

COMBINING TOULMIN, MACINTYRE, AND RAWLS TO CONSTRUCT A MODEL FOR PRACTICAL MORAL ARGUMENTS

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Introduction

The landscape of contemporary public and academic ethical argument in the West looks like the terrain left behind by a clear-cut logging operation. Diverse, fragmented, and decaying arguments are strewn about, and wading through the intellectual mess is sure to leave one breathless and disoriented. This is the product of contemporary pluralism and there remains little agreement on what to do about it. Three broad issues arise. One is the problem of the inadequate construction of ethical arguments. Ethical arguments frequently give insufficient attention to clarity or the identification of the grounds for inference, and it becomes difficult to determine why a particular argument claims to be true or how it may be compared to its rivals. A second problem is the poor utilization of historical resources in ethical arguments. Arguments are often framed in vague intellectual contexts without reference to the rich and diverse resources available for ethical thinking. Once an argument is formulated it remains unclear why it has a standing worthy of belief or what values it attempts to defend. A third problem is the question of how disagreement can be managed in a pluralist society. With a myriad of competing arguments, a model is needed which provides a platform for productive engagement between different traditions.

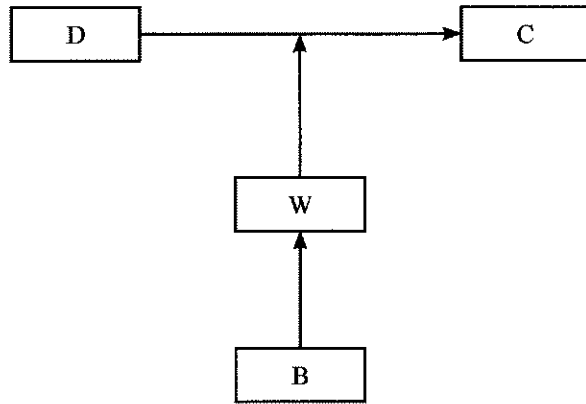
In what follows, I will pull from Stephen Toulmin, Alasdair MacIntyre, and John Rawls to derive a model for practical moral arguments. This may appear to be an unusual set of thinkers to link together because of their rather different approaches and outright disagreements. But, each is interested in the problems of framing practical ethical arguments in terms of Western traditions of rational argument. As well, each has strengths in regard to one of the identified problems, and, when combined, the resulting model promises to avoid many contemporary pitfalls.

Toulmin On Practical Arguments

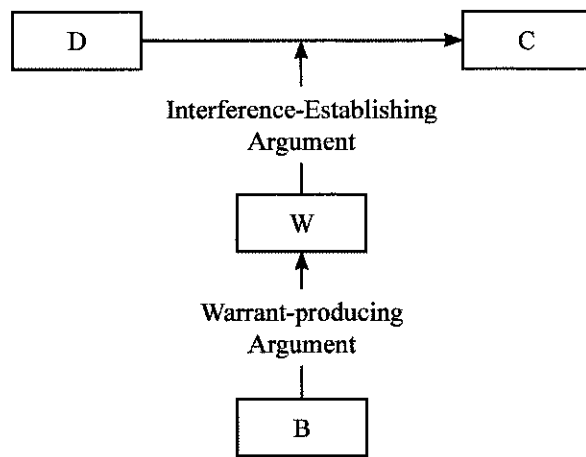
One would expect to find help from the discipline of logic in the construction of practical moral arguments, but as Stephen Toulmin has pointed out, the longstanding preference of the discipline is to focus on formal structures modeled after mathematics. Problems unamenable to argument by entailments are deemed relatively unimportant, and practical fields such as science, aesthetics, and ethics are left unattended. The result has been a widening gulf between logical analysis and the world of the ordinary person (*Argument* 9-10; *Reasons* 27-8).

