

OPPOSING AND RESPONDING: COMMENTS ON PAUL SPADE*

It was bad enough that the Middle Ages invented the university. To think that they might also have devised the modern thesis defense is almost too much to bear.

Let me begin by applauding Spade's decision to look at actual uses of *obligationes* for clues how the mediævals understood them. The theoretical treatises concerned solely with *obligationes* radically underdetermine their interpretation: *obligationes* have been claimed to be "ingenious exercises among schoolboys" with "little objective value" (Weisheipl), a codified method for testing logical skills (Perreiah), an all-purpose philosophical tool (Stump), a procedure for uncovering and assessing fallacies (Hamblin), a "nucleus of rules for an axiomatic method" (Boehner), an early logic of counterfactuals (Spade), a formalization of the theological inquiry (Gelber), the methodology of mediæval science (King), and so on. Looking at the actual use of *obligationes* might get us some distance down the road toward figuring out which, if any, of these modern interpretations is correct.

Unfortunately, we hit a snag at once. We don't have any instances of the actual use of *obligationes* to look at. In fact, there are only two bits of evidence for the occurrence of these disputations, and they are pretty thin. First, there are a few introductory remarks about how *obligationes* are to be employed, as Spade has pointed out in the passage common to John of Wesel and the anonymous Oxford treatise *De arte obligatoria*, where we are told why cases are assumed. Second, there are some claims in the purely theoretical works implying that obligational disputations actually took place; for example, Paul of Venice reports that an obligational disputation ceases—that is, *Cedat tempus!* ["Stop the clock!"] is called—when there is too much commotion to go on, or when one of the parties to the disputation dies (literally: "ceases to exist").

Now it might be said that there is a third kind of evidence for the actual use of obligational disputes—indeed, in contrast to the sparsity of the preceding two kinds of evidence, we have a virtual mountain of examples of the sort Spade makes much of: a philosopher using the techniques and terminology of *obligationes* as part of his dialectical technique. Spade cites Strelley and Holcot, but there are many other examples: in their immediate milieu, Heytesbury, Kilvington, and Swinshed readily come to mind—to say

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nothing of figures like Duns Scotus. Spade turns to these examples as a rich source for understanding obligational disputations. And, on the face of it, that seems to be genuine progress.

Yet these examples are not evidence for the actual use of obligational disputations. They may be related to or derived from actual obligational disputations (a claim that would stand in need of a good deal of argument in itself), but that is as close as they could get to the real thing. Let me explain. These examples are all cases of a single philosopher using the techniques and terminology of *obligationes* in his philosophical investigations. As Spade himself points out, one and the same philosopher fills the dual roles of respondent and opponent, and in fact qua opponent almost “coaches” the respondent through an articulation of the background theory the respondent (and the philosopher constructing this disputation) holds. This is most emphatically not the record of an actual debate. The obligational features of the presentation, again as Spade remarks, are so much window-dressing that allows the philosopher to present and “defend” his views.

Well, it might be said that this sort of thing does happen, after all—most notoriously in the context Spade suggests for it, namely the modern academic “thesis-defense”, where the questioner (having the role of opponent) asks questions that are designed to guide the candidate (having the role of respondent) to an answer that articulates the background theory, though only as true and not as necessary. This deserves two replies, one brief, one extended.

While this is the way some final dissertation orals go, it certainly is not typical. This is the way an exam goes when the candidate is marginal (or scared silly). We prompt candidates with leading questions for simple humanity. Now I don’t want to lose sight of Spade’s point by pursuing what he admits is no more than an intriguing and fertile suggestion. But here I think the suggestion is useful in showing us something seriously wrong with Spade’s proposal. A philosopher who uses this technique for setting forth his own views is, in essence, giving himself an easy time of it: he’s setting up his own answers. This is no more philosophically respectable than setting up a straw man for debater’s points. And just as we wouldn’t pass a candidate who insists at the outset that his thesis is necessary, as Spade correctly notes, so too we wouldn’t look favorably on a candidate who only entertained “coaching” or straw-man objections. (For that matter, a candidate who can’t bracket his own position to consider how a given objection fares on its own terms is sometimes accused of making a game of what should be a serious enterprise, namely the “game” of hanging onto his

position at all costs.) So, if the purpose is to persuade us of some theory we aren't antecedently disposed to accept, it doesn't work very well.

