Assessing the Cogency of Arguments: Three Kinds of Merits

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Abstract: This article proposes a way of connecting two levels at which scholars have studied discursive practices from a normative perspective: on the one hand, local transactions—face-to-face arguments or dialogues—and broadly dispersed public debates on the other. To help focus my analysis, I select two representatives of work at these two levels: the pragma-dialectical model of critical discussion and Habermas's discourse theory of political-legal deliberation. The two models confront complementary challenges that arise from gaps between their prescriptions and contexts of actual discourse. In response, I propose a theory of argument cogency that distinguishes three kinds of merit: content, transactional, and public. Normative links between the two levels arise through the ways argument contents spread across multiple transactions in a social space whose structure and composition favor collective reasonableness.

Résumé: Dans cet article je propose une façon de relier deux niveaux de pratiques discursives que des savants ont étudiées à partir d'une perspective normative: les transactions locales – les arguments ou les dialogues face à face – et les débats publics diffusés. J'examine deux cas qui sont représentatifs de ces deux niveaux : le modèle pragma-dialectique de la critique discursive et la théorie discursive d'Habermas sur les délibérations politico légales. Ces deux modèles confrontent des défis complémentaires qui provienne des lacunes entre leurs prescriptions et les contextes de discours réels. En réponse, je propose une théorie des arguments probants qui différencie trois types de mérite: le contenu, la transaction, le public. Des liens normatifs entre les deux niveaux se présentent par l'entremise des façons que les contenus des arguments se propagent à travers diverses transactions dans un espace sociale dont la structure et la composition favorisent une rationalité collective.

In the last fifty years an interesting symbiosis has emerged between argumentation studies and certain strands of democratic theory—a symbiosis that feeds on a shared interest in normative models of good arguments. The space for this common project first opened up when argumentation theorists broke free of the philosopher's fixation on formal logic and attended to the normative substance of argument-making practices, both the informal practices of everyday life and the procedurally structured argumentation that occurs in various institutional domains such as law. Meanwhile, in the 1960s political theorists began to regain the classical interest in

ideals of public reason and the common good, ideals that had been hitherto neglected in favor of elitist and economic models of democracy. This interest eventually matured into deliberative conceptions of democracy, which placed heavy emphasis on the public sphere as the social space in which citizens rationally deliberate about the policies and laws they ought to adopt, that is, the political outcomes that can be publicly justified by good arguments and thus deserve the consent of citizens.

However, argumentation theorists and democratic theorists tend to approach argument-making practices at different levels of analysis. Argumentation theorists—in the narrower sense that contrasts with rhetorical theory—tend to develop rule-oriented models that apply most readily to face-to-face interactions. These models typically place heavy emphasis on normative dialectics, broadened and contextualized as types of "dialogue" (e.g., van Eemeren and Grootendorst 1992; Walton 1999). Consequently, the rules primarily govern the flow of discussion on the assumption that participants are symmetrically placed in the dialogue. Democratic theorists, by contrast, tend to focus on normative standards that apply to the social structures and institutions that shape political deliberation, namely standards such as fairness, inclusion, openness, equality of participation, and so on. This is true even of Jürgen Habermas (1996; 1990), who explicitly draws on argumentation theory: what ultimately grounds his normative account of political legitimacy are norms governing the social process of argumentation rather than the flow or content of discussion.

In this paper I propose a normative model of argument cogency that acknowledges the difference in levels of analysis and shows how they interrelate. Because Habermas has drawn explicitly on argumentation theory for his account of legitimacy, I use his model to exemplify democratic theory; the pragma-dialectical model will serve as a well-known argumentation theory. After sketching some initial clarifications (secs. 1, 2) and characterizing the dominant notion of cogency in each approach (3, 4), I notice their complementary weaknesses that stem from a common emphasis on dialectical idealizations (5). I then elaborate on a normative model that integrates the two levels of analysis and addresses their weaknesses (6).

1.

To clarify the notion of cogency at work in these two strands of theorizing, it helps if we first recall the perspectivist approach that enjoys favor with a number of argumentation theorists. The perspectivist framework has the advantage of providing a point of departure shared by Habermas and argumentation theory. I refer to the distinction between three normative perspectives on argumentation: the logical product (open to both formal and informal approaches), the dialectical procedure or method, and the rhetorical process (Brockriede 1982; Wenzel 1990; Tindale 1999). Joseph Wenzel's way of developing this framework has been particularly influential: "rhetoric helps us to understand and evaluate *arguing* as a natural process of persuasive communication; dialectic helps us to understand and

evaluate *argumentation* as a cooperative method for making critical decisions; and logic helps us to understand and evaluate *arguments* as products people create when they argue" (Wenzel 1990, 9, my emphasis; see also Wenzel 1979, 1987).

Wenzel notices a loose alignment of the following sort, where each row represents one dimension of, or perspective on, argument that interpenetrates the other two:

rhetorical perspective   —   arguing   —   social process
dialectical perspective   —   argumentation —   cooperative procedure
logical perspective   —   argument   —   product

After drawing up the alignment, Wenzel (1990) characterizes each perspective in terms of its typical purposes, scope and focus, situation, resources, standards, and roles. He grants that these categories only "roughly" align, that the framework serves merely as a hermeneutical starting point, and that these three perspectives are not exhaustive (Wenzel 1979, 83, 85; 1990, 12). The value of such "perspectivism" lies in its hermeneutic and evaluative breadth, thus in its serviceability as a heuristic open to a range of approaches and foci that make up argumentation studies as a field.

