

METHODOLOGICAL INVENTION AS A CONSTRUCTIVE PROJECT

Exploring the Production of Ethical Knowledge through the Interaction of Discursive Logics

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ABSTRACT

This article reflects one scholar's attempt to locate herself within emerging ethical methodologies given a specific concern with cross-cultural women's moral praxis. The field of comparative ethics's debt to past debates over methodology is considered through a typology of three waves of methodological invention. The article goes on to describe a specific research focus on U.S. Catholic and Iranian Shii women that initiated a search for a distinct method. This method of comparative ethics, which focuses on the production of ethical knowledge through the interaction of discursive logics of various moral agents, is described. The conclusion turns to how methodological invention can itself become a constructive project through the way it (1) locates the scholar in relation to her subject of study and (2) allows for isolation of tactics within specific moral discourses.

KEY WORDS: *comparative religious ethics, gender, methodology, rhetoric, moral discourse, Islam, Catholicism*

THE FIELD OF COMPARATIVE RELIGIOUS ETHICS is particularly exciting for ethicists interested in methodological innovation. Scholars dealing with multiple traditions, investigating distinct genres, and engaged in diverse constructive projects are currently shaping the future of this discipline. However, all this methodological invention can be confusing. Scholars need concrete tools of analysis to employ in our analytical work, and at times the conversation about method becomes so abstract that it appears to proceed at the expense of actual ethical work. This essay reflects on my own struggle to locate myself within emerging methodologies given my specific concern with cross-cultural women's moral praxis. In many ways, this is a story about how I became involved in methodological debates despite myself and how ultimately method became central to my own constructive position as an ethicist.

I came to comparative ethics through an interest in understanding women's production of ethical knowledge in two religious communities:

American Catholic and Iranian Shii. The Roman Catholic Church and the Islamic Republic of Iran are often offered as proof of why religious authority and tradition are “bad for women.” Critics see the Catholic Church as a symbol of institutionalized religion whose hierarchical structure excludes women from the highest positions of leadership and propagates patriarchal dogma. The Islamic Republic of Iran codifies religious authority and tradition into domestic government. Its critics assume that as a theocracy, it necessarily limits women’s freedom and flourishing. What these critics have in common is an assumption that men control the production of ethical knowledge and that secular politics is the only forum for true feminist action. I am interested in challenging these assumptions about gender, religion, and politics through exploring the ways Catholic and Shii women’s discursive practices locate, reproduce, and shift moral knowledge.

As such, my work focuses on contemporary praxis. When I began my doctoral studies, I assumed that theory would be irrelevant or perhaps even an obstacle to my investigation of women’s actions. Not only was this not the case, but methodological investigation became central to how I locate myself as a scholar in relation to the women I study as well as crucial for isolating feminist tactics within specific moral discourses.

In the sections that follow, I (1) reflect on the field of comparative ethics’s debt to past debates over methodology in the field, (2) describe the specific research interests that initiated a search for a distinct method, and (3) outline a distinct method of comparative ethics that focuses on the production of ethical knowledge through the interaction of discursive logics of various moral agents.

1. Interaction with the Field: Three Waves of Methodological Invention

Beyond the particular research project and constructive goals outlined above, aspects of what one might call first, second, and third waves of debate over method in comparative ethics also influence my approach to ethics. The publishing of David Little and Sumner Twiss’s *Comparative Religious Ethics: A New Method* in 1978 marked a first wave. One strand of early debate this book sparked, which is particularly relevant to isolating women’s moral discourse within a religious community, occurred between Jeffrey Stout and David Little over the issue of Little’s theory of practical justification (Little and Twiss 1978, 96–119). Stout is critical of a number of aspects of Little’s approach to comparative ethics, including his theory of moral discourse, which Stout believes runs the risk of assuming that practical justification is universal (Stout 1983). According to Stout, truth might be universal but the process of justification is not. He suggests taking a holistic approach,

which “directs us not toward the elaboration of a theory of moral knowledge, but rather toward historical inquiry into the specific problems of justification that arise in highly particular (though not necessarily incompatible) social and intellectual contexts” (Stout 1983, 313). These scholars do not disagree over the importance of practical justification in the moral life, but rather on how to conceptualize and analyze such justification. This debate has been instructive for how best to analyze moral discourse across traditions and in a more holistic way.