In an effort to provide a remedy, Toulmin denounces a philosophical reliance upon analytic arguments and in its place offers an argument form which seeks not tautologies but what he calls substantial arguments, arguments which move from premises to rationally defensible conclusions not contained in the premises (*Argument* 125). This model delineates four elements to an argument: the data (D), the conclusion or claim (C), the warrant or reason (W), and the backing for the warrant (B). A practical argument in its most basic

form invokes a connection between a set of data and a conclusion, a connection which is established by a warrant or reason, and a backing which justifies the warrant (*Argument* 97-107). As a graphic, the argument looks like the following.



A careful scrutiny of the diagram reveals two sub-arguments of which Toulmin makes little note. The production of a warrant from a particular backing involves the organization of resources out of that backing to form a generalized principle represented by the warrant. I will label this type of sub-argument a warrant-producing argument. Once a warrant is framed, it must then be applied to the case at hand. An argument is developed which selects elements of the available data and frames reasons as to why this case fits the application of the warrant. Once the connections between the data of the case and the warrant are made, the conclusion then follows as a rational inference. This type of sub-argument I will call an inference-establishing argument. The addition of these sub-arguments is noted in the following graphic.



Unfortunately, this model still overlooks two major issues. First, data is represented as uncontroversial and independent of context. Although Toulmin often notes that context is vital in giving meaning to statements and notes that rational procedures have historical

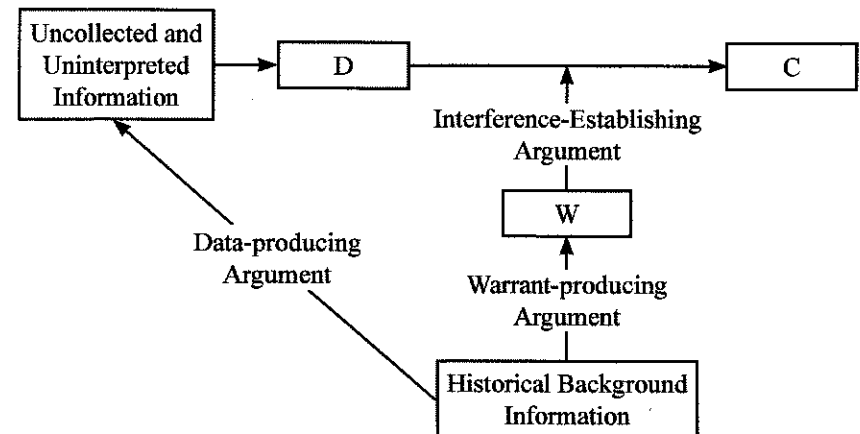
components and field specific dimensions (*Argument* 180-82, 212), he does not make clear how context impacts the collection of data and the judgment of its relevancy. Second, the model's notion of backing remains vague (Inch and Warnick 315). Although Toulmin recognizes that ethics, like law, logic, and mathematics, is a distinct field with its own type of logical arguments (*Argument* 14), it is unclear how the backing of an ethical argument is connected to specific intellectual resources. For assistance on these last two concerns, one may turn to Alasdair MacIntyre.

MacIntyre On Practical Moral Arguments

MacIntyre also has an interest in finding good reasons for defending specific moral judgments. The central problem as he sees it is the difficulty of utilizing the important convictions of ordinary people in rational argumentation (5-6). He is particularly interested in pointing out the failure of an Enlightenment model of rational argument which seeks principles of argument independent of context (6, 367). In its place MacIntyre wishes to offer "a conception of rational enquiry as embodied in a tradition, a conception according to which the standards of rational justification themselves emerge from and are part of a history in which they are vindicated by the way in which they transcend the limitations of and provide remedies for the defects of their predecessors within the history of that same tradition" (7). MacIntyre describes four such traditions in *Whose Justice? Which Rationality?* including the Aristotelian, the Augustinian, the Scottish Enlightenment, and the modern liberal. He admits that these are not the only traditions and that a fuller discussion would also treat the Jewish, Christian, Kantian, Islamic, Eastern Indian, and Chinese traditions (10-11).

