

Communication Studies, Normative Justice, and Amalgamating Traditions of Inquiry

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Abstract: Communication Studies scholars tend to be dialogical-dialectical and so are generally able to productively talk across multiple traditions of inquiry. As I argue in this paper, a study of justice requires this type of approach. After discussing classical notions of dialogical argumentation, the critique of rhetoric, and their modern counterparts, I identify several key elements of dialogical-dialectical reasoning. I then demonstrate how this kind of approach emphasize consideration, deliberation, assertion, the giving and taking of reason, concern with the nature of reasoning, and points to the ethical evaluation of political practices.

Keywords: Dialectics, Rhetoric, Reasoning, Pragmatics, Method

Introduction

Given the centrality of justice to social encounters, it is not surprising that various academic disciplines have sought to study it. To select but two approaches, one could suggest that political philosophy has traditionally had a narrow concern with ethics, by which I mean the reasoning of appropriate action, while political sociology has had a narrow concern for political practice, by which I mean the struggle for power that can be found in many areas of life. But an excessive concern for disciplinary boundaries can perpetuate the mistaken belief that political philosophy and political sociology are two alternative, sometimes antagonistic, ways of studying justice. This belief, however, obscures more lines of inquiry than it reveals. The primary cut should not be along disciplinary lines, but rather the willingness to examine the ethics of power. In this sense disciplinary fidelity inadvertently divides what should be kept together: the ethical evaluation of political practices.

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Although it can by no means lay claim to exclusive authority, Communication Studies is well positioned to conduct such an evaluation. This is for two reasons. The first is that as Robert Craig points out, the field is “enormously rich in the range of ideas” (1999: 119) available to analyse complex phenomena. The second is the tendency of the discipline to be “dialogical-dialectical” (1999: 123). This means that it is able to productively incorporate and amalgamate various traditions of inquiry for the purposes of enhancing the understanding of a particular problem.

As proposed by Alasdair MacIntyre, a tradition of inquiry relates not to the transmission of specific content *per se*, but rather to the manner and modalities of how that content is accepted and considered legitimate. As MacIntyre writes,

A tradition is more than a coherent movement of thought. It is such a movement in the course of which those engaging in such movement become aware of it and its direction and in self-aware fashion attempt to engage in its debates and to carry its enquiries forward. (1988: 326)

One can add some of Jeffrey Stout’s remarks to develop the concept further:

It inculcates certain habits of reasoning, certain attitudes towards deference and authority in political discussion, and love for certain goods and virtues, as well as a disposition to respond to certain types of actions, events, or persons with admiration, pity or horror. Its ethical substance however, is more a matter of enduring attitudes, concerns, dispositions, and patterns of conduct. (2005: 3)

This means that it has a common set of concerns, pieties, and aspirations, with distinctive ways of approaching those concerns. It also means that the manner of approaching problems is ritually transmitted across generations. Hereafter, the tradition becomes a resource for scholars to draw upon as well as providing a framework by which to undertake creative inquiries. Thus, traditions have a particular role to play in determining the process by which knowledge is acquired and justified.

A feature of interest to Communication Studies scholars is how traditions are conceived of as being continuously refashioned through the process of transmission itself. As it relates to Craig’s dialogical-dialectical model, multiple transmissions in effect produce a dialogue, or more precisely, conditions for dialectics. Etymologically, dialectics derives from ‘*dialektike*,’ which is a modification of the verb ‘*dialegein*’ which refers to talk across. Understood in this manner, Communication Studies is able to productively talk across multiple traditions of inquiry. As demonstrated below, a study of justice requires this type of approach.¹

Justice: Of Nature, or Of Art?

By Aristotle’s categorization, philosophers are “those who discourse on nature.” They are distinguished from the tragedians “who discourse on the gods.” This distinction—the realm of nature, and the realm of the gods—was a central disciplinary demarcation in Aristotelian philosophy. Philosophers, according to Aristotle, were concerned with having wisdom of nature. By contrast classical Greek tragedians traditionally confined themselves to the realm

¹ This paper does not propose a communicative method to achieve substantive justice. I am not disputing that by cultivating the excellence of communication one can better cultivate and enrich relationships with others. Of course, sometimes more talk begets more injustice. Rather this is a method to study justice in meaning, and in practice.

of the gods, insomuch that they speculated about the Gods' prevarications and personalities, and how persons are subject to the whims of the gods, being little more than puppets and playthings who exist in a certain role, a certain place within the world. In doing so the tragedians gave a dramatic rendering to the forces beyond the person, and how these forces come to influence life, and give it meaning and color. In short, the tragedians were not excessively concerned with what things are able to be known, but rather with the effort to give poetic intelligibility to things that cannot be known.

To make this divide more explicit we can turn to Leo Strauss's description of what Homer meant by nature. It is worth quoting him at length:

On his way to Circe's house to rescue his poor comrades, Odysseus is met by the god Hermes who wishes to preserve him. He promises Odysseus an egregious herb which will make him safe against Circe's evil arts. Hermes "drew a herb from the earth and showed me its nature. Black at the root it was, like milk its blossom; and the gods call it moly. Hard is it to dig for mortal men, but the gods can do everything." Yet the god's ability to dig the herb with ease would be to no avail if they did not know the nature of the herb—its looks and power—in the first place. The gods are thus omnipotent because they are, not indeed omniscient, but the knowers of the natures of things—of natures which they have not made. (Straus and Cropsey 1963: 2)

From these lines, we see that knowing the purpose and characteristics is to know the nature of a thing. But additionally, we should not overlook that the herb grows; it becomes something without human intervention; it changes at a predetermined pace. By contrast, things like sculptures do not grow. They are made, and the speed at which they take a certain form depends on the amount of labour involved. Once made, sculpture does not change unless it is altered by human intervention. They are not of nature, but rather by art. Nature grows. Art is made.