A second wave of development in methods of comparative ethics, occurring in the 1980s and 1990s, is described in Sumner Twiss and Bruce Grelle’s essay “A New Venue for Comparative Religious Ethics” (1998, 1–7). This often-cited essay provides a helpful topography of prominent approaches to comparative religious ethics: formalist-conceptual, historical, methodological-theoretical, and hermeneutical-dialogical (1998, 1). These models can be understood from the standpoint of what they take as the main problems of comparative ethics: adjudication between diverse religious claims, belief and ritual understood in context, moral relativism versus universalism, and a fusion of diverse moral horizons. Alternatively, these models can be understood through their central methodology: Western moral theory, historical analysis of ritual and belief, metaethics, and dialogue.

Each of these methods has aspects that can contribute to an analysis of the moral praxis of laywomen, but they all have limitations as well. While the formalist-conceptual approach is appealing because of the importance it places on logical arguments in an ethical system, moral reasoning is assumed to function the same across traditions—as indicated in the work of one of its major supporters, Ronald Green (1978). The drawback to this approach is that its framework can be overly determinative. Do Shii women in Iran really argue in the same way as Catholic women in the United States? Moreover, if not, are these differences ethically significant? In Stout’s terms, this approach can neglect the plurality of logics in practical argumentation among women in the same religious tradition or in different religious traditions.

The historical approach draws on methodology from the historical study of religion, highlighting the importance of culture and how moral action “is understood in the context of a worldview shaped by one or more of the canonical cosmogonies” (Lovin and Reynolds 1985, 4). This method seeks to describe with empathy an entire worldview rather than focusing on moral principles like the formalist-conceptual approach. While this approach does a good job of correcting some of the universalistic tendencies of the formalist-conceptual approach, it tends to neglect the role of moral reasoning in ethics, devolve into moral relativism, and lack a critical moment. In terms of the women I study, this approach is unable to understand how women across traditions

might share general logical tactics of response to clerics or how their responses might be creative and transformative of the tradition.

The methodological-theoretical approach, rather than focusing on logic or cultural practices like the aforementioned methods do, focuses on metaethical inquiry. Since one of the concerns of this approach has been the problem of moral relativism versus universalism, it is used in much work done on justification for theories of human rights as well as women's human rights. This method's focus on the theoretical, however, leads to a difficulty in understanding the complexity of everyday practical, ethical experiences as unanticipated and creative. Particularly in terms of a study of religious women, this approach can neglect the contributions women make to the ethical life of a community.

The hermeneutical-dialogical approach, as typified by William Schweiker (1998, 1992), is appealing for its attempt at an inter-religious analysis of theory and praxis, but this method's assumption that the fusion of diverse moral horizons is not only possible but is also the appropriate goal of comparative work prevents it from fully understanding the potential benefits of intra- and inter-tradition analysis that precede such a fusion. For instance, many of the women I studied were unconcerned with universal approaches to feminist ethics, locating their arguments firmly in their local context. Is not a constructive project possible that uncovers the distinct ethical contributions of religious women to ethical knowledge at a local level, rather than developing a global theory of feminist ethics?

A third wave of comparative religious ethics is currently taking place. It can be seen in the distinct engagements with methodologies of comparative religious ethics used by a new generation of comparativists, many of whom trained under scholars who contributed to the first and second waves. Some of us do substantial work in foreign languages and cultures. We devoted part of our scholarly training to anthropology, linguistics, philosophy, literature, history, human rights, and so on. This makes us different sorts of ethicists from our mentors, and we bring a different set of skills and concerns to the subject matter.

The beginning of the third wave can be marked by a 2005 issue of the *Journal of Religious Ethics* (*JRE*) devoted to comparative ethics. In addition to the contributors to the special issue of the *JRE*—Mark Berkson, Thomas Lewis, Jonathan Schofer, and Aaron Stalnaker—I would include Emily Arndt,¹ David Clairmont, Irene Oh, and Jamie

¹ Dr. Arndt passed away in December 2007 after a battle with breast cancer. During my year as a fellow at Georgetown University, where she was appointed an Assistant Professor, we met weekly and discussed our work. She has greatly influenced my ability to articulate a constructive dimension in my own work.