MacIntyre's emphases highlight two components important for improving Toulmin's model. First, greater attention is given to data as a theory-laden entity (333, 357-58). A background tradition provides filters for perceptions of the world. Data is never free of interpretation, and every tradition seeks to provide its own interpretation to external perceptions. Second, in order for an argument to be significant it must demonstrate a clear connection between the argument and a backing, which holds the affirmation of a long and respected tradition (2-3).

These emphases suggest the following alterations in our working model.

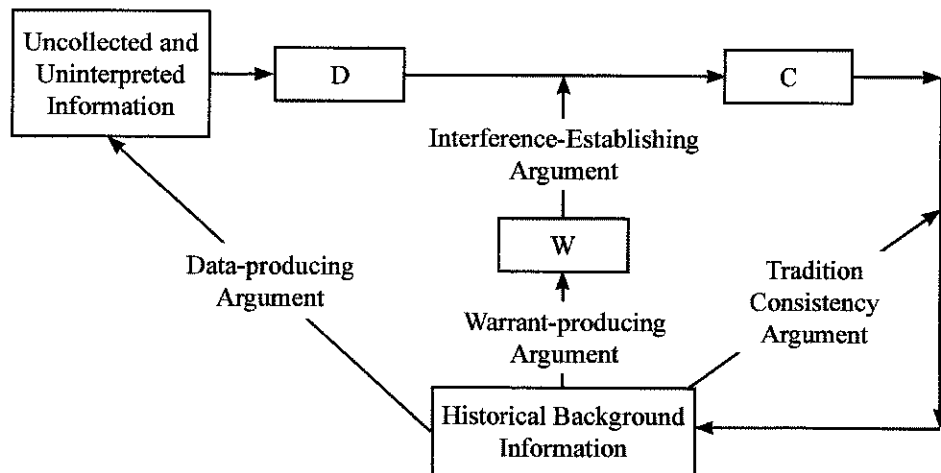


The diagram indicates that the source for all rational movement within an argument is a specific background tradition. Such a tradition is historical in that it is related to a belief system with an established record of interaction with various socio-cultural time periods, communities, and issues. This background tradition is the source of the several sub-arguments which play crucial roles in establishing the structure of an argument. The style of both warrant-producing and inference-establishing arguments is derived from the preferences of the background tradition. In addition, the background tradition is crucial in framing another type of sub-argument. Data-producing arguments are formed on the platform of biases rooted in the background tradition, which establish why some information is ignored or unconsidered and other information receives authority as data for the argument.

MacIntyre admits that every tradition experiences crises in which existing resources are unable to address a pressing issue. Some of these arise internally; others arise from external challenges. In either case, the tradition must develop new concepts and resources. These new schemes must answer old problems, explain why the tradition previously could not address the challenge, and yet remain consistent with the shared beliefs which identify the tradition (361-362). In dire circumstances, a tradition may be led to consider whether the resources of a rival tradition can be adapted to make possible a reconciliation (166, 360-61). This requires a work of the imagination. Given that a community (or person) can not think outside the basic tradition of which it is a part, it must project itself into the intellectual and social world of rivals to see as much as possible how their commitments are constituted, and in that imaginative movement find mechanisms to translate those concepts back into its own tradition (394).

When resources from other traditions are incorporated into a tradition, a comparison of the conclusion with the tradition is vital. The influence of these external traditions can result in conclusions incompatible with the initial tradition. Tradition-consistency arguments make a case that the conclusion reached by the argument is in fact a conclusion consistent with the tradition. When such arguments fail, then the tradition is in crisis and must either reframe its data-producing and warrant-producing and inference-establishing arguments, or perhaps even modify the content of its tradition to remove the incompatibility.

The addition of this sub-argument is reflected in the following diagram.



