in general. Its focus has broadened to include more than procedural questions governing trials. By removing its strong substantive tie with legal argumentation I have turned *stasis* theory from a theory applied to legal argumentation to the theory that can be generally applied to argumentation that involves the questions about: (a) ascriptions of properties, (b) conceptualizations, (c) qualifications, and (d) procedures governing argumentative communication.

I am not sure whether the renewed *stasis* theory can cover every type of argumentative communication. However, debates over properties, concepts, qualifying factors and procedures seem to be common when arguers present their arguments, because they must be clear about: (a) the structure of the world, by assigning or identifying properties, (b) the meanings and uses of words and concepts, (c) whether qualifying factors exist for their cases, and (d) the adequacy of the procedures that they engage in. Therefore, I argue that the new *stasis* theory extensively covers many more types of argumentative communication than classical *stasis* theory did. In the next section, I will apply the renewed *stasis* theory to actual texts to see if it can be applied outside legal argumentation, and examine to what extent it offers for us a systematic tool for identifying and evaluating arguments.

4.2 Application of the Reconceptualized Stasis Theory

In this section, I use the reconceptualized *stasis* theory and analyze how Johnson made arguments for the theory of an arguer's dialectical obligations in his Ontario Philosophical Society (OPS) paper (1996). Since his OPS paper was one of the first papers in which Johnson developed the idea of "the dialectical tier" and an arguer's dialectical obligations, this paper belongs to what Johnson called "the construction phase" of argument (2000b, p.8). So according to his own theory he had the task of addressing known objections and alternative positions and anticipating possible objections and alternative positions.

In this paper, Johnson advanced two related but independent theses: (1) An argument should consist of a two-tier structure of an illative core and a dialectical tier, and (2) an arguer has the following dialectical obligations to reply to: (a) objections that the arguer thinks that she or he can respond to, (b) objections that the arguer's audience would like to have treated, and (c) Standard Objections. I will analyze each of the claims in turn to see how Johnson discharged his obligation to address known and possible objections and alternative positions to his claims.

The first claim, that an argument should consist of an illative core and a dialectical tier, ascribes certain properties to argument. Instead of merely consisting of collections of propositions in which one (the conclusion) is supported by others (the premises), an argument must have an additional component, called "the dialectical tier," in which the arguer handles objections,

opposing points of view, and criticisms. Since Johnson ascribed the two-tier structure as a property of arguments, we can take the first claim to be directed to the *stasis* of predication. Advancing this claim about argument is equal to addressing the traditional view of argument among logicians, because Johnson argued that the traditional account of argument, which did not consider a dialectical tier, could not adequately ascribe the proper features to arguments. So Johnson attempted to establish his claim by addressing one alternative position to his account of argument.

A question might emerge in the mind of the readers, "What is the illative core and the dialectical tier?" This question is in the domain of the *stasis* of clarification, because it concerns how Johnson conceptualized these elements. Coming from a pragmatic perspective, Johnson broadly conceived that an argument is the product of the practice of argumentation, one primary purpose of which is rational persuasion. Since an arguer in this practice must support a claim to rationally persuade the other, the product consists of the claim that the arguer advances plus the reasons or evidence that she or he offers for supporting the claim. This component is what Johnson calls, following Blair, the illative core. So the illative core is a little similar to the traditional conception of argument in that both focus on a relationship among statements or propositions. However, the illative core also focuses on the purpose that the collection of the statements or the propositions serves--rational persuasion. The dialectical tier is the second element of Johnson's conception of argument, but he did not describe the dialectical tier in terms of its structure. Instead, he focused on its function. He argued that the dialectical tier is the part of an argument in which the arguer deals with objections, opposing points of view, and criticisms.

When Johnson (1996) advanced the thesis that an argument should consist of a two-tier structure, and explained its components, he did not address possible objections or alternative positions to his conceptualization of the illative core and the dialectical tier. In this respect, it is doubtful if Johnson fulfilled his dialectical obligation, because he, as the arguer, was obligated to deal with them.

With regard to the *stases* of qualification and procedure, Johnson did not mention any defeating conditions for his conception of argument or any possible procedural problems with his argumentation. These circumstantial conditions imply that he did not imagine any fatal problems with his conception of argument (if there were any), and that he believed the procedure he engaged in to advance his claim was right. It is also to be noted that neither Govier nor Wenzel--the two principal critics of Johnson's theory--made any arguments on the *stasis* of procedure, and this issue has not become the focus throughout the development of the theory of an arguer's dialectical obligations and the dialectical tier. I will elaborate the implication of the omission of the *stasis* of procedure in the next section.

The second claim Johnson made in the OPS paper was that an arguer has the dialectical obligation to reply to objections, opposing points of view, and criticisms. Regarding objections, the arguer has to respond to: (a) objections that the arguer thinks that she or he can respond to, (b) objections that the arguer's audience would like to have treated, and (c) Standard Objections. This claim ascribes two properties to the arguer's performance. First, certain aspects of the arguer's performance are obligatory. Second, the obligatory aspect of the arguer's performance is to reply to the three types of objections above, opposing points of view and criticisms. In the OPS paper, Johnson subdivided objections into those addressed to the illative core and those addressed to the dialectical tier, and focused on the objections addressed to the illative core. The

four routes to fulfill an arguer's obligations to reply to objections addressed to the illative core are: (a) replying to all possible and actual types of objections, (b) replying to all and only objections that the arguer thinks that she or he can handle, (c) replying to all the objections that the audience would like the arguer to treat, and (d) replying to The Standard Objections. Judging (a) to be impossible in light to an arguer's epistemic limitations, Johnson requires that arguers handle the objection-types specified in (b) through (d).