At this point it is worth noting that through the Western Tradition there has been as strong and persistent critique of idolatry, and value distinctions between the organic and the inorganic. We partially see this distinction in Moses' destruction of the Golden Calf, and Paul's Epistle to the Romans. In both cases conditions for injustice occur when people replace the revelation of God for the worships of things they themselves have created. We can appreciate these items, but the proper order of things is distorted when persons worship the items that they make. Indeed, while Marx was willing to concede that human-made objects had an intrinsic quality that distinguished them from machine-made items, he nevertheless was cautious of fetishizing these human-made objects, or treating humans in the same fashion as these objects. Again, while people can make things, can even have concern and care for the things that they make, things that are made are not things that can grow.

In the bifurcation between art and nature, to know the inner working of things that grow is to become like the gods. To be a knower is to understand the reasons for nature; that is the character, the power and attributes of change. This is quite clear if we look at Parmenides' *Ways of Inquiry*. In the poem Parmenides is taken by a chariot of mares to "the far-fabled path of the divinity" where he is initiated and welcomed into the place of the gods, and comes to know what they know. Entering the "the halls of Night" Parmenides has a revelation when he meets the goddess Night. She says,

You must learn all things
both the unshaken heart of well-rounded reality
and the notions of mortals, in which there is no genuine trustfulness.
Nonetheless these things too will you learn, how what they resolved
had actually to be, all through all pervading (Parmenides in Cook 2013: 110)

Knowing the reasons for creating objects pales in comparison to knowing the nature of objects; this is because nature needs to be discovered, whereas because humans create art, we know the reasons for it from the outset.² In Aristotelian terms, this is an appreciation of final cause. This division comes to establish the basic parameters by which we encounter the world, by knowing the reasons for some things, while not knowing the reasons for others. There are however difficulties in sustaining this distinction. For example, the Hebrew Bible does not have a word equivalent to nature. This does not mean that they did not know the concept, but rather that their understanding fell under a different rubric. Their rough equivalents are “way,” what we might call convention, “custom,” what we might call law, and “regular behavior,” what we might call practice. Now clearly, various groups have customs, ways, or regular behaviors, and generally we tend to collect these concepts under the umbrella of culture. These are all key concepts in sociological analysis. As Strauss makes clear, “that human beings can speak is natural, but that this particular tribe uses this particular language is due to convention” (Strauss and Cropsey 1963: 3). Under this rubric, form is natural, while content is cultural, one universal, the other particular. Strauss continues, “The distinction implies that the natural is prior to the conventional” (Strauss and Cropsey 1963: 3). But this tends to reverse the consensus at least with a particular stand of communication theory and literacy criticism which holds, in an abbreviated fashion, that content and form are intimately connected to the extent that one conditions the other, and the sets of meaning that are possible.

With all this said, we are now in a position to add some additional dimensions to Aristotle’s divide: To be a philosopher is to be wise like the Gods by knowing the purposes and characteristics of things that exist in nature, insisting that these are the kinds of things that can be known: To be a tragedian is lament the fragility of things we make, all the while attesting to the belief that they are subject to unknowable forces and intents.

As much as the Western Philosophical tradition is indebted to the philosophical inheritance of Aristotelian thought, a cursory view through Bertrand Russell’s *A History of Western Philosophy* shows that this division has never had strict adherence.³ Even twentieth century analytic philosophy as much as it embraced naturalism thereby distanced itself from the study of items in particular. It instead sought what A. J. Ayer has called “the study of evidence,” by, as Bernard Williams writes, being “clear.”⁴

Richard Rorty, however, has defended the tragedian contribution by countering that the analytic agenda was too narrow. As an alternative Rorty advocated the recognition that poetics could be legitimate philosophical exercises because they reveal elements of human nature, belief, and motivation that occasionally pass the blind spot of more orthodox analytical inquiries. In *Achieving Our Country*, he argued that poetics “must be allowed to recontextualize much of what you previously thought you knew.” (1998: 133-134) The same sentiments are present throughout *Philosophy as Social Hope, and Contingency, Irony, and Solidarity*. Rorty’s point is simply that poetics is a core attribute of contemporary society; it shapes language, facilitates exchange, and provides a means to attend to identity. These of course come to bear on the understanding of the human condition.

² In part, the blurring of this distinction underwrites the basis of Lukacs reification of the labour process in that persons forget the reasons for the objects that we have.

³ The same applies for revisionist reviews of the same tradition. Cf O’Connor (1964), Neiman (2002), Kenny (2010).

⁴ What Williams means is that “if claims are (...) to carry conviction in coming from a philosophical writer, they are themselves best set out with some degree of discursive rationality and argumentative order.” (Williams 2006: viii)

These points provide good grounds to argue that one of the primary uses of justice is to examine the human condition and inform a discussion over a communication approach to justice, it is useful insofar that it helps us appreciate the distinction between what is natural and what is conventional. Importantly, if we recall Lukacs' discussion of reification—that is persons tending to misconstrue what is made for what is natural—this exercise can go a long way to remedying this conceptual and experiential confusion. Here an investigation into the ethical evaluation of political practices would wisely attempt to appreciate the dialectics of self and action, mind and world.