Schillinger as emerging scholars in this field. Third-wave scholars attempt to push comparative ethical methodology past the four-part topography of paradigms provided by Twiss and Grelle in 1998, a methodology assumed in much of the comparative ethical work in the last twenty years.

Two trends can be observed through scholars contributing to the third wave: (1) a focus on the categories of comparison and (2) an interest in complicating the nature of the constructive role of comparative ethics. First, many third-wave methodologies focus on categories, and the scholars most prominent in the third wave of comparative ethics are sympathetic to Yearley's methodological theoretical approach (Yearley 1990).² Take, for example, the way in which the four scholars who contributed to the special issue of the *JRE* self-identified: "Building on influential work in virtue ethics, this collection of essays examines the *categories* of self, person, and anthropology as foci for comparative analysis" (Lewis et al. 2005, 177; my emphasis). Also, consider Stalnaker's concern with "bridge concepts" (Stalnaker 2006), which I understand as a development of Yearley's conceptual concerns.

However, an attempt to apply a conceptual approach to the study of women's moral praxis makes clear that some of the concepts commonly used in feminist ethics are problematic for comparative research. Investigating the *concept* of feminism or even women can overdetermine data; many of the women I worked with rejected my definition of feminism or that they were engaged in feminist praxis. Even my initial attempt to line up the women on core issues of religious leadership, reproductive rights, and public dress was problematic; Iranian Shii and American Catholic women are simply not concerned with the same set of issues, and to force a comparison on the issue of abortion, for instance, was to misrepresent the range of feminist tactics in Iran. Assuming conceptual parity also far too easily devolved into a "boxing match" between the women. Were Catholic or Shii women more progressive on a given issue? Which group of women was more successful in creating reform? Finally, tactical similarities may emerge through comparison of radically different conceptual debates. A Catholic argument over women's ordination involved logics and tactics similar to a Shii debate over religious dress; discourse about natural family planning in the United States became an interesting counterpoint to debates about a woman's right to custody of her children after divorce in Iran. Furthermore, some of the most interesting moments in their arguments turned out to be when they were not engaged in gendered moral discourse at all, as illustrated by debates about the

² This privileging of the formalist-conceptual approach is explained in part because Berkson, Lewis, Schofer, and Stalnaker all worked with Yearley at Stanford.

role of public theology in secular politics. These discussions nevertheless indicate some of the limits and horizons of gendered moral discourse assumed by the women. Arguably these thematic debates are bridges as well, but they are not conceptual bridges so much as bridges of moral praxis.

The danger of defining a category, even provisionally, is a lesson comparative ethics might learn from gender studies and feminist ethics. Take how Julia Kristeva's understanding of ethics is informed by her work on the symbolic order, which she understands to be made up of semiotics and symbolics. Symbolics are the predictable elements within the symbolic order, the correspondence of words to meaning. As I understand much of the conceptual work third-wave scholars engage in, it focuses on concepts as symbols. Semiotics, however, is harder to tie down. Semiotics is rooted in our instinctual reactions to language, which "accentuate the *alterity* of its object in its relation with the representable and representing object" (Kristeva 1986, 85) rather than correspond to a fixed meaning. According to Kristeva, symbolics and semiotics are inseparable within the signifying process of the symbolic order, which entails a "constant movement" (1986, 79) between them, a dynamic tension between stases and rejection that makes up the productive power of language. Kristeva argues that any attempt to universally represent women is detrimental *because* it neglects the semiotic part of the symbolic order. It confuses the feminine with woman. In practice, this is why "feminism," once defined, automatically excludes all sorts of women.

When applied to the enterprise of comparative ethics more broadly, Kristeva's theory of the symbolic order might encourage the careful exploration of not only the symbolic but also the semiotic element of concepts. This would encourage work in linguistics, psychology, even neuroscience to be integrated into comparative methodologies focused on concepts. In my own work, I show how the contested and dynamic nature of semiotics makes it a location in which feminist tactics occur that both conform to and create prevalent understandings of women's piety. So while some reservations about dominance of certain applications of the conceptual approach to comparison remain, the work of my third-wave colleagues on this issue has helped to form a framework within which to explore the distinct challenges gender poses to comparative ethics.

