STASIS THEORY AND ARGUERS' DIALECTICAL OBLIGATIONS

by

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ABSTRACT

This thesis investigates from a rhetorical perspective a theory of an arguer’s dialectical obligations to deal with objections and alternative positions. Ralph H. Johnson argues that, besides offering a good reason to support the thesis advanced, an arguer is obliged to offer a dialectical tier, an added level in which the arguer responds to objections or alternative positions. In developing a theory of an arguer’s dialectical obligations, argumentation scholars from an informal logical perspective do not seem to have a guiding theory that helps to specify which objections and alternative positions the arguer is obliged to address. This thesis examines whether the classical rhetorical theory of *stasis* can help an arguer anticipate possible objections and alternative positions in a systematic way.

Classical *stasis* theory consists of potential *stases*, or the types of "points at issue," to be argued in court. They are the *stases* of conjecture (fact), definition, quality (value), and legal procedure. Since these often become actual issues, the arguer must address them. However, the implications of classical *stasis* theory for an arguer's dialectical obligations and argumentation in general seem to be limited, because of its strong tie with substance of legal matters.

In order to overcome the shortcomings of classical *stasis* theory, this thesis generalizes each of the constituent *stases*. By removing elements specific to legal argumentation from constituent *stases* and generalizing them, this thesis claims that a generalized *stasis* theory will cover more types of issues, and accordingly more types of
objections and alternative positions. Since the issues specified in a generalized *stasis*
theory are likely to be focus of controversy, the arguer has obligations to reply to them.
To Rina, with thanks and love
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Chapter One: Introduction

1.1 Background of the Problem

In this thesis I investigate Ralph H. Johnson's theory of an arguer's obligations to respond to such dialectical materials as objections, criticisms and alternative positions. In Johnson's view, an arguer is obliged to include these dialectical materials 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). Although the idea of the arguer's dialectical obligation has been supported in the practice of argumentation, the theory of argument has not developed a comprehensive story on such obligations (Johnson, 2000b, pp. 3-4). Johnson started to investigate the topic in the mid-1980s and is still developing the theory. Since the theory of an arguer's obligations can impact on how we understand good argument and good argumentative exchanges, and since this theory can 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.

This thesis is an attempt to develop a comprehensive approach to the theory of an arguer's dialectical obligations based on classical rhetorical theory. Since rhetoricians had to present their arguments in such contingent situations as lawsuits or political assemblies, they usually had to deal with objections, criticisms, and alternative positions
within a constraint of the time and space in which they were situated. Because of the attention to the situational settings in which discourse is produced, the rhetorical perspective is likely to provide an insight into some aspects of an arguer's dialectical obligations to deal with objections, criticisms and alternative positions. Specifically, I investigate the rhetorical theory of *stasis* that rhetoricians utilized for creating arguments, to see if it can offer any insight into the theory of an arguer's obligations.

In the remainder of this chapter, I lay out a brief picture of the current state of the theory of an arguer's obligations. In section 1.2, I review relevant literature on the topic to be studied so that we can grasp what approaches argumentation scholars have embraced in investigating an arguer's dialectical obligations. In section 1.3, I pose a research question to be answered in the course of this thesis. In section 1.4, I outline the structure of the thesis.

1.2 Review of the Literature

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. The detail of the current status of the theory of an arguer's dialectical obligations will be the topic of Chapter 2.

Ralph H. Johnson (2000b, pp. 6-7), one advocate of the theory of an arguer's obligations, 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 Objections, (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 approach. This probably derives from his understanding that logic traditionally has not treated the issue (1996a, p. 16). Because of the lack of a systematic approach or theory that underlies his research, we are not clear about when we have a complete theory on an arguer's obligations, or what a complete 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 (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 others.

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 approach she took 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 approaches or 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.

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 a comprehensive 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 systematic method to treat controversies, 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 his idea to show how 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 a comprehensive 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.
1.3 Research Question

The previous section has demonstrated that we have, on the one hand, a list of topics of dialectical materials that call for an arguer's reply, and that we have, on the other hand, a rhetorical theory of *stasis*, which is claimed to treat controversy and dialectical materials in a systematic way. In this thesis, I will investigate *stasis* theory to see if it does help an arguer fulfill her or his dialectical obligations. I choose the second path to investigate the theory of an arguer's dialectical obligations, because *stasis* theory, if it is actually comprehensive, has the potential to offer a complete list of the dialectical materials that an arguer needs to consider in constructing and delivering argument. Specifically, the remainder of this thesis 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?

An inquiry into these questions is important for two reasons. First, answers to questions (a) and (b) will allow us to determine if Wenzel's synoptic suggestion has merit. Because there have been no rigorous investigations of *stasis* theory and its relation to the theory of an arguer's dialectical obligations and the dialectical materials surrounding arguments, it is at this point not clear whether *stasis* theory is actually a helpful theory. Thus, it is important to investigate what the classical rhetorical theory of *stasis* is like,
and what insight it would offer to the theory of an arguer's dialectical obligations and dialectical materials.

Second, answers to questions (c) and (d) are likely to offer a more comprehensive and more general theory based on classical *stasis* theory that can cover the theory of an arguer's dialectical obligations.

*Stasis* theory, as conceptualized by classical Greek and Roman rhetoricians, is to some extent likely to be helpful when applied to the theory of an arguer's dialectical obligations, because they used *stasis* theory to think through opposing arguments and construct their positions within the practical constraints of the real world. However, my conjecture is that the classical rhetorical theory of *stasis* is not going to provide a general theory, because it emphasizes just the three genres of classical rhetoric: legislative, judicial, and epideictic (ceremonial). Since people employ persuasive discourse and arguments outside these rhetorical situations, *stasis* theory, as conceptualized by the classical rhetoricians, may be limited in its application to argumentation in general. If *stasis* theory, as conceptualized by classical Greek and Roman rhetoricians, is to some extent insightful about the theory of an arguer's dialectical obligations, the modification of *stasis* theory will help to turn the theory into a general theory that illuminates an arguer's dialectical obligations. Thus, the investigation into the third and the fourth questions is significant in that it may offer a general theory on the basis of which we can approach the topic of an arguer's dialectical obligations.

Having presented the research questions and laid out their rationales, let me now
clarify key terms in the research questions. They are: 'argument,' 'stasis theory,' and 'dialectical obligations.'

In this thesis, the term 'argument' means the product that an arguer makes in oral or written form for persuasive purposes, and it consists of the thesis and the support for it. If I draw on the distinction that O'Keefe (1982, p. 3) has made, the argument that will be the focus in this thesis is argument\(_1\), which is what an arguer produces, rather than argument\(_2\), which is a process of argumentative exchanges. Although Johnson's focus is on text rather than on speech, my conception of argument accommodates both forms for investigative purpose, for stasis historically covered both oral and written forms of argument (Enos, 1995, pp. 50-51).

The word 'stasis' means temporary standstill, or points at issue, in a controversy, and 'stasis theory' is a rhetorical theory with which the arguer, in the invention process, that is, the process of discovering arguments, analyzes the possible points at issue. The classical rhetorical theory of stasis is most refined in its treatment of the legal dispute, so let me explain that briefly. Stasis theory holds that there are four stock issues on which an arguer must take and support a position. They are the stases of conjecture (existence of fact), definition, quality, and translation. Each stasis emerges out of the incompatibility of two views, presented by an arguer and by her or his interlocutor.

Let me show how each stasis emerges in the exchange of arguments between an arguer (AR) and her or his interlocutor (IN) concerning whether the suspect S is guilty of the charge of murdering the victim V. The first stasis, that of conjecture, concerns the
existence of a certain fact. AR advances the thesis that S killed the victim V. In reply, IN advances a counter-thesis that S did not kill V. In this exchange, AR and IN make their own arguments regarding the existence of the act of killing. If IN's argument is more cogent than AR's, then AR fails in the charge against S. If AR's argument is more cogent than IN's, then they must decide what definition is adequate to describe S's action. At this point, the *stasis* of definition applies. In this example, AR advances the thesis that S's act of killing is murder. In reply, IN advances the counter-thesis that S might have killed V, but S's act is not murder, but manslaughter. If IN's argument is more cogent than AR's, then AR loses in this charge. If AR's argument is more cogent than IN's, then AR must address the *stasis* of quality, which concerns factors related to qualifying the act. In this example, AR advances the thesis that there is no reason that exempts S from a legal finding of "guilty." IN advances the counter-thesis that S's insanity will exempt S from being punished. If IN's argument is more cogent than AR's, then AR loses in this charge. If AR's argument is more cogent than IN's, then AR must demonstrate that the procedure that governs the argumentative exchange is a legitimate one. The *stasis* of translation concerns this issue, which can override the foregoing three *stases*. In this example, AR advances the thesis that the procedure is legitimate and that the court is justified in imposing punishment on S. IN advances the counter-thesis that bringing this murder case in this court is not appropriate because of some problems in the procedure, say, the right person did not bring the charge to trial. If IN's argument is more cogent than AR's, then the AR's argument that supports "S is guilty of murdering V" is not a good one. If AR's
argument is more cogent than IN's, then AR's argument is a good one. Since *stasis* theory consists of all the points that can be argued in the argumentative exchange in a trial, an arguer can use the theory in the invention process of an argument to anticipate what will possibly be at issue in an argumentative exchange, and so develop and refine her or his arguments accordingly.

In this framework, an argument will be good if it adequately deals with the counter positions to the conclusion that the interlocutor actually advances in each of the four *stases*. In actual argumentative communication, the number of *stases* to be argued varies from one situation to another. However, *stasis* theory helps an arguer understand the basic issues that she or he must demonstrate. The four issues are: the existence of a certain act, the definition of the act, qualifying factors related to the act, and the legitimacy of the procedure.

In this thesis, the phrase 'dialectical obligation' is interpreted as somewhat similar to a Kantian hypothetical imperative. Although Johnson has not clearly formulated what type of obligation (e.g., moral, legal or prudential) an arguer's dialectical obligations would be, he seems to suggest that a dialectical obligation is something like a hypothetical imperative. In characterizing the practice of argument, Johnson emphasized the role of manifest rationality. He stated:

To say that the practice of argumentation is characterized by manifest rationality is to say that it is patently and openly rational. To whom? To the participants, whether they be arguer, critic, or those interested in the issue. They agree to do
nothing that would compromise either the substance or the appearance of rationality.

This additional consideration, this clothing of rationality, is what makes argumentation more than just an exercise in rationality. Manifest rationality is why the arguer is obligated to respond to objections and criticisms from others and not ignore them or sweep them under the carpet. (pp. 163-164)

His description of manifest rationality and dialectical obligation can be expressed by the following directive: an arguer must handle objections, alternative positions and criticisms, in order for the participants in the practice of argumentation to understand that an arguer is manifestly rational. In this thesis, I do not attempt to answer the question concerning the type to which an arguer's dialectical obligations belongs. I assume that an arguer has dialectical obligations that are similar to Kantian hypothetical imperatives, and investigate whether *stasis* theory can offer any insight into the theory of an arguer's dialectical obligations.

1.4 Outline of the Thesis

In Chapter 2, I review the current status of the study of Johnson's conception of an arguer's obligations. This chapter covers Johnson's notion of argument, with reference to the practice of argumentation, the illative core, and the dialectical tier. Also, this chapter covers Trudy Govier's (2000, pp. 203-240) criticism of, and Joseph W. Wenzel's (1998) suggestion about, Johnson's theory of an arguer's obligations.

In Chapter 3, I review the past scholarship on the rhetorical theory of *stasis*. 
Drawing upon the work of the Roman rhetorician Cicero, the chapter describes: (1) the nature of classical rhetorical theory of *stasis*; (2) the implications of classical rhetorical theory of *stasis* for the theory of an arguer's dialectical obligations; (3) the limits of classical rhetorical theory of *stasis*. Also, Chapter 3 examines the recent scholarship on *stasis*. By examining the scholarship on *stasis* theory, we gain insight into its internal strengths and weaknesses, and insight into how it may be applied to the theory of an arguer's obligations.