We can regard the examination of whether an arguer is obliged to respond to all possible and actual objection types as Johnson's act of addressing one alternative position. If addressing all possible and actual objections is the approach that the arguer should and can take, then the claim Johnson made in the *stasis* of predication, i.e., answering objections specified in (b) through (d) above, is not a satisfactory approach to the fulfillment of dialectical obligations, unless these cover all possible and actual objection types. By demonstrating that an arguer does not have to address all possible and actual objection types, Johnson responded to one alternative approach in the treatment of the objections.

The conceptual clarification of such notions as an arguer's dialectical obligations, objections, The Standard Objections, opposing points of view, and criticisms belongs to the *stasis* of clarification. There are a few ways of clarifying obligations⁹. One approach is to specify the content of the obligation in question. Another approach is to specify the type of the obligation, such as legal, moral, prudential, epistemic, or aesthetic obligation. And still another is to specify the overarching concept of obligation common to all types of obligations, i.e., "What do we mean by 'obligation' when we say, 'a person has an obligation to X?'" Johnson took the first approach and attempted to specify the content of the obligations, by offering the list of performances that an arguer must do and by characterizing the content of those performances. As a result, the reader cannot be clear what type of obligation the dialectical tier is, or what overarching features, if any, such obligations would have.

Taking the first approach, Johnson listed three major types of material that the arguer must reply to: objections, opposing points of view, and criticisms. However, the conceptual demarcation among these three types of dialectical materials was not clearly set in the paper, and Johnson sometimes referred to objections and criticisms, when he was actually concerned with objections. For example, in discussing which objections an arguer must reply to, he stated, "The arguer must address all possible and actual objections and criticisms" (1996, emphasis in original p. 10). In the OPS paper he actually focused on an arguer's obligations to reply to objections, but ignored opposing points of view and criticisms. He did not offer a general description of objections, but described The Standard Objections as a "class of salient objections which are typically or frequently found in the neighbourhood of the issue that the argument is addressing" (p. 15).

By specifying the content of obligations and by conceptually clarifying "The Standard Objections," Johnson attempted to elucidate the notion of an arguer's dialectical obligation. Although he made this clear to some extent by specifying its content, some might wonder why he decided to specify the content of an arguer's dialectical obligations rather than specifying the type of obligation or the overarching features of obligations. They might even argue, "Specifying the type of an arguer's dialectical obligation or the general features of obligation will let us better understand dialectical obligation than specifying the contents of the obligation."

⁹ I am greatly indebted for J. A. Blair for the classification I rely on. All mistakes are, of course, mine.

Johnson should have anticipated these objections and mentioned why he decided to specify the content of the obligation only.

With regard to the *stases* of qualification and procedure, Johnson did not mention anything about the procedure he was following. We may therefore assume that he thought that no fatal problems existed in his list of objections and the procedure was adequate.

As we have seen, Johnson covered the *stases* of predication and clarification in both claims he advanced in the OPS paper. However, he did not include the *stases* of qualification and procedure in either claim. From the perspective of *stasis* theory, Johnson did not address all the issues, and he might thus appear to have failed to meet his obligations as an arguer. However, if I grant what Johnson claimed in the paper, an arguer does not have to address all possible and actual objection types. We might therefore be able to excuse Johnson for ignoring the *stases* of qualification and procedure at the construction phase of argument.

4.3 Conclusion

In this section I have attempted to reconceptualize *stasis* theory so that it can apply to argumentation in general, and examined the extent to which a reconceptualization of *stasis* theory offers a systematic tool to identify dialectical obligations for the appraisal of arguments. Based on the descriptions in the previous parts, I will draw three conclusions.

First, having its substantive connection to legal issues eliminated, the reconceptualized *stasis* theory appears to have broader scope than its classical counterpart. Since the reconceptualization has made each of the constituent *stases* neutral, the new *stasis* theory seems to apply to argumentation in various forums. The application in the second section of this section has demonstrated that the new *stasis* theory is applicable to philosophical argumentation. Although we need more examples from different forums of argumentation to conclude that the new *stasis* theory would apply to any type of argument, the application has suggested that we can be hopeful of the prospect. Thus we can tentatively conclude that a generalized *stasis* theory has an answer to the Scope Problem.

Second, the reconceptualization has made each of the *stases* more exhaustive. The *stasis* of predication, or the renewed *stasis* of conjecture, has come to include property claims in general, and is broader than its classical counterpart that concerned only acts of agents in the past. The *stasis* of clarification, or the renewed *stasis* of definition, has come to include conceptual claims, and is broader than its classical counterpart that concerned essential definitions. The *stasis* of qualification, or the renewed *stasis* of quality, has come to include qualifying factors to property claims and conceptual claims, such as shifts of presumption by defeating factors, and is broader than its classical counterpart that concerned only qualifying factors to claims on criminal charges, such as shifts of the presumption of innocence in courts of law. The *stasis* of procedure, or the renewed *stasis* of translation, has come to include questions about procedures in general, and is broader than its classical counterpart that concerned only legal procedures. These points show that each of the constituent *stases* in a generalized *stasis* theory is more exhaustive than its classical counterpart.