Unfortunately, the model as presented so far poses several limitations, each related to the pervasiveness of contemporary moral pluralism. First, MacIntyre allows commitment to only one background tradition. For many modern folks, such a requirement is intellectually unrealistic. Like children brought up speaking several different languages, many contemporary persons are familiar with the background commitments of multiple traditions. (Even MacIntyre recognizes this reality although he does not develop its implications (374).) For some, this leads to the fragmented and superficial identity which MacIntyre pities (397). For others, it means that intellectual respectability demands the inclusion of a variety of traditions as starting points for arguments. Such persons and communities seek ways in which resources from the various traditions significant to them can be used to develop meaningful and consistent conclusions (Toulmin, *Reason*, 230, N1).

Second, MacIntyre emphasizes background commitments which are preoccupied with the past and relate to the present in terms of that past. There is an obvious strength to this in that the intellectual standing of beliefs is frequently connected to their ability to persist over time, but not all contemporary belief systems have this stance toward the past.

Third, and most significantly, MacIntyre describes traditions in a narrow social and political context. While pointing out the difficulties of traditions communicating with one another and the way in which rival traditions challenge one another, he fails to address how a society in which a number of divergent ethical approaches exist can confront political and social issues common to all.

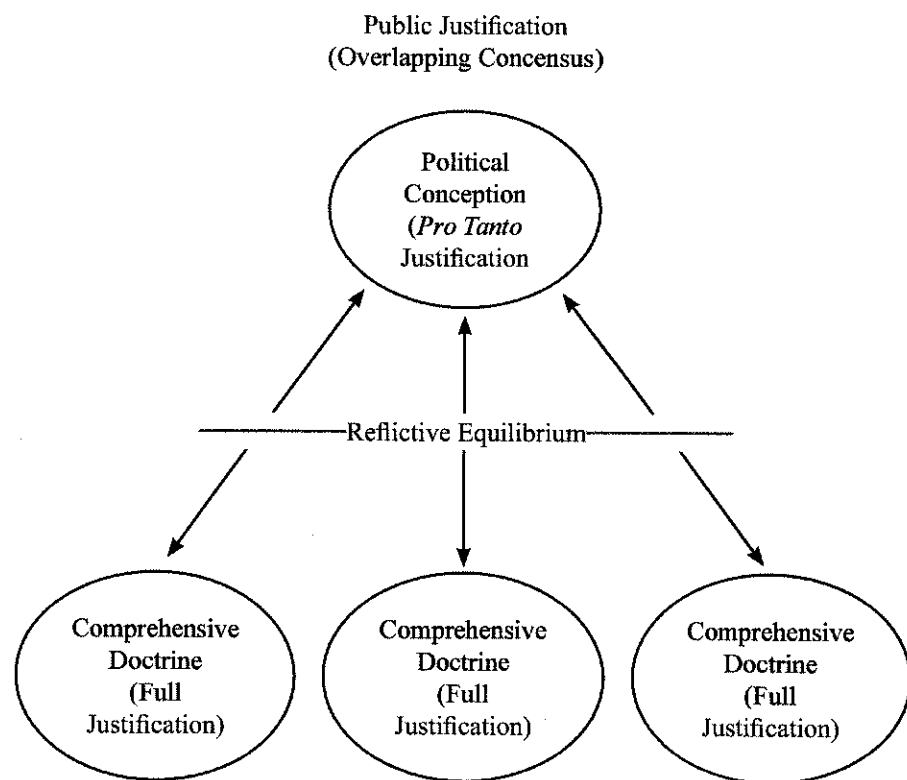
Rawls On Practical Moral Arguments

John Rawls' theory presents pluralism as an intrinsic characteristic of modern democracies. Diverse approaches to human values and purposes abound, and many of these are general and comprehensive doctrines which claim to apply to all subjects and human values universally. As rival claims, they are not commensurable with one another, and the only way to build a society around one of them is by means of an oppressive state. To avoid this, modern democracies have constructed political spaces common to all citizens: where divergent doctrines are tolerated and where a conception of political justice stands independently of any comprehensive doctrine (*Liberalism* 12-13).