Justice and Dialectic

Justice is a complex phenomenon. One reason for this complexity is that justice, as best as we can tell, and despite Parfit's most recent magnificent attempt in *On What Matters* (2011), has no point of convergence. As Bernard Williams famously puts it for morality, but which is as applicable for justice,

[in] a scientific inquiry there should be ideally be convergence on an answer, where the best explanation of the convergence involves the idea that the answer represents how things are; in the area of the ethical, at least at a high level of generality, there is no such coherent hope. (2006: 136)

This does not demonstrate incoherence or weakness, but an acknowledgment that morality, ethics, and justice are not matters of formula, progress, and pure discovery, but rather matters of reasoning, judgement, and best fit. This being the case, one would be mistaken in believing that in ethics there is a single way of stipulating once and for all what justice should be. While one might have good reasons to think what we do have is suitability good enough, it is very different to thinking that it is definitive.

This sentiment resonates with Craig's vision of Communication Studies, which is not to create "some chimerical unified theory of communication" (1999: 123). Instead, Craig proposes that "the goal should not be a state in which we have nothing to argue about, but one in which we better understand that we all have something very important to argue about" (1999: 124). This point holds for justice, where following Plato, there is a common understanding that "justice is better than injustice," but where the question of 'what is just' remains somewhat open, even if it occasionally finds temporary consensus.

Regarding the pursuit of questioning and dialogue, we can draw some methodological guidance from Richard Rorty's essay, "The Philosopher as Expert." For Rorty, philosophy is not so much about vision and science, but rather the "continuing historical dialogue" amongst situated persons seeking to ask "questionable questions."⁵ Keeping that conversation going is the purpose of philosophy, and it is an activity done in and of itself for its own sake.

⁵ To elaborate upon this point, philosophers. Rorty argues that they are involved in a cultural enterprise which is larger than any individual, school, or method. The famous line here is "Philosophers are philosophers not because they have common aims and interests (they don't), or common methods (they don't), or agree to discuss a common set of problems (they don't), or are endowed with common faculties (they aren't)." (2009: 421). A similar sentiment is expressed by Aristotle: "If one must philosophize, then one must philosophize; and if one must not philosophize, then one must philosophize; in any case, therefore, one must philosophize. For if one must, then, given that Philosophy exists, we are in every way obliged to philosophize. And if one must not, in this case too we are obliged to inquire how it is possible for there to be philosophy; and in inquiring we philosophize, for inquiry is the cause of Philosophy." If Rorty and Aristotle are correct, then it appears that we are all philosophers at some point or another.

Still, asking questions, by itself, is insufficient. It simply cannot provide the fuel of the discussion. “The questioning of presuppositions,” Rorty cautions, “will not be effective unless one can show that there exist genuine alternatives to these presuppositions.” (2009: 407.) Rorty also acknowledges that questions can be disruptive and uncomfortable, to the point of overthrowing an existing set of beliefs. For this reason it is thus incumbent on the questioner to demonstrate why the questions are “worth the trouble.” (2009: 408). Questions need to demonstrate *gravitas*. In plainer terms, if you want to attack existing theoretical constructions, you have a responsibility to explain what you would have done differently. An additional criterion Rorty offers is that new questions, and the new philosophies they lead to, must demonstrate that they can incorporate and preserve what is considered valuable in the old set of beliefs. He writes that the new set of beliefs should

still say everything that we want within the new perspective, and that it will be said better than before by virtue of the gain in critical self consciousness that this new perspective offers us. (2009: 408).

If we equate Rorty’s remarks about philosophy with remarks about justice, then instructions for a study of justice require that

- a) questioning existing beliefs justice should have the intent, barring honest mistakes or honest mischaracterisation, of leading to genuine viable alternative conceptions of justice;
- b) should retain the presuppositions and accounts generally considered vital and valuable; and
- c) demonstrate moral earnestness.

Present in these comments is a dialectical account of knowledge. The hallmarks of dialectics are that supersession must be justified, retain necessary elements, and lastly never foreclose the possibility of other supersessions. In pragmatic terms, this is what is meant by the rejection of final vocabularies; it assists in maintaining the ongoing discussion.

Dialectics is, however, more than simply qualified supersession. Rather, it encompasses a particular stance on the relationship between structured debates and knowledge. Aristotle, writing in *Topics*, argues that the dialectical examination “lies along the path to all principles of methods of inquiry” in that it invents, finds, and orders arguments. (*Topics* 101b3-4) This attends to the epistemic significance of the dialectical method: The method proposes an intimate relationship between truth, justification, and discovery; the method makes things intelligible; the unknown known.

As Nicholas Rescher (1977) writes, this stance is different from rhetorical persuasion and scientific demonstration. Whereas rhetoric seeks to convince someone that something is true, and demonstration seeks to show what is known to be the true, dialectic seeks to posit the provisional truth through reasonable comprehension. One garners as much when consulting Plato’s conception of the dialectic.⁶ In Book VI of *The Republic* he writes:

...reason itself lays hold of by the power of dialectic, treating its assumptions not as absolute beginnings but literally as hypotheses, underpinnings, footings, and springboards so to speak, to

⁶ Marta Spranzi pins Plato as the first philosopher to consciously use the word *dialektike*. In the *Republic*, Plato describes it as being composed of two distinct moments: the first consists in relying on hypotheses in order to ascend to “that which requires no assumption and is the starting point of all.”; the second consists in proceeding downwards to the conclusion by “moving on through ideas to ideas and ending with ideas.” (511b, quoted in Spranzi 2011: 11)

enable it to rise to that which requires no assumption and is the starting point of all, and after attaining to that again taking hold of the first dependencies from it, so to proceed downward to the conclusion, making no use whatever of any object of sense but only of pure ideas [forms] moving on through ideas [forms] to ideas [forms] and ending with ideas [forms]. (The Republic (511 b2-c1))