The two questions that have emerged out of the investigation in this section are whether the new *stasis* theory exhausts all types of claims that arguers make, and whether the *stasis* of procedure is necessary. I must confess that I do not have an answer to the first question. It seems clear that each of the *stases* respectively, and the reconceptualized *stasis* theory collectively, have become

more inclusive. However, it is not clear to me whether the renewed *stasis* theory will exhaust the possible types of claims and issues that arguers might face. If the answer to this question is affirmative, then the reconceptualized *stasis* theory will be an exhaustive theory, and arguers can use it to construct and revise their arguments. However, if the answer to the question is negative, then arguers cannot anticipate every type of dialectical material that they might face if they use this theory to construct and revise their arguments.

The second question emerged out of the application of the renewed *stasis* theory. Since Johnson did not make any claims about the procedures of their arguments, we are led to doubt whether the *stasis* of procedure is necessary if *stasis* theory is claimed to be a theory for argumentation in general. On this question, Braet's (1987, pp. 89) distinction between a potential *stasis* and an actual *stasis* would be helpful. He states that all the four *stases* are potential *stases*, but they become actual *stases* when a defendant takes them up in an argumentative communication. We can apply this argument to the *stasis* of procedure, and regard it as a potential *stasis* on which the interlocutor, not the arguer, has a burden of proof. In other words, the *stasis* of procedure is presumed to have no problem unless the interlocutor shows a reason to doubt it. Once a doubt is raised, then the arguer has an obligation to demonstrate that the procedure is legitimate. This modification might better reflect the act of making arguments, because arguers usually think that the procedure is legitimate, and that they are justified in making claims at the time and place they advance them. If we change the burden of proof this way, the arguer is obliged to cover the *stases* of predication, clarification, and qualification. The interlocutor is obliged to take up the *stasis* of procedure initially, and the arguer has the final obligation to answer this *stasis* as well.

Based on the point on the exhaustiveness of a generalized *stasis* theory and these two questions, I conclude that the generalized *stasis* theory is more exhaustive in its treatment of issue types. However, it is not yet clear whether the generalized *stasis* theory has solved the Exhaustiveness Problem.

Third, the reconceptualization of *stasis* theory has made the theory lose its conceptual distinction to some extent at the sacrifice of its broader scope and exhaustiveness. Having its strong substantive tie with legal issues eliminated, *stasis* theory has come to have a broader scope. Also, having the narrow focus of each of the *stases* broadened, the theory has become more exhaustive. However, the distinction among the first three *stases* seems to have blurred, because objections and alternative positions have the function of weakening or subverting an arguer's thesis, regardless of what *stasis* they are directed to.

I believe this problem arises out of the vagueness of such notions as property, presumption, or default factors. By further attempting to clarify these notions, we can hope to differentiate each of the *stases* more clearly. Although I recognize the problem, it is not fatal, because attempts to further refine the constituent *stases* and to distinguish one *stasis* from another accordingly, are likely to resolve the conceptual unclarity that the generalized *stasis* theory suffers from now. Thus I hope that argumentation scholars interested in this theory attempt to deal with this problem.

5. Questions, Objections, and Replies

Based on the reconceptualization of *stasis* theory in the previous section, this section turns to deal with carry-over questions and objections. Specifically, I will examine whether a reconceptualized *stasis* theory can offer a solution to the Exception Problem and the

Performance Problem. The Exception Problem concerns the invention process of argumentation, and asks if an arguer can use the *stasis* theory in any argumentative communication without exception. If the reconceptualized *stasis* theory cannot offer a solution to the Exception Problem, then it cannot be a system that arguers can use whenever constructing arguments. The Performance Problem, on the other hand, concerns the delivery process of argumentation, and asks if the use of *stasis* theory can cause an arguer to include replies to objections and to alternative positions in the discourse she or he discloses in public. If the use of *stasis* theory does not cause an arguer to handle objections and alternative positions, even in cases when she or he has found them in the invention process, then *stasis* theory does not necessarily help an arguer to improve the product she or he presents. In the first part of this section, I think through the Exception Problem, and then turn to the Performance Problem in the second part. Finally, part three of this section summarizes the question of the systematicity of the revised *stasis* theory.

5.1 Exception Problem

The Exception Problem was originally raised by classical rhetoricians about the generality of the classical *stasis* system. Hermagoras and Hermogenes, two advocates of *stasis* theory, laid out the situations that the theory was unlikely to handle. The implication of the Exception Problem was that classical *stasis* theory, which dealt with the legal argumentation, could not handle every type of argumentative communication in the court. And if this problem applies to the reconceptualized *stasis* theory, then the renewed *stasis* theory cannot cover all types of argumentative communication without exception. Because of this implication, the Exception Problem calls for our attention.

The Exception Problem actually consists of several situations that *stasis* theory is claimed to be incapable of dealing with. Although Hermagoras and Hermogenes offered different sets of situations, I focus on Hermagoras' version of the Exception Problem, for its scope can be more easily generalized to the argumentation in general than Hermogenes' version¹⁰. According to Nadeau (1959, p.61, 1964, p.379), the following situations constitute the Exception Problem.

- 1) Deficient: The participants have insufficient evidence to construct a case, so no dispute is likely to emerge.
- 2) In balance: The arguer and the interlocutor have evidence equally distributed, and argumentative communication is not likely to resolve the issue.
- 3) One-sided: One side has much more evidence available, so no dispute is likely to emerge.