Habermas adopts the perspectivist model of argumentation as a response to the question of cogency:

> How can problematic validity claims be supported by good reasons? How can reasons be criticized in turn? What makes some arguments, and thus some reasons, which are related to validity claims in a certain way, stronger or weaker than other arguments? (Habermas 1984, 24)

His answer casts the perspectives on argumentation as analytically distinct "levels of presuppositions of argumentation" (Habermas 1990, 87). Most of the standards he takes directly from a more extensive treatment by Robert Alexy (1990). (Note that in Habermas's parlance, "validity claim" does not mean "deductively valid", but refers to any claim that can be criticized and defended.)

From the logical perspective, participants are concerned with the product, specifically with the construction of "cogent arguments that are convincing in virtue of their intrinsic properties and with which validity claims can be redeemed or rejected" (Habermas 1984, 25). As examples of the normative standards operative at this level, Habermas mentions the law of noncontradiction and consistency in the application of predicates (1990, 87). Because he accepts Toulmin's structural analysis of argument-products, logical standards cannot be limited to those governing deduction but must also include standards for induction and other informal argument schemes.[1]

From the dialectical perspective, arguers engage in a procedure, namely the "ritualized competition for the better arguments." This is a "form of interaction" organized as a "cooperative division of labor between proponents and opponents" who seek the truth. The standards at this level include "everything necessary" for such a competitively organized search for truth. Specifically, Habermas includes

rules of relevance and rules for the introduction of claims, as well as the broad requirement that speakers maintain only what they believe (Habermas 1984, 25f; 1990, 87f). (In fact, this last requirement seems too strong for inquiries in which participants merely want to entertain possible hypotheses, which they may not actually believe; see Meiland 1989). Notice that Habermas (1984, 31-36) insists we should distinguish institutionally specific procedural rules from the dialectical presuppositions connected with the validity claims at stake (the claim to truth, moral rightness, and personal authenticity, etc.).

At the rhetorical level, Habermas construes argumentation as a process of communication in which arguers seek to gain the assent of an audience according to the standard of a universal audience. Hence the relevant standards of good argumentation-as-communication are the general pragmatic presuppositions of an ideal speech situation:

> Participants in argumentation have to presuppose in general that the structure of their communication, by virtue of features that can be described in purely formal terms, excludes all force—whether it arises from within the process of reaching understanding itself or influences it from the outside—except the force of the better argument (and thus that it excludes, on their part, all motives except that of a cooperative search for the truth). (Habermas 1984, 25)

Besides the exclusion of coercion, the pragmatic presuppositions include standards of openness (or publicity: no competent speaker may be excluded) and equality (each participant should have an equal opportunity to make arguments). Notice that Habermas's formulation above directly links the conditions governing communication with the dialectical level as oriented toward the search for the better argument as an indicator of truth. This implies that the competitive motivation at the dialectical level should not involve self-interested motivations: participants compete simply to produce the better argument.

Although Habermas does not explicitly list a social-institutional level as part of argumentation theory, his discourse theory of law and democracy clearly points toward such a perspective as an appropriate addition to the three traditional ones. (In fact, Aristotle's *Rhetoric* includes such a perspective when it distinguishes three different types of civic discourse, each connected with a different type of public occasion or institution.) How does such a perspective function in Habermas's discourse theory? Primarily as an analysis of the acceptable and unacceptable social-institutional constraints on the realization of the other aspects of cogent argumentation. On the one hand, institutional constraints are necessary for reaching closure, which is particularly pressing when argumentation must issue in a decision, as in political deliberation (Habermas 1996, 168-93, 473-77). On the other hand, constraints also arise from various social-institutional forces, such as the ineliminable influence that systemic imperatives (economic forces, bureaucratic inertia) and powerful social actors (e.g., corporations) have on public discourse, legislation, and policymaking (*ibid.*, chaps. 7-8). He also notices how different national histories

call for somewhat different ways of specifying the basic political rights necessary for public deliberation.[2] The perspective functions normatively insofar as it distinguishes between features of the social-institutional environment that can be accommodated in some way, from those features that merit criticism and regulation. At the social-institutional level, idealized requirements are brought down to earth in specific institutional decision-making structures that take into account the particularities of the social context and the non-ideal requirements of a given social order and its ongoing reproduction.

By referring to levels of presuppositions, Habermas means to present his theory of argumentation as an articulation of what participants themselves strive to achieve in their argumentative practices. We may thus read his four-level perspectivism as a normative reconstruction of argument-making practices. According to his model, such practices involve a social process in which participants expect one another to adopt the aim of reaching an uncoerced mutual understanding. Habermas's notion of mutual understanding is sufficiently broad to cover the spectrum of outcomes ranging from substantive consensus, at one end, to agreement to accept some level of reasonable disagreement, at the other end. The point is not that everyone who argues actually adopts such an aim, but that this aim is normative: participants in argumentative practices recognize that charges of subverting the aim of understanding, arguing from ulterior motives, and the like, must be taken seriously.

2.

Two problems with pespectivism should be noted. First, the alignment of the one triad (product-procedure-process) with the traditional strands of argumentation theory (logic-dialectic-rhetoric) is subject to considerable slippage. If the product is the public text (or record of a spoken argument), then it is possible to evaluate the product from all three analytic perspectives: in terms of its logical structure, its dialectical treatment of possible challenges (its "dialectical tier," in Ralph Johnson's terms; Johnson 2000, 168-75), and its rhetorical persuasiveness for this or that audience. The rhetoric of science, for example, has focused primarily on texts (to the consternation of some commentators; e.g., Blakeslee 2001, 9-11). One could also examine the product as it reflects a certain set of social conditions, group interests, and so on—the stock in trade of much recent sociology of scientific knowledge (e.g., Barnes, Bloor, and Henry 1996).