The content of this political conception of justice arises from ideas implicit in the shared political life of a democratic society. The traditional texts, historic interpretations, and common sense of political institutions support a content both understandable and familiar to citizens (14). Central to these, and basic to a notion of democratic society, is an establishment of fair conditions for social cooperation. The origin of these fair conditions Rawls calls "the original position." In this position, each decision-maker operates from behind a "veil of ignorance" supporting political conceptions and institutions without reference to the advantages he or she may glean from the resulting situation (23). Among the organizing ideas generated from such a position are the view of society as a "fair system of cooperation over time," "citizens (those engaged in cooperation) as free and equal persons," and "a well-ordered society as a society effectively regulated by a political conception of justice" (14). These shared ideas lead to a conception of justice supported by an "overlapping consensus," whereby adherents of diverse comprehensive doctrines can look at the conception and find it compatible with their own ideals (15).

This political consensus depends on the operation of public reason. In order to engage in a cooperative political relationship with all citizens as free and equal, the consensus must be rooted in arguments, evidence, and reasons that are accessible and recognized by all citizens. This presumes that citizens are similar in their use of human reason and have similar abilities of judgment and argument and that they respect one another as rational creatures (Rawls, "Constructivism" 324-26, "Domain" 476, *Liberalism* 217-18, 381).

Rawls recognizes three types of justification. Pro tanto justification considers only political values in constructing reasonable answers to issues of justice. The result is a political conception of justice which is limited and tentative and may be altered by the comprehensive doctrines of citizens when they come to apply them. Full justification is the process carried out by individual citizens (or communities of citizens) who judge the compatibility of a political conception of justice with the comprehensive doctrines to which they subscribe. Public justification is carried on by a political society as a whole when its various members and communities justify a shared political conception by supporting it out of their respective comprehensive doctrines. Citizens recognize that the various individuals and communities appeal to their own comprehensive doctrines in framing the agreement and that these common political conceptions may be defended without rejecting the deep religious or philosophical commitments of an enduring majority of other citizens (*Liberalism* 386-91). Particularly at the level of public justification, individuals and communities open up their considered judgments for revision by encounters with political conceptions of justice. Rawls calls the reasonable encounter between a comprehensive doctrine and the political conception "reflective equilibrium."



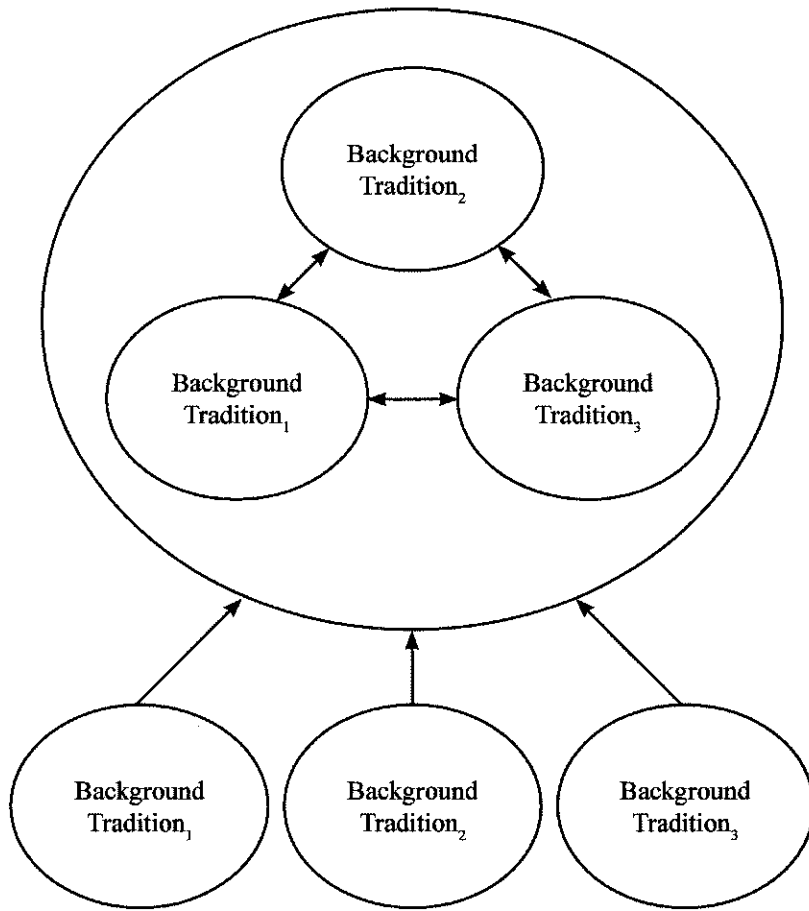
As a graphic, Rawls' notion can be represented by the following.