Before moving on to each of these situations, I would like to emphasize a common assumption that they share. Since the word *stasis* means the temporary immobility between two positions (Dietor, 1950, p. 353), Hermagoras' position described by Nadeau assumes that *stasis* theory cannot cover those situations in which an initial clash and temporary immobility between two positions are unlikely. In the first and third situations, an initial clash and immobility are not likely to emerge, because either one side or both sides cannot make a case. In the second

¹⁰ For the detail of the Hermogenes' version of the Exception Problem, see Nadeau (1959, pp. 68-69, 1964, p.379).

situation, the clash and immobility are not temporary, because there is no way to resolve the dispute. Having exposed this common assumption, let me deal with each of the situations of the Exception Problem.

In the first situation, or the "deficiency" situation, neither side can construct a case due to lack of support for the claim that she or he would like to advance. Because the arguer and the interlocutor do not have sufficient support available, an initial clash between the two positions is not likely to occur. Because this scenario does not have a strong tie with the substance of legal matters, it is likely to apply to the reconceptualized *stasis* theory. Since this situation seems to apply to the reconceptualized *stasis* theory and challenge its generality, I as an arguer am obliged to offer a reply to the "deficiency" exception.

Although the use of the reconceptualized *stasis* theory does not help an arguer construct a case in such situations, it does help the arguer understand that she or he cannot construct a *prima facie* case. In the process of breaking down the thesis and analyzing it under the four headings of *stasis* theory, the arguer will realize that she or he does not have support for the claim. In other words, the use of the theory will force her or him to understand the weaknesses that lie in her or his argument. It is true that due to lack of the support the participants cannot set up the initial clash and the temporary incompatibility of claims and settle it, but the arguer nonetheless can realize the weaknesses of her or his argument. Thus, *stasis* theory can handle this situation, not in that the use of the theory will end in the effective resolution of the initial incompatibility of two positions, but in that it will lead the arguer to realize the weaknesses of her or his argument. In this sense, the use of the reconceptualized *stasis* theory does not help the arguer fulfill her or his dialectical obligations to respond to objections and alternative positions, because there is no way to do so.

In the second situation, the "in balance" situation, the participants have evidence equally distributed, and no argumentation is likely to resolve the strength of the claims that each side supports. Because the arguer and the interlocutor have an equal amount (that is, strength) of support, the incompatibility between the two positions is unlikely to be resolved. As was the case with the "deficiency" situation, so too the "in balance" situation is likely to apply to the reconceptualized *stasis* theory, for we can imagine that some argumentative communication becomes saturated because of the abundant support.

Can the reconceptualized *stasis* theory handle the "in balance" situation? Although the theory seems of no use to settle the dispute, it helps the arguer to construct and revise her or his argument. The foregoing narrative has indicated that the arguer can use *stasis* theory to construct her or his initial arguments, and then revise them to respond to objections and alternative positions. Because the reconceptualized *stasis* theory can help an arguer to invent and revise her or his argument, the arguer can use the theory in fulfilling her or his dialectical obligations in the "in balance" situation.

In the third situation, or the "one-sided" situation, only one side can construct a case, while the other side cannot or can hardly do so due to lack of the support for the claim that she or he would like to advance. Because the support available to the participants is so unequally distributed, an initial clash between the two positions is unlikely to come into being. Since we can imagine the situation in which only one participant has supporting data and reasoning, this situation seems to apply to the reconceptualized *stasis* theory.

There seem to be two variations of the "one-sided" situation. In one case supporting data and reasoning unequally favors the arguer; in the other, the interlocutor. Let me describe each of the two situations in turn, and offer an answer whether the renewed *stasis* theory can handle them. When constructing a case in the situation that favors the arguer, the arguer uses *stasis* theory and finds that she has enough support to construct an argument. So she or he can pass through the construction phase of argumentation without difficulty. Facing the arguer's position, the interlocutor will have a hard time to offer objections and alternative positions for lack of available support. Since the interlocutor cannot or can hardly offer objections and alternative positions, the arguer can easily respond to them, if there are any. In this situation, the arguer can also go through the revising phase of argumentation. In short, in the "one-sided" situation that favors the arguer, the immobility between the two positions is not firmly set up, and the arguer can construct her or his argument, replying to the possible and the actual objections and the alternative positions.

Given the scenario of the first variation of the "one-sided" situation, I argue that the reconceptualized *stasis* theory can handle this situation. Both in the construction and the revising phases of argumentation, an arguer can use the theory to recognize that she or he has a good argument and that the interlocutor does not have a good argument. Although the incompatibility between the two positions is likely to emerge because of the unequal distribution of support, the arguer can use the theory to fulfill her or his dialectical obligation to handle objections and alternative positions.

The "one-sided" situation that favors the interlocutor is the other side of the same coin. That is, the arguer in the second "one-sided" situation is like the interlocutor in the first scenario of the "one-sided" situation. When the arguer uses *stasis* theory in constructing her or his argument, she or he would have a hard time finding support. Since she or he does not have much support for the claim that she or he advances, the argumentation would stop at the construction phase. Also, the arguer will realize that the interlocutors will have much more support for the possible claims that they might actually advance related to some or all of the *stases*. In short, in the "one-sided" situation that favors the interlocutor, the arguer cannot construct an argument, and will notice that the interlocutor can have many objections and alternative positions.