If this complexity resides in product assessment, then we might also suspect that procedures and process could also be evaluated from a range of argumentation-theoretic perspectives. For this reason, I construe the product-procedure-process triad as naming three *components* of argument-making practices that are descriptively available, distinct from normative theories of argumentation and methods of assessment. These methods we find elaborated in the areas of logic, dialectic, rhetoric, social critique, and so on—what we might call analytic-evaluative *perspectives* on argumentation and arguments.

The second problem we find in Habermas's characterization of process standards as "rhetorical." These norms operate as counterfactual presuppositions of argumentative practice: to engage in argumentation at all, participants must presume their argument-making sufficiently satisfies these idealizations, until they have evidence to the contrary (in which case they must revisit the arguments). At most, these highly idealized process standards capture only a very logos-centered notion of rhetoric dedicated to preserving robust dialectical testing of claims. But they hardly capture the highly contextualized dynamics and presentational moves on which rhetorical scholars have spent the bulk of their efforts.

Habermas's model can be remedied, I believe, by conceiving substantive rhetorical moves, such as the use of pathos and ethos (inter alia), as contributing to argument cogency—specifically to the construction and accurate assessment of cogent arguments—by placing interlocutors in the suitable frame of mind for making responsible judgments about the relative cogency of arguments (Rehg 1997). Which moves are appropriate depends on the particular audience or group: a cautionary rhetoric, for example, would help people who tend to make quick or rash judgments. An outsider of whom interlocutors tend to be suspicious would have to take special care to establish character (ethos)—and so on. A rhetoric of this sort can play a normative role in argument-evaluation.

The upshot is this: according to Habermas's model, cogent arguments, in the full sense of cogency, should be logically strong, dialectically robust, rhetorically responsible, and socio-institutionally undistorted. On this model, logically constructed arguments justify conclusions in an immediate sense, but justifications count as objectively adequate only if they have been thoroughly tested in an argumentative process whose social-institutional conditions foster reasonable collective judgments. As we see in the next section, Habermas's theory of democratic legitimacy makes the *dialectical* merits of the political *process* do most of the real normative work.

3.

Although deliberative conceptions take somewhat different approaches, they typically hold that citizens ought to consider laws and policies legitimate insofar as these issue from a process of political deliberation that meets certain normative standards of fairness, inclusion, reciprocity, and so on (see Gutmann and Thompson 1996; Bohman and Rehg 1997; Elster 1998). Some deliberative theorists lay particular stress on the epistemic features of political deliberation as an *argumentative* process oriented toward identifying reasonable or correct solutions to social-political problems (e. g., Habermas 1996; Estlund 1992; Cohen 1986). On epistemic views, policies and laws are legitimate insofar as they issue from a deliberative process that meets certain standards of argumentative justification.

In Habermas's epistemic model, the public sphere plays a central role in the

legitimation process. The public sphere plays this role primarily as the source of positions and arguments that feed the legislative process, which in Habermas's model of constitutional democracy takes the lead over judicial and executive branches in legitimation (see Habermas 1996, chaps. 4, 6). The political outcomes generated by legislatures are legitimate, and thus deserve acceptance, insofar as they respond to, and substantively reflect, broader public discussion that meets standards of reasonableness. Decentered across a range of public venues that together make up a political public sphere, this broader discussion must be sufficiently inclusive and noncoercive to warrant the presumption that influential arguments are cogent and outcomes are fair. The public sphere thus represents the social space in which political discussion originally unfolds, which is to say: the space in which arguments for and against prospective policies and laws are subjected to broad critical testing from an inclusive range of social perspectives.

Notice how much normative work Habermas's model of legitimacy assigns to the process idealizations associated with the ideal speech situation: the degree to which the public discussion is characterized by inclusiveness of perspectives, equality of voice, and freedom from coercion—all process idealizations—is crucial to the reasonableness and legitimacy of the positions that emerge in the public sphere as fodder for parliamentary debate and lawmaking. I have already noted (sec. 2) that these idealizations, though pertaining to the social-institutional process— the position of participants, distribution of roles, relative power, and the like—have a dialectical thrust aimed at fostering critically tested, generally convincing outcomes. To this extent, Habermas emphasizes a dialectical perspective on the social processes (and institutional procedures) connected with the public sphere and official lawmaking bodies.

4.

When I refer to argumentation studies as contrasting with democratic theory (and public sphere models), I have in mind those areas of research that Jean Goodwin (2004, 3) calls "transactional scholarship." As she elaborates, transactional studies typically focus on "argumentative talk between individuals at a specific place and time. Its central normative concerns are with the quality of reasons given in that talk, the fairness of the process of talk, its efficiency in achieving desired goals, its civility and so on." The reference to particularity and talk suggests that transactional approaches encompass certain types of rhetorical analysis (esp. those committed to rhetorical occasion, or analyzing the interaction of text and reader) as well as dialogical models, which tend to rely heavily on dialectical norms. Here I focus on the latter.