The passage demonstrates Plato's intent to break from everyday practical reasoning so that the provisional dialectical truth is no longer colored by authority and custom. This is a strong, admirable claim, but perhaps not one I would fully rally behind given what one can sociologically demonstrate about the intersection of language and power. However, a slightly weaker Platonic version is described by Marta Spranzi: "[D]ialectic [is] a practice that, by working through provisional premises, can attain a higher kind of knowledge, which can then be tested through some sort of Socratic criticism" (2011: 11). Conceived as such, dialectics is quite defensible.

Having studied *Topics*, Spranzi (2011) believes that Aristotle attempted to distinguish between two different types of dialectical inquiry. The first, which she calls aporetic, is characterized by an opened ended examination of different views and does not involve other thinkers. This might be considered a type of project of the self, in that the inquiry continues as long as the thinker is willing to pursue the question. As it applies to a study of justice, an aporetic dialectic could be considered as a person trying to establish how they might live the good life in the contingent circumstances they find themselves.

The second type that Spranzi (2011) identifies is what she calls disputational dialectics. This type of dialectic is a rule-bound and characterized by asymmetrical debate between two interlocutors, a questioner and an answerer. Rules imply a strict parameter, and a demarcation of roughly the right way to achieve an answer. Asymmetry does not imply that one party is more important than the other: while the answerer provides and gives responses to the questioner, driving dialectic forward, the questioner directs the dialectical exchange in that they determine whether the answer was adequate, satisfactory, and most importantly, whether it was intelligible. As it applies to a study of justice, disputational dialectics has three instructions. The first is that it gives priority to the right as opposed to the good. This derivation matches Rawls' approach to justice which also gives priority to the right. The second is that as dialectical inquiry brings persons into conversation, there needs to be a means by which they can resolve differences and disagreements. This anticipates Liberal contractualists who seek to establish mutually advantageous contacts that provide the means to settle conflict. Lastly, in spite of asymmetrical positions, both parties are vital to the inquiry, for without the specific position of either, and a commitment to fully participate in this role, this type of dialectical inquiry would not be possible. It would become aporetic.

Both aporetic and disputational types of dialectical inquiry have merit when it comes to a study of justice. However, a disputational type has an advantage, as least as far a study of substantive political justice is concerned. By definition basic political justice involves more than one person; there exists many people who seek to live, if not together, minimally around one another. Common rules for determining how to settle disputes are required to mediate both conduct and conceptions of what is politically feasible. This dovetails with Williams' point above, where justice is not the outcome of some pre-determined equation due to be discovered, but rather an exercise in construction.

A few other aspects of dialectics are worth considering. To begin, dialectics, like any good conversation, requires some minimal common set of assumptions between interlocutors. This provides enough for persons to debate one another, as opposed to simply speaking past one another. But this comes at the cost of presuming what might be taken for granted by one party. However, unlike a conversation, dialectical writing does not have the benefit of an

immediate back and forth to explicit what is presumed, or clarify what is puzzling. For this reason, dialectical writing engages in a degree of anticipatory writing.

Like all anticipatory exercises, this can go awry. But this should not be cause for excessive alarm. As MacIntyre points out, Humans are a “story-telling animal.” That is, we use symbols to tell others meaningful interpretations of actions (1984: 214-216). As the tragedians could tell us, there are diverse kinds of stories. Some are false but riveting. Some are true but boring. And while the qualities of a good story depend upon genre and circumstance, a good story teller will nevertheless attend to the audience at hand. They understand their role as rhetors.

On a related note dialectical reasoning does not aim to produce consensus. Unlike rhetoric, the aim is not to persuade others to adopt a particular position, or to motivate them to adopt your position. Rather it is an act of dissent and criticism with what is claimed to be known. It is not surprising then that it gives birth to Critical Theory, broadly construed. As an example, consider that Plato in *The Republic* characterises several different known accounts of moral codes as they relate to justice: contentment with life, presented by Cephalus; regulation of life by proverbs and rules, presented by Polemarchus; proscriptions of general notions which lack nuance or suppleness, presented by Thrasymachus; maximising the utility of pleasure, presented by Glaucon; and governance to advance the idea of the good, presented by Adeimantus.

But for each of these accounts, Plato finds reason to dissent: Against Cephalus because traditions can perpetuate injustices, and are often idiosyncratic to positions within a culture; against Polemarchus because he simply parrots the moral principles of the teachers Cephalus’ wealth affords as opposed to knowing the reasons that motivate those principles; against Thrasymachus because his sophistry seeks not the good, but vanity, and he trades in gross generalizations.

Glaucon and Adeimantus present different challenges for their positions are more refined. Glaucon’s drive to maximise the goods within life comes from understanding the badness therein. He therefore presents a forerunner to a kind of act-utilitarianism. The weakness however, is that it pays insufficient attention to obligation, and not all goods can be reduced to monist pleasure; other virtues exist. Adiemantus’ directly confronts that there are consequences associated with acts, and this includes the act of moral reasoning; judgement is not an isolated from the world in which it exists. His proposal is to abide by a set of rules whose consequence is well understood. This account is akin to rule-utilitarianism. It therefore suffers from the same criticism: As one cannot prescribe unknown goods and proscribe unknown evils, if implemented people could likely live according to codes that harm their well-being because the lack of knowledge is a double bladed axe, sharp on both sides.