So much for the brief reply. Now for the extended reply. I'd like to contrast the evidence for the actual use of *obligationes* with the evidence for another mediæval disputation-form, namely quodlibetal disputations (which also serves as the background for *quaestiones disputatae*). The comparison will illustrate just how thin the case that Spade has constructed for *obligationes* really is.

Quodlibetal disputations were regularly scheduled public features of mediæval university life. We have many records of the times, dates, and participants in quodlibetal disputes, in forms both "extraordinary" (involving a regent Master at public events) and "ordinary" (involving only bachelors). Quodlibetal disputations, it seems, were gradually integrated into the educational practices of the mediæval curriculum: from practice debates for bachelors, who merely had to argue pro or con, to sessions on a fixed topic, to the ultimate test of philosophical ability: a completely open and public debate over questions proposed by anyone about anything. There is a great deal of evidence that quodlibetal disputations were actually conducted, in a fixed format (although the format varied a bit over time), as part of mediæval educational practice.

In addition to the evidence we have for the occurrence of quodlibetal disputes, we also have a huge amount of evidence testifying to the content of actual quodlibetal debates. There are representations of quodlibetal disputations at pretty much every stage. We have what appear to be extremely raw transcriptions of actual disputations, with little or no revision. We have first-round or second-round revisions, often with clues that betray the "live" origins of such disputations. For example, in a question of Godfrey of Fontaines about the reality of relations, after one argument the text records the shouted comment that if [Godfrey] denies the reality of relations, the heckler denies Godfrey's relations—a mediæval version of "Your mama!" Again, there are incomplete references to textual authorities, sometimes with instructions for a more polished version. It is not uncommon to see texts such as "As for the second argument, look up the answer in the questions of Aristotle's *Physics*." Finally, we have polished reworking of actual quodlibetal disputations, such as those by Aquinas and Scotus, which may incorporate material that formed no part of the actual disputation, the roots of which are nevertheless clear to see—in the choice of questions, for instance.

Apart from such cases, there are also works that are clearly indebted

to the actual practice of quodlibetal disputation. We do not know whether some works that have come down to us as quodlibetal disputations ever occurred or whether the author simply adopted the quodlibetal-disputation format as a literary genre. So too with some “disputed questions.” Beyond cases where our knowledge runs short, there are other instances where quodlibetal techniques are clearly employed. The most familiar case is Aquinas’s *Summa theologiae*, but the same format can be found in literally hundreds, if not thousands, of works: question, arguments pro and con, discussion with distinctions and theses advanced, reply to the question in proper format, resolution of the initial arguments—occasionally augmented by the introduction of doubts, counterinstances, stacked series of objections and replies, and so on. The *quaestio*-format is derived from the quodlibetal disputation, the major formal difference being that the questions are supposed to be organized according to some rational plan. (They often are in a polished quodlibetal disputation as well!) Now this format is clearly more conducive to the enterprise of examining a background theory than anything suggested by *obligationes*. There is no obvious place in an obligational dispute for drawing distinctions, for example. We might even go so far as to say that the literary conventions embodied in the *quaestio*-form are derived uses of the techniques embodied in quodlibetal disputations.¹