Among argumentation theorists, the idea of dialogue initially appeared in connection with formalistic models of dialogue games and the like (see van Eemeren, Grootendorst, and Snoeck Henkemans 1996, chaps. 8-10). The pragma-dialectical approach provides a well-known example of a dialogical approach focused

specifically on a normative model of critical discussion. The model is essentially procedure-focused: good arguments are good in virtue of emerging from a procedure of argumentation that meets certain normative standards (Jacobs 2000, 273-74). In the case of critical discussion, the standards "specify such things as argumentative roles, argumentative moves, and procedural rules that organize and constrain the conduct of disputation so as to contribute to a resolution of a difference of opinion" (van Eemeren, Grootendorst, Jackson, and Jacobs 1993, 22). As this list suggests, procedures can include a range of rule-types and mechanisms, some of which regulate the flow of speech acts, and others that regulate social relationships. Notice that the notion of procedure accords with Habermas's use of the term insofar as "procedure" in both theories refers a rule-structured competition for the better argument.

The normative core of the pragma-dialectical model lies in its specification of four stages of critical discussion and ten rules (*ibid.*, 26-28; van Eemeren and Grootendorst 1992; van Eemeren, Groodendorst, Snoeck Henkemans 2002, 182-86). As it turns out, the model mainly focuses on regulating speech acts; role differentiation is largely ignored in favor of a tacit presumption that the disputing parties are symmetrically positioned, so that each rule can apply to either party according to whether that party is currently in the opponent or proponent role. That is, the discursive procedures, rather than the social organization of argumentative practices, provide the main normative focus: the ten rules specify or constrain the allowable speech acts open to the disputants in relation to other speech acts. The freedom rule, for example, allows each party to advance or cast doubt on standpoints, the burden-of-proof rule obligates the proponent of a standpoint to defend it, the starting point rule prohibits either party from misrepresenting an accepted starting point for discussion. The model then identifies fallacies according to which of these rules is violated (van Eemeren *et al.*, 2002. 183-86). As the pragma-dialecticians acknowledge, these rules represent an ideal model that can serve as a basis for reconstructing and evaluating actual conversations (van Eemeren *et al.* 1993).

This model of dialogue thus takes a dialectical perspective on the discursive procedure of exchanging speech acts for the sake of testing claims on the way to resolving a conflict of opinions. Whereas Habermas's idealizations refer to properties of the *participants* and their social-institutional relations, pragma-dialectical rules refer to properties of *discourse* as intellectual movement. Once Habermas's process idealizations link up with constitutional and political institutions in the context of democratic theory, they govern the macrosocial situation as determined by the institutional positions, roles, and power relationships of the participants. Pragma-dialectical norms, by contrast, are designed first of all to link up with everyday conversations among equals; as such, they govern the *situated use of language* in everyday contexts: speech-act sequences equally available to each party.

As we saw above, Habermas's process idealizations are more dialectical in

spirit than rhetorical, and thus they complement the procedural rules of pragma-dialectics (*cf.* Feteris 2003). Both sets of norms serve the dialectical goal of critically testing arguments. Does this mean that Habmeras's process idealizations are closer to rules of ideal procedure—in this case, rules governing the social relationships in the procedure? In fact, the distinction between procedure and process is somewhat slippery. Wenzel (1990) uses "procedure" to refer to formal rules and institutional mechanisms that regulate the informal "process" of arguing. But the distinction between procedure and process tends to slip because informal argumentation is also rule-governed, on the one hand, and the actual conduct of procedures involves elements of informal process, on the other. This interpenetration of procedure and process notwithstanding, I continue to use "process idealizations" for Habermas's model and "procedure" for the pragma-dialectical model. The important point lies in their shared orientation to the production of dialectically robust arguments.

5.

Before getting at some of the difficulties that motivate my own proposal, it helps to pursue the comparison between Habermas's model of legitimacy and pragma-dialectics a step further. Above I suggested that both emphasize a dialectical perspective, Habermas on the macrosocial process, pragma-dialectics on the discursive procedures governing speech acts. In both cases, the model brings ideals and norms to bear on social reality: in the case of Habermas, counterfactual idealizations link up with social institutions and constitutional processes, for pragma-dialectics, ideal rules govern face-to-face interaction.[3] This combination generates analogous demands on the dialectical perspective in each case. Habermas's dialectical process idealizations must make sense in connection with a social-institutional perspective that evaluates the quality of actual (non-ideal) processes of public deliberation. The pragma-dialectical norms, if they are not to hang in mid-air, must likewise engage with the empirical reality of dialogue. Pragma-dialecticians recognize the messiness of actual conversation, which poses a formidable challenge to the application of the ideal model (van Eemeren *et al.* 1993). To achieve a more realistic analysis, they borrow techniques of conversation analysis and rhetoric, although the model remains committed to an *a priori,* analytic approach more than an inductive, interpretive methodology (*ibid.,* chaps. 3, 4, 7).[4]

   Complementary challenges confront each approach. Because Habermas's process norms are formulated at such a high level of ideality, bringing them to bear on actual contexts—whether broad public venues or local institutional settings, such as law courts—proves difficult, as even sympathetic commentators have noticed (Blaug 1999, Lewandowski 2001; Rehg 2001). Real discourse must reach outcomes in limited timeframes under non-ideal conditions. The challenge thus consists in *scaling down* the ideal: limitations must be imposed on idealized demands such as full inclusion, but the idealizations themselves do not tell one how to set such limits without sacrificing legitimacy. More seriously, one cannot simultaneously

optimize the various process norms under real conditions, and participants may disagree about which idealization has priority (Blaug 1999; *cf.* Webler, Tuler, and Krueger 2001). For example, the debate in the United States over National Academy of Science expert-panel procedures brings out the tension between ideals of openness (publicity) and noncoercion of participants: the more one opens panel discussions to public scrutiny, the greater the fear that the panelists will feel hindered in their freedom to express opinions (see Hilgartner 2000).