Given the narrative of the second variation of the "one-sided" situation, I argue that an arguer in this situation can use the reconceptualized *stasis* theory just as the arguer in the "deficiency" situation can. She or he uses the *stasis* theory not to establish the incompatibility between the two positions, but to recognize the weaknesses of her or his argument. Since her or his argument is so weak, the use of the theory does not help the arguer fulfill her or his dialectical obligations.

In conclusion, an arguer, in all three types of the Exception Problem, can use the reconceptualized *stasis* theory, in an attempt to construct and revise her or his argument to fulfill her or his dialectical obligations. The use of the theory does not always guarantee that the arguer can resolve the incompatibility between her or his position and that of the interlocutor. Although the Exception Problem shows that the use of the reconceptualized *stasis* theory does not lead to the fulfillment of an arguer's dialectical obligations, it does not deny that an arguer can use the theory in those situations in which the Exception Problem arises. Therefore, the Exception Problem does not seem to be a serious problem that weakens the generality of the reconceptualized *stasis* theory.

5.2 Performance Problem

The Performance Problem was raised by Johnson in his response to Wenzel's suggestion that *stasis* theory would be an exhaustive approach to deal with an arguer's dialectical obligations (1998b, p. 9). Johnson made an argument that the use of *stasis* theory would not necessarily cause an arguer to include those objections and alternative positions to which she or he has no reply. This problem poses a serious challenge to *stasis* theory when only the arguer is aware of serious objections and alternative positions that might make her or his position unacceptable or untrue, or argument problematic. If the use of the theory does not lead the arguer to include replies to these objections and alternative positions, the arguer intentionally or unintentionally can make her or his argument look like a better product. However, by doing so she or he violates the constraints of manifest rationality that govern the practice of argumentation.

Since Johnson made this argument against classical *stasis* theory that was tied to argumentation in a court, we must first see if his criticism is likely to apply to argumentation in general. In replying to the Wenzel's criticism, Johnson made an argument based on the distinction between legal argumentation and natural argumentation. He stated:

Suppose that a lawyer knows of a consideration (which he [sic] supposes is not known to his adversary) that is highly prejudicial against his case and further that the lawyer really does not have an effective rejoinder to this consideration. Is he obligated to raise it? I think it is clear that the answer is No. But suppose this same state of affairs in argumentation outside of the constraints of legal argumentation--is the arguer obliged to deal with it? I think that he is, for the reasons cited above (that the construction of the dialectical tier is necessary dimension of the rationality of the process). (1998b, p. 9)

From this passage it is clear that Johnson assumes that there is a significant difference between legal argumentation and natural argumentation (to be more precise: argumentation used for rational persuasion), and he argued that classical *stasis* theory will not fit well with the constraints of manifest rationality because of the difference.

Given his position, I argue that his objection is unlikely to apply to the reconceptualized *stasis* theory. I have demonstrated in the previous section that the *stasis* theory, with its legal component removed, can be applied to philosophical argumentation, a premier case of argumentation for rational persuasion. So the arguer, in the attempt to rationally persuade the interlocutor, can use the new *stasis* theory to anticipate, and include replies to, objections and alternative positions.

Does my answer offer us a happy ending to the Performance Problem? I do not think so. I must admit that the use of the reconceptualized *stasis* theory does not guarantee that an arguer will actually reply to the objections and the alternative positions that she or he has noticed in the process of making arguments. In order to clarify my point, let me introduce the distinction in rhetorical theory between invention and delivery. *Stasis* theory governs invention, or the creation of argument, not the delivery of the argument that one has found and created. The conclusion of Johnson's argument seemed to be correct, because the use of *stasis* theory does not end in an actual reply to objections and alternative positions. However, the reason he offered for the conclusion does not seem to be a good one. The use of the *stasis* theory does not lead to the fulfillment of an arguer's dialectical obligations, not because it governs legal argumentation, but because it has nothing to do with the delivery of arguments. The arguer's performance in public is not the domain that *stasis* theory is concerned with.

If the use of *stasis* theory does not lead to the fulfillment of an arguer's dialectical obligations, is the theory valueless? I think the answer is, "No," because the invention of an arguer's response is the first step toward fulfilling her or his dialectical obligations. If the arguer does not have a response to the objections and alternative positions in the invention process, then she or he will have no replies to offer in the delivery process. By using *stasis* theory to think through possible types of objections and alternative positions, the arguer will have something to deliver in response to them. Therefore, the use of *stasis* theory will prepare an arguer to fulfill her or his dialectical obligations, because the theory helps the arguer lay out points to be handled with.

It is true that an arguer might not include an invented response in the argument that she or he presents in public. However, the constraints of manifest rationality on the practice of argumentation, if applied within *stasis* theory, will create an onus to include the arguer's reply to objections and alternative positions. Because the constraints of manifest rationality demand that the arguer behave in a way that is not only rational but also appears to be, ignoring dialectical material known to the arguer would demonstrate that she or he is not a rational agent. Thus, in using *stasis* theory within the constraints of manifest rationality, the arguer is more likely to reply to serious objections and alternative positions that are known only to herself or himself. In this respect, *stasis* theory will be a nice complement to help the arguer to fulfill her or his dialectical obligations.

In conclusion, the Performance Problem poses a challenge to the reconceptualized *stasis* theory, in the respect that the use of the theory does not guarantee the fulfillment of an arguer's dialectical obligations. However, this problem does not seem to be so serious that we must reject *stasis* theory altogether. The reason is that an arguer can still use *stasis* theory to anticipate and reply to potential objections and alternative positions in the invention process, and then exercise her or his rationality to actually address them in the delivery process. With its role limited to the invention process of argument, *stasis* theory is still likely to apply to argumentation in general.