In addition, there is an immensely productive conversation in the third wave about the proper relationship between descriptive and constructive engagements in comparative ethics. At the University of Chicago, where I completed my doctoral training, religious ethics is grouped (with Christian theology) under constructive studies, and history of religions (including Islamic Studies) is grouped under

religion and the human sciences. This means that throughout a student's graduate career, one is forced to choose courses, faculty mentors, area affiliations, qualifying exams, and so on from *either* constructive studies *or* religion and the human sciences. At times this can border on schizophrenia (am I a specialist in ethics or Islamic studies?), but it also means that the tensions between these two sub-fields in religious studies can hold a prominent place in a scholar's formal training.

Scholars in the third wave struggle to articulate the nature of these tensions, particularly the tension connected to the interaction between the theological goals of Christian ethics and the engagements of ethical subjects from non-theological positions. How this tension is dealt with in terms of stance toward the subject matter is widely varied. For some (Jonathan Schofer, Irene Oh, and Tal Lewis), there is an attempt to engage in religious ethics in a non-Christian manner, and for others (David Clairmont and Emily Arndt), there is an attempt to be more explicit about their confessional-constructive project, calling their communities to a more open engagement with other traditions. All these clarifications of stance are important contributions to methodology in the field as constructive agendas become defined beyond the traditional goals of dialogue, common morality, moral judgment, and universalism.

This tension is productive for comparing women's moral praxis in two ways. On the one hand, one can draw a distinction between descriptive, explanatory, and constructive analysis, where only the latter is necessarily normative. This can open up space to first explore women's moral praxis in order to describe and explain it before making any moral judgment, thereby delaying assessment in order to better understand. On the other hand, this tension between holistic and constructive concerns reflects the fact that the current interest in method in the third wave is itself a constructive project. As comparative ethicists, one of our interventions into the field of religious ethics is to assert the importance of working comparatively (on this level, a constructive project is demonstrated by engagement with two traditions), and another intervention is how to engage in comparison in an ethical manner (on this level, our constructive project is demonstrated through emerging methodologies).

2. Women's Ethical Production within Male-Inscribed Hierarchy: Discovering a Need for a New Method

There were a number of specificities of my research that encouraged a revisiting of existing approaches to methodology. The first was a focus on women. A senior scholar asked me last winter why "men writing about men's writings" dominate the field of comparative

ethics. I am not sure religious ethics suffers any more than other disciplines from a dearth of female scholars, nor do I find those in the field antagonistic to work that focuses on feminist ethics—quite the contrary. Nonetheless, embedded in this scholar's comment was a legitimate point: gender, and for that matter race and class, has not been the primary focus of prominent scholars in the first, second, or even third waves of comparative religious ethics. It is therefore not surprising that existing methods of analysis do not consider gender as a primary category of analysis. Certainly, a lot of important work has been done in Christian ethics focusing on women and/or gender (Griffith 1997; Gudorf 1994; Cahill 1996; Traina 1999; and Farley 2006), which can inform to some extent an approach to comparative ethics. But the questions my data posed to me early on were: What might gender contribute to our understanding of the *comparative enterprise*? How might it complicate or illuminate the moral praxis of different religious communities in various political and cultural settings?

The work done by feminist legal theorists (Cook 1994; Peters 1995) and feminist philosophers (Nussbaum 2001; Okin 1999) attempts to answer these sorts of comparative questions when it considers the global effects of religious norms on women's rights. Much of this ethical work assesses the norms of religious communities using international legal instruments or develops universal approaches to feminist ethics, such as Nussbaum's influential capabilities approach. These discussions are valuable for advocating for women's human rights, but methodologically they proved less helpful to my research project because my concern with feminist ethics was simply different. I was not interested in constructing a common feminist morality or in moral judgments of specific religious norms or practices; instead, I wanted to describe and explain the specific ways Catholic and Shii women's discursive practices locate, reproduce, and shift moral knowledge within local religious communities. My focus was on how women simultaneously draw on and shift the parameters of male-inscribed ethical knowledge, not necessarily how they resist or subvert these parameters. A central methodological question became: how can *religious piety*, as opposed to legal, sociological, or political frameworks, function as the primary ground for comparison?