Rawls' approach recognizes the significant role of belief systems in Western democracies. For a large segment of these societies, religious and philosophical beliefs are the underpinning for orientations to human experience. He also recognizes that there are many different belief systems and that they often disagree radically with one another. For a stable society to exist, individuals and representatives of various belief traditions must construct common agreements with the beliefs of a variety of other traditions. In this way, Rawls embraces the radical pluralism of Western societies. Unfortunately, Rawls is overly optimistic about the extent to which public reason can provide a political conception upon which a majority of the various belief systems can agree. He portrays an intellectual world in which reason conquers all discord. This seriously overlooks the problems of communication and reconciliation between divergent comprehensive/background traditions (See, for example, Cohen 25-43 and Ting-Toomey 57-81). As a result, his model appears unrealistic.

To address these problems, I suggest the substitution of the realm of the political conception in Rawls' model with an argument arena involving tradition translation and reflective equilibrium. This arena is an intellectual, social, and political space in which individuals and communities representing various background traditions meet to engage one another in argument. Here representatives of communities and traditions construct platforms whereby the concepts of the other traditions and communities are translated as well as possible into the peculiar language of each. On this basis, guidelines are determined for the conception of reason and argumentation accepted in the discussion. Judgments are made about how the political, historical, and social context of that moment should impact the discussion about procedural rules and about the practical limits of the discussion. The radical differences between the traditions and the pressing importance of the issues involved insure that the intellectual struggles will be intense and demanding.