5.3 Conclusion

In this section of the paper, I have laid out two problems (the Exception Problem and the Performance Problem) that challenge the generality of a renewed *stasis* theory, and offered my replies to them. Although these two problems limit the function of *stasis* theory to the invention process of the argument, the arguer can still use the *stasis* theory to construct and revise her or his argument in both cases. Of the two problems, the Performance Problem seems to be a more serious objection than the Exception Problem, given the purpose of this paper. The reason is that the Exception Problem questions whether *stasis* theory helps an arguer fulfill her or his dialectical obligation without exception, while the Performance Problem questions whether the theory helps an arguer to fulfill any obligation at all.

In relation to the Exception Problem, I tentatively conclude from the investigation in this section that the reconceptualized *stasis* theory is probably applicable to any type of argumentative communication without exception. Using *stasis* theory, an arguer can know whether she or he can construct arguments and respond to objections and alternative positions, without any assurance that she or he actually fulfills her or his dialectical obligations.

As for the Performance Problem, the present investigation has demonstrated that the use of the reconceptualized *stasis* theory does not lead an arguer to fulfill her or his dialectical obligations. However, since an arguer can use *stasis* theory to invent arguments and replies to objections and

alternative positions, and since the invention of an argument precedes its delivery, the use of *stasis* theory will prepare an arguer to fulfill her or his dialectical obligations. With a reply to the dialectical material at hand, an arguer can decide what to include in, or exclude from the discourse she or he will put in public. Without it, she or he will have no replies to make to objections and alternative positions. If an arguer has a response to these dialectical materials and abides by the constraints of manifest rationality, then she or he is likely to handle the dialectical materials and fulfill her or his dialectical obligations. Although the use of *stasis* theory does not guarantee that an arguer fulfills her or his dialectical obligations, it is the first step toward fulfilling it. Therefore, *stasis* theory still plays a major role in the fulfillment of an arguer's dialectical obligations.

In summary, the two problems examined in this section have made us limit the function of the reconceptualized *stasis* theory to the invention of arguments. However, the very limit has made us realize that the theory is likely to apply to any types of argumentative communication, and that the use of the theory is likely to help an arguer abide by the constraints of manifest rationality to fulfill her or his dialectical obligation to handle objections and alternative positions.

6. Conclusion

In the previous sections, I have investigated the current status of the theory of an arguer's dialectical obligations, examined the nature and the use of classical *stasis* theory, generalized the classical *stasis* theory and examined its use, and offered answers to the dialectical materials that surround the generalized *stasis* theory. In this concluding section, I will look back on the path that I have taken, and then look ahead to the possible paths that argumentation scholars can take in the future. In the first part of the section, I offer answers to each of the research question set up in section 1. In the next part, I indicate the limits of the present study about the relationship between the *stasis* theory and an arguer's dialectical obligations. I end this paper with suggestions for future research on *stasis* theory and an arguer's dialectical obligations.

6.1 Answers to the Research Questions

In this section of the paper, I will offer answers to each of the research questions raised in the first section. My answers to the research questions 1 and 2 concern classical *stasis* theory, and those to questions 3 and 4 concern reconceptualized *stasis* theory.

6.1.1 Answer to the first research question: What is the nature of the classical rhetorical theory of stasis?

Classical rhetorical theory of *stasis* was a method for an arguer to invent her or his argument and anticipate an interlocutor's argument. Since the theory consisted of potential issues that an arguer and interlocutor could argue about, it helped the arguer to anticipate possible objections and alternative positions that might be raised by the interlocutor. By using the theory to invent her or his own arguments and anticipate objections and alternative positions, an arguer can prepare herself or himself for addressing them and fulfilling her or his dialectical obligation.

Classical *stasis* theory, created by Hermagoras and developed by Cicero, Quintilian, and Hermogenes, was the theory that governed the invention process, the method of finding an argument. It consisted of stock *stases* (points at issue) that might potentially arise in argumentative communication. In inventing arguments, the arguer examined that stock of issues

to think about her or his argument, counter-positions and responses to them. Drawing on these issues as the guide, the arguer advanced support on the thesis, anticipated the counter-positions that her or his interlocutor might advance, and replied to them.

6.1.2 Answer to the second research question: What are the limitations of the classical rhetorical theory of stasis?

Through investigating classical *stasis* theory, the third section offered four problems, each of which marks a limitation of the theory. The four problems are the Scope Problem, the Exception Problem, the Exhaustiveness Problem, and the Performance Problem. These problems collectively weaken the generality of classical *stasis* theory claimed by Wenzel (1998, paragraph 30), and reveal that *stasis* theory is a specific tool designed for the invention for legal argumentation in trial, and not fully transferable to other contexts.

The Scope Problem weakens the applicability of classical *stasis* theory to argumentation in general. Since classical *stasis* theory emphasizes substantive matters potentially and actually raised in trials, it does not seem to be applicable to argumentation outside the court.

The Exception Problem weakens the applicability of classical *stasis* theory to all types of argumentative communication even in the legal forum. According to classical Greek and Roman rhetoricians, the theory cannot deal with the following situations: (a) those in which neither side can make a good case, (b) those in which all the parties in the argumentation have equally strong arguments, and (c) those in which only one side has a good argument. In these situations, *stasis* theory does not help the arguer and the interlocutor to invent arguments and resolve the disagreement in opinion.