Having rejected these positions, Plato, by application of pure dialectical reasoning, advocates a more robust conception of justice, this being virtuous motivations that bring congruence between psychological states and the actions meant to fulfill duties thereby promoting our welfare, and the welfare of those around us. In this conception justice is both reason and affect. You know it, you feel it, and you know that you feel it. To use rough equivalent terms, Plato saw justice as a state of human flourishing.

Arriving at this position is achieved through presenting warranted premises and conditions, hence the conclusion stands as a justified and tested claim. Furthermore the claim stands independent of whether others subscribe to it. Accordingly, rebuttals must examine the substantive elements of the argument and its claims, not assess the degree of adherence. Given the degree to which consensus turns on power and custom, ignoring this altogether is a virtue for dialectics.

Nevertheless, and this needs to be made explicit, because dialectics does is not primarily persuasive, nor is conducted for demonstrative purposes, the notion of proof is highly

qualified. One cannot claim that Plato ‘proved’ that justice is this or that. Rather, we say that he engaged in rational argument in favour of this or that. Ultimately, it is up others to decide if this position is to be adopted or not.⁷ This points, minimally, to the involvement of rhetoric therein, at least if we are to understand rhetoric as the contemporary American philosopher, Henry Johnstone (2007) does. For this reason it is important to see to how rhetoric factors into a conception of justice.

Sophistry Cannot Bring About Substantive Justice

Plato argued strongly that the dialectical method was far superior to rhetorical methods for the purposes of determining truth. And it is fairly well known that Plato was a notable critic of rhetoric; take for example his dismissal and evisceration of the sophists, particularly Gorgias. However, the hard Platonic stance misses the value and virtue of the dialectical rhetor, a position that Plato himself occupies. As Aristotle notes in *Rhetoric* it would be wonderful if persons could base their judgements on “the bare facts,” or the burden of reasons to use Rawls’ phrase, but this is simply not the case. “[O]ther things” he writes “affect the result considerably, owing to the defects of our hearers.”⁸ And one can add the defects and fallibility of the speaker.

So even minimally, dialectical reasoning requires some consideration and modification of our words to ensure that reasons can be exchanged. Minimally then, dialectical inquiry requires the use of rhetoric techniques. But, this does not mean that rhetoric is a morally neutral technique; for it is not. Rather it is an attempt to persuade and clarify, and this has clear implications for how one understands, appreciates, and encounters the other. In this sense, rhetoric is a way of treating things.

Despite some who might adopt the stance that dialectics does not seek to persuade, or aim at consensus, nevertheless, given that disputational dialectical reasoning requires two, or more, interlocutors, it is bound to rhetoric, even insofar that interlocutors propose and appeal to the other participants. Rhetoric is present in the way that they treat the subject, and treat each other. I want to push this argument in this section and show how dialectics and rhetoric, or at least refined versions of each, are co-constitutive.

There are grounds for such an argument, particularly in the works of Aristotle. But before presenting it in full, I want to anticipate some objections. This is because my argument is at odds with positions occupied by the likes of Carl Holmberg (1977). Holmberg contradistinguished between dialectics and rhetoric as having fidelity to different, and mutually exclusive, ontologies. Whereas a dialectical ontology prompts people to use their minds to transcend their partiality and to grapple with things beyond their immediate scope to

⁷ John Stuart Mill in *Utilitarianism* (1969, quoted in Rosen 2012: xiii) says that “There is a larger meaning of the word proof, in which this question is amenable to it as any other of the disputed questions of philosophy. The subject is within the cognisance of the rational faculty; and neither does that faculty deal with it solely in the way of intuition. Consideration may be presented capable of determining the intellect either to give or withhold its assent to the doctrine; and this is equivalent to proof.” Michael Rosen explains this as “just because can’t reach a mathematical ideal of proof, we shouldn’t throw up our hands and conclude that philosophy is no more than personal preference. We can give reasons for and against positions, reasons that carry weight even if they’re not conclusive.” (Rosen 2012: xiii)

⁸ As the composer and sound studies theorist Murray Schafer asserts, “As we have no ear lids. We are condemned to listen. But this does not mean our ears are always open.” Schafer proposes that the existential phenomenological attunement of self is not entirely voluntaristic but is partially conditioned by social factors. Schafer continues: “In every society it is possible to detect individuals or classes of people whose ears are open and those whose ears are closed. Open to change? Open to commands? Open to criticism? Open to new ideas? Open to messages from God? Or closed to them.” (2003: 14.)

discover truth, a rhetorical ontology emphasises partial bounds of the appetite, refrains from positing definitive truths, and due to partiality, provisional truths are indeterminate. So rhetoric is a “relativism counter to the dialectical absolutism.” (Holmberg 1977: 236). But Holmberg pushes the exclusionary contrast too much. As much as rhetoric can be used for relativism, so to can it be used for absolutism. The draconian edicts of the tyrannical despot bear testament to this. And where dialectical inquiry might be seen to be absolute, sustained inquiry may find multiple suitable courses of action for instance. It is not ontology that matters. It is rather the intention to use the different techniques in particular ways. One might say that motivation matters.

The first step required in examining which aspects of dialectics and rhetoric co-constitutive requires a deliberate distillation of which aspects of rhetoric, which kinds of practices, are compatible with dialectics. Doing so requires that we attend briefly to Plato’s critique of Gorgias, assessing which parts should be discarded. Having done so, I will turn to Aristotle’s rhetoric.