Contrast this vast body of evidence we have pertaining to quodlibetal disputations with that for obligational disputations, and the stunning lack of information about the latter is immediately apparent. It is worth emphasizing: we don’t have a single piece of testimony about any obligational disputation ever being held. All we have are inferences based on some throwaway remarks about *obligationes*, along with a body of evidence about derived uses of *obligationes*. Compared to the evidence surrounding quodlibetal disputations, the absence of evidence for obligational disputations suggests, I would say, the opposite conclusion—that obligational disputations never in fact took place, that they have only a literary mode of existence. Furthermore, the nature and prevalence of quodlibetal disputations suggests a deeper challenge to Spade’s view. What is the point of introducing an obligational disputation? It seems to do absolutely nothing qua literary form (or actual event) that is not done at least as well, and in fact typically better, by the quodlibetal disputation. Quodlibetal disputations were the standard venue wherein a regent Master would present his own views in a public forum (or so I would argue). Hence the Master’s “background theory”

¹ Well, we don’t know which came first, the *quaestio* or the quodlibet. Perhaps the former. But my point holds no matter which is historically first.

would be subject to all sorts of challenges, in a forum in which one can draw distinctions or reject them, consider objections and replies at any iterated length, deal with complex theoretical objections along with ad hominem or textual criticisms, and so on. We even find mediæval philosophers explicitly stating the value of unfettered debate characteristic of quodlibetal disputations. Siger of Brabant, for example, argues that the knowledge of truth presupposes the ability to resolve any objections, doubts, or counterexamples raised against the view held to be true:²

The knowledge of the truth in any subject is [!] the solution of doubts (*cognitio enim veritatis in aliqua rerum solutio est dubitatorum*). Just as it is said of judges that the judging is improved by hearing arguments from both sides, so too considering first the arguments for each side of a contradiction, leading to doubts, improves the judging of truth.

We might think that this puts too high a premium on the sorts of skills prized in mediæval contexts, namely disputations *viva voce*, but whether we agree with Siger or not the fact remains that quodlibetal disputations are here explicitly said by Siger to have the role that Spade claims for obligational disputations. Nor is Siger an isolated figure in this regard: similar claims about the value of quodlibetal disputation can be found in other philosophers too.³

Let's put aside the comparison of obligational and quodlibetal disputations and return to Spade's intuition that we should look to the use or employment of *obligationes* as a clue to determining their purpose. If *obligationes* were only a literary genre, as argued above, under what circumstances did philosophers write in that genre rather than another?

If we put the question this way, a striking fact emerges, one that Spade passes over. Even in the texts he cites, we do not have representations of obligational disputations, no matter how fictitious and unconnected to practice. Instead, we find in the passages from Strelley, Holcot, and Brinkley

² This claim comes from Siger of Brabant's preface to his questions on the *Liber de causis*, only recently recovered, edited by A. Marlasca in *Les "Quaestiones super librum De causis" de Siger de Brabant*, Louvain 1972, prohemium p. 35.

³ Similar sentiments are expressed by (for example) Henry of Brussels; see Martin Grabmann, "Die Aristoteleskommentare des Heinrich von Brüssel und der Einfluss Alberts des Grossen auf die mittelalterliche Aristoteleserklärung" in *Sitzungsberichte der Bayerischen Akademie der Wissenschaften* Heft 10 (1943), p. 82. These passages are noted and the disputational character of mediæval education discussed in Anthony Kenny and Jan Pinborg, "Medieval Philosophical Literature" in *The Cambridge History of Later Medieval Philosophy* pp. 11–42.

remarks about how obligational techniques and moves would be relevant or applicable in the case at hand. (I don't mean to suggest that Spade denies this.) Indeed, we sometimes find entire arguments in place of single steps, or reasons adduced for a given obligational move. Spade quite properly points out these facts. But he doesn't draw what seems to me to be the obvious conclusion, which is that *obligationes* provide the metatheory about how to proceed in certain dialectical circumstances. Let me explain.

In any of the passages Spade cites, or in uncounted others, there are really three things going on at the same time. First, there is a substantive case under discussion. What the case is depends on the author's concerns, but cases are found in as diverse fields as metaphysics, natural philosophy, mathematics, paradoxes of logic and language, contexts including beliefs, theological speculation, and so on. Second, there is the give-and-take of argument, objection, counterexample, reply—the series of dialectical moves that take place. Third, there is the underlying theory of what dialectical moves are permissible in what contexts. I would identify theories of *obligationes*, that is, claims about the proper rules of *obligationes* such as those found in the Burleigh/Kilvington/Swineshead dispute over what counts as relevant and irrelevant, at this third level. And that, I would say, explains the very puzzling fact with which Spade began, namely the apparently empty content of 'debates' *de obligationibus*. They are content-free since they operate at a higher level of logical generality than that at which substantive debate occurs. If this is correct, then actual obligational moves—perhaps even recognized as such—are the vehicle whereby real argument takes place. (I'll return to this question about recognition shortly; it's important.) But now the whole pack of difficulties I raised earlier comes to the fore: why should a philosopher ever restrict himself to only obligational techniques rather than using the full battery of dialectical moves available in a quodlibetal dispute?

Here, I think, Spade's intuition comes home to roost. If we look at the contexts in which philosophers used obligational techniques in their works, we can see that there is something special about obligational disputations, a feature that is not easily dealt with in more straightforward genres such as quodlibetal disputations. Obligational disputations are vehicles for "seeing what happens" in some postulated case. That is to say, they are vehicles for thought-experiments. The postulated case may be possible or impossible, the case may be idealized or concrete. The moves prescribed by *obligationes* include standard propositional logic, counterfactual reasoning, and also reasoning per impossibile. Rather than being vehicles wherein a philosopher articulates and defends a background theory, *obligationes* apply to thought-

experiments wherein the raw material of “what would happen if . . .” is used to develop and test a theory.⁴ It is therefore peculiarly appropriate where there is widespread agreement on problems, but none on solutions. It is no wonder, then, that obligational techniques are ubiquitous in treatises on sophisms and insolubles. The Liar Paradox, or the Frege’s Morning Star and Evening Star, are made-to-order thought experiments in search of a theory that can address them adequately. Above all, we should not overlook a simple point that may explain a great deal: you can’t start a quodlibetal disputation with a (puzzle) case, only with a question. Conversely, you can’t start an obligational disputation with a question, but rather with a case. Hence they are distinct genres, tied to distinct modes of inquiry.

We have to distinguish two versions of this claim, namely the weak claim that *obligationes* provide a metamethodology, and the strong claim that they were recognized and used self-consciously as a metamethodology. (That’s the problem with ‘recognition’ mentioned above.) Spade’s evidence all points in favor of the strong thesis.

On my account, the purpose and use of obligational techniques would be to make claims about what happens in a given case—that is, what happens in a proposed thought-experiment. In contrast, Spade has argued that obligational techniques pick out a particular kind of (perhaps actual) dialectical interchange—one we can, without too much distortion, call the sympathetic cross-examination. The insistence on the universal availability of “Type A” disputations is translated by Spade into a tacit rule about proper behavior of the victim in the cross-examination. I mentioned some reasons above why I thought Spade’s arguments for this conclusion unconvincing. On my account, the universal availability of “Type A” disputations simply reflects the fact that imaginary cases have to have consistent extensions, where such extensions are constructed by adding known truths. This restriction seems plausible if we recall that the ultimate purpose of thought-experiments is gain knowledge applicable in our surroundings—the less deviation from our actual surroundings, even in the presence of an unlikely hypothetical case (or perhaps an impossible one)—the more likely the results will be instructive.

By way of conclusion, let me underline that my interest—and I’m sure

⁴ There is at least one severe drawback with this view, namely that theories of *obligationes* as we have them don’t seem to be strong enough to distinguish what would happen in a given case and what might happen in a given case (reflected at the level of logic in distinct kinds of subjunctive conditionals). Chris Martin has written on this point.

that Spade's interest as well—is in the truth about *obligationes*, which has proved to be frustratingly difficult to uncover. And, to this end, I'm sure that in violation of his own rules, Paul Spade can be counted on to follow the truth rather than to defend his own no-longer-background theory to the bitter end. But now, of course, you have a chance to cross-examine him to see what he'll say!