In Chapter 4, I re-develop the rhetorical theory of *stasis*. Based on the discussion in Chapter 3, I attempt to create a new conception of *stasis* theory. The first part of the Chapter concerns the re-formulation of *stasis* theory. The second part of Chapter 4 concerns the application of the reconceptualized *stasis* theory to argumentative communication. I apply the reformulated the theory to several texts that bear on one issue in order to see whether it can offer any insight into the assessment of arguments.

In Chapter 5, following the spirit of the theory of an arguer's dialectical obligations that I investigate in this thesis, I examine dialectical materials that relate to my position and attempt to discharge my obligations as an arguer by answering some objections and criticisms.

In Chapter 6, I offer conclusions and a discussion. I offer answers to the research questions on *stasis* theory and an arguer's dialectical obligations. I also indicate the limits of the present research, and offer suggestions for future research on *stasis* theory and an arguer's dialectical obligations.
Chapter Two: Johnson's Theory of Argument and an arguer's dialectical obligations

In this chapter of the thesis, I attempt to describe the current status of the theory of an arguer's dialectical obligations, based on the research by Johnson, Govier, and Wenzel. Initially, I describe Johnson's theory of argument, and how it is related to the theory of an arguer's dialectical obligations. Then I move on to lay out Govier's criticism and Wenzel's suggestion about the theory, and Johnson's replies to them. I conclude this chapter with a summary of their research.

2.1 Johnson's Theory of Argument

Since Johnson's conceptions of an arguer's dialectical obligations and the dialectical tier constitute an indispensable and integral part of his conception of argument, we need to grasp how he conceives of argument and how he situates the idea of dialectical obligation in his theory of argument.

2.1.1 Argument in the practice of argumentation

In a recent investigation in the theory of argument, Johnson (2000a, pp. 143-150) critiques the traditional conception, according to which an argument consists of premise(s), inference, and conclusion, for its emphasis on structure and its de-emphasis on the purpose that the argument serves. Johnson suggests that we modify our conception of argument so that we regard an argument as a thesis supported by reasons. In other words, he suggests that we stop talking about the typology and the nature of inference, such as
deductive, inductive, or conductive, and focus on the strength of argument by looking at the thesis and the reasons in support of it.

This modified structure constitutes only part of Johnson's conception of argument. Dissatisfied with the emphasis on argument as structure in traditional theories of logic, Johnson calls his conception of argument a pragmatic one because of his emphasis on the purpose of the practice of argumentation. The three features of the practice of argumentation in which he situates an argument are: the telos of the practice, dialectical nature of the practice, and the manifestly rational appearance of the practice.

First, Johnson relates an argument to the telos of the practice of argumentation. He stipulates one significant telos of the practice of argumentation as "rational persuasion" (2000a, p. 159). Among several ways of persuading oneself and others, Johnson emphasizes the role of logos. Although he (2000a, p. 269) does not dismiss the roles that ethos (persuasion through character) and pathos (persuasion through emotion) play in the practice, he assumes that these two play a secondary role. Therefore, in Johnson's perspective, argumentation is a practice with emphasis on the centrality of logos.

Second, Johnson (2000a, p. 161) characterizes argumentation as a dialectical practice. According to his description of dialectical practice, two or more people engage in an interaction, and the rationality of other(s) will influence the arguer and help her or him improve the quality of the product of the practice, i.e., the argument. In this respect, Johnson emphasizes the social aspect of the practice.

Third, Johnson (2000a, pp. 161-164) argues that the practice of argumentation is
characterized by manifest rationality. Under the requirement of manifest rationality, not only does the arguer behave rationally, but she or he must be seen to look or appear to be rational. So the arguer must reply even to misguided objections and alternative positions, so that other people can appreciate her or his rationality.

Out of these three features of the practice of argumentation, Johnson creates a conception of argument. He defines an argument as follows:

An argument is a type of discourse or text—the distillate of the practice of argumentation—in which the arguer seeks to persuade the Other(s) of the truth of a thesis by producing the reasons that support it. In addition to this illative core, an argument possesses a dialectical tier in which the arguer discharges his [or her] dialectical obligations. (2000a, p. 168)

In Johnson's conception, an argument is a product of a practice among rational people. As a product, an argument consists of an illative core and a dialectical tier.

2.1.2 Illative core of the argument

The illative core consists of reasons or evidence and a claim, and is somewhat similar to the traditional premise-inference-conclusion structure of argument (Johnson, 2000a, p. 160). I have two observations to make about Johnson's conception of the illative core. First, regarding the theory of analysis, Johnson's conception of the illative core is different from the traditional structure of argument in that he omits the inferential process. This reformulation of argument structure will affect how we analyze an argument. Since he doesn't rely on the notion of inference, there will be no inferential error
in the argument.

Second, Johnson's theory of appraisal of the illative core is distinct from many theories of appraisal by informal logicians in that it includes truth as a criterion to appraise arguments. The four standards Johnson offers for the evaluation of the illative core are: relevance, sufficiency, acceptability, and truth. Relevance and sufficiency concern the strength of the support that the premises provide for the conclusion. Acceptability concerns the relationship between premises and audience. Truth concerns the relationship between premises and the world (Johnson, 2000a, pp. 334-336). An argument is evaluated to be a good one when it satisfies all the four criteria of relevance, sufficiency, acceptability, and truth.²

2.1.3 Dialectical tier of the argument

 The above story about the illative core tells us only half the story of Johnson's conception of argument. What is more significant in Johnson's conception of argument is the notion of dialectical tier "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 opposing points of view, then her or his act "could hardly be considered
the moves of someone engaged in the process of rational persuasion" (2000a, p. 160).

Given this rough account of Johnson's concept of the dialectical tier, I would like to pose a question: What is the dialectical tier? Does the dialectical tier appear to be an opinion, an argument, or something else? Though Johnson incorporates the dialectical tier into the structure of argument, he does not specify what he means by the phrase.\(^3\) He seems to take a position that the dialectical tier must be expressed in the form of argument. In his OSSA paper, Johnson (1999, pp. 10-11) cites two extreme attempts to offer a dialectical tier. One is Searle's two-sentence reply to Cohen's criticism that illocutionary force is indefensible. The other is Descartes' 70-pages of replies to objections against The Meditations. Johnson states that somewhere between the two "lies the healthy ground" (1999, p. 11). His criticism of Searle's attempt to reply to his critic implies rejecting the interpretation that the dialectical tier is a mere expression of an arguer's opinion. In addition, the dialectical tier is a second part of the argument, which according to Johnson is a product aimed to achieve the goal of rational persuasion. From this datum and for this reason, I assume that the dialectical tier must itself have the structure of an argument, which consists of a claim and reasons in support of the claim.

Let me offer an illustration to show Johnson's notion of argument. Suppose Lisa advances a conclusion, "Capital punishment should be abolished." Lisa makes an argument with only the illative core: "Capital punishment should be abolished because there exists a risk of executing the innocent. Amnesty International and Canadian
newspapers report that there exist many cases of executing the innocent in Canada. In this case, Rie, Lisa's interlocutor, may wonder how Lisa deals with an such alternative position as that capital punishment serves the purpose of retribution. Since Lisa does not deal with these alternative positions, her argument is structurally incomplete.

Lisa may make an argument with only the dialectical tier. "Capital punishment should be abolished. The retribution theory is wrong because it presupposes a dubious assumption about the nature of human beings and legal punishment." In this case Rie might wonder, "What direct reason, other than the retribution theory being wrong, supports the abolition of capital punishment? Given the reasons Lisa has offered, she is correct that the alternative position is wrong. However, she did not offer any reason to abolish capital punishment."

In neither case, Johnson would say, does Lisa present a complete argument. In this situation, to present a complete argument, Lisa needs both to offer a reason (risk of executing the innocent) that supports the conclusion (capital punishment should be abolished), and also to reply to alternative positions (e.g., retributive values support capital punishment). By including both an illative core and a dialectical tier in this way, Lisa can make her argument structurally complete. The omission of one dimension of an argument will result in its being structurally incomplete, on Johnson's theory.

2.1.4 An arguer's dialectical obligations and Dialectical Tier

The previous sections have demonstrated that Johnson conceives of an argument as a product of the practice of argumentation, and that an argument consists of an illative
core and a dialectical tier. Given Johnson's story about the structure of an argument, how does the theory of an arguer's dialectical obligations fit with the dialectical tier? On Johnson's understanding, a means-ends relationship exists between an arguer's dialectical obligations and the dialectical tier. An arguer's obligations that Johnson refers to is the obligation to address such dialectical materials as "objections, criticisms," and "alternative positions," in order to persuade the interlocutor rationally (2000b, p. 3). In fulfilling her or his obligation, the arguer offers a thesis/theses and reasons. This material (the thesis or theses and reasons) has the property of argument in terms of its own structure, and Johnson labels the material the dialectical tier. His position shows that providing a dialectical tier is one means of fulfilling an arguer's obligations. Thus, when Johnson discusses other approaches, such as Blair's account of global sufficiency, Allen's account of extended argument, and Govier's account of the supplementary argument, he says:

It seems to me that the ground that separates my position from that behind the objectors is about the means to achieve and end, and that we agree about the end--the need for an arguer to respond to objections and criticisms. (2000a, p. 172)

From his description of an arguer's dialectical obligations and the dialectical tier, it is clear that providing a dialectical tier is one way for one to achieve the goal of rational persuasion. In other words, the absence of a dialectical tier would mean that the arguer does not look to be rational to the participants in the practice of argumentation, and to that degree she or he does not satisfy the spirit of the practice of argumentation, i.e., manifest rationality. By providing a dialectical tier, the arguer will come closer to fulfill
her or his dialectical obligation to handle objections, alternative positions, and criticisms.

2.2 Govier’s Criticism of an arguer’s dialectical obligations

In her recent book, Govier (1999, pp. 203-240) scrutinized the concept of the dialectical tier and pointed out some problems. In this section of the thesis, I will review what she claims to be two of the strongest criticisms.

2.2.1 Infinite regress

The first "radical" problem of the dialectical tier is that it implies an infinite regress. According to Johnson's conception, an argument consists of the illative core and the dialectical tier. Conceiving of the dialectical tier as "supplementary arguments," Govier (1999, p. 215, p. 233) makes the following argument:

1. An argument must possess both illative core and dialectical tier.
2. The dialectical tier is "the supplementary arguments" (1999, p. 215).
3. It would be arbitrary and ad hoc to require that the original argument consist of its illative core and dialectical tier but that the dialectical tier consist of only the illative core.
4. The dialectical tier (dt) must consist of its own illative core' and dialectical tier' (dt'). (from 1, 2, 3)
5. The dt must consists of its own illative core" and dialectical tier" (dt"). (from 3, 4)
6. The notion of dialectical tier implies an infinite regress. (from 4, 5)
7. This infinite regress is intolerable.
8. Premise 1 is not acceptable. (from 6, 7)

The key premise of this argument is number three. It implies that any argument must possess the two-tier structure. However, a reading of this argument might lead you to wonder, "Why is it arbitrary and ad hoc to treat the original argument and the supplementary argument (the dialectical tier) in a different manner?" Addressing this objection, Govier takes up one possibility that she calls "the Restrictive Approach" and puts it under scrutiny. The Restrictive Approach requires that the arguer offer the dialectical tier for the conclusion C of the original argument, but does not require that she or he offer the dialectical tier for conclusions c1, c2, and c3, of the supplementary arguments. Regarding this approach Govier says:

There is, however, something uncomfortable about this restriction, and we can see what that is if we think back to Johnson's original rationale for introducing the dialectical tier. Discomfort arises from the fact that though supplementary, a supplementary argument *is* nonetheless an argument. . . . There are certain to be alternatives and objections to c1 and other subconclusions. Supplementary arguments may be arguments for highly controversial and substantive conclusions.

(1999, emphasis in original p. 234)

In Govier's view, the Restrictive Approach is not satisfactory because the different requirements of the original argument (the illative core) and the supplementary argument (the dialectical tier) do not fit well with the Johnson's original intent in requiring the dialectical tier of the argument.
Facing the intolerable consequences of an infinite regress, and the unsatisfactory answer offered by the Restrictive Approach, Govier offers another reply to the problem of an infinite regress, which she calls "the Benign Interpretation." Govier argues that we can allow an infinite regress by modifying our view in order to see the infinite regress as an "infinite progression" (1999, p. 335). She states:

An arguer who is challenged, and responds, can strengthen her or his case, making possible a better understanding of his position and of the issue in general.

According to the Benign Interpretation, the argument goes forward, and can go forward indefinitely. (1999, p. 235)

The Benign Interpretation is realistic and reflects actual controversies. However, Govier dismisses the Benign Interpretation because it "does not allow what Johnson was originally hoping to do, which was to define conditions of argument adequacy" (1999, p. 236). The Benign Interpretation would be useful to describe the process of arguing, but it will not help us to set up normative criteria to examine the argument that consists of an illative core and a dialectical tier. For, under the Benign Interpretation, an argument as product has no clear-cut structural limit, due to the possibility of an indefinite series of replies to objections and alternative positions. If we set any limits regarding how far an arguer can go in replying to objections and alternative positions, then the Benign Interpretation endorses the Restrictive Approach, because setting a limit would mean that a supplementary argument at some point can consist of an illative core only. If we do not set any limit, on the other hand, then that would endorse an infinite regress, because any
supplementary arguments would need their own supplementary argument, to infinity. Based on these considerations about the Benign Interpretation, Govier concludes: "Whatever the merits of the Benign Interpretation, I do not think it enables us to avoid this problem [of the Restrictive Approach], which seems to me to be a fatal one" (1999, p. 237).

2.2.2 Discrimination

The other "radical" problem of the dialectical tier is that it creates the problem of discrimination, which is the problem of what objections and alternative positions the arguer is obliged to reply to in the dialectical tier. Are there any criteria to discriminate between "those objections and alternatives that need to be addressed, and those others that do not need to be addressed" (Govier, 1999, p. 217)? Regarding alternative positions, Govier (1999, p. 228) demands that an arguer reply to all alternative positions, assuming that the number of alternative positions to the arguer's conclusion (C) can become relatively small with chunking. Regarding objections, Govier (1999, p. 232) introduces a notion of "the most salient objections" as a criterion for discrimination. Conceptualizing the most salient objections as those which would demonstrate the falsity or the unacceptability of the arguer's conclusion, Govier requires that an arguer reply to all the salient objections. In summary, Govier requires that in the dialectical tier an arguer advancing a conclusion, C, address: "all alternatives to C and . . . all salient objections to C, that have been stated by time t, and represent them fairly accurately" (1999, p. 237).
2.3 Johnson's Replies to Govier's Criticism

As an arguer who advocates that arguers have dialectical obligations, Johnson himself is obliged to respond to Govier's criticisms. This section examines how he has dealt with the Govier's criticisms.

2.3.1 On infinite regress

In responding to Govier's infinite regress problem, Johnson excludes "alternative positions" from his reply and focuses only on objections. His response has changed over time, but I deal with two of his responses that deserve attention. First, Johnson implies that an infinite progress does not happen in practice. In his OSSA paper, he (1999, pp. 11-12) states that we need to consider the epistemic factor of the arguer's beliefs and the rhetorical factor of the audience's expectations. About the epistemic factor, Johnson says, "The arguer cannot know all of the positions and lines of thinking that may surround the issue that he [sic] is addressing. And the arguer cannot be expected to respond to objections he is not aware of" (1999, p. 11). About the rhetorical factor, Johnson states that the arguer needs to know the expectations of her or his audience.

A charitable reading of Johnson's arguments about the epistemic factor and rhetorical factor provides an answer to the infinite regress problem. The arguer cannot infinitely offer the two-tier structure of the supplementary argument for the original conclusion, due to her or his epistemic limitations. The audience's expectation is also limited because the audience also has its epistemic limitations. Because of the limits of human capacity, there will be a point at which the arguer stops offering the two-tier structure, and the audience stops demanding the two-tier structure. So the problem of
infinite regress cannot happen in practice, because the arguer runs into the limit of her or his epistemic capacity and must conclude her or his supplementary arguments with only a one-tier structure at some point.

Based on his understanding that infinite regress does not happen in practice, Johnson attempts to specify the dialectical materials that require an arguer’s reply. I will discuss the details of his specification in the next section, but I would like to point out the crossover in his line of argument. Govier asks a question about the structural requirements of the argument, i.e., should the argument consist of the illative core plus the dialectical tier? Even if Johnson is correct in saying that infinite regress does not happen in practice, we can still ask if the dialectical tier of the original conclusion should possess its illative core and dialectical tier. Johnson’s answer based on a practical (descriptive) turn does not adequately reply to Govier’s normative question, because he did not provide any answer about the structural requirements for the dialectical tier that the arguer should actually abide by in practice.

In his most recent paper, Johnson (2000b, pp. 5-6) develops a second line of argument to respond to the infinite regress problem. Recognizing that his requirement that every argument must have an illative core and a dialectical tier is too strong, he says:

the term argument ranges widely over a spectrum and . . . what I am interested in is the paradigm case of argument as rational persuasion (distinguishing it from other purposes). There can be arguments without a dialectical tier and in so saying I think I have escaped the infinite regress objection at least as raised by Govier
I think Johnson has escaped from Govier's version of the infinite regress problem with this reply, for Govier is concerned with the consequence that emerges from requiring that every argument have an illative core and a dialectical tier. However, his attempt to limit the focus to "the paradigm case of argument as rational persuasion" seems to create another problem. Namely, does every dialectical tier of an argument in the center of the spectrum, or every argument used for rational persuasion, have to have the two-tier structure? Johnson (personal communication, May 23, 2000) acknowledges this problem and addresses it. Johnson states that the answer cannot be yes, for the answer "yes" implies an infinite regress. Johnson does not have a clear answer whether the answer is no, for the answer "no" implies ignoring an arguer's dialectical obligations. I would add that the answer "no" is problematic in that it explicitly violates the requirement of manifest rationality. By failing to reply to the dialectical materials of the dialectical tier, the arguer does not look or appear to be rational. Also, I assume that Govier would say that the answer "no" is ad hoc, for it implies different structural requirements for the illative core and the dialectical tier of the argument (Govier, 1999, p. 234). Johnson suggests that the answer is: "it depends." If the answer depends on the context as Johnson hints it, then he is obliged to specify in which situations the arguer should handle dialectical material.

In summary, Johnson's first line of argument does not adequately answer Govier's question about the structural requirements of the argument. His second line of argument,
in which he withdraws the two-tier requirement for some arguments, helps him escape from Govier's version of the infinite regress problem. However, the infinite regress problem for arguments used for rational persuasion is still unanswered. For Johnson's answer, i.e., the structural requirement of the dialectical tier varies from one context to another, calls for the specification of the context that demands a two-tier structure of the dialectical tier.

2.3.2 On discrimination

The discrimination problem, as described above in the Govier's objection, requires a distinction between objections and alternative positions that do and do not need response. Although Johnson does not discuss dialectical materials other than objections, he agrees with Govier that we need to specify what requires an arguer to respond. Calling the discrimination problem the "Specification Problem," Johnson (2000a, pp. 327-333, 2000b, pp. 6-15) attempts to specify four classes of objections that require an arguer's response. First, he sets up three classes of such objections. He says:

The arguer must deal with The Standard Objections [TSOs]. The question is how to specify these.\textsuperscript{5} In addition, the arguer is obliged to deal with any objections that the arguer knows the audience will expect that she or he deal with (if they are not included in TSO) and also those objections the arguer believes her or his position can handle (even if not included in TSO). (2000a, p. 332)

In addition to this list, Johnson (1999, pp. 9-10, 2000b, pp. 10-11) includes "serious objections" and demands that the arguer respond to serious objections even if they are
known only to himself or herself. Johnson offers three conditions for serious objections. According to his view, a serious objection: (a) must take the form of argument, (b) must be strong and make the argument appear to be false or unacceptable, and (c) must be directed to the crucial premises.

In summary, Johnson argues that the arguer is obliged to reply to: (a) Standard Objections, (b) serious objections, (c) objections that the arguer perceives that the audience would like to have treated, and (d) objections that the arguer knows that her or his position can deal with. Johnson (2000a, p. 333) acknowledges that the discrimination problem (or the Specification Problem) needs further study.

2.4 Wenzel's Criticism of the Dialectical Tier

Johnson (1998a, paragraphs 35-38) claimed that logic unconditionally requires a dialectical tier as well as an illative core, but rhetoric requires only an illative core. In response to this, Joseph W. Wenzel (1998, paragraphs 27-34) argued that rhetorical theory of *stasis* and the textbook chapters on "The Brief" that derive from *stasis* theory endorse the idea of a dialectical tier. Since these doctrines help the arguer analyze controversial propositions, the use of these doctrines guides the arguer in attending to dialectical materials. Referring to *stasis* theory, Wenzel states, "it was a way of constructing the dialectical tier, not as actual discourse to be presented, but as rigorous preparation to be drawn upon as needed" (1998, paragraph 30). Also, he states the ideas of "'Briefing' and 'Case Construction' in argumentation textbooks grounded in the rhetorical tradition" offers one answer to the "Specification Problems" (1998, note 2).
Wenzel’s suggestion is a criticism in Johnson’s sense, for, according to Johnson (1999, p. 3, 2000b, p. 7), a criticism is the act of reminding the arguer of a strong objection that she or he has not handled, and Wenzel reminded Johnson of two possible rhetorical doctrines that endorse the treatment of a dialectical tier. Since the community of argumentation scholars is now aware of such rhetorical doctrines as *stasis* theory and The Brief, Johnson as an arguer is obliged to handle this criticism. Let us see how Johnson replies to Wenzel’s criticism.

2.5 Johnson’s Reply to Wenzel’s Criticism

In his unpublished paper (1998b, pp. 8-10), Johnson makes one question and two replies to the role of *stasis* and The Brief. Since the latter has its origin in the former, let me focus on Johnson’s response in the former. He (1998b, p. 9) first questions whether *stasis* theory exhaustively treats dialectical material. His doubt is to the point, because Wenzel (1998, paragraph 30) appeals to the comprehensiveness of *stasis* theory. Johnson’s claim would have been much stronger if he had offered lines of support to back it up. Second, Johnson (1998b, p. 9) argues that *stasis* theory is unlikely to be insightful into the problem of the dialectical tier. Whereas a dialectical tier in *stasis* theory exists as a way to win a case, it should exist as a necessary dimension of the rational persuasion. Because of this misunderstanding of the role of the dialectical tier, the insight that *stasis* theory offers to the theory of the dialectical tier would be minimal. Third, Johnson (1998b, p. 9) argues that the use of *stasis* theory does not lead the arguer to fulfill her or his dialectical obligations, because *stasis* theory used in legal argumentation does not oblige
the arguer to address serious objections known only to herself or himself.

In summary, Johnson's first reply is adequate in that he requires that Wenzel as his interlocutor fulfill his burden of proof to present a *prima facie* position. His second and third replies derive from his dissatisfaction with legal model of argumentation rather than *stasis* theory itself. Because of its relations to legal argumentation, Johnson holds that *stasis* theory is unlikely to be insightful to rational argumentation, and the use of the theory would not lead the arguer to handle serious objections.

2.6 How Far Have We Come?

Let me recapitulate the current status of the theory of an arguer's dialectical obligations and the dialectical materials. On the infinite regress problem, Johnson's withdrawal of the claim that every argument must consist of an illative core and a dialectical tier settled the problem raised by Govier. However, Johnson's answer has created a new problem to be settled: should every argument used in rational persuasion consist of just an illative core, or should such an argument include a dialectical tier as well? Johnson's current answer is: it depends on the context. But Johnson has not specified the context that requires a two-tier structure of the argument.

On the discrimination/specification problem, Govier and Johnson have collectively made progress. What they have achieved and have left unanswered are as follows:

1. They have identified such dialectical materials as (a) objections, (b) alternative positions, (c) criticisms, and (d) challenges. They agree that the arguer is obliged to reply to these dialectical materials.
2. They have specified, in different ways, what kinds of objections an arguer is obliged to reply to. According to Govier (1999, p. 232), an arguer is obliged to reply to all salient objections that would demonstrate falsity or unacceptability of the arguer's conclusion. According to Johnson (1999, pp. 9-10, 2000a, pp. 327-333, 2000b, pp. 10-11), an arguer is obliged to reply to (a) The Standard Objections (TSOs), (b) serious objections known only to the arguer herself or himself, (c) any objections that the arguer knows that her or his audience would like to have treated, and (d) objections that the arguer knows that her or his position can handle.

3. Govier (1999, p. 232) specified that an arguer is obliged to handle all the alternative positions, provided the arguer can reduce their number to between four to eight. Johnson does not offer any argument about how to specify alternative positions that call for an arguer's reply.

4. Neither Govier nor Johnson has presented an arguer's obligations in regard to criticisms and challenges. So we do not have any criteria that help identify those criticisms and challenges that demand or do not demand an arguer's reply.

5. Neither Govier nor Johnson has developed ideas regarding what kind of obligation an arguer's dialectical obligations is. So their research projects focus on the means rather than the ends, if I accept the means-ends relationship Johnson (2000a, p. 172) suggested between an arguer's dialectical obligations and the dialectical tier of the argument.

On stasis theory and its relations to the dialectical tier that Wenzel (1998,
paragraphs 35-38) talked about, we are not clear about how much it would be insightful because his suggestion is so synoptic. Johnson's doubt whether *stasis* theory is exhaustive appears to be reasonable, and an advocate of *stasis* theory must answer it. Johnson also argues that the insight that *stasis* theory can offer into the dialectical tier is minimal, because *stasis* theory does not wholly endorse rational persuasion, but instead endorses the winning-oriented argumentation of the courtroom, and it does not oblige the arguer to address serious objections known only to the arguer herself or himself.
Chapter Three: Classical Rhetorical Theory of Stasis

Having made a preliminary investigation into an arguer's dialectical obligations and the dialectical tier, this chapter of the thesis 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?" In the first section, I describe the classical rhetorical theory of stasis based mostly on Cicero's De Inventione and contemporary developments by modern scholars. In the second section, I investigate how much insight classical stasis theory can offer into the theory of an arguer's dialectical obligations and the dialectical tier. In the third section, I examine the limits of classical stasis theory as conceived by classical and modern scholars. Section four summarizes this chapter.

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). Stasis is the issue in an argumentative exchange on which two arguers present their arguments to resolve the dispute. Stasis theory, first presented by the 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/discourse), (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 situated. 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).

3.1.1 The classical rhetorical theory of stasis

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 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 issues, 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 the comprehensiveness of stasis theory in dealing with 
issues in a controversy. 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 rational 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 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 cogent 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 procedure.

### 3.1.2 Contemporary Development of *Stasis* Theory

Modern rhetorical scholars realized the value of *stasis* theory, and some of them have attempted to re-evaluate or 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). In this section, I examine the work of Braet (1987) and Ziegelmueller and Kay (1997) to see how they have developed the classical rhetorical theory of *stasis*.

Based on the work of the Roman rhetorician Quintilian, Braet (1987) attempted to re-develop *stasis* theory. His article is important to this thesis for two reasons. First, he argued that *stasis* theory would function as a framework for the criticism of arguments as
well as their invention (1987, pp. 82-84, p. 88). His position was different from Johnson's and Govier's, because the latter two scholars studied an arguer's obligations and the dialectical tier mainly, but not exclusively, from the viewpoint of a critic. Although the standards for an arguer's dialectical obligations that Johnson and Govier set up have implications for the process of invention, they were usually concerned with standards as a way to appraise arguments rather than a way to invent arguments. Also, Braet's position was different from Wenzel's, because Wenzel was not concerned with criticism, but with the invention of discourse. Wenzel argued that the rhetorical theory of *stasis* would help an arguer to construct a dialectical tier (1997, paragraph 30). Although we can use the inventional tool for critical purposes, Wenzel was not explicit about whether the classical theory of *stasis* could be a critical tool. Given these past studies of an arguer's obligations and of *stasis* theory, Braet was unique in that he advocated *stasis* theory as a tool for both the criticism and the invention of discourse.

Second, Braet introduced a distinction between potential and actual *stases*. Potential *stases* are possible points at issue, i.e., all four *stases*, and actual *stases* are the subset of those issues on which an arguer and the interlocutor present their positions in order to resolve a dispute. On the role of actual *stases* he says:

Up to a point this actual *status* [Latin word for *stasis*] may be termed "the" *status*, as long as it is not forgotten that all four *status* are points on which the judge has to form an opinion, bearing in mind that in the case of *status* abandoned by the defendant only the argumentation put forward by the prosecutor need be
assessed. (1987, p. 89)

Since *stases* are points at issue, no *stasis* exists where there is no dispute. Although all four *stases* are important in producing or critiquing arguments, not all of them emerge as the actual issue in a particular argumentative communication. Cicero was also aware of this point, but Braet made it clear by introducing the notion of potential and actual *stases*. In short, Braet refined the theoretical framework of *stasis* theory by expanding its applicability to critical purposes and introducing the potential-actual distinction.

Despite Braet's theoretical refinement of the doctrine of *stasis*, his re-development of *stasis* theory is still in line with the classical doctrine because of its emphasis on judicial rhetoric. The examples Braet used come from the criminal procedure of modern Netherlands. He was not concerned with argumentation outside the legal arena.

In their textbook on argumentation, Ziegelmueller and Kay argued that *stasis* theory would function as a tool to hunt for arguments concerning fact/value propositions (1997, pp. 153-167). While keeping the four-*stasis* system (conjecture, definition, quality, and translation), they attempted to apply *stasis* theory to arguments outside the judicial arena. If their view is correct, then *stasis* theory is a framework for argumentation in general. However, although they treated some short examples of arguments outside of the courtroom, the examples they systematically relied on in the book were ones of judicial rhetoric. In explaining the conceptual framework of the *stases* of conjecture, definition, quality, and translation, they used illustrations from judicial rhetoric. So while their claim that *stasis* theory can generally apply to argumentation about facts and values
seems to be worth investigating, their treatment does not support their claim.

In summary, modern research projects on *stasis* theory have attempted to refine it to be a tool for the criticism as well as for the invention of arguments and a tool that can be applicable to general argumentation, but they still retain 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 \textit{stasis} of quality, this list represents potential issues under the heading of the \textit{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 \textit{stasis} of quality, this \textit{stasis} emphasizes the substance of legal matters and is not likely to offer so much insight into argumentation in general.

Classical \textit{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, the function of the dialectical materials specified by \textit{stasis} theory is similar to that of Johnson's Standard Objections. Both dialectical materials that \textit{stasis} theory helps to specify, and The Standard Objections, are "\textit{typically and frequently found in the neighbourhood of the issue}" (Johnson, 1999, emphasis in original p. 12). \textit{Stasis} theory, therefore, 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.10

If we accept this distinction between the construction and the revision of argument, it can been 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. 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 general 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 developed 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.
Let me just briefly state five dialectical rejoinders before I move on to reply to them. First, stasis theory cannot help the arguer anticipate dialectical material outside of judicial rhetoric. Second, stasis theory dubiously assumes that there are two and only two positions on any proposition. Third, stasis theory is not even applicable to every legal dispute. Fourth, there is no guarantee that the four issues specified by stasis theory exhaust the types of issues in argumentative communication. Fifth, stasis theory does not necessarily cause the arguer to respond to objections and alternative positions. The first and second dialectical points emerged during the course of my own reflection. The third comes from Nadeau's study (1964, p. 378) on classical stasis theory. The fourth and fifth come from Johnson's unpublished manuscript (1998b, pp. 9-10).

First, as has been mentioned already in this thesis, 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 chapter.

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. When an arguer cannot present her or his own case, the interlocutor does not need to offer any response. This objection limits the use of *stasis* theory, because there is no point in anticipating objections and alternative positions when the arguer cannot establish her or his claims.

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. The idealism-materialism debate and the abortion debate are two examples of this situation, because the debate is saturated when the advocates of these positions have objections to their own positions and objections to their interlocutors' position. In such situations, I agree with Nadeau that the use of *stasis* theory does not lead the arguers to resolve the dispute. 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 types. 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 comprehensive 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 1998, 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 use 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 chapter of the thesis, I have examined classical stasis theory and its relations to an arguer's obligations and the dialectical tier. In the first section of the chapter, 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 is made up 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). Contemporary studies of stasis theory have demonstrated that the theory can help an arguer construct her or his argument by attending to potential issues, and to revise her or his argument based on the actual issues in the argumentative communication. Also, they
have demonstrated that *stasis* theory can function as a tool for the criticism as well as for the invention of arguments. In the second section of the chapter, 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 section of the chapter, 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 exhaustive in its treatment of all possible issues, and would not cause an arguer to fulfill her or his obligations in actual argumentative communications.

In conclusion, although *stasis* theory helps the arguer attend to dialectical material, and to construct and reviser her or his argument, the theory, as conceptualized by classical Greek and Roman rhetoricians and developed by modern argumentation theorists, is unlikely to be a helpful tool 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. But a proposed adaptation of classical *stasis* theory, suggested by Braet, and Ziegelmueller and Kay, is a way for us to move forward. Let us turn to this topic in the next chapter.
Chapter Four: Stasis Reconceptualized

The previous chapter 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, Chapter 4 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?" In the first section, 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. In the second section, I apply the reconceptualized stasis theory to actual cases. In order to understand the extent to which the reconceptualized stasis theory will be helpful in detecting how an arguer fulfills her or his dialectical obligations, putting the theory in practice seems to be a necessary step. In light of the reconceptualized stasis theory, I examine the Johnson-Govier controversy about an arguer's obligations. Section three summarizes this chapter.

4.1 Reconceptualization of Stasis Theory

The previous chapter demonstrated that stasis theory, as conceptualized by classical rhetoricians and developed by modern scholars, has four major problems. First, stasis theory, as is, cannot be applied to argumentation outside the courtroom. The
stases of conjecture and definition, as they are, can be generalized, because people make claims of the existence of certain facts and of definitions even outside the courtroom. However, the stases of quality and translation, as they are, are unlikely to be generalized because of their strong emphasis on legal concepts. For example, the stasis of quality concerns factors related to the pardoning or excusing of the agent, and the stasis of translation concerns issues of legal procedure. Since these two stases are directly connected to the substance of legal argumentation, they are not likely to be applicable to argumentation in general. 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. An example is the holocaust debate. 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. For example, although the position that formal logic is a nonstarter when it comes to argument evaluation and criticism is a controversial claim, which has objections and alternative positions against it, it is not a claim about the performance of a certain action by an agent. 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. In other words, the use of *stasis* theory does not oblige the arguer to deal with objections and alternative positions to her or his argument, and thus the arguer can suppress them when she or he is aware of them. 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 chapter, 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 chapter 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 chapter, I will turn in the next chapter to the question of its completeness and investigate whether it 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. For example, the following propositions are extremely difficult, if not impossible, to treat under classical *stasis* theory: "Formal logic cannot be an adequate tool for the appraisal of argument." and "The economy will be sluggish in a year." 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 a dictionary-definition sense. 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. For example, Johnson (2000b, p. 3) offered us Plato's *Republic* and Aquinas's *Summa Theologiae* as two examples in which the arguers treated in their arguments such dialectical materials as objections and alternative positions. These examples function as paradigm cases of the adequate construction of a dialectical tier—which is a way for an arguer to fulfill her or his dialectical obligations. 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 Chapter 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.

However, it is possible to broaden their domain to include disputes other than legal issues. For example, when a teacher scolds one of her students who hit a classmate, the student might say, "I hit him because he hit me first!" Or a financial institution accused of improper speculative acts in foreign countries might reply, "But withdrawing our money is justifiable because it minimized the damage to us and to the economy in the region." These examples show us that this *stasis* can be applied to topics other than legal argumentation. However, they are broadly quasi-legal or moral in their nature, because both concern evading a charge directed against an agent's act. With emphasis on the qualifying factors that lead to questioning or overturning the arguer's case, the classical *stasis* of definition can cover only legal or quasi-legal issues. So it is unlikely to deal with such aforementioned issues 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 nature. 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, but 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 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 and 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 exists 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 over a period of years Johnson developed the theory of an arguer's dialectical obligations. Since *stasis* theory consists of stock of issues to be argued, the use of the theory for the appraisal of argument should reveal which potential issues Johnson did or did not cover, and what type of objections and alternative positions he addressed. In order to see the changes in his position over the years, I start with his Ontario Philosophical Society (OPS) paper (1996) to see what objections and alternative positions he anticipated in his initial presentation of the theory. Next, I move on to Govier's two articles (1999, pp. 203-240) to lay out her actual objections and alternative positions to Johnson's position. Then I examine Johnson's paper at the Ontario Society for the Study of Argumentation (OSSA) conference of 1999 and the one he delivered at Northwestern University (2000b), to see how he handled the objections and alternative positions actually raised by Govier.

#### 4.2.1 Johnson's OPS paper

Since Johnson's OPS paper (1996) 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 \textit{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 \textit{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 to be noted that neither Govier nor Wenzel--the two principal critics of Johnson's theory--made any arguments on the \textit{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 \textit{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 obligations. 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, 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." 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, so we may assume that he thought that 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.

4.2.2 Govier's two articles in *The Philosophy of Argument*

We can regard the two articles Govier published in her book, *The Philosophy of Argument* (1999), as a reply from a rational interlocutor, about whom Johnson wrote:

We have seen the practice of argumentation presupposes a background of controversy. The first tier (the illative core) is meant to initiate the process of converting the Other(s), winning them over to the arguer's thesis. But they will not
easily be won over, nor should they be, if they are rational. For the participants know that there are objections and criticisms to the arguer's premises and criticisms of the arguer's position. (1996, emphasis in original p. 6)

In her book, Govier reminded Johnson that he must respond to the objections that she advanced in order to convert her and other rational people. Let me examine what arguments Govier advanced against each of the two theses that Johnson supported in his OPS paper.

With regard to Johnson's first claim, that an argument should consist of an illative core and a dialectical tier, Govier argued that Johnson's conception of argument is problematic and unacceptable because of the infinite regress it would create. She hypothetically accepted Johnson's conception of argument for the sake of examination, and argued that if every argument must have a two-tier structure, then each dialectical tier must have its dialectical tier, and an infinite regress would be the result. Because an infinite regress is intolerable, she questioned Johnson's idea of a two-tier structure of argument. Since her argument attempted to reject the first thesis Johnson had advanced, it was directed to the *stasis* of predication. She rejects the thesis that an argument should have a two-tier structure, because an infinite regress will make the conception of argument untenable in practice.

Besides advancing the *stasis* of predication, Govier also anticipated objections to her position and included replies in her argument. She listed two possibilities for avoiding the infinite regress problem: the Restrictive Approach and the Benign Interpretation. She
meant by the Restrictive Approach the position that only the original argument must have a two-tier structure, while the dialectical tier attached to the illative core does not have to have its own dialectical tier. She judged this approach to be *ad hoc*, because the dialectical tier also functions to rationally persuade the arguer’s interlocutor. Since the dialectical tier as well as the illative core of the original conclusion had the same function, treating them in a different manner would not be coherent. So Govier rejected this alternative.

The second possibility, the Benign Interpretation, was the position that we should transform our understanding of an infinite regress into an infinite progress. Under this interpretation, arguments would be seen as continuing to develop indefinitely by attending to objections and alternative positions and replying to them. Although the Benign Interpretation might accurately describe the process of arguing, this approach would not help us set up normative criteria for the dialectical adequacy of arguments. If we set up any limits that stop an argument, for the purpose of appraising it, then the Benign Interpretation would endorse the Restrictive Approach, because the argumentation at some point will stop with an illative core only. So Govier rejected this approach as well.

When Govier made her arguments against Johnson’s first claim, she used two patterns of argument: *reductio ad absurdum* and posing a dilemma. With regard to Johnson’s conception of argument, Govier showed the extreme consequence that Johnson’s definition implies (an infinite regress), and problematized it because of that
consequence. Then she looked at two other alternative possibilities for retaining Johnson's conception of argument: the Restrictive Approach and the Benign Interpretation. She argued that if an infinite regress is not acceptable, then either the Restrictive Approach or the Benign Interpretation might be an acceptable way of redeeming two-tier structure of argument. However, since neither seemed to be acceptable, Johnson's conception of the two-tier structure of argument seemed to be untenable.

Although her argument against Johnson's first thesis appear to be directed to the stasis of predication, I argue that it functions to qualify his thesis that every argument should have a two-tier structure. That is, she made her argument to the stasis of qualification as well. At the end of her second article, she attempted to retain the concept of the dialectical tier by calling for an adoption of "a pragmatic minimalist version of Johnson's account" for pedagogical purposes (1999, p. 238). She characterized the pragmatic minimalist approach:

Minimally, we might stipulate that when a person puts forward an argument for a claim C, he or she should, in addition to checking the argument for cogency, discover or construct one alternative position to C, one objection to C, and one objection to the argument for C; think through these objections and that alternative fairly and carefully and seek to respond to them as thoroughly and carefully as possible. (1999, p. 238)

By combining the pragmatic minimalist approach with the infinite regress problem, she
rejects Johnson's first thesis that every argument should have a two-tier structure, but still agrees with him on an idea of requiring a dialectical tier. She advanced a thesis that some arguments should have a two-tier structure. She did not specify the conditions in which an argument should have a dialectical tier, and admitted that her approach did not offer a solution to the infinite regress problem. However, she argued that the pragmatic minimalist approach, which retains "the spirit of Johnson's dialectical tier," would make "some modest progress in the practice of argument" (1999, p. 238). She attempted to reject Johnson's first thesis, with a hope of retaining the idea of a dialectical tier and of qualifying Johnson's original thesis. So her argument was directed to the stasis of qualification as well.

With regard to Johnson's second claim, that an arguer has dialectical obligations to reply to (a) objections that the arguer thinks that she or can respond to, (b) objections that the arguer's audience would like to have treated, and (c) Standard Objections, Govier made her arguments on the stases of predication and clarification. On the stasis of predication, she accepted that certain aspects of an arguer's performance are obligatory. Among the dialectical materials, she focused on objections and alternative positions, while Johnson was concerned only with the objections. She stated that an arguer is obliged to address all salient objections and all alternative positions, provided that grouping similar objections and alternative positions would reduce their number (1999, p. 228, p. 232).

However, it is not always the case that an arguer can reduce the objections and alternative positions to a manageable number. In that situation, the Restrictive Approach
might emerge as a possibility, but Govier was not satisfied with it, as we just saw. The answer she offered was a pragmatic and minimal one, i.e., the arguer must discover and construct her or his reply to one objection and one alternative position to her or his conclusions.

On the *stasis* of clarification, Govier made three arguments. The first argument was directed at the characterization of the content of the obligation. As we just saw, she argued that an arguer must reply to all the alternative positions as well as all the salient objections. In the process of characterizing the dialectical material that the arguer is obliged to answer, Govier clarified three concepts: objections, serious objections, and alternative positions. Because Johnson did not conceptually distinguish objections and alternative positions, her definition is worth quoting here. Here is Govier's definition of an objection:

An objection is (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 is either (c) raised by the audience to which the argument is addressed or (d) might plausibly be raised by that audience; or (e) might plausibly be raised by a person to whom the argument might plausibly be addressed. (1999, p. 229)

This definition of objection describes such general features common to various types of objection that it would be applicable to such objection types as salient objections and the Standard Objections. Based on this definition of an objection, she conceptualized salient
objections as strong objections that are directed against the conclusion and the argument in support of that conclusion, and that would make the conclusion or the argument in support of it appear untrue or unacceptable.

Another general definition Govier presented was that for alternative positions. She stated:

A position is alternative to C provided that it (a) entails not-C; (b) competes for the same intellectual and social space occupied by C; and is either (c) held by persons in the audience to whom the argument for C is addressed, or (d) plausibly held by persons in that audience, or (e) plausibly held by a rational person or persons to whom the argument for C might plausibly be addressed. (1999, p. 227)

The competition for the same intellectual and social space seems to make a difference between objections and alternative positions. The former do not compete for the same intellectual and social space; the latter do. According to Govier, an arguer's obligation is to respond to all the salient objections and all the alternative positions, provided that the arguer can reduce the number by chunking (that is, by grouping objections and alternative positions that share a common presupposition).

The second argument on the stasis of clarification was about the type of the obligation. Govier argued that an arguer's obligation would not be a moral or a prudential one. Also, she went on to say: *"It is an obligation which emerges within the practice of argument, an obligation to behave in a rational way in one's quest to find and communicate the truth"* (1999, p. 213). Although she did not specify what type of obligation an
arguer's obligations are, this statement suggested that an obligation is specific to the practice of argument. By characterizing obligations this way, she advanced our understanding on the conception of an arguer's dialectical obligations.

The third argument on the stasis of clarification was about the general features common to all types of obligation. She argued that it is a *prima facie* obligation (1999, p. 214). By "a *prima facie* obligation," she meant that the arguer would have an obligation to handle objections and alternative positions if all other things were equal. She nonetheless did not specify the conditions that exempt an arguer from fulfilling her or his obligations. She stated:

> The whole notion of dialectical obligations clearly needs to be worked out. A possible problem for Johnson, and one I do not develop here, is that if there is a sufficient range of overriding factors which may outweigh or override one's dialectical obligations (a sufficient number of other things which would have to be equal but typically are not), then dialectical obligations may seem of too slight a force to be of genuine interest. (1999, p. 220)

Her statement anticipated the existence of default factors that might override an arguer's obligation, but she did not go on to indicate what they would be.

In summary, Govier's position on Johnson's second claim was directed against the stases of predication and clarification. On the stasis of predication, she admitted that the arguer must have certain obligations to respond to dialectical material, and focused on alternative positions as well as objections. It is a property of dialectical obligation that it
includes making responses to all salient objections and all alternative positions, if that is feasible. In case it is not feasible, then the arguer should pragmatically think about objections and alternative positions and respond to them. On the *stasis* of clarification, she attempted to clarify an arguer's obligation by characterizing its content and specifying its type. Also, she attempted to clarify the concept of obligation by offering its general features. These are the three dimensions of clarifying the concept of the obligation, and they are compatible with one another. She clarified the content of the obligation by characterizing objections, salient objections, and alternative positions. On the type she said that it would not be a moral or a prudential obligation, but one emerging out of the practice of argumentation. On its general features, she said that it would be a *prima facie* obligation. Facing these positions advanced by Govier, Johnson was obliged to deal with its implications for his original position.

**4.2.3 Johnson's OSSA paper**

Johnson had the replies from Govier in front of him when he was revising his position for the paper he wrote for OSSA, 1999. With regard to the first thesis, that is, every argument should consist of an illative core and a dialectical tier, Johnson did not seem to believe that the infinite regress problem would subvert this thesis, and implied that the infinite regress problem was not likely to happen in practice, for two reasons. First, the epistemic resources of an arguer would be limited, so the arguer cannot offer a two-tier structure of argument indefinitely. Second, the rhetorical resources of an audience would also be limited, so the audience would not demand a two-tier structure of
the argument indefinitely (1999, p. 11). So we can assume that he thought that the
two-tier structure of the argument was still tenable.

With regard to the second thesis, that is, an arguer is obliged to reply to some
types of objections, Johnson faced actual objections belonging to the *stases* of predication
and clarification. On the *stasis* of predication, Govier agreed with Johnson that certain
aspects of an arguer's performance are obligatory. However, she focused on more types
of dialectical material than Johnson did, and she discussed alternative positions as well as
objections. In the OSSA paper, Johnson subdivided dialectical materials into objections,
alternative positions, criticisms, and challenges, but for the sake of clarity he focused on
objections only (1999, p.3). As a result, we are not clear about what kind of alternative
positions an arguer is obliged to respond to. To be more precise, he was concerned with
objections directed to a premise itself. He stated that an arguer must reply to serious
objections that only she or he knows.

On the *stasis* of clarification of his second claim, Johnson ignored what type of
obligation the dialectical obligation would be. So we do not know whether the dialectical
obligation is moral obligation, prudential obligation, or anything else. On the content of
the obligation, he added to his list of three types of objections serious objections known
to the arguer only. Accepting the Govier's definition of objection, he went further to
specify serious objections. He said that a serious objection is: (a) supported by
arguments, (b) strong in that it would make the argument made by the arguer appear false,
and (c) directed to a crucial premise (1999, pp. 9-10). Besides the three kinds of
objection that Johnson specified in the OPS paper, he added that the arguer is obliged to reply to any serious objections that only she or he knows about, even if she or he is the only one who knows about it.

Not only did Johnson elaborate his list of the objections, but also he addressed the alternative position that Govier supported: an arguer must respond to the most salient objections. He argued that Govier collapsed the prominence and the strength of objections under "salient objections," because salient objections, despite her definition emphasizing strength, could be mild or weak ones. Based on this distinction between prominence and strength, he suggested that we differentiate serious objections from salient ones. In his terminology, "serious objections" are salient ones in Govier's sense, because they are strong, while "Standard Objections" are prominent ones. He argued that an arguer must reply to both. In short, Johnson's conceptual clarification shows us that he agreed with Govier that an arguer must reply to strong objections, but labeled it in a different way. Therefore, Johnson suggested that the Govier's alternative position, or "responding to the most salient objections," is in fact compatible with the position he initially supported.

In addition to conceptually clarifying the content of the obligations an arguer must answer, Johnson mentioned what would not count as the paradigm cases of adequate handling the objections. He cited Searle's two-sentence response to Cohen's objection to the doctrine of illocutionary force and Descartes' seventy-pages of replies to the objections to his Meditations. By stating that somewhere in-between these two examples
would be an adequate way of replying, Johnson suggested that neither of the two would be a paradigm case of discharging an arguer's obligation to answer objections (1999, p. 11).

On the general features of obligation, Johnson agreed with Govier that dialectical obligation would be a *prima facie* obligation. He stated, "To say that the obligation is *'prima facie'* is to say that the burden of proof is on the arguer to respond, but that the arguer may be able to give a reason for not doing so" (1999, p. 7). Although he characterized a *prima facie* obligation this way, he did not specify what would count as a reason not for giving a response. So he needs more work to further clarify the characteristics of this *prima facie* obligation.

On the *stasis* of qualification of the second claim, Johnson recognized two positions that would subvert his thesis. The first position was that the idea of dialectical obligation is a nonstarter. This is the objection raised by Robert C. Pinto. The second position was that the specification of dialectical obligations is impossible because it is so context-dependent. This objection was raised by Marius Vermaak (Johnson, 1999, p. 4). He did answer these theses by saying that he would answer Govier's paper (1998) with a hope that his answer to her paper would pave the way to deal with them. However, since he did not show us how his answer to Govier's paper would deal with these objections, we were left unsatisfied with his answer.

In summary, situated in the revising phase of making his argument, Johnson focused on handling the objections and alternative positions he actually had in front of him. He defended his first claim as tenable by responding that Govier's infinite regress
objection would be unlikely in practice. On his second claim, he narrowed down his focus to those objections directed to the adequacy of premises, and added to the list that the arguer must reply to serious objections known to herself or himself. By limiting his focus on the *stasis* of predication, he refined the list of objections that the arguer must reply to, but his limit left the treatment of alternative positions, criticisms, and challenges unsettled. On the *stasis* of clarification of his second claim, he gave a rough description of objections, alternative positions, criticisms, and challenges. On objections, he clarified the difference between The Standard Objections and serious objections, and incorporated into his list what Govier termed "the most salient objections." Also, he offered us paradigm cases of how not to deal adequately with dialectical materials. With this description of objections, he elaborated the content of an arguer's obligations. In terms of the types of obligations, he recognized further work would be needed, but he did not develop his ideas in the paper (1999, p. 14). In terms of the general concept common to all types of obligation, he agreed with Govier that a dialectical obligation would be a *prima facie* obligation. But he did not attempt to specify the conditions that would exempt an arguer from handling objections. Apart from the types of dialectical obligations, he responded to the objections and the alternative positions raised by Govier.

Given Johnson's replies to Govier, I judge his answer on the first thesis not so strong, because it was off the mark. Whereas Govier asked whether every argument should have a two-tier structure, Johnson answered that an argument would not consist of a two-tier structure because of practical constraints. Here he seemed to endorse the
Restrictive Approach, which Govier had already refuted. Given this circumstance, Johnson should have explained why not every argument would have to consist of a two-tier structure. Nor did he show how his answer to the Govier's objections and alternative positions would handle Pinto's objection that the idea of dialectical obligation is a nonstarter, and Vermaak's objection that dialectical obligations are not specifiable. Since he attempted to specify the contents of dialectical obligations to handle objections, his answer to Govier's objections and alternative positions seems to suggest an answer to Vermaak's objection. He should have shown us how his position could address Pinto's objection more explicitly.

4.2.4 Johnson's Northwestern paper

In this paper Johnson listed five objections to his theses of the dialectical tier and an arguer's dialectical obligations that he was aware of. The first is that his conception of a two-tier structure of argument is restrictive. The second is that his conception of argument implies an infinite regress. The third is that it is not possible or necessary to specify what an arguer's obligations are. The fourth is a request to clarify the types of objections. The fifth is that the idea of soundness in traditional logic includes what Johnson proposed (2000b, p.5). The first and second objections concern his conception of argument. The third and fourth objections concern his conception of an arguer's obligations. The fifth seems to concern both. He did not answer the fifth objection in the paper, but covered the first through the fourth.

Johnson granted the point made by the first and second objections, and dropped
the requirement of a dialectical tier for every argument. Therefore, Johnson allowed that there can be argument that consists of an illative core only. However, he indicated that his interest was in the paradigm case of argument used for rational persuasion, and by saying so implied that argument as rational persuasion should consist of a two-tier structure. He argued that his answer would enable him to escape from the infinite regress problem made by Govier, because she criticized the thesis that every argument should have a two-tier structure. In this way he handled the infinite regress problem directed to the stases of predication and qualification on his first thesis.

However, since Johnson still maintains that an argument used for rational persuasion should have a dialectical tier, he needs to address whether every such argument consists of an illative core and a dialectical tier. This is a new version of the infinite regress problem applied to arguments for rational persuasion, but Johnson does not address this point in this paper.16

On the third objection, Johnson handled it under The Specification Problem, and his answer was not so different from that in the OSSA paper (1999). Thus his clarification of the contents of obligations has not advanced much from the OSSA paper. On the fourth objection, he admitted that he had not thought it through, but he said, "the distinction between a perfect and an imperfect obligation (in line with the Kantian distinction between a perfect and imperfect duty) will be helpful" (2000b, p. 5). How the distinction would be helpful was not clear, but he at least stated his position on the type of dialectical obligation and that paved the way for further study.
in summary, the Northwestern paper is a reflection of how far Johnson has come to date on the conception of argument and the theory of an arguer's obligations. Other than developing new arguments regarding the infinite regress problem and types of the obligations, his position has not advanced much from what he had said in the previous papers.

4.3 Conclusion

In this chapter 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 sections, 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 chapter 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.

Second, the reconceptualization has made each of the stases more comprehensive.
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.

The two questions that have emerged out of the investigation in this chapter are whether the new *stasis* theory exhausts the 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 heir arguments.

The second question emerged out of the application of the renewed *stasis* theory. Since neither Johnson nor Govier made 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 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. In the case study above, Govier, who had the burden of proof on the *stasis* of procedure, did not raise doubts that Johnson was justified in making the claims he made at the convention or in the book. Since Govier believed in the legitimacy of the argumentative exchanges he and Johnson engaged in, the case study did not show us any arguments on the *stasis* of procedure. 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.

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 application section has suggested that the distinction among the first three stases has blurred. For example, I discussed Johnson’s reply to Govier’s position based on the most salient objection as belonging to the stasis of clarification. However, this issue seems to be related to the stasis of predication as well, because it discusses properties of an arguer’s obligation. Also, it seemed to be difficult to determine whether objections and alternative positions are directed to the stasis of qualification, or the stases of predication or clarification. The difficulty comes partly from the fact that 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.
Chapter Five: Questions, Objections, and Replies

Based on the reconceptualization of *stasis* theory in the previous chapter, this chapter 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. For example, it asks whether an arguer can use the *stasis* theory when neither side can make a good case. If the reconceptualized *stasis* theory cannot offer a solution to the Exception Problem, then it cannot be a generic 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 short, these two problems collectively challenge the generality and systematicity of the reconceptualized *stasis* theory, provided that it has an inclusive scope and exhausts the potential issue types. In the first section of this chapter, I think through the Exception Problem, and then turn to the Performance Problem in the second section. Section three 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 \textit{stasis} system. Hermagoras and Hermogenes, two advocates of \textit{stasis} theory, laid out the situations that the theory was unlikely to handle. The implication of the Exception Problem was that classical \textit{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 \textit{stasis} theory, then the renewed \textit{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 \textit{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' version.\textsuperscript{17} 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 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. In other words, when an arguer and an interlocutor attempt to advance their claims but cannot find the support for them, the initial clash and the temporary incompatibility between the claims does not occur. 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.

The following story seems to describe the "deficiency" situation well. An arguer uses *stasis* theory when she or he constructs an argument. She or he breaks down the claim and analyzes it under the four headings of predication, clarification, qualification, and procedure to look for the possible support available. The arguer thinks through how
to ascribe a certain property, what words or conceptions should be clarified, what kind of qualification should be considered, and what procedural aspects should be taken into account. In this process of looking for support, the arguer will realize that she or he lacks the support to construct a *prima facie* argument. Since the arguer does not have a case to present, the argumentation would stop at the construction phase. However, this is only half of the story. Since the interlocutor too has insufficient support to construct objections and alternative positions, she or he would think, "I cannot make an objection or an alternative position." Because the interlocutor lacks the support to construct her or his position, she or he cannot offer a critical comment on the arguer's position. So the revising phase of argumentation does not come into being, because the arguer does not have an argument, and because the interlocutor cannot offer objections and alternative positions.

The "deficiency" situation is likely to occur when the participants in argumentative communication lack adequate knowledge or information to make arguments. For example, were the average five-year-old children to engage in abortion debate, they would have difficulty understanding such abstract notions as life, fetus, and conception, to name a few. In this case, the child cannot make a case because of the limits in her or his epistemic capacity. The "deficiency" situation is also likely when the knowledge is not out there to construct a case. For example, when scientists engage in debate over possible consequences of the DNA recombination, an arguer is unlikely to be able to make a *prima facie* case, due to lack of the research data. Neither can an interlocutor offer a good critical comment.
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.

The following narrative may describe a plausible story of the "in balance"
situation. In constructing a case, the arguer uses *stasis* theory and finds that she or he has enough support for the claim she or he advances. She or he uses *stasis* theory and offers arguments, anticipating some objections and alternative positions and including replies to them. Because the arguer has enough support to establish the claim, she or he can go through the construction phase of argumentation. Facing the argument presented by the arguer, the interlocutor raises her or his objections and alternative positions. Since the interlocutor also has more than sufficient support available, she or he can advance critical comments against the arguer's thesis. Because both sides can make their positions with supporting data and reasoning, *stasis*, or the immobility between the two positions, comes into being. This situation becomes problematic in the revising phase of argumentation. Given the critical comments in front of her or him, the arguer enters the revising phase of argumentation. In replying to the objections and the alternative positions, she or he analyzes to which *stases* her or his interlocutor directed objections and alternative positions, and makes further efforts to find support to reconstruct the original position. Then, the interlocutor reconstructs her or his position, and the process of replying back and forth will continue because of the equal distribution of evidence and data. The "in balance" situation ends in the saturation of the argumentative communication, either because the arguer and the interlocutor runs out of supporting data and reasoning, or because they continue to argue back and forth infinitely. In short, the immobility between the two positions is so firmly set up in the "in balance" situation that no argumentation is likely to resolve the relative strength of argument.

The paradigm case of "in balance" situation seems to be philosophical
argumentation. The history of philosophy provides for us such examples as debate over idealism, materialism, phenomenalism, or skepticism, to name only a few. In many of these debates, the participants set up the incompatibility between the positions, argued their case, and ended in failure to resolve the difference of opinion through reasons and data. In philosophical argumentation, permanent immobility can be set up, not the temporary one that the *stasis* theory is designed to handle.

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.

A paradigm case of the "one-sided" situation that favors the arguer is the holocaust debate. An arguer advancing the claim for the occurrence of the holocaust has a lot of testimony and circumstantial evidence to support her or his point. The arguer can construct a case, anticipate objections and alternative positions, and reply to them. Actually facing the objections and the alternative positions that attempt to deny the existence of the holocaust, the arguer would easily detect the weaknesses in and the problems with the interlocutor's position.

Given the scenario and the paradigm case 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.

A paradigm case will be an arguer advancing a claim for the non-existence of holocaust. She or he will have difficulty establishing this position, due to lack of support. So the arguer can hardly go through the construction stage of argumentation. Turning his or her eye to the dialectical materials surrounding her or his position, she or he will find much testimony and circumstantial evidence that constitute objections and alternative positions. Facing the objections and alternative positions actually advanced by an interlocutor, she or he will have a difficult task to revise the argument.¹⁸

Given the narrative and the paradigm case 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, and 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. In the "deficiency" situation and the "one-sided" situation that favors the interlocutor, the use of *stasis* theory will make the arguer understand that she or he cannot construct an argument, to say nothing of responding to objections and alternative positions. In the "in balance" situation, the arguer can use *stasis* theory and construct an argument and reply to objections and alternative positions. However, she or he can never settle the incompatibility between her or his position and the interlocutor's position, because the arguer and the interlocutor have the supporting reasoning and data equally distributed. In the "one-sided" situation that favors the arguer, an arguer can use *stasis* theory to construct her or his argument, anticipate and actually respond to objections and alternative positions. Since the interlocutor's positions in this situation are easy to respond to, the arguer can fulfill her or his dialectical obligation to handle objections and alternative positions. Hermagoras classified these situation as the ones that the classical *stasis* theory could not deal with, probably because the use of the theory would not lead
to the successful resolution of the temporary immobility of the competing positions. However, the current investigation of a revised *stasis* theory and an arguer's obligations has demonstrated that an arguer can use the theory to construct an argument, and anticipate and reply to objections and alternative positions, without any assurance of resolving the incompatibility of the positions. 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 a systemic 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 chapter that the *stasis* theory, with its legal component removed, can be applied to philosophical argumentation, a premier case of argumentation for rational persuasion. In other words, even if there is a clear difference between legal argumentation and natural argumentation,
the reconceptualized *stasis* theory is applicable to the argumentation outside the court. 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.

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 chapter of the thesis, I have laid out two problems that challenge the
generality of a renewed *stasis* theory, and offered my replies to them. The first problem
is the Exception Problem that questions whether the theory applies to argumentative
communication without exception. The second problem is the Performance Problem that
questions whether the use of *stasis* theory will lead an arguer to perform her or his
obligation to reply to the objections and the alternative positions. 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 thesis. 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. If the Exception
Problem is insoluble, then *stasis* theory cannot claim systematicity, but it still can claim a
role in helping an arguer fulfill her or his dialectical obligations. If the Performance
Problem is insoluble, then *stasis* theory cannot claim that it will be of any use to help an
arguer fulfill her or his dialectical obligations.

In relation to the Exception Problem, we have three situations. In the "deficiency"
situation in which neither an arguer nor an interlocutor can construct arguments, due to
lack of support, the arguer can use the *stasis* theory to recognize that she or he cannot
construct her or his argument nor handle dialectical material. In the "in balance" situation
in which an arguer and an interlocutor have supporting reasoning and data equally distributed, the arguer can use the *stasis* theory to construct an argument and deal with objections and alternative positions. However, because of the equal strength of the support, the arguer cannot resolve which side has the better position. In the "one-sided" situation that favors the arguer, an arguer can use the theory to construct an argument and easily reply to objections and alternative positions. In the "one-sided" situation that favors the interlocutor, an arguer can use *stasis* theory to understand that the interlocutor has a much better position. In all these situations, an arguer can use *stasis* theory to see if she or he can construct her or his position and handle dialectical material. However, with the exception of the "one-sided" situation that favors the arguer, the arguer cannot fulfill her or his dialectical obligations to handle objections and alternative positions.

From the investigation in this chapter, I tentatively conclude 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 chapter 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.
Chapter Six: Conclusion and Discussion

In the previous chapters, 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 chapter, 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 section of the chapter, I offer answers to each of the research question set up in Chapter 1. In the next section, I indicate the limits of the present study about the relationship between the stasis theory and an arguer's dialectical obligations. I end this thesis 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 thesis, I will offer answers to each of the research questions raised in Chapter 1. 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.

Although the advocates of classical *stasis* theory argued that the theory could cover the three genres of rhetoric—judicial, legislative and epideictic—their treatment of legislative and epideictic rhetoric was not thorough, so classical *stasis* theory was most refined in its treatment of judicial rhetoric. In judicial rhetoric, the arguers analyzed the controversy under four points at issue: the *stasis* of conjecture, the *stasis* of definition, the *stasis* of quality, and the *stasis* of translation. The *stasis* of conjecture concerned the past performance of act by the agent. On this *stasis*, the arguer advanced the thesis that a certain agent committed a certain act. The interlocutor advanced a counter-thesis that it is not correct that the person charged committed the act. The *stasis* of definition concerned the characterization of the essence of the act performed by the agent. The arguer
advanced the adequate words or phrases to characterize the performance. For example, "I'm committed murder." The interlocutor advanced a counter-thesis that the act committed was not murder but manslaughter. The stasis of quality concerned qualifying factors related to the act specified in the previous two stases. The arguer advanced a thesis that there would not be any factors that diminish the significance of the act. The interlocutor advanced a counter-thesis that certain conditions would diminish the importance of the act. The stasis of translation concerned the legitimacy of the procedure of the argumentative communication. The arguer advanced a thesis that the procedure that the arguer and the interlocutor used was legitimate. The interlocutor raised some procedural problem. For example, the interlocutor argued that the wrong person brought the charge to the court. Since these four stases often become issues at point in a trial, the arguer could use them as a guide to look for the arguments she or he could advance. She or he could also use these stases to anticipate objections and alternative positions, for the interlocutor could possibly advance counter-arguments on all or some of these stases. By using the four stases as the guide to know the potential objections and alternative positions that she or he might face, the arguer could think through ways of handling them. In short, the arguer could use classical stasis theory to invent her or his argument, anticipate possible objections and alternative positions, and invent replies to them.

Braet's scholarship on classical stasis theory (1987, p. 88) has shown that a critic or judge also can use the stasis theory to see whether the arguer has handled all the four stases. Since these four stases are often points at issue, a critic or judge can regard the arguer's failure to address one of these stases as a sign that the arguer has not met her or
his burden of proof. In other words, *stasis* theory can function as a tool for appraisal as well as for invention of the argument. By using *stasis* theory, a critic can judge whether the arguer attempted to fulfill her or his dialectical obligation to handle objections and alternative positions.

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, Chapter 3 offered four problems, each of which marks a limitation of the theory. The four problems are the Scope Problem, the Exception Problem, the Exhaustive 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. For example, the *stasis* of quality concerns qualifying factors related to the excusing or pardoning of the agent or benefit of an unlawful act, and *stasis* of translation concerns issues of legal procedure. Although similar issues, such as qualifying factors related to the excusing or pardoning certain deeds, seem to emerge in argumentation on ethical matters, the emphasis on legal concepts in classical *stasis* theory makes the theory as is unlikely to be applicable to argumentation on ethical matters. Besides the problem that *stasis* theory is unlikely to be applicable to argumentation in
neighboring fields, it is more unlikely to be applicable to argumentation that does not involve legal or moral matters. For example, it can hardly be applied to argumentation on the philosophical matters such as the nature of good argument. Because classical *stasis* theory is so deeply connected to the substance of legal matters, it is not likely to govern argumentation in general.

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. Because we have reason to think that classical *stasis* theory does not always help an arguer to invent arguments and resolve differences in opinion, it does not seem to be a theory that systematically governs all types of argumentation in trial.

The Exhaustive Problem weakens the claim that the four *stases* exhaust all types of issue that may arise in argumentation. For example, the claim "Global warming is an accurate description of the climate over four decades" is controversial and is likely to have its objections and alternative positions, but classical *stasis* theory does not seem to be capable of handling the controversy over the global warming. 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. After the arguer uses *stasis* theory to invent arguments and anticipate objections and alternative positions and replies to them, she or he can freely choose not to include those objections and alternative positions in the actual argument that she or he presents in public. In other words, since the domain of classical *stasis* theory is the invention process of argument, not the delivery process of the discovered argument, the use of the theory does not necessarily lead the arguer to address objections and alternative positions that she or he finds in the process of invention. 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 thesis, 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 lawcourts. 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.

The first attempt to generalize *stasis* theory concerns the *stases* of conjecture and definition, and it aims to offer a solution to the Exhaustive Problem. The *stasis* of conjecture in classical *stasis* theory covers the past performance of an act by an agent, so it cannot cover things that are now occurring or that will occur in the future. Also, since this *stasis* covers actions by an agent, it cannot deal with states of affairs or inanimate things. For example, although such a proposition "The Canadian economy will be sluggish in a year" seems to be controversial and likely to have its objection and alternative positions, the *stasis* of conjecture in the classical rhetorical theory cannot handle this proposition, because the proposition concerns the future and the state of affairs of inanimate things. By enlarging the focus of this *stasis* from the past performance of an act by an agent to the ascription of a property (P) to a thing (X), we can handle those propositions referring to the present and the future as well as the past, and those dealing with states of affairs of inanimate things. This modification has broadened the exhaustiveness of the *stasis* of conjecture. Based on this modification, I named the classical *stasis* of conjecture the *stasis* of predication.

The *stasis* of definition in classical *stasis* theory covers definitions aimed at
characterizing the essence of acts, so this \textit{stasis} presupposes that definitions must characterize essences. However, since definition does not always provide for us the essence, but it sometimes merely cites examples, this \textit{stasis} cannot handle conceptual debates in which arguers use paradigm cases to characterize words. For example, when the meaning of 'love' becomes a focus of a communicative exchange, the arguer may say, "Love is the feeling that a couple has for each other." The interlocutor may say, "Love is the feeling that parents have for their children." In this conceptual dispute, neither offers an "essential "definition, but merely cites a paradigm case to describe the word 'love.' The \textit{stasis} of definition in classical \textit{stasis} theory cannot handle disputes of this kind, for it only concerns "essential" definitions. By broadening the focus of this \textit{stasis} from the definition of words aiming at characterizing the essence of an act to any clarification of the meaning and use of any terms and concepts relevant to a dispute, we can handle the debate about conceptual disagreements in general under this \textit{stasis}. With this modification, I named the classical \textit{stasis} of definition the \textit{stasis} of clarification, which becomes more inclusive in its treatment of issue types about conceptual debate.

The second attempt to generalize \textit{stasis} theory concerns the \textit{stases} of quality and translation, and it aims to offer a solution to the Scope Problem. Since the \textit{stases} of quality and translation in classical \textit{stasis} theory emphasize the substance of legal matters raised in trials, they are unlikely to cover some types of argumentative communication, such as philosophical argumentation in which people debate over the criteria of good argument, to cite an instance. The \textit{stasis} of quality in classical \textit{stasis} theory concerns qualifying factors related to the questioning of \textit{prima facie} judgments of guilt.
Specifically, this *stasis* examines such exonerating factors as asking for pardon or shifting the charge to others. Since this *stasis* has much to do with legal notion of guilt, it is unlikely to be applicable to argumentation other than legal or moral argumentation that questions right or wrong. By removing elements that suggest a strong tie with legal matters, we can expand the focus of this *stasis* from qualifying factors related to the questioning and overturning *prima facie* judgment of guilt to qualifying factors related to qualifying factors related to the override of presumptions or defaults conditions. Since the reconstructed *stasis* of quality covers not only qualifying factors related to overturning judgments of guilt but also those related to the override of presumption in general, this *stasis* can have more comprehensive scope than its classical counterpart. Based on this reconstruction, I named the classical *stasis* of quality theory the *stasis* of qualification.

The *stasis* of translation in classical *stasis* theory covers questions about the procedures of legal argumentative communication. Specifically, this *stasis* examines such questions as: did the right person bring the charge to the right court at the right time? Since the *stasis* of translation in classical *stasis* theory concerns such legal notions as penalty or court, this *stasis* is unlikely to govern procedural issues in general. By removing the substantive elements that have a tie with argumentation in trial, we can broaden the scope of this *stasis* from the procedures of legal argumentative communication to those about procedures of argumentative communication in general. Under this renewed *stasis*, we can examine if the right person takes up arguments at the right place and time. With its strong substantive link removed, the *stasis* of translation
has a more comprehensive scope in its treatment of procedural issues than its classical counterpart. Based on this reconstruction, I named the classical *stasis* of translation the *stasis* of procedure.

In summary, the two attempts that I have made in this thesis 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 govern more types of issues, it is not clear at this moment that the theory can cover 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 Chapter 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. The application also has demonstrated that we can use the theory to identify whether and how the arguer, in the revising phase of argumentation, handles actual objections and alternative positions raised by the interlocutor. An investigation into the Exception Problem in Chapter 5.1 has
demonstrated that we can apply the generalized \textit{stasis} theory to the situation in which an arguer has not argument to offer. An investigation into the Performance Problem in Chapter 5.2 has demonstrated that the use of \textit{stasis} theory is the first step for an arguer to fulfill her or his dialectical obligation to handle objections and alternative positions.

The application of the generalized \textit{stasis} theory to the Johnson-Govier debate over the nature of an arguer's dialectical obligations has demonstrated that the argumentation critic can use the theory for appraising arguments. The analysis of Johnson's OPS paper (1996) has shown us that he advanced two claims: (a) We should modify our understanding of argument from the collection of propositions in which one (conclusion) is supported by the others (premises) to the persuasive attempt with claims and reasons and with handling objections and alternative positions; and (b) the arguer is obliged to reply to objections that she or he knows that she or he can handle, objections that the audience would like the arguer to handle, and Standard Objections that can be found in the neighborhood of the argument advanced by the arguer. With regard to these two claims, Johnson advanced arguments on the \textit{stases} on predication and clarification, but not on the \textit{stases} of qualification and procedure.

The analysis of Govier's two articles (1999) has shown us that she advanced an objection to Johnson's first thesis and an alternative position to Johnson's second thesis. Specifically, she advanced her objection to the \textit{stasis} of predication of Johnson's first thesis and argued that his conception of argument is not workable or acceptable because of the infinite regress problem. By advancing this objection and linking it with a minimalist pragmatic approach, she actually directed her argument to the \textit{stasis} of
qualification and attempted to qualify Johnson's original idea to require the dialectical tier of an argument. Also, she advanced her alternative position to the *stasis* of qualification of Johnson's second thesis. She argued that an arguer must handle all the salient objections and all alternative positions. In addition to clarifying the content of objections and alternative positions that an arguer must reply to, she also made arguments on the type and the general feature of the obligation by arguing that an arguer's obligations is a *prima facie* obligation that emerges out of the practice of argumentation.

In the paper read at the OSSA convention (1999) and at Northwestern University (2000b), Johnson attempted to reply to the objections and the alternative positions actually raised by Govier. In response to Govier's objection to his first thesis, he withdrew his claim that all arguments must have a two-tier structure. He insisted only that arguments used for rational persuasion carry that obligation. By making this change he avoided Govier's version of the infinite regress problem. However, he did not answer the question whether or not every argument used for rational persuasion should have a two-tier structure. On the alternative position to his second thesis, he attempted to reply to the Govier's alternative position by agreeing with her.

In conclusion, the application in Chapter 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 Chapter 5 has shown us that an arguer can use the *stasis* theory without exception. For example, the arguer can use the theory in the following three situations specified in the Exception Problem: (a) no arguer can make arguments for lack of support available, (b) arguers cannot resolve the difference in opinion because of the equal distribution of support, and (c) only the arguer or only the interlocutor can make arguments because of the unequal distribution of support. In all of these situations, 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 Chapter 5 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. In other words, since the domain of the *stasis* theory is the invention process, not the delivery process of argument, the use of the stasis theory does not end in the fulfillment of an arguer's obligations to address objections and alternative positions. 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 thesis 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 thesis, 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 thesis, 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. In order for us to fully appreciate classical *stasis* theory, we need to investigate other versions of it. Also, since 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, further investigation into the other versions of classical *stasis* theory is necessary to appreciate adequately the relationship between classical *stasis* theory and the theory of an arguer's dialectical obligations. For example, if there is no *stasis* of translation in the theory, an arguer does not have to include her or his replies to the objections and alternative positions about the procedure of argumentation. Therefore, we need further investigation into classical *stasis* theory to accurately explore its nature and implications for the theory of an arguer's dialectical obligations.

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. For example, it seems to be hard to differentiate objections and alternative positions to the *stases* of predication and clarification from those addressed to the *stasis* of qualification, for all of them function to question or overturn a *prima facie* argument, since an argument cannot be *prima facie* good if it does not adequately handle the
objections and alternative positions addressed to the *stases* of predication and clarification. If an objection to the *stasis* of predication overturns an arguer’s position, then does the objection count as a qualifying factor? Or does it count as a faulty ascription of a property to the thing in question? 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 thesis, 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 the Johnson-Govier debate 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 thesis has not attempted to clarify the type of an arguer’s dialectical obligations or its overarching features. As I have stated in Chapter 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 thesis 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. The second route for clarification is to elaborate the type of obligation to which arguers' dialectical obligations belong, such as legal, moral, prudential, or aesthetic obligation. The third route for clarification is to delineate the overarching concept of obligation common to all types of obligation, such as *prima facie* obligation. Since my thesis has not investigated the second and third routes for clarifying the nature of an arguer's dialectical obligations, we are not clear about the type and the general feature of an arguer's obligations.

Besides not investigating the second and third routes to clarifying the nature of an arguer's dialectical obligations, my thesis has not attempted to clarify the conceptual demarcation among dialectical materials, such as objections, alternative positions, criticisms, and challenges. Because my thesis has not investigated the typology of dialectical material and the nature of each type of dialectical material, my thesis 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 thesis 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. For example, Theodorus' version of *stasis* theory consists of being in general and being in particular, and the latter is further divided into quality, quantity, and relation (Nadeau, 1959, pp. 64-65). Since his version of stasis theory appears to be different from that of Cicero, an investigation into his version of *stasis* theory would provide for us a set of objections and alternative positions directed to different parts of an arguer's case. 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 conjecture, definition, quality, and translation, 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. We need to examine argumentative texts other than those published in the discipline of philosophy to see if the generalized *stasis* theory has a scope broad enough to be applied to any argumentative texts. Since we can make the
generalized stasis theory better grounded in the actual practice of argumentation by detecting weaknesses of the theory and correcting them with more empirical studies. Critical analyses of argumentative texts based on stasis theory are needed.

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. Specification of the type of obligation (e.g., moral, legal, etc.), and the general features of obligation will refer us to bodies of research findings on that type, and this material will then clarify an arguer's dialectical obligation of that type. 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 thesis, 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 thesis has paved a small path for further interaction between informal logicians and rhetoricians.
Endnotes


2. When truth and acceptability conflict with each other, "The Integration Problem" arises (Johnson, 2000a, pp. 336-340). Two aspects of The Integration Problem are: Can an argument be a good one when a premise is false but acceptable? and Can an argument be a good one when a premise is true but unacceptable? Johnson argues that neither case can constitute a good argument.

3. Govier makes a similar point by saying "Johnson does not say what he means by a 'dialectical obligation'" (1999, p. 213). Although my question is similar to hers, there is a conceptual difference between the two in Johnson's writing. When Johnson discusses the dialectical tier, he refers to the product--the texts written by Plato, Aristotle, Descartes, and Searle. When he discusses dialectical obligations, he focuses on the arguer. From his
writing, I assume that a dialectical obligation is what an arguer must perform in the practice of argumentation, and that the dialectical tier is what an argument must possess within itself. Johnson seems to endorse my distinction when he says, "Which objections is the arguer obligated to deal with in this dialectical tier?" (1996a, p. 1).

4. I feel myself starting the first step of the infinite regress here.

5. 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).

6. Wenzel's criticism has two implications. First, it weakens the Johnson's claim (1998a: paragraphs 35-38) that logic and rhetoric are different in their requirements of the dialectical tier. Second, in a broader framework, his criticism complements Johnson's research project on an arguer's dialectical obligations and the dialectical tier, because the rhetorical perspective on argument can offer some insight into these issues.

7 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.

8 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) topoi 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.

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.

There seems to be a parallel between Johnson's construction and revision phase of argument and Braet's potential and actual *stases*. Both Johnson's construction phase and Braet's potential *stasis* concern the anticipation of objections and alternative positions that the interlocutor might support. Thinking through these possible dialectical materials, the arguer can present an argument that can handle them. Both Johnson's revision phase and Braet's actual *stasis* concern the treatment of objections and alternative positions that
the interlocutor supports in the argumentative communication. Actually facing these dialectical materials and thinking these through, the arguer can improve her or his product, i.e., the argument.

11 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.

12 The stases of quality and translation are likely to be applicable to argumentation on moral issues, because of the close relationship between legal issues and moral issues. For example, the stasis of quality on the assisted suicide debate would involve the issue of whether a doctor's assistance constitutes murder in spite of the fact that she or he followed the patient's will. The controversy over this proposition has moral as well as legal dimensions. However, this counter-example is not strong, because it merely shows that the stases of quality and translation can apply to moral argumentation, not to argumentation in general.

13 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 Chapter 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.

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

15 On alternative positions, Govier said:

there seemed to be between four and eight alternative positions on several issues with which I was familiar and on which I did a preliminary analysis. If this result is at all representative, it seems tolerable to demand that an adequate dialectical tier require a response to all the alternative positions. (1999, p. 228)

I agree with her provided that an arguer can use time and space liberally. However, the time and space an arguer is allowed to use would not be without limit, so she seems to be
time and space an arguer is allowed to use would not be without limit, so she seems to be a little hasty in concluding that the arguer should reply to all four to eight alternative positions.

16 Johnson covered this objection in personal communication (May 23, 2000), as I already showed in Chapter 2. He admitted that he did not have a clear answer whether every argument as rational persuasion should have a two-tier structure. His tentative but best answer was: it depends. He said, "The answer to this question cannot be given independent of context". By saying so, he seems to be moving toward a pragmatic position, which Govier already endorsed.

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

18 For a critical analysis of discourse denying the existence of the holocaust, see Tindale (1999, pp. 145-156).
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