The Platonic critique of sophist rhetoric proceeds on three inter-related grounds: epistemological, methodological and moral.⁹ Epistemologically, in that sophists are not concerned with establishing truth, but rather with creating a conventional wisdom for the audience present. (cf Phaedrus 267a.) Methodologically, in that sophists subordinate real expertise to posturing over expertise, or punditry over professionalism to use a contemporary analog. This is because the sophists do not respect the true and false distinction. (cf Gorgias 456e; Phaedrus 261c, Gorgias 501c-502d) Morally, in that it seeks to exploit the gullibility, nativity, and vulnerabilities of audiences. In this sense, sophists are predatory opportunists who seek to manipulate the audience (cf Philebus 58a) Gorgias is indifferent to truth, virtue, and justice, and instead abuses the appetites of others for his own ends (cf Meno 95c and Gorgias 500b). To use Harry Frankfurt’s taxonomy, Gorgias is a bullshitter (cf Frankfurt 2005). The consequences of sophistry and bullshitting are the same; an unstable world where hedonism and ego hold over the many. There is diversion and distraction, popularism and pandering.

Despite Plato’s critique, there is some inkling that Gorgias may have been onto something. Take for example Bruce McComiskey’s (2002) project to rehabilitate Gorgias. McComiskey claims that Plato unfairly tarnishes Gorgias’ rhetoric. He, McComiskey that is, claims that Gorgias is not indifferent to truth, simply not concerned with the types of truth with are amenable to empirical inquiry. He claims that the knowledge that matters is the kind that organizes “economic, political, social, and cultural realities.” (McComisky 2002: 37-38). In this characterization, Gorgias advances a kind of practical reasoning that seeks to attend to actually encountered situations, what McComiskey calls the “demands of the situation,” (2002: 111) but confronts them through discourses. This kind of practical, argumentative reasoning, and has epistemic value. In this fashion, McComiskey lobbies for Gorgias anticipating post-modern, post-structural, and performative theories.

But it is McComiskey, not Plato, who is mischaracterizing the sophists, and Gorgias in particular. Gorgias, in fact, rejects entirely that truth can be representational. As he declares in *Encomium on Helen*, Gorgias thinks that language is a “powerful drug” (8). In a contemporary fashion we might say that ordinary language is simply maneuvers in language games based upon utility, not faithful description. As this applies to audiences, truth is simply the by-product a contingent judgement. If this is the case, then the rhetor who shapes the process of judgement formation has influence over what truth is produced. But there are

⁹ This is to say, how the Sophists understood rhetoric, its purposes, and which techniques were considered fair use.

problems for this belief. As a way to demonstrate consider this well-known example from recent American politics attributed to Karl Rove:

We're an empire now, and when we act, we create our own reality. And while you're studying that reality—judiciously, as you will—we'll act again, creating other new realities, which you can study too, and that's how things will sort out. We're history's actors...and you, all of you, will be left to just study what we do. (quoted in Suskind, 2004).

This does not mean that the distinction between knowledge and opinion, appearance and reality disappears. Recall that Rove's political colleague Rumsfeld was keen to preserve assertions of knowledge, but that this knowledge was subordinated to the game being played. This means that they reserve the right to change the conditions of the game, and hence what counts as knowledge. Knowledge, under these conditions, is not context invariant, but always situational. For Gorgias then, knowledge is a politics of which opinion is designated as appropriate. Like rhetors, scientists merely "substitute one opinion for another," (Encomium on Helen, 13) and are presumptuous in believing that they do otherwise. Under these conditions war and politics is little more than Calvinball but with higher stakes.

Gorgias is, to use Rorty's term, an 'antifoundationalist' and the weight of each statement is contingent. Gorgias seeks intersubjective agreement, but hopes that his interventions therein will skew advantages his way. But, to counter with another pragmatist tenant, we can re-describe this action as the tyranny of consensus. In this sense, Gorgias abuses the virtues of competitiveness and conciliation. By mischaracterising things, Gorgias treats political encounters and other items of a serious nature like game he can win, as if these are the sorts of things that can be won. He therefore also has a skewed understanding of the practices, and reasons for which these practices exist, with which he involved. He claims particular sensitivity to the context, he does not do it because he treats all contexts as if they were the same thing.

McComiskey and others might like to claim that Gorgias' disagreement with foundationalists like Plato is not over the designation of things, but rather over the certainty in this designation. But this is mistaken. Gorgias does not adopt a position, where like Henry Johnstone (2007), truth is inescapably rhetorical. Rather he claims that truth cannot be represented in any way shape or form. Truth and rhetoric do not meet. For Gorgias, there can be no 'speaking truth to power', because the concept of truth itself is meaningless. But there is incoherence here. In the dialogue *Gorgias* Socrates goes on to demonstrate how Gorgias' claims are mutually exclusive. Harry Frankfurt captures this point well in his brilliant book *On Truth*:

Even those who profess to deny the validity or the objective reality of the true-false distinction continue to maintain without apparent embarrassment that this denial is a position that they do *truly* endorse. The statement that they reject the distinction between true and false is, they insist, an unqualifiedly *true* statement about their beliefs, *not* a false one. (2006: 8-9).