Pragma-dialectical rules, on the other hand, are formulated first of all with the two-person interaction in mind. It remains unclear how or even whether these rules might be extended to cover larger-scale argumentative practices such as those relevant to political discourse. At the level of widespread, decentered political discourse, it often remains unclear what standpoint is at issue, who has the burden of proof, whether or not a standpoint has been misrepresented. The problem is thus how to *scale up* the rules of dialogue for the public sphere. To be sure, the ambiguities and non-ideality of real conversations also presents a challenge at the microlevel. But the rules are not so demanding that it would be impossible in principle for committed parties in a local argument to approximate them. For argumentative processes at the level of the public sphere, however, *multiple* interlocutors are *simultaneously* contributing arguments that relate to the same topic, but that are intended and understood by the various arguers in different terms. The argumentative situation, as a collective reality, is not defined by two clearly specifiable "commitment stores," an agreed-upon starting point, and so on.

Van Eemeren, Grootendorst, Jackson, and Jacobs (1993, chap. 5) have partly addressed this problem by drawing on further aspects of speech act theory, specifically the "felicity conditions" under which speech acts can achieve their communicative aims. Once the plausible goal of an argument is identified through interpretive methods, felicity conditions allow one to develop dialectical reconstructions of discussions involving multiple parties not physically present to one another—for example, an ongoing debate in a newspaper op-ed section. One can ask, for example, whether or not a given contribution framed the argument in a way that fosters further dialogue toward resolving the issue at hand (and thus met an important felicity condition). But their example—of a discussion involving less than twenty individuals—remains an analysis of a local dialogue.

Although argumentation theorists have addressed the macrosocial level (Goodnight 1982; Williams and Hazen 1990), how transactional studies hook up with macrosocial processes remains an open question (Goodwin 2004; Goodnight 2003; but *cf.* Willard 1989; 1996). If transactional models aim at an account of the cogency of arguments, then dialogical approaches such as the pragma-dialectical model will offer little guidance in assessing the cogency of public arguments as they feed into political legitimation through decentered macrosocial processes of public deliberation. Habermas's process idealizations extend assumptions of symmetry operative at the face-to-face level to the level of broad social-institutional

discourses, but they have at best a fragile connection with institutional mechanisms in which symmetry cannot be fully achieved.

6.

In this final section I attempt to address the above difficulties by suggesting a modified version of perspectivism. Specifically, I reconceive the relationship between local transactions, on the one hand, and macrosocial structure and composition, on the other. The proposed framework combines the context-sensitive virtues of transactional studies with an approach to social process in which Habermas's process idealizations are informed by a kind of rhetorical move that helps contextualize these idealizations. I thus propose this framework as a prescriptive model—a way to approach the normative assessment of arguments that acknowledges the capacities of real arguers. I lay out the framework in four steps.

(1) The phrase "local transaction," as I use it here, picks up on the kind of face-to-face interactions that have engaged dialogical approaches. More precisely, I refer to interactions involving two parties (or a small group) and a presented argument (or set of arguments) that participant encounters in the role of speaker and/or listener. Transactions have immediacy in the sense that at least one party makes or receives the argument through some kind of direct address. The recipient of a TV broadcast, for example, is directly present to the argument as issuing from another party (who in this case is not aware of the recipients). In clearly dialogical transactions, both arguers are present to one another, sometimes physically, sometimes electronically. In other types of transactions, one party may not be directly aware of the other (a speaker addressing a television audience; a writer of published argument; the reader of an argument by an anonymous author), in which case the interlocutor is a virtual or largely constructed entity. Small group discussions can involve two or more parties in a single transaction. The audience at a scholarly conference talk, for example, we might treat as a single party in a two-party transaction with the speaker. Other types of group discussion, in which several people represent different standpoints, involve more than two parties.

In each of the above cases, we find a kind of dialogue or encounter in which an argued claim is at stake, that is, a type of symbolic exchange in which two or more parties trade arguments (bi- or multi-directional exchange) or one party makes an argument to another, who accepts or rejects it (a unidirectional or virtual exchange). The term "transaction" implies an exchange or transfer of ideas, which if minimally successful should enhance understanding.

As concrete interactions or encounters, transactions call for modes of analysis and assessment that attend to the rhetorical and social elements of the situation and text. Participants in transactions exercise creative agency—more on which below— but they do so under the particular institutional, sociocultural, and social-psychological conditions that exist at a given time and place, and for a given set of

individuals. The crucial question for a normative model of cogency at the transactional level is this: how well do features of the local transaction—the dialogue or critical discussion—serve to place interlocutors, or the author and reader/hearer of a text or speech, in a position to make a responsible judgment regarding the cogency of the argument? If such features can be described and identified in a particular transaction, then an argument product that passes muster in that transaction enjoys, let us say, "transactional merits."[5]

Presumably, transactional merits include many of the standards and ideals identified in dialogical models of good arguments. However, I want to emphasize the local, situated, and often creative rationality of transactions: general dialogue rules and ideals do only a poor job of identifying the highly contextualized elements of transactional cogency. Ethnographic studies of conversation and argument-making have demonstrated this point even for scientific and mathematical argumentation, where we might expect a high degree of abstract generality and context-independence (see Livingston 1987; 1995; Lynch 1985; *cf.* Garfinkel 1967). That is, abstract formulations—not only general rules of dialogue but even the texts themselves under discussion—receive their full sense for an argumentative interaction only when the participants in the interaction appropriately contextualize the rules and texts in their local context. Contextualization is creative insofar as participants do not mechanically apply rules in response to external conditions, but rather achieve their communicative aims with the help of various *ad hoc* maneuvers that weave together elements of the situation in ways not predictable from the rules alone (Heritage 1984). Fully to assess transactional merits, then, requires familiarity with the specific local practices governing the transaction. Although pragma-dialecticians emphasize an *a priori* starting point, and thus take a top-down approach to analysis and evaluation, other transactional scholars have drawn heavily on ethnographic studies (e.g., Willard 1989). Rhetorical approaches also provide context-sensitive modes of analysis, which attend to the audience-specific exigencies of the particular rhetorical occasion.