The Exhaustiveness Problem weakens the claim that the four *stases* exhaust all types of issue that may arise in argumentation. In other words, there seem to be issue types that classical *stasis* theory cannot handle. Because there are certain types of issues that classical *stasis* theory does not cover, the theory cannot govern argumentation in general.

The Performance Problem weakens the claim that the use of classical *stasis* theory will end in the actual fulfillment of an arguer's dialectical obligations. Because the use of the classical *stasis* theory will not necessarily let the arguer fulfill her or his obligation to handle objections and alternative positions, thus the theory might not be the tool for the arguer to use in fulfilling her or his dialectical obligation.

In summary, although some scholars have argued that classical *stasis* theory is a method for the arguer to draw on argumentation in general or to fulfill her or his dialectical obligation (Ziegelmueller and Kay, 1997, pp. 153-167, Wenzel, 1998), these four problems collectively weaken the claim that the classical *stasis* theory is a general theory of argument. These four problems suggest that the classical rhetorical theory of *stasis* is a method that governs argumentative communication only in trials.

6.1.3 Answer to the third research question: How can the classical rhetorical theory of stasis be generalized to be applied to any type of argument?

In this paper, I have made two attempts to generalize classical *stasis* theory, to indicate how it might be applied to argumentation in general. The first attempt was made to modify the *stases* of conjecture and definition and accommodate more types of issues. The second attempt was made to remove the substance of legal matters from the *stases* of quality and translation and have the

theory govern argumentation outside the lawcourt. These two attempts to generalize *stasis* theory has broadened the scope and the exhaustiveness of the theory to some extent, but it is not clear if the renewed *stasis* theory is applicable to any and all argumentative communication.

In summary, the two attempts that I have made in this paper to generalize classical *stasis* theory have broadened its applicability to argumentation conducted outside the court. The *stasis* of predication can cover the structure of the world by assigning property relations; the *stasis* of clarification can cover conceptualizations; the *stasis* of qualification can cover qualifying factors; and the *stasis* of procedure can cover procedural issues governing argumentative communication. Although reconceptualized *stasis* theory seems to have a more comprehensive scope and exhaust more types of issues, it is not clear at this moment that the theory can exhaust every type of argumentative communication.

6.1.4 Answer to the fourth research question: To what extent does a generalized stasis theory provide a systematic tool for identifying dialectical obligations pertinent to the construction and evaluation of arguments?

The application of generalized *stasis* theory in section 4.2 has demonstrated that we can use a renewed *stasis* theory to identify on what *stases* the arguer, in the construction phases of argumentation, advances her or his theses, anticipates potential objections and alternative positions. An investigation into the Exception Problem in section 5.1 has demonstrated that we can apply the generalized *stasis* theory to the situation in which an arguer has not argument to offer. An investigation into the Performance Problem in section 5.2 has demonstrated that the use of *stasis* theory is the first step for an arguer to fulfill her or his dialectical obligation to handle objections and alternative positions.

In conclusion, the application in section 4.2 demonstrated that the generalized *stasis* theory is a tool with which an argument critic can lay out an argument to see on which *stases* the arguer advances her or his thesis, anticipates the interlocutor's objections and alternative positions and replies to them. By using the theory, a critic can detect on which *stases* an arguer does or does not advance her or his arguments, anticipate the objections and alternative positions and handle them. Since the four *stases* contain the potential issues at stake, the failure to address potential and actual objections and alternative positions in each of the four *stases* will be a sign that the arguer has not fulfilled her or his dialectical obligation.

The investigation in section 5 has shown us that an arguer can use the *stasis* theory without exception. In each case of the Exception Problem, an arguer can use *stasis* theory to see if she or he can make *prima facie* arguments. Although use of the theory does not guarantee that an arguer can meet her or his dialectical obligations, it does help an arguer to understand whether or not she or he can make arguments and reply to objections and alternative positions. Thus, an arguer can use the theory without exception in an attempt to fulfill her or his dialectical obligations, though with no assurance of fulfilling them.

The investigation in section 5 has also demonstrated that the use of generalized *stasis* theory would allow the arguer to anticipate some objections and alternative positions, but would not lead the arguer to address those objections and alternative positions found with the help of the theory. The arguer can use *stasis* theory to discover objections and alternative positions and replies to them, but she or he can freely ignore them when it comes to disclosing the argument in public. However, since the arguer cannot address objections and alternative positions without

recognizing them and having some answers to them, the use of *stasis* theory still plays an important role for the arguer to fulfill her or his dialectical obligation.

In conclusion, the present paper has demonstrated that a generalized *stasis* theory seems to be a systematic tool that a critic can use to appraise arguments with regard to the arguer's fulfillment of dialectical obligations. Also, the arguer can use the theory to see if she or he can make a *prima facie* case and offer replies to objections and alternative positions to the thesis that she or he advances. Although the use of the theory does not necessarily end in the arguer's performance to handle objections and alternative positions, it will be a first important step toward fulfilling her or his dialectical obligations, because ignoring objections and alternative positions specified with the help of *stasis* theory will be a clear violation of the requirement of the practice of argument: manifest rationality.