We can add that there is a distinction to be made between what is true, what passes as being true, and our efforts to find truth. Making this distinction raises questions about what are the motivations of those who disparage veracity or fail attempt to pass one thing off as being true even if they know that it is not from those who without malicious intent make an honest mistake in thinking one thing is true. Moreover this distinction can help us leverage the motivations of persons who applaud those claiming it this is a distinction without a difference. The simple answer, I think, is that these people fetishize power at the expense of

truth. With this in mind, Gorgias, presents an unproductive view of the world that fails to take these vital distinctions into account.

At this point, I think that on the balance of things, Plato was correct to vilify sophists like Gorgias for their self-purported belief of control; they over-estimated their abilities to alter the minds of other persons, and even for their desire to attempt to do so. And indeed we are correct to chastise Gorgias for these reasons. To return to the dialogue, Gorgias doubles down on his assertion that the craft of rhetoric will win over expertise, but if this is the case then, eloquence has not power because it has not actual content, it cannot be backed by any virtue. The presumed power of eloquence is no power at all.

Justice and the Dialectical Rhetor

Clearly there is a sharp contrast between Platonic dialectics and Gorgian rhetoric. However, this does not mean that we need to jettison rhetoric in its entirety. Rather we need to jettison the motivations of Gorgias and his contemporary ilk. For a more suitable and reasonable set of motivations, we can draw upon Aristotle's rhetoric.

To provide some background, Aristotle's rhetoric, although adopting an ontology of the person as indeterminate, is predicated upon the indeterminate nature of argumentation. As a very simple example of Aristotle's rhetoric, consider the enthymeme. Whereas a syllogism aims to show the connection between logical points, the enthymeme allows the interlocutor to bring something to the argument, and even to the dialectical inquiry in which they may be involved. By reversing this technique, one can plot what attitudes and positions a person bring to the argument.¹⁰ This does not mean that reality is indeterminate, but rather that what a person brings is indeterminate. The important point to emphasis is that rhetoric cannot preexist the conception of reality it creates. In this sense, it is simply an alternative mode of inquiry, the purpose of which is to assess how people comprehend reality, how the understand it, what is their accepted reasoning, their presuppositions, and their particular manner of weighting items. What at first pass seemed like an objective limitation for rhetoric, is in fact a means to objectively assess what passes as reality to persons.

On another front, what is required is a reorientation of rhetoric that concerns itself with matters of objectivity, validity, and clarity. In other words, what is required is the desire to restore the virtue in the attempt to search for truth. For this reason Aristotle says that "rhetoric is the counterpart of dialectic." He continues:

Both alike are concerned with such things as come, more or less, within the general ken of all men and belong to no definite science. Accordingly all men make use, more or less, of both; for to a certain extent all men attempt to discuss statements and to maintain them, to defend themselves and to attack others. (Rhetoric, Book 1, 1354a)

In this respect, Aristotle calls for a ceasefire on whether dialectics trumps rhetoric, or *vice versa*. Rather Aristotle thinks in terms of practical matters; eloquence and clarity can promote dialectical encounters and exchanges; and this facilitates the assessment of 'the burden of reasons', to use Rawls' terms. In other words, rhetoric can help in the adjudication process, particularly in that it can help 're-describe' position such that we can see what is faulty with them. For instance, one could re-describe Cicero's *De Officiis* as 'decorum and etiquette for slave owners.' Such a re-description highlights how Cicero's conception of duty is colored by

¹⁰ In some respects the enthymeme technique has similar mechanics to that of the audience commodity, insofar that audiences are manipulated to in part contribute the labour required to persuade and involve themselves in a particular ideological formation, and are under the impression that they do so voluntarily.

a particular socio-economic position and intimately set within larger historical forces. Therefore, what analytic value there is to be had from engaging with this text comes only once having taken these social motivations into account. To be clear, a rhetorical re-description does not make an argument illogical. Rather it provides us with another avenue to assess the logic of the argument. It provides another means to separate out what is true from what is taken to be true.

One must not believe that conducting an investigation of kind I have sketched is easy. Moreover some beliefs might be more amenable to being revealed by this investigation than others. And not all beliefs can be explicated by this method. As it applies to justice however, seeing what meaning making actions occur, and what is taken to be true, is the value of Aristotelian rhetoric, because bringing indeterminate persons together allows finding determinate answers; hence it is participatory and can overcome the limitations of unique contingent life courses; the indeterminate nature of persons does not limit us to an orbit of relativism; but instead offers us more solid grounding. As Aristotle points out, rhetoric is a universal art, it is thus amenable to application on any subject matter. (Rhetoric, Book 1, 1355b) While Aristotle is less open to suggesting that rhetoric can be used outside of any given culture, it is also willing to consent that certain methods are able to speak objectively about a determinate reality, such as the sciences of biology and physics. Thus according to his taxonomy, the dialectical rhetor is open to objectivity in other areas, and is willing to entertain them as they come to relevantly bear on the subject at hand. We can contrast this stance against the rhetorical rhetor like Gorgias, who is willing to commit themselves that science is simply rhetoric dressed up, and who calls into question the expertise and discussion of reality that these items bring up.