Moreover, through my fieldwork it became clear that the common tropes of feminist legal and political analysis, such as equality and empowerment, were unable to account for the nuances of women's negotiations of religious authority. Even more problematic, when these tropes are applied to a cross-cultural study of women, they produce a sort of academic ventriloquism, where the scholar throws her own voice—for example, as a liberal feminist—to the women she studies, learning from

them only what she already knew about feminist tactics and ignoring what was morally significant in their discourse given their discursive context.

Even while drawing on Christian ethics and feminist philosophy for how to approach gender as a central category of comparison, a notion of women's agency that works comparatively—that is, allows the scholar to think across traditions as well as within and to take seriously the role of piety in women's actions—is needed. In other words, I found I needed a way to conceptualize agency within a women-specific context. Given my data, which comprised writings by, and interviews with, public intellectuals in each religious community, this created a specific methodological challenge: how to provide enough context for lay women's arguments within religious communities where much of the production of ethical discourse was by a male clerical class.

Luckily, the women I studied not only introduced this methodological quandary about how to look at moral discourse in context, they also provided a solution to it. During my initial set of interviews with Iranian Shii and American Catholic women, they disclosed that they shared a common discursive context: clerical rhetoric. That is, when pressed, they each acknowledged that they respond to the ethical teachings of a particular religious leader: Pope John Paul II or Ayatollah Khomeini. There was, not surprisingly, a wide range of opinions among women about whether clerical rhetoric is good or bad. However, there was also general agreement that given its authority in the community, this rhetoric warrants engagement. Therefore, if the concern is with not only what women say, but also how what they say contributes to the ethical knowledge of their religious community, women's arguments can be considered against a backdrop of clerical articulations of the proper roles for women. In other words, the logic of clerical teaching on women is used in order to "see" what women's discursive practices do with this logic. In this way, one can understand how women place themselves within a religious tradition and at what point they work to reaffirm, critique, and innovate.

Drawing on Aristotle's classical definition of epideictic rhetoric, an approach to comparison focusing on the persuasive argumentation within communities can be developed. Key to this conceptualization is that moral discourse is aimed at persuasion and therefore at its core is an interaction between a speaker and her intended audience. However, even after identifying clerical rhetoric as an important context, there remains the challenge of how to think about women's words within this context. Three questions arise: How does one understand a woman in relation to clerical rhetoric? How are her responses her own? How does her moral discourse have logic? In summary, a model of women's agency

that would facilitate an analysis of moral discourse as feminist action is needed.

In previous writings, I have proposed a model of ethics termed “dianomy,” which literally means “dual law,” as a way to conceptualize how religious women’s actions demonstrate a twofold form of agency (Bucar 2006b, 94–103). Dianomy is meant to integrate the core ideas of autonomy (free will) and heteronomy (local habituation) as crucial to understanding the moral life. They are held together in dianomy, in a tenuous way, with the emphasis being on the process by which these two sources are in tension or interact. The model of action implied in dianomy is therefore also double; a woman is formed within a specific discursive and performative environment (in this case, clerical rhetoric), but she is also able to interrogate that environment because formation is not perfect and discursive traditions are not closed systems.³ In terms of women’s moral discourse, dianomy is interested in what de Certeau calls tactics (1984), and how these tactics obey some discursive rules and out-manuever others. It does not insist that the women’s words are strategic insofar as they interrogate religious traditions from some space outside. Instead, it conceptualizes women’s discourse as located firmly within the same discursive space as other forms of authoritative rhetoric.

3. Comparative Rhetoric: A Distinct Method

Using clerical rhetoric as a backdrop against which to understand how women contribute to local ethical knowledge, the technical aspects of comparative rhetoric work to (1) describe clerical discourse in a way that anticipates the diversity of these women’s responses to it and (2) explain the logical tactics of women’s response. Previously, I have argued that Aristotle’s definition of “epideictic rhetoric” (Aristotle 1991, I.3.i–iii) is a conceptualization of one form of moral discourse that helps to account for the interplay between leader and laity (Bucar 2006a, 95–97). For this same reason, rhetoric is one way to study women’s ethical tactics. In traditions where the clerical class is limited to men, women respond to clerical rhetoric about the gendered moral life and in this way affect the rhetoric through a critical correlation.