(2) Local transactions feed into macrosocial discourses that involve interested publics: laypeople concerned about a particular topic, scientists in a given area of research, citizens debating prospective legislation, and so on. Thus public spheres of various types and levels emerge from myriad face-to-face exchanges, local speeches and presentations, individuals watching a public speech anonymously, and so on. Arguments that win broad acceptance across a well-structured social space of multiple local transactions enjoy what we might call "public merits" (or perhaps, "social-organizational merits").

One condition for public merits, then, is that an argument can travel: people in different transactional locales and domains[6] can engage the argument and accept it. How far an argument travels thus depends on how much it can be tailored to specific audiences without distortion of its content. Technical scientific arguments, because of their highly specialized nature, usually do not travel much beyond the

relevant subdiscipline. As technically formulated, such arguments have public merits within a limited domain—which is *not* to say that the lay public lacks grounds for accepting the conclusions (more on this below). To some extent, such arguments can be adapted for different audiences—science popularizations both simplify the original arguments and fill in background that scientists would find unnecessary to make explicit. To speak of an argument traveling this way assumes that we can identify some core that persists through the modifications, or that we can see sufficient similarity across the various formulations to regard them as making the same basic argument.

Second, an argument that gains acceptance across different transactions has public merits only if the macrosocial space through which the argument travels— the networks and aggregates of dialogical contexts—is one that sustains collective reasonableness. To assess the public merits of an argument, one must therefore analyze the composition and structure of this social space. If the social space is well-structured, then we have social-institutional grounds for considering that argument cogent. Because such grounds involve sociological and cultural information, the *ascription* of public merits is independent of the merits we can identify in the argument itself (as a set of reasons for a claim)[7] and independent of the transactional merits we can attribute to the argument as persuasive in this or that *particular* locale. Consider, again, the case of technical scientific arguments: information about the social and institutional structures of science (education, networks of cooperation, funding methods, review procedures, etc.) can potentially ground the judgment that broadly accepted scientific theories are based on publicly meritorious evidential arguments, even if one has not examined the arguments themselves. Thus, despite limited public merits, such arguments may support *conclusions* that deserve broad acceptance.

To determine that macrosocial composition and structures can sustain collective reasonableness, one must appeal to a normative model of public reason. In Habermas's democratic theory, process idealizations serve this function, providing critical standards for the social-structural conditions under which arguments move beyond local transactions.[8] As idealizations, however, such standards are "counterfactual": real discourses can at best approximate them, and there is no empirical test, applicable from a neutral observer standpoint, that tells us when a given discursive process has in fact sufficiently satisfied idealized demands (see Habermas 1993, 48-57). Whence the problem of context in his model: in scaling these idealizations down for real discourses, one limits them in ways that depart from their literal meaning. Although Habermas's (1996) democratic theory looks to various institutional, social-pyschological, and historical considerations as grounding such limitations, his top-down model does not adequately explicate the manner in which idealizations actually function for participants at the ground level of real discourse. Assigning them the status of "pragmatic presuppositions" leaves much unsaid. To address this lacuna, I modify the normative status of process

ideals along lines similar to P. A. Cramer's treatment of the publicity ideal (Cramer 2003; see Rehg 2005).

Notice first that if process idealizations must be appropriately contextualized according to domain-specific considerations, then the critique of a discussion as exclusive, unequal, or coercive has force only if the invocation of the corresponding ideals (inclusion, equal voice, non-coercion) is accompanied by substantive arguments, for example, arguments showing that certain institutional or social constraints and pressures undermine goals of the argumentative enterprise specific to that domain. For example, consider the ideal of inclusion as feminist philosophers of science have actually invoked it: they do not simply cite the bare ideal—as though it were a law whose jurisdictional authority were *a priori* evident—but argue that exclusion has either undermined the quality of scientific research or constitutes an unjustifiable violation of the moral ideal of equal opportunity. These arguments must dig into the substance of science, empirical studies of women's capacities, data on educational and disciplinary trends, and so on (see Schiebinger 1999; Wylie 1997; 2002).

The point is that process idealizations, on the interpretation I suggest here, have a determinate sense for actual practice only as they are *usable* in specific contexts for specific purposes, and in connection with substantive dialectical arguments that debunk existing discursive practices and establish alternatives. Norms of inclusiveness, equality, and non-coercion refer, in the end, not to some ideal universal audience but always to specific features of a specific institutional arrangement in some particular domain or locale (*cf.* Tindale 1999, 87-93; Crosswhite 1996, 140-64). Taken simply as ideal norms, they represent only potential rhetorical sites for critical interventions into existing practices and conventions in a given discourse community. That is, process idealizations represent enduring sites of contest and reflection in social life—potential questions or rhetorical *topoi* that in principle remain open to contest and thus can never be disregarded by practitioners as finally settled. Who is admitted, who is excluded, what counts as equal voice, how coercion differs from legitimate constraint are questions that are always potentially up for discussion, and whose resolution requires detailed argumentation focused on the specific requirements of the relevant area of inquiry or critical discussion.[9]

(3) So far, then, we have two analytically distinct normative spaces of argument-making: the local transactions and the public networks in which those transactions are linked together or aggregate into broader discourses. Local transactions are affected by the various social-psychological and institutional conditions under which they develop; thus the normative analysis of the transactional merits of an argument requires us to examine these conditions as well as the dialogue itself, that is, the dialectical and rhetorical features of the exchange. The public merits of an argument, on the other hand, depend on the conditions that determine how these transactions come together to form a broader public discourse on a given topic. Here one has to

examine the conditions on how arguments travel, or fail to travel, across transactional locales and how such conditions affect the reasonableness of outcomes.