In short, Aristotle notes that while rhetoric is cultural, not every inquiry is rhetorical, only certain types. There are degrees of cultural influence. Inquiries like mathematics are acultural, whereas, anthropology is certainly cultural. This is consistent with the nature of Aristotle's contingency: Not all things are contingent in the same way. With this in hand, I think we are in a position to suggest that the dialectical rhetor is open to putting justice in the 'of law' section, but noting that it is influenced by 'of nature.' The dialectical rhetor is able to develop provisional truth through reasonable comprehension, and this need not rest upon an absolutist ontology, but is certainly amenable to kinds contingency. This rhetoric is kind that emphasis consideration, deliberation, assertion, the giving and taking of reason, concern with the nature of reasoning, and always pointing to the ethical evaluation of political practices. Nussbaum calls a rhetoric of this kind "true and honest."¹¹ She writes:

For if we are talking about real things, it does matter, and matter deeply, whether we say this or that, since human life, much though we may regret the fact, is not simply a matter of free play and unconstrained making. And if it matters, it is worth taking the pains to do years of undramatic, possibly tedious, rigorous work to get it right. (1985: 129)

Doing so is not based on reality "as it is," for no such things exists, but from the vantage of "the worlds as perceived and interpreted by human beings." Here, Nussbaum (1985: 132) argues, "we can find all the truth we need." Let us contradistinguish this position to those that think that beliefs are incidental, tools, things that can be taken off like hats. But persons are not *homo faber credo*. Rather as Nussbaum shows, beliefs are intimately connected to the contingent lived experience; they constitute persons.

¹¹ Nussbaum writes, "as Aristotle puts it, a dialectic that is distinct from mere eristic." (1985: 132)

Conclusion

As Rawls established, ethics is different from epistemology. And as indicated above, justice is not nominal, but an exercise of judging, weighing, and evaluating. That said, the discrimination between different forms of justice must be informed by meta-epistemological discussions. It should take into consideration that the things we know are different from when most of our current contemporary forms of justice were set. When there are changes to *what* we know and *how* we know¹², justice must be able to be reconfigured accordingly. Suitable evaluative accounts of justice must take account of different traditions and weight their contribution according to a set of sound epistemological standards.

As this applies to interlocutors, in disputational dialectics, the incorporation of rhetoric is to assess whether the points advanced are intelligible. If dialectic does not make sense, then it is insufficiently rhetorically refined, or it might be an unprofitable avenue to explore. In this sense, I propose that one of the most important virtues of the dialectical-rhetor is clarity. When combined with the rule bound nature of disputational dialectical exchanges, there is a rough outlines of the analytic position as described above by Ayer and Williams.

With all this said, doubts do exist as to whether epistemological inquiry is amenable to dialectical-rhetorical inquiry. The first move I think is to parse out a critical empiricism from naïve empiricism. By naïve empiricism I mean the common-sense way of understanding sensorial experience with the world as direct. In accounting for the development of this position, Nussbaum writes,

...both science and ethics, began, it appears, by being naively realistic. Alternative scientific views were put forward without any hesitation as candidates for the way things really were in the universe. Even ethical norms were taken to be given for all time by the gods, independently of culture or history. During the fifth century, a variety of factors caused thinkers to focus on the presence of an irreducible human element in the purported eternal truths, an element of interpretation or conceptualization that seemed to entail that our theories do not passively receive and record a prearticulated given. (1985: 130)

This gradual acknowledgement interpretation, meditation, and facilitation developed to the point where, “it seemed no longer possible to reassert the old story of the received and altogether uninterpreted given.” As Wilfred Sellers wrote, this is the pernicious *Myth of the Given*. For these reasons and others, naïve empiricism is an untenable position.¹³ Rather is necessary to integrate the results of epistemological inquiry into dialectics. Critical empiricism draws upon these traditions, acknowledging that there is no unmediated access to the world but that is also incorrect to maintain that the world is simply sense and perception.

In summation a communicative study of justice should aim to connect everyday politics with philosophy. In this respect we again see the congruence with Plato; philosophy is developed through a consideration of contemporary political practices. This position concurs with Rorty, who has I have presented it, the question of whether political philosophy (vision) and political sociology (science) can contribute to a study of justice. Moreover, he points out that philosophy is “not materially self-sufficient. It draws its nourishment, obviously, from research in other disciplines, and less obviously but even more vitally, from debates between

¹² I refer here for example to the problems raised by epistemic luck, Gettier problems, debates between internalism and externalism and so on.

¹³ Rejecting naïve empiricism has one major implication; and that is the rejection of the conventional correspondence theory of truth. This is because the theory always ready relies upon the aforementioned tinted descriptions. To replace the correspondence theory of truth, theorists often turn to a coherence theory. This move, however, is problematic because is vulnerable to the problems of intersubjective agreement, notwithstanding the recognition that some common beliefs can themselves be faulty.

ideologues.” (2009: 420). To use Rorty’s terms, science can give us a vision of the future.¹⁴ The lesson is that a study of justice should show and clarify genuine connections of political causes with moral norms to the end of offering evaluation and guidance. In this way one can conduct scholarship seeking to offer an ethical evaluation of political practices.

Finally, as an approach to a study of justice, Craig’s dialogical-dialectical model, with its Rortian qualifications, has warrant. It is perhaps fitting even, given that *The Republic* is the preeminent investigation of justice through dialectics. So while one might not agree with the particular account of justice that Plato advances, the dialectical method has value because it seeks epistemological justification of various different position to the end of offering an appraise and evaluation. It is the means to separate the proverbial wheat from the chaff and draws attention to things often bracketed out of conventional disciplinary based discussions of justice.

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¹⁴ I acknowledge that there might be a degree of understandable hesitancy with this proposal: There are legitimate concerns that epistemology, or science to use Rorty’s term, is riddled with masculine, racial, and colonial attitudes. However, it is worthwhile separating the ideal from the practice thereof. Additionally, it would be odd if Communication Scholars or subalterns were to cede science to the powers that be. Such an undertaking would be counter-productive to emancipatory efforts.

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