6.2 Discussion

In this final section of the paper, I discuss the limitations of the present research and suggestions for future research. In section 6.2.1, I outline the limitations of my treatment of classical *stasis* theory, and my treatment of generalized *stasis* theory and its relationship to the theory of an arguer's dialectical obligations. In section 6.2.2, I offer suggestions for future research about classical *stasis* theory, generalized *stasis* theory, and their relationship with the theory of an arguer's dialectical obligations.

6.2.1 Limits of the present research

In this paper, I have drawn on Cicero's *De Inventione* to describe the classical *stasis* theory. However, since there are several versions of the classical *stasis* theory, describing Cicero's *stasis* theory as the representative of the classical *stasis* theory may be problematic. A study by Nadeau (1959) has already offered for us some differences among different versions of classical *stasis* theory, such as the number of the constituent *stases* in the theory. We need further investigation into classical *stasis* theory to accurately explore its nature and implications for the theory of an arguer's dialectical obligations, because the number of the constituent *stases* in the theory is likely to affect what types of objections and alternative positions an arguer is obliged to reply to.

With regard to the generalized *stasis* theory, there are three problems. First, the expanded scope of the theory has made conceptual distinctions among the constituent *stases* blurred. Without having a clear conception of each constituent *stasis* in the generalized *stasis* theory, we may not be capable of understanding to which *stasis* an objection or an alternative position is directed. Second, the blurred distinction among each of the *stases* makes the theory less user-friendly. Since I agree with the user-friendliness criterion for an adequate theory of argument, advocated by Johnson (2000a, p. 55), and since the generalized *stasis* theory, as conceived in this paper, appears to be difficult to use in the practice of criticism and production of argument, I see user-unfriendliness as a problem of the theory I support. Third, the number of the applications of the generalized *stasis* theory is small. I have shown how the theory might be applied to Johnson's paper about the nature of an arguer's dialectical obligations for critical purposes. Since I have made only one application of the theory for critical purposes, we are not clear if the theory is a generally workable theory. The application of the theory for the production of argument as well as criticism is necessary to know the usability and workability of the theory.

With regard to the theory of an arguer's dialectical obligations, my paper has not attempted to clarify the type of an arguer's dialectical obligations or its overarching features. As I have stated in section 4, there are three ways to clarify the nature of obligation. The first route for clarification is to specify the content of obligation. Following Johnson and Govier, this paper has attempted to specify the content of obligation, and has suggested that the arguer reply to objections and alternative positions specified by the *stases* of predication, clarification, qualification, and procedure, for these *stases* are often points at issue in the argumentative communication. Since my paper has not investigated what type of, or what overarching feature of an arguer's dialectical obligations is, we are not clear about the type and the general feature of an arguer's obligations.

Besides not investigating the type and the general feature of an arguer's obligations, my paper has not attempted to clarify the conceptual demarcation among dialectical materials, such as objections, alternative positions, criticisms, and challenges. Because my paper has not investigated the typology of dialectical material and the nature of each type of dialectical material, my paper has not been able to deepen the communal understanding about the constituent concept of the dialectical material that the arguer must handle in the process of constructing and revising arguments.

6.2.2 Suggestions for the further research

The previous section on the limitations of this paper suggests some of the research to be undertaken in future. In this section I will spell them out and add some more topics to be researched regarding the classical and generalized *stasis* theory, and its relationship with the theory of an arguer's dialectical obligations.

With regard to classical *stasis* theory, we need to conduct more investigation into other versions of the theory, so that we can grasp the general nature of the theory and its implications for the theory of an arguer's dialectical obligations. By investigating different versions of classical *stasis* theory, we are likely to understand better the nature of the theory and to have a wide range of dialectical material that the arguer must handle in the construction and revision of the argument.

With regard to the generalized *stasis* theory that I have created out of classical *stasis* theory, we must attempt to clarify the conceptual demarcation among the *stases* of predication, clarification, qualification, and procedure, without sacrificing their broad coverage of issues. Since the user-unfriendliness of the generalized *stasis* theory seems to emerge from the conceptual unclarity among the constituent *stases*, the attempt to differentiate the constituent *stases* is likely to provide for us a more user-friendly theory. Besides conceptually clarifying the general *stasis* theory, we need more critical studies in which we use the generalized *stasis* theory as a method to examine if an arguer has fulfilled her or his dialectical obligations.

With regard to the theory of an arguer's dialectical obligations, we need to investigate what type of obligation it is, and to clarify the general features of obligation. Since Govier (1999, p. 214) and Johnson (1999, p.7) regarded an arguer's dialectical obligation as a *prima facie* obligation, scholars interested in this topic need either to examine if their position is correct, and if it is correct, to clarify the specific conditions of *prima facie* obligation if their position is correct.

In addition to clarifying the type and the general feature of obligations, future research should investigate the content of dialectical material, such as objections, alternative positions, criticisms,

and challenges. We need to examine if there are any types of the dialectical material other than these four, and also clarify each of the conceptions and the nature of that dialectical material. In other words, future research on an arguer's dialectical obligations should attempt to demarcate the components of the dialectical material conceptually and specify the conditions for the arguer's treatment of each of the dialectical materials.

6. 3 Final Remark

In this paper, I have attempted to bridge the two perspectives of argument, i.e., logical and rhetorical. I agree with Wenzel's position that "argumentation depends equally the resources of rhetoric, dialectic and logic" (1990, pp. 24-25). Integration of the three perspectives is important to provide a better account of argument and argumentation, and it is possible through interaction among scholars and theories. It is my hope that my paper has paved a small path for further interaction between informal logicians and rhetoricians.

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