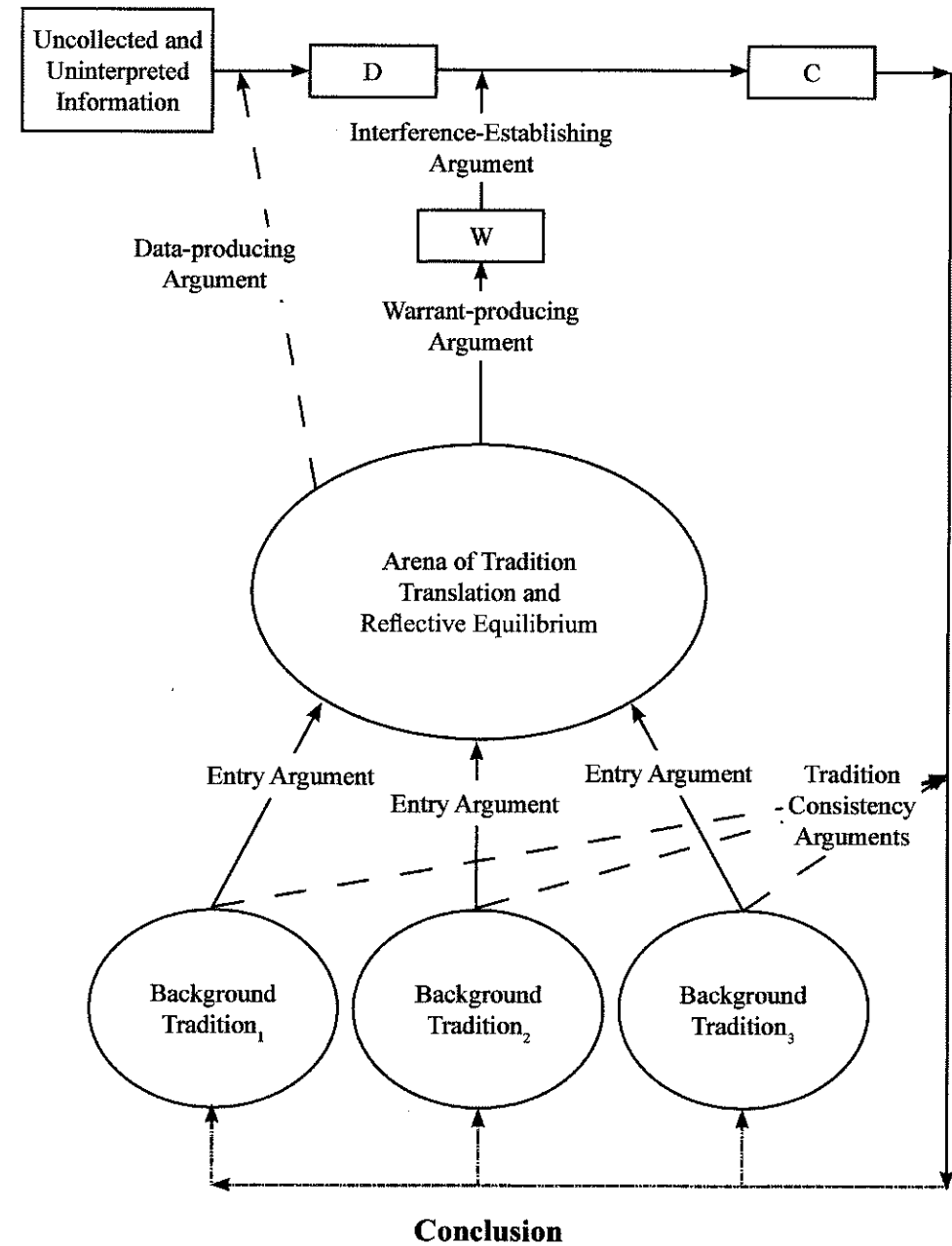
The kernel of optimism underlying Rawls' reflective equilibrium remains. In spite of the radical differences between the representatives, communication and understanding are possible. Different belief systems can learn of one another and learn from one another under conditions of restraint and compromise. Hope for humanity resides in this possibility. When traditions and communities construct a common understanding in this arena, then they can begin to explore the possibilities of framing common, or at least compatible, data-producing, warrant-producing, and inference-establishing arguments. As a graphic, the arena can be represented by the following (see next page).

Arena of Tradition Translation and Reflective Equilibrium



When framed in this way, a reality that Rawls' model overlooks becomes more apparent. Although it is inviting to believe in the existence of a public arena in which all persons have equal access, this is rarely the case. Access is denied to many because of limitations of physical and historical location, language, communicative ability, political power, or physical power. Admittedly, even in Western democracies this limited access seems an unavoidable, and sometimes desirable, characteristic. Such limitations are legitimate, however, only in terms of the persuasiveness of the arguments each frames as to why the arena of argument discussion exists, who should be admitted, and who should be excluded. These arguments I wish to call entry arguments.

When the arena of tradition translation and reflective equilibrium and the entry arguments are added to our working model, the model then has a means to embrace the reality of contemporary moral pluralism while still advocating intense intellectual discussion about what is just and true for important human encounters. These final adjustments are reflected in the following diagram.



Following the argument model developed here does not guarantee that an argument will be robust and persuasive nor that crucial disagreements will be unerringly resolved. However, arguments which follow this model will be likely to do three important things which are frequently lacking: Set forth an argument line which can be followed by other parties even if they radically disagree with it, establish a clear connection between an

ethical assertion and the ethical resources from which it is derived, and be honest about the pervasive impact of cultural and ethical pluralism. These dimensions can go a long way toward establishing the understanding and perspective crucial in any claim about the practical application of important values.

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