We should expect these two types of argumentative space to be interrelated. How arguments and information travel publicly, after all, affects the quality of argumentation in transactional locales. Consequently, the emphasis I placed above on the local rationality of transactions does not mean that each local transaction is encapsulated in its own standards of cogency. Rather, local transactions are typically beholden to a broader public that adheres to certain general formulations and motivations. To clarify this point, we must see how the *content* of an argument-product functions in this model of cogency. At the face-to-face level, argument-making practices focus first of all on the rational content of arguments and counterarguments. If a dialogue fully resolves a question,[10] then a given product has emerged—a set of actual statements or text—that the parties agree has cogency in virtue of the merits of its content. Argumentation theorists have articulated what I call "content merits" in various ways (mainly in connection with the logical perspective) but a typical model identifies norms such as: premises must be relevant and rationally acceptable (plausible or probably true) and must sufficiently support the conclusion (e.g., Johnson 2000, 189ff; Johnson and Blair 1994; Govier 2005). At least two of the pragma-dialectical rules bear on content, namely the validity rule (reasoning presented as formally conclusive must be logically valid) and the argument scheme rule (if not presented as formally valid, the defense of a standpoint must take place by means of appropriate arguments schemes that are applied correctly) (van Eemeren and Grootendorst 2004, 193-194).

Arguments, taken as textual products of one or another sort, have a content only insofar as they sustain an *interpretation*. That is, to assess the content merits of a product, arguers must understand it as having a particular structure (modus tollens deduction, causal generalization, analogy, etc.), they must supply tacit premises and background information, and so on. The content merits, then, are assessed as those virtuous properties that arguers discern and reconstruct in the product text, the actual record or document. To get at the content merits of a given product, arguers must appropriate and contextualize the text according to their understanding of the general and domain-specific topical and logical requirements that apply to the argument. Although I cannot pursue the question here, this last point implies that content merits potentially include dialectical and rhetorical features of the argument text.[11]

In a local transaction, then, two parties engage in an exchange that focuses on a particular product, whose content they interpret (perhaps in the process of constructing or reconstructing the argument) as more or less cogent. At least two dynamics take this highly contextualized mode of argumentative engagement beyond the local level in a way that counteracts encapsulation. First, as field theorists have emphasized (Toulmin *et al.*, 1984; Willard 1989), argumentative texts are situated

in broader social domains. In *constructing* arguments, participants draw on inputs from this broader field: common motifs, assumptions, stereotypes, public knowledge, tacit background, and so on. A similar observation holds for those who *assess* public arguments.

The second includes the general and domain-specific requirements I alluded to above. In most fields of argumentation (science, law, politics, art criticism), arguers construct their products with a view to broader acceptance beyond the local transaction. They hope to generate a product that will travel abroad, receiving acceptance by other members of the domain and beyond. This means that they desire a product whose content merits will hold up—be appropriately interpreted and accepted—across a range of transactional locales. To achieve this acceptance, arguers in a local transaction must have an eye on domain standards of cogent content.

(4) In conclusion, the model of cogency I have just sketched attempts to link two areas of work in argumentation studies, one area concerned with face-to-face interactions, the other with broad public discourses. Because I am particularly interested in exploring dimensions of rational persuasion, I have chosen two normative models to represent these areas: the pragma-dialectical model of critical discussion and Habermas's discourse theory of democracy and the public sphere.

To facilitate connections between these two areas of work, I have distinguished three types of merits of cogent arguments as products of argumentative practices. *Content merits* can be identified in the text of the argument itself by applying various analytic tools to an interpretation of that text. An argument has *transactional merits* to the extent that it wins acceptance in a local dialogue (an exchange in a small group and/or between an arguer and a text) conducted in a way that fosters reasonable judgment. The conditions for ascribing transactional merits vary according to the particular transactional context—the capacities of the participants to process information, their background knowledge, local conventions of argument, and so on. An argument has *public merits* insofar as it can travel across different transactional locales whose macrosocial arrangement and aggregate conditioning sustain collective reasonableness.

This model of merits is similar to the perspectivism we find in Habermas (among others) in that it provides a broad heuristic for assessing the cogency of arguments. Unlike the more familiar perspectivist model, however, the one I propose does not assume a one-to-one alignment of logic, dialectic, and rhetoric with the three types of cogency. I also do not assume that every cogent argument must have all three types of merits. Some types of arguments may be inherently "intimate," incapable of public transmission. I also leave open the possibility that for some evaluative purposes it may suffice to examine only one type of merit, even if we could in principle assess the argument more comprehensively. For example, if the argument is obviously compelling on its face, then transactional and macrosocial factors may not add much, if anything, to its normative evaluation (though they may be

relevant for *explaining* other facts about the public impact of the argument).