³ I make this argument about religious women, but the model of agency could also be applied to any agent. Take me, as a junior scholar. I am both formed by discourses and practices of my former graduate student life at the University of Chicago and strongly influenced by that university’s faculty. However, at the same time, I am influenced by other scholars and relationships I have formed—for example, at my new institution of the University of North Carolina at Greensboro—so that I have a distinct voice in my scholarship.

According to Aristotle, epideictic rhetoric rationally persuades in two ways: logical form and affective *logos*.⁴ The logical form of rhetoric need not abide by the formal rules of a syllogism, although in order to persuade, it will entail some logical structure. Affective *logos* is the rhetorical ability to access the emotional and intuitive commitments of the audience. It is also a way to motivate action by invoking an audience response that is not only cognitive, but also affective. A technique of rhetorical analysis can work on both these levels, attempting to isolate both logical form and affective *logos*. In my own method, I draw categories of analysis from Stephen Toulmin and Chaim Perelman. Toulmin is helpful for analyzing the logical structure of an argument whose validity cannot be externally judged like a deliberative or judicial one, and Perelman helps to show what sorts of affective strategies, based on assumed adherence of the audience, each thinker deploys. On the one hand, there is a micro investigation (“getting up close”) into what I call the logics of argument to identify an argument’s internal rationality in terms of its own logical structure. On the other hand, the more macro exploration (“standing back”) of the web of agreement identifies the general views of communal adherence and provides an opportunity to move from intra- to inter-tradition analysis. To these two perspectives I add a third—logics—that links the micro and macro through women’s creative citation.

Unfortunately, a full application of my method of analysis is outside the scope of this paper. Instead, I suggest in the sections that follow the benefits of each level of analysis.

⁴ These two modes of persuasion can be seen in Aristotle’s discussion of the rhetorical syllogism or an enthymeme. An enthymeme persuades in part through a logical form conveyed through deductivity, probability, and brevity (Aristotle 1991, I.1). Rhetorical discourse will have some place for deduction because it aims to persuade an audience, and for Aristotle, we are most likely to be persuaded by arguments we think have been logically proven. At a minimum, enthymemes will have to display a premise-conclusion structure that we have come to expect from deductions. However, since the goal of rhetoric is persuasion and not logical validity per se, it is less important that the enthymeme be a true deduction. In addition to its logical form, an enthymeme’s use of affectivity allows it not only to convince, but also to motivate. The root of enthymeme, *thymos*, means “heart,” and the verb enthymeme has a range of meanings including “consider well” or “form a plan.” By my reading, two hearts are implicated in an enthymematic argument: the heart of the audience and of the speaker. The heart of the speaker must reflect on the particular circumstances of the audience in order to persuasively respond to that context. The heart of the audience will in turn think deeply about, infer, and conclude. The successful speaker is able to empathize with the audience not only by understanding their factual knowledge base, but also by being aware of, and sensitive to, the value-charged ideas to which a community adheres. Moreover, epideictic rhetoric’s goal to persuade is helped when the audience is able to identify themselves with a particular stance of the orator. Therefore, the heart of the speaker strategically attends to the heart of the audience.

3.1 *Breaking down to get up close: Analysis of logical form*

The specific components of an argument that I use to break down rhetoric as moral praxis are claim, grounds/data, warrants, backing, modal qualifiers, and possible responses (Toulmin 1958, 97–107).⁵ The claim of an argument is the conclusion whose merits the speaker is seeking to establish. To consider the grounds of an argument, we look at the evidence explicitly appealed to that supports the given claim. Warrants, as opposed to the data or facts of grounds, are the rules or laws relied on to authorize the step from grounds to the claim. Backing is the rationale for why a warrant should be considered reliable. Modal qualifiers assess the degree of certainty with which the warrant is being made. Possible responses are the factors or conditions within an argument that create opportunities for counter arguments.

