

CHAPTER 7.

THE DIALECTICAL TIER REVISITED

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Abstract: Since I originally proposed that arguments require a dialectical tier, many commentators have weighed in with objections and challenges. Now, here, in this auspicious setting, it does seem propitious, even incumbent upon me, to say something about how I now view that proposal, perhaps taking this opportunity to repent of my sins. For Govier has said that the requirement of the dialectical tier, as I have stated it, leads to an infinite regress—“a staircase that mounts forever” (233) which would not be a “Stairway to Heaven” but rather a descent into Hell.

INTRODUCTION

Since I originally proposed that arguments require a dialectical tier, many commentators have weighed in with objections and challenges. Originally Govier (1997/98;1999), then Leff (1999/2000), Hitchcock (2000/2002), Tindale (2000/2002), Groarke (2000/2002), Hansen (2000/2002), van Rees (2001) and Wyatt (2001) – to mention just those who have gone on record with objections to that proposal.

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view that proposal, perhaps taking this opportunity to repent of my sins. For Govier has said that the requirement of the dialectical tier, as I have stated it, leads to an infinite regress – “a staircase that mounts forever” (233) which would not be a “Stairway to Heaven” but rather a descent into Hell.

I intend to take this occasion to respond to some of these objections and criticisms, as well as to share some thoughts they have set in motion. I will begin by revisiting the proposal, briefly, particularly with respect to its purpose. Since the division of labour in argumentation theory into logical, dialectical and rhetorical dimensions seems to have gained a certain level of acceptance among argumentation theorists, I have decided to use that division to structure most of my response. Accordingly, I will first look at an objection that is *logical* in character (that of Govier), then one that is *rhetorical* (that of Leff); and finally one that is *dialectical* (that of van Rees). After indicating how I propose to respond to these three objections, I want to look at what difference the proposal makes and the broader issues it raises for argumentation theory.

RATIONALE FOR THE PROPOSAL

The rationale for the proposal had its origins in our efforts (more than 30 years ago) to teach logic to undergraduates in a university setting. [By “our” here I mean Johnson and Blair and other informal logicians.] We began with the tradition in which we had been raised which I have baptized FDL (Formal Deductive Logic). According to that account, a good argument is a sound argument: an argument that is valid and all of whose premises are true. In this tradition, we find argument typically defined as: “a sequence of propositions one of which follows from the others.” We were not alone in experiencing difficulties teaching this sort of approach to logic to our students in the late 60s who demanded relevance and who wanted logic to help them appraise

the arguments they came across in their attempts to deal with the issues of the day.

It seemed to us that extant logical theory did not provide the sort of theory that would underwrite such efforts. We were struck by a number of *gaps* between that theory and argumentative practice. In real life arguments, have various purposes; but no mention of purpose in FDL. In real life arguments, we often have to go with premises that are not known to be true (Hamblin 1970); no provision for that in FDL. In real life, good arguments often fall short of validity; no provision for that in FDL. In real life, there are good arguments for and good arguments against a particular proposition or proposal (Hamblin); no provision for that in FDL. In real life, good arguments typically confront objections and other dialectical material; but no mention of that in FDL.

In making such observations, we were simply noticing the sorts of problems that had been discussed in the work of Toulmin (1958), Perelman (1958/1969) and Hamblin (1970). We found allies in our attempt to achieve reforms in logical theory and practice in the work of Kahane (1971) and Scriven (1976), and throughout the 80s in various papers (see Johnson and Blair, 1983), we attempted to develop a better theory we termed “informal logic.” We were assisted in that effort by two developments.

First, in the early 80s we made a connection between our project and the critical thinking movement in North America – an attempt to install the critical thinking skills in a more prominent place in higher education. That brought into clear focus for us the pivotal role of argument in the teaching of critical thinking.

In the middle 80s, we became ever more aware of the many different initiatives outside of logic, among them the pragmatodialectical approach to argumentation, and the broad international and multidisciplinary community working on argumentation theory. How this latter awareness affected us may perhaps be seen in our 1987 paper “Argumentation as Dialecti-

cal” (Blair and Johnson, 1987: 41-56; reprinted in 1996: 87-102) where the seeds of the proposal regarding the dialectical tier may be found (100-101). (I don’t propose here to discuss the genesis of the idea.)

However, even with the attempts at reform we were making, it seemed to me that the very idea of argument found in our theory (one we had downloaded from FDL) remained, to my way of thinking, too mathematicized, too enervated, and that notion set me on the path of fortification which I announced in my 1990 ISSA paper and which I then attempted to provide in *Manifest Rationality*. I explained there that one important motivation for my attempt at reconceptualization was my belief that argument as a vehicle for rational persuasion has much to recommend itself to a world in which there are such deep divisions about vital issues, but in which force and violence are seen as increasingly unattractive options. I expressed my fear that the human community would not be much moved to turn to this important resource as long as logical theorizing remained fettered to an approach to argument in which the ideal remained that of sound argument – a view not attractive in a world of uncertainty and competing allegiances, where proof and refutation are not to be thought of except perhaps among dogmatists. In such a world, we need a theory of argument that gives proper credit to arguments which, if not sound, are yet good, or good enough, and to arguments in which the arguer acknowledges and comes to terms with what I call dialectical obligations.

Part of that rethinking took the form of proposing that dealing with one’s dialectical obligations is an essential component of the very idea of argument, robustly considered. Arguments in the paradigmatic sense require a dialectical tier in which the arguer discharges his or her dialectical obligations: i.e., anticipates objections, deals with alternative positions, etc. That proposal had the following two presuppositions. First, the focus is on the use of argument to achieve rational persuasion. Argument

has many others uses, as Blair, Goodwin, Walton, and Wenzel and many others have reminded me. Second, the focus in the first instance is on argument as it expresses itself in texts (such as found in newspaper editorials, journal articles, books, etc.), as distinguished from an oral argument between two participants, which is what dialogue logics (such as those of Barth & Krabbe, 1882, and Walton & Krabbe, 1995) and the pragma-dialectical approach take as their focal point. (This is roughly the distinction between product-driven and process-driven theories.)

In summary, then, the proposal regarding the dialectical tier originated in reflection on the limitations of *the logical approach* to argument, and at the same time a desire to bring the conception of argument in line with best practices and fortify it.

The justification for the proposal emerges from reflection on the requirements of rational persuasion. If in order to persuade you must provide evidence and reasons, and if such persuasion takes place in the context of controversy, then it seems clear that to do the job you must also deal with dialectical matters. The same justification that requires the illative core also requires the dialectical tier; the demands that generate the illative core also generate the dialectical tier.

If you were to ask me for examples of arguments that satisfy this proposal, that have a dialectical tier, I would mention Aquinas's arguments for the existence of God in the *Summa Theologiae*, Mill's defense of freedom in expression in *On Liberty* (1859/1967), Martin Luther King's *Letter from a Birmingham Jail* (1964), and Stanley Fish's defense of affirmative action in *The Trouble with Principle* (1999). Many other examples could be cited from both popular and academic fora. (Of course, not all arguments take this form, which is one of the many problems that have been raised concerning the proposal.)

In summary, then, the proposal regarding the dialectical tier originated in our attempt to move beyond the traditional logical perspective on argument and bring the conception more into

line with best practices. The dialectical tier was never the end, just the means to an end. What end? To the end of calling to consciousness an aspect of the practice of argument that in my judgement had been overlooked in theorizing (though not in the practice nor even the teaching), viz., that the arguer has some obligation to deal with objections, etc. The proposal might also be seen as a counterpoise to the tendency to broaden the range of argument. Groarke (1996) has argued forcefully that paintings and images can be included in the spectrum of argument, and Gilbert (1997) has argued that emotional and visceral modes of communication should also be included. If we are going to adjust our theories and approaches to include such specimens (which my proposal makes provision for), then it seems to me imperative – as a matter of balance – that we should also adjust in the other direction by also emphasizing the more developed forms of argument – those with a dialectical tier.

SOME OBJECTIONS AND MY RESPONSE

I turn now to some of the objections that have been raised to my proposal.

(i) Response to Govier's Objection

Govier argues that the requirement that every argument have a dialectical tier leads to an infinite regress. She put the matter this way (1999: 232-33):

The regress problem seems to arise for Johnson's account because of his claim that *every argument is incomplete without a dialectical tier*. In my terminology, this means that every arguer has a dialectical obligation to buttress his or her main argument with supplementary arguments responding to alternative positions and objections. Supplementary arguments are also arguments. Thus they too would appear to require supplementary arguments addressing alternatives and objections. Those supplementary-to-the-supplementary arguments, being again arguments, will require the same. And this line

of reasoning can clearly be continued. Thus Johnson's view seems to imply an infinite regress.

This regress would appear to be intolerable. Surely it is not plausible to say that an arguer has an obligation to put forward an *infinite* number of arguments in order to build a good case for a single conclusion! On this interpretation, the dialectical tier would not be a tier; it would be a staircase that mounts forever. A theory demanding such an explosion is not a realistic or coherent one.

The regress objection can I think be met by a three-prong strategy. First, by pointing out that Govier overlooks a qualification; that at least in MR, the proposal was not that *every* argument requires a dialectical tier but rather that *the paradigm case* of argument should display this structure. [I admit that I am to blame for this confusion because the text is, if not inconsistent, at least confusing on this point.] My proposal allows that not all arguments will require a dialectical tier; but wants to call to the attention of logical theory the sort that we want our theory to cover. Second, by pointing out the parallel between the illative core and the dialectical tier. That is, the same line of reasoning that prevents an infinite regress in the illative core can also be deployed to prevent the exfoliation of the dialectical tier. Third, by specifying the contents of the dialectical tier more carefully, and this takes us into the broader issue of *dialectical adequacy*. The intuition here is that an argument is dialectically adequate just in case the argument contains an adequate treatment of the arguer's dialectical obligations. [That means allowing that there may be arguments where the arguer does not have dialectical obligations.] This question breaks down into two relevant sub-questions.

Q1: How are those dialectical obligations to be identified and specified?

What sorts of dialectical material are there? Typically, one thinks of objections and criticisms as the same, but might there not be a point in distinguishing them? Govier argues, rightly I think,

that an objection is different than an alternative position (1999: 227-232.) But that presupposes an answer to the question: “What exactly is an objection?” Strange to say, this clearly important question has not received much attention in the secondary literature of the theory of argument! Such questions are in need of further exploration, whether or not one subscribes to the dialectical tier.

Q2: What is required for an argument to discharge these obligations?

In other words, what are the criteria that the argument must satisfy in responding to objections and other forms of dialectical material?

The objections raised by Leff and van Rees provide an opportunity to engage with these crucial questions and thereby respond further to Govier’s objection.

(ii) Response to Leff’s Objection

In his keynote address to OSSA in 1999, Leff sought to carve out a place for what he calls dialectic, which he positions between logic (and its abstractness) and rhetoric (and its concrete ways). I cannot here follow the interesting path that Leff takes in his argument to revive dialectic. Rather I shall limit myself to his response to my proposal of a dialectical tier (1999: 5-9).

Leff says that the “concept is elegant” but notes that there are problems with it. Leff complains that the idea “lacks situational ballast” (7). He says: “Johnson wants to construct an autonomous dialectical system that can encompass all instances of argument, and to achieve this end he must know the criteria for dialectical adequacy in advance of any particular case of dialectical argument” (7). Leff then floats the attractive thesis that the reason I have problems answering the question “Which objections?” is that this cannot be done in advance. One has to look at the situation, the details, which provide the ballast.

Now there is something obviously right-minded about Leff's point. How one deals with obligations will differ according to the audience one is dealing with, the setting of the response, etc. But it seems equally clear to me that there is more to the story, as I shall shortly indicate. Leff is certainly correct in pointing out that I seek to develop criteria for dialectical adequacy in advance of any argument, just as I (and others) have sought to develop criteria for adequacy of the illative core in advance of any particular argument.

The broader issue Leff is raising here is *that of how standards or criteria for the evaluation of arguments are to be developed*. That's a complicated and important issue, and yet another example of an issue that has not, it seems to me, thus far attracted sufficient attention from argumentation theorists. Now I do not believe that such criteria must be dictated *a priori* from an Olympian or heavenly standpoint, as Moses received the ten commandments from Yahweh. I find myself inclined to adopt the sort of approach that Dewey outlines whereby normative standards are extracted from the practice by judicious reflection and then dip back into the practice.

There is, I suspect, another aspect to Leff's complaint about lack of ballast; i.e., the proposal has not been anchored in sufficient detail. Here it seems to me that Leff and I agree that our theorizing must be informed by and responsive not just to practice, but *best practices*. And therein lies the rub. For this right-minded suggestion raises the question of *how we will identify those best practices*, which, we may expect, will involve identifying specific exemplars of good arguments. But that in turn means that we must bring to bear some implicit or intuitive notion of what counts as a good argument, to that degree the empirical turn to context presupposes some degree of conceptual elaboration! Prior cognition (and theory) guide us, *faute de mieux*, in what we see and what we take into account, as Peirce (1878/1982) well

knew. Thus it is not the case that “it all depends” on context and situation, for it also “somewhat depends” on prior theorizing.

In the search for ballast, while acknowledging the need for a variety of cases drawn from different disciplines and settings, I would argue for a special place for philosophical arguments. Philosophy has had long experience with the practice of argumentation; and though its sins are many (i.e., its overcommitment to deductivist and essentialist views, its abstractness, its tendency to eschew detail and context), yet its virtues are many also, particularly if one looks at philosophical arguments through the lens of informal rather than formal logic. Look at Mill’s argument for freedom of expression in *On Liberty*. You will find Mill engaged in anticipating and responding to objections, and it seems to me that worthwhile leads about the issue of dialectical adequacy can be found here.

To conclude, I am grateful to Leff for this criticism and the problems it brings to the fore.

(iii) Response to van Rees’s Objections

I turn now to some of the challenges raised by van Rees in her wide-ranging review of my book. In this paper, I can only deal with her “reservations” about the dialectical tier and only with some of those. Van Rees also builds on Govier’s regress criticism, as well as Leff’s criticism of abstraction. She writes: “In a truly pragmatic conception of dialectic, what the arguer needs are nothing more (but nothing less) than the actual or anticipated objections of the opponent that he tries to convince” (2001: 234). Precisely; those actual and anticipated objections form part of the content of the dialectical tier (the remainder being the response to them).

What works very well for the setting of a critical discussion (what I call process-driven theories) is not so helpful when one is constructing an argument for what Govier calls “a Noninteractive audience” (1999: 183-201). Such an audience poses its own

special problems that cannot be solved by models, like pragma-dialectics, developed for two or more participants who are face-to-face with one another. Both Blair (1998) and Govier (1999) have argued, and I think effectively, that such a model cannot be transported to other settings. Govier says: "Dialogue is a wonderful thing, and greatly to be recommended, but dialogue requires real as opposed to hypothetical interaction. I want to say, in the manner of Wittgenstein, 'A picture held us captive.' When no one else is there, we are not interacting with another person" (198). In my terms, this means that the process-driven approach will not provide all the answers for an argument as the product-driven approach. And vice-versa. Both types of theory are necessary, and their respective contributions have yet to be fully discussed.

Van Rees also takes me to task for not providing criteria for dialectical adequacy. "What," she asks, "are the criteria for dialectical adequacy?" (van Rees 2001: 233). I acknowledged that there were no such criteria in MR and indeed expressed some wonderment at how this could be so – 2000 years into the theory of argument. [Here we have yet another striking indication of the gap between theory and practice.]

Time for some ballast. Let us turn to Mill's *On Liberty*, Chapter II: "Of the Liberty of Thought and Discussion." Without attempting to recap his entire argument, Mill is here defending the view that the government should not impose any constraint on the expression of opinion. The argument has two branches and is, from my standpoint, dialectical all the way down. Branch One proceeds on the supposition that we can never be sure that the opinion we are endeavouring to suppress is false. His argument against this invokes the premise that all silencing of discussion is an assumption of infallibility. Having presented his defense of this claim (in what I could call the illative core of the argument), Mill now steps back in order to anticipate an objection (1859/1974: 19). "The objection likely to be made to this argu-

ment would probably take some such form as the following. There is no greater assumption of infallibility in forbidding the propagation of error than in any other thing that is done by public authority on its own judgement and responsibility.” The objection here is an objection to one of the premises of Branch One. Mill develops this objection at length and having done that, makes his response: “I answer that it is assuming very much more.” He is not (obviously) responding to any particular person, it seems to me; rather he is responding to what he can imagine someone might put by way of a challenge. In thus anticipating and responding, Mill has gone some distance toward satisfying his dialectical responsibilities.

An important but hitherto unasked question is: Does Mill’s argument achieve dialectical adequacy? To get a handle on this, I suggest we ask: How might Mill have gone wrong here in this part of his argument? I believe there are at least three ways. He might have failed to give a faithful articulation of the objection; he may have overstated it or understated it. Or, he might have not given a good response to it. There is a third way he might fail to achieve dialectical adequacy: he might have failed to deal with an objection that he should have dealt with.

In line with these conjectures, I now offer the following proposal regarding dialectical adequacy. The arguer achieves dialectical adequacy in her argument provided that:

- a. the arguer deals fairly, *accurately* with each objection;

The typical complaint that points to a dialectical failure of this sort is: “You have misrepresented the position you are criticizing.” (Straw person)

- b. the arguer’s response to the objection is *adequate*;

The typical complaint that points to a failure of this sort is: “But you did not say how you would deal with the strongest objection; that objection still stands.”

c. the arguer deals with the *appropriate* objections.

The typical complaint that points to a dialectical failure of this sort is: “But you have not dealt with the most pressing (important/significant) objection.”

I propose then that the criteria for the dialectical tier are appropriateness, accuracy and adequacy. *Accuracy* here means that the arguer engages with the real position and not some distortion of it; i.e., the arguer must avoid the fallacy of straw person. It seems likely that *adequacy* can be handled by the criteria for the illative core; that is, the arguer’s response to the objection will be adequate just in case the argument given (if one is given) satisfies the criteria of relevance, sufficiency and acceptability. But when it comes to the issue of which are the *appropriate* objections, it seems to me we are in uncharted territory. I think Govier is headed in the right direction in invoking *salience* (1999, 201) but that concept itself needs unpacking.

I have framed this new proposal (as I did its predecessor) in deontic language: “the arguer *must* deal with his or her *dialectical obligations or responsibilities*.” But to return to our theological analogy, all this talk of obligations sounds so very Calvinist (or Roman Catholic). Perhaps I need to adjust my theorizing to take advantage of New Age theologies that would urge us to think: “The cup is not half empty; it is half full.” Such a voice would say here: “What you call obligations can equally well be viewed as opportunities and challenges.” Viewed this way, the question changes: no longer is it a matter of which objections one must respond to but rather which challenges one chooses to respond to, which objects capture one’s interest. Now the whole matter of *interest* and choice (van Rees, 2001: 232) emerge as central. Instead of thinking of the arguer as *obliged* to respond, it may be

preferable to look at dialectical material as presenting a range of possible points for further development, understanding that which of these the arguer chooses will depend legitimately upon not only one's obligations but also one's interests.

Indeed, it seems evident to me that their own interests have to a non-negligible degree led my respondents. Thus Govier looks at the proposal from the perspective of a logician; Leff looks at those aspects which would perhaps be of interest to a rhetorician; van Rees scrutinizes those aspects of my position which, as it were, leap out from the viewpoint of pragma-dialectics. It seems both natural and inevitable that in responding to someone's argument/position, each of us will be led by our own interests. If the critic/objector can legitimately use interest to structure his or her response, it seems that the same principle might apply to the arguer in deciding what objections to respond to.

In the final analysis, a doctrine of dialectical adequacy will require attention to both obligation and interest. But how to integrate these competing tendencies, I do not know.

THE IMPLICATIONS OF THE PROPOSAL

At this point I can anticipate an objection in the form of a question: What difference does it make whether we build the dialectical tier into our conceptualization of argument? The one who asks probably has in mind William James's statement which roughly paraphrased is this: "A difference which makes no difference is no difference."

Let me briefly indicate the differences my proposal makes in three areas: theory, practice, and pedagogy.

My proposal has fewer implications for *the practice* of argumentation than it does for the theory or for the pedagogy. The reason for this strange situation is that the dialectical tier has always been strongly represented in the practice of argumentation. The problem is that it has not been included in the theory;

and because textbooks tend to follow theory (Massey, 1981), it has not been made much of an appearance in logic pedagogy.

There is perhaps no better illustration of this than Solomon's 1989 *Introduction to Philosophy* text. When he is providing directions to the student about how to construct an argument, he makes a special point of telling them that they should anticipate objections. But later when he is giving the standard FDL story about what counts as a good argument, his theory makes no provision for how well the arguer does in this assigned task of anticipating objections.

So the implications for *pedagogy* are these: that when we give examples of argument to our students, we should present as examples arguments in which the arguer at least recognizes the dialectical situation, and we should be teaching them as well what they must do to carry this part off well. If this means that we retire or move to the background the infamous Socrates example, I, for one, would not object.

At the level of *theory* I have indicated a number of tasks that remain to be accomplished. What is dialectical adequacy? What are the arguer's dialectical obligations (if any)? What is an objection, and how does it differ from other forms of dialectical material? What is required to deal with an objection properly? What other forms of dialectical material are there? How are the criteria for the dialectical tier to be developed? What is the role of best practices, and how shall we identify them? What is the role of interest in dialectical issues? How did logical theory manage to overlook the dialectical tier? What are the respective strengths and weaknesses of product driven vs. process driven theories?

That this series of questions has emerged in this review may perhaps be taken as some indication of the fertility of the proposal.

CONCLUSION

The proposal regarding a dialectical tier comes out of the tradition of informal logic and brings, I hope, something new and important to the table. Even if one does not accept the proposal yet the issue it raises, the questions that surround it may be enough to redeem it. For, as I said earlier, the proposal was not itself the end but rather a means of calling attention to overlooked issues and questions. I hope I may have succeeded in persuading that the proposal is not without merit. And if not, then possibly I have illustrated that the issues that it raises are very much worth continued attention. Perhaps, then, the proper theological destination for my proposal will turn out to be neither Heaven nor Hell, but rather Limbo, where according to Roman Catholic theology the as-yet unredeemed souls await their eternal destiny.

At this point in the service, one expects a blessing. As we go forth this morning to begin three days of intense discussion about argumentation, we might well remember what Carnap said in *Empiricism, Semantics, and Ontology*.

Let us grant to those who work in any special field of investigation the freedom to use any form of expression which seems useful to them; the work in the field will sooner or later lead them to the elimination of those forms which have no useful function. Let us be cautious in making assertions and critical in examining them, but tolerant in permitting linguistic forms.

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