The model links the two areas of argumentation studies insofar as the interplay of content merits, transactional merits, and public merits supports context-sensitive relationships between particularity and generality, local and public discourse. In establishing such links, I also hope to ameliorate the complementary problems of scaling that afflict the pragma-dialectical and Habermasian models. This requires a modification of both models. At the level of local transactions, I do not start with a single set rules that apply to all critical discussions. Although reasonable transactions must meet certain dialectical and rhetorical demands if their products are to enjoy transactional merits, these demands can vary considerably across different domains of critical discussion. Thus, rather than scaling up a set of rules, the model connects dialogical transactions with public spheres by having us track the argument product through different contexts and locales, each with its own transactionally specific interpretive demands and standards of plausibility. Arguments that prove their content merits across a wide range of transactional locales demonstrate their public merits insofar as the aggregate composition and networking of those locales leads to reasonable collective judgments (as displayed in election outcomes, consumer trends, consensus views in science, health care trends etc.).

If one thinks of scaling up as a macro-dialogue, then the model dissolves the very idea: the transactions remain ineluctably local. If scaling up means connection with broader publics, then it arises through the *networking* of transactions. Networks of communication exert a powerful force on how arguments are packaged for travel. Although the rules for the conduct of transactions may be quite local and vary for different locales, the argument-*products* of transactions can travel only if they adhere to broader content standards—some of which cross only transactional boundaries within a given domain, others of which hold up across different domains. By traveling across such boundaries, argument-products bring the fruits of transactions to a broader public.

The opposite problem, scaling down Habermas's normative ideal, arises because I assume that idealizations such as inclusion, equality, non-coercion, and the like are relevant for judging the collective reasonableness of macrosocial networks, and thus for assessing the public merits of arguments. The institutional rules that structure debate and decision-making in real publics usually limit the literal scope of such idealizations. To scale the latter down, I suggest we view them not as standards that real discourses can at best approximate, but rather as rhetorical possibilities for critical reflection on public argumentative practices. As such, their normative force depends on participants linking them with substantive considerations that are specific to the domain or topic around which the relevant public forms. In making this move, we deny that the literal meaning of the ideal is the full meaning; the import of idealizations remains somewhat indeterminate until participants make convincing arguments about how they should be appropriately contextualized.

Much more needs to be said in clarification and defense of this model, and I propose it only as a tentative hypothesis. The boundaries between the types of merits remain fuzzy at various points, as does their relation to logic, dialectic, and rhetoric. Those inclined toward universalistic models of justification may wonder if my emphasis on context ultimately leads into a kind of relativism. I think not, at least not for contexts in which arguments are built to travel: science, law, politics, and so on. If one finds in such domains encapsulated publics unable to communicate, then the proposed model does not justify this with a principled relativism but rather calls for critical scrutiny of social contexts and the merits of the arguments.[12]

Notes

[1] It is probably a misreading of Toulmin *et al.* (1984; *cf.* Habermas 1984, 31-36) to construe his model as product-centered; more likely he intended his well-known structural diagram as a model of the argumentative process (an observation I owe to William Keith).

[2] For example, in Germany, pro-Nazi arguments are excluded from public political discourse, which is not the case in the United States; this difference reflects the different histories of the two nations.

[3] Habermas (1989) gives the impression that his process idealizations also stem from an interpretation of face-to-face conversation, specifically the salon conversations of early bourgeois society; but his subsequent employment of these idealizations is at the macrosocial level.

[4] Douglas Walton's pragmatic approach to fallacy, I suggest, also moves beyond pragma-dialectical ideals toward rhetorical concretion, inasmuch as many of the (potentially but not necessarily fallacious) moves he analyzes have been associated with "rhetoric" in the pejorative sense. We thus might read Walton as rescuing rhetoric for a more realistic model of dialogue (e.g., Walton 1996; *cf.* 1989). I have also suggested how rhetorical substance might be introduced into Habermas's model, but this modification pertains primarily to transactions (Rehg 1997).

[5] One might, in certain cases, refer simply to "dialogical merits" here; but the term "transactional merits" suggests a broader application, given that not every transaction is a dialogue in the true sense.

[6] By "locale" I refer to the site of transactions; terms like "domain," "field," and "discipline" designate broader contexts that include many transactions and locales, whose members belong to a single domain in virtue of a common training, topical interest, etc.

[7] I emphasize "ascription" here; as already stated, public merits themselves typically depend on the fact that various audiences find the content of the argument itself inherently convincing.

[8] Compared to Habermas's process ideal, Rawls' (1996) concept of public reason has a more substantive character, since it includes specific constraints on the *content* of political arguments; these constraints should improve the chances for broad public acceptance of the argument. Thus Rawls' public reason presupposes the idea of public merits but is not identical with it, as I use that term here.

[9] Assessing public merits seems to require a combination of observer and participant perspectives. That is, one must take sociological and cultural information about macrosocial structures, acquired from an observer perspective, and then, as an interested participant, assess its relevance for the quality of discourse in the given domain. Here "interested participant" includes not only the experts most knowledgeable about technical domain-specific considerations, but also concerned laypersons, who bring relevant knowledge to debates about process, as the debate over NAS procedures illustrates (Hilgartner 2000).

[10] As opposed to partial resolutions, in which parties agree on the same conclusion but for different reasons, and agreements to disagree reasonably.

[11] A difficulty here lies in the problem this move would create for distinguishing content merits from transactional merits. One might simply allow for an overlap between these types. A sharper distinction appears possible if we identify transactional merits by analyzing features of the dialogical situation (rather than the text) that enhance our confidence in the product that results from the dialogue.

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