These categories deconstruct arguments into logical components for two ends. First, this level of analysis can describe the actual practices of justification in moral discourse of a variety of speakers. Does a single rhetorical event contain more than one claim? On what grounds does a particular speaker tend to rely? Do the warrants on one issue become backing on another, or vice versa? Are some components of informal logic left unstated? Moreover, since a speaker aims to persuade the specific audience through this justification, the components of argumentation are also insights into local expectations of the forms of moral discourse. In the case of clerical rhetoric, this level of analysis demonstrates that despite holding positions of traditional or legal authority, clerics are also concerned with providing practical justification for moral teachings. They cannot rely on authoritative status to move believers to right action, but rather must also provide justifying reasons.

Second, this type of breaking down of rhetorics is crucial for understanding the interactions of moral discourses. This level of deconstruction allows us to put into conversation rhetoric focused on different issues by attending to how the informal logical components of rhetoric are discursive building blocks, free to be contested and rearranged for new arguments. In this way, arguments can be compared through the grounds they use, the warrants for those grounds, and the backing for

⁵ Although I rely to a great extent on Toulmin's definitions of these components, I have substituted "possible responses" for his "possible rebuttals." For Toulmin, possible rebuttals are the circumstances under which an argument would no longer hold. I shift this category to responses in order to accommodate women's arguments that do not necessarily attempt to refute clerical teachings. This allows me to identify within a rhetorical exchange how a response may not only refute the logic of an argument, but also reiterate it in ways that shift its logical meaning. It also moves my analysis away from the language of rebuttal and refutation, which assumes a more antagonistic relationship between rhetoric and response than the women themselves appear to.

the warrants. Do contrary claims sometimes rely on similar grounds or backings? How does a speaker's use of warrants strengthen his argument? How do the logical components differ among speakers on the same issue? When does a speaker borrow the informal components of another speaker's rhetoric, and when does he introduce new components to his community's moral discourse?

3.2 Standing back to see the big picture: Analysis of audience assumptions

Analysis of rhetoric can also proceed from the perspective of the audience (Perelman 1979, 13–14). One could consider this the “standing back” process of rhetorical analysis, which works to describe audience assumptions implied in a particular argument.

I have used five elements to isolate the parameters of agreement on which the orator bases her argument: facts, presumptions, values, hierarchies, and loci (Perelman and Olbrechts-Tyteca 1969, 67–95).⁶ Facts are agreements held relating to data that must conform to the audience's understanding of reality. Presumptions are shared opinions, and they are often based on what the audience considers to be normal or customary. Presumptions can be modified either by new information or if an individual within the group deviates outside the normal, thereby altering the normal. However, arguments or actions seen as too far outside the normal will be ignored or excluded by the group. Values influence action and are embodied in right action. Therefore, they provide criteria for judging if a particular practice is morally good. Hierarchies work to establish the intensity of one value compared with another and help order values when simultaneous or equal commitments to two or more values is impossible. They can be concrete (men are higher/more important than animals) or abstract (justice is higher/more important than utility). Loci are a meta-category of general logical assumptions or “rule sets” that connect facts, presumptions, and hierarchies. Loci can take many forms, but the more specific they become (such as “locus of personhood” or “locus of order”), the closer they come to values and hierarchies and the more difficult to distinguish from these other elements.

This level of rhetorical analysis is important for three reasons. It makes possible an investigation of not only the logical structure of rhetoric (which is the focus of the analysis of informal logical form), but

⁶ While I draw on Perelman's categories, I have slightly shifted his first category (facts and truths) in order to make its application to real rhetoric more precise. I use facts (in contrast to facts and truths) as one category in my analysis because it became clear that all five categories function as truths in the rhetoric I studied.

also how affective *logos* is deployed by references to an audience's prior assumptions. Without attention to these general assumptions, we neglect one important way that rhetoric persuades. For instance, a locus of personhood that references Mary or Fatima may not necessarily make an argument more logical, but it may make the argument more likely to motivate an action by invoking an affective response in the audience. In this way, persuasive arguments are not imposed on an audience by the speaker but are rather shaped through rhetorical interaction with the audience and speaker.

Second, unlike the analysis of informal logics of a single rhetorical event, through consideration of audience assumptions, we gain insights about a perceived common ethical vision within a community. Just because a speaker uses a given fