

The Burden of Inquiry

Why inquiry carries obligation

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W. Mitchell
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Abstract

This essay develops the burden carried by honest inquiry: claims may not govern merely by being asserted, but neither may they be dismissed before examination. What survives inquiry must carry recoverable reasons if later work is expected to inherit it.

Inquiry has been recovered only as a question that may not be dismissed without examination.

That is less than an answer, but it is not nothing.

A question honestly admitted does not leave the inquirer where he stood before it was asked. He may discover that the question is mistaken. He may find that no answer can presently be given. He may even return, with reason, to the position from which he began. But he cannot claim to have inquired while reserving to himself the liberty to ignore whatever the inquiry makes inconvenient.

The question therefore presents a difficulty of its own.

What does inquiry require of those who undertake it?

Jefferson: We have been careful to say that a question does not command an answer merely because it has been asked. I would be equally careful not to give it command over us merely because we have agreed to examine it.

Adams: Then what have we agreed to?

Jefferson: To inquire.

Adams: That is the word. I ask for the obligation.

Franklin: A useful question. If inquiry obliges us to nothing, it differs very little from curiosity with better manners.

Jefferson: I do not deny an obligation. I deny that the question may define it for itself. Any proposition can arrive dressed as urgency. Any claimant can announce that justice requires an immediate hearing. If its appearance alone compels our attention, we have exchanged one tyranny for another.

Adams: Quite so. The old abuse was not that claims existed. It was that claims acquired authority they had not earned.

Franklin: Yet there is another abuse available to us now. We might congratulate ourselves for refusing unearned authority and then refuse every troublesome claim before it can earn anything at all.

Jefferson: Which would make our freedom from assumption a freedom from correction.

Adams: And therefore another form of assumption.

For a time they left the matter there.

The difficulty was plain enough. Inquiry could not permit every assertion to command it merely by appearing. Neither could inquiry preserve its honesty if it dismissed whatever had not already proved itself. Proof could not reasonably be demanded before examination when examination might be required to discover whether proof was possible.

Franklin: Suppose a man brings us a claim that is plainly foolish.

Adams: Plainly to whom?

Franklin: To all three of us, if you like.

Adams: That makes it unanimous, not examined.

Franklin: Good. Then suppose we hear enough to discover that it is foolish. Must we hear it again tomorrow?

Jefferson: No.

Franklin: Why not?

Jefferson: Because inquiry is not obliged to forget.

Adams: There is more in that answer than you intended.

Jefferson: I intended precisely enough. If we have honestly examined a claim and found the reason for rejecting it, the mere repetition of the claim cannot place us under the original burden again.

Franklin: Unless something has changed.

Jefferson: Unless something has changed.

Adams: Then inquiry carries not only an obligation to examine. It carries an obligation concerning what examination has already given us reason to conclude.

Franklin: Otherwise yesterday's reasoning is no better than yesterday's weather.

Jefferson: And yet we must be cautious. A conclusion remembered without its reason is only an inherited assumption.

Adams: Exactly. We cannot say, "It was settled," and imagine that settlement supplies its own authority.

Franklin: Then preserve the reason.

Jefferson: Preserve enough that the judgment can be recovered.

That suggestion altered the question.

If inquiry were only an event occurring in the minds of those presently engaged in it, every departure, death, interruption, or lapse of memory would return the matter toward its beginning. What had survived examination would possess no greater endurance than what had never been examined at all.

But a record introduced another danger. A written conclusion could become more durable than the reasoning that justified it. The very instrument meant to preserve inquiry could preserve error with equal fidelity.

Adams: Paper is obedient. It will preserve nonsense as faithfully as wisdom.

Franklin: Then our problem is not how to make a conclusion durable. Printers solved that long ago.

Jefferson: It is how to make the reason for the conclusion recoverable.

Adams: And by whom?

Franklin: Anyone upon whom we intend the conclusion to have a claim.

Jefferson: There. If our judgment is to bind no one beyond ourselves, perhaps private conviction is enough. But if another person is expected to begin from what we have established, we owe him more than our confidence.

Adams: We owe him the means to judge whether our reasons support it.

Franklin: Or to show that we did not.

Jefferson: Yes. Otherwise we have merely replaced inherited assumption with inherited conclusion.

The burden of inquiry had widened.

It was no longer enough to ask honestly. Inquiry had to answer for the manner in which it treated what came before it, for the judgments it reached, and for what it expected others to inherit from those judgments.

Yet another difficulty remained.

If every question required every possible consideration before any judgment could be made, inquiry would never conclude. If inquiry could conclude whenever the inquirers tired of it, its conclusions would carry no reason beyond fatigue.

Adams: We have arrived at the familiar refuge of weak assemblies: continue speaking until exhaustion is mistaken for agreement.

Franklin: I have attended meetings that achieved precisely that constitution.

Jefferson: Then we must distinguish an inquiry that remains open because its burden remains unsatisfied from one that remains open merely because another objection can be imagined.

Adams: On what authority?

Jefferson: That is the difficulty.

Franklin: Perhaps we are asking too much of the present question. We need not yet determine every manner in which future disputes shall be decided. We need only admit that inquiry which expects its judgments to endure cannot leave the manner of judgment entirely to appetite.

Adams: I will accept the restraint, but not the escape. If we intend to establish anything that another inquiry must reckon with, we shall eventually need to explain how disagreement may end without one man's confidence becoming another man's law.

Jefferson: Agreed.

Franklin: Then write that down, but do not solve it while writing.

They did.

Record

Inquiry cannot be honest if it permits a claim to govern merely because the claim has been asserted.

Inquiry cannot be honest if it dismisses a claim merely because the claim has not already proved what examination is required to determine.

Mere assertion therefore cannot command inquiry, while the absence of prior proof cannot by itself justify dismissal.

What survives examination cannot be treated as though no examination occurred. Yet a surviving conclusion cannot acquire authority merely because it has been recorded.

Where a judgment is expected to endure beyond the present inquirers, the reasons by which it survived must remain recoverable with it.

Where disagreement remains, continued discourse alone cannot guarantee judgment. If inquiry is to produce conclusions that others must reckon with, the manner by which disagreement may be resolved must itself answer to reason.

No further procedure is established here.

Franklin: I notice that we have made ourselves a considerable amount of work.

Adams: That is preferable to making ourselves a considerable amount of authority.

Jefferson: We have also discovered why the work cannot end with us.

Franklin: Because we shall die?

Jefferson: Among other inconveniences.

Adams: Because a conclusion that depends upon our presence has not been made public in any meaningful sense. It is merely ours.

Franklin: Then whatever we establish must be capable of being recovered by someone who was not in the room.

Jefferson: And if we expect him to proceed from it, he must be able to distinguish what we merely considered from what survived our consideration.

Adams: There is our next danger. A record of everything gives every remark the appearance of inheritance.

Franklin: Then the record must distinguish the discourse from what the discourse leaves standing.

There was no need to name that distinction yet.

It was enough to see its consequence.

Inquiry had begun as the refusal to dismiss a question without examination. It now imposed a heavier obligation. What was merely proposed could not govern. What had been examined could not honestly be forgotten. What survived could not make a claim upon later inquiry without preserving the reasons by which it survived. And where the surviving judgment was expected to guide future inquiry, some recoverable account of that judgment would be required.

Jefferson: We separated from a regime in which assumptions inherited authority without carrying their burden.

Adams: Then we must take care that our remedy does not become a new inheritance of the same kind.

Franklin: Which means that whatever authority we establish must carry its reasons with it.

Jefferson: And must carry no more authority than those reasons earned.

Adams: There is the burden.

Franklin: Of inquiry?

Adams: Of inquiry first. Of whatever follows from inquiry afterward.

What the inquiry has earned

The present inquiry does not yet establish a Constitution.

It establishes why something of that kind may become necessary.

If reasoned judgment is to survive the moment in which it is reached, there must be a public means by which what survived scrutiny can be distinguished from what was merely proposed, and by which the reasons for that survival remain available to later inquiry.

Nor does the present inquiry yet establish the procedures by which such judgments should be reached.

It establishes why those procedures cannot be arbitrary.

The burden therefore passes forward.

Inquiry has left unresolved why reasons must be exposed to one another in discourse; how disagreement may be resolved without converting preference into authority; and how what survives scrutiny may be made publicly recoverable without turning the record itself into unquestioned law.

Jefferson, Adams, and Franklin have not answered those questions here.

They have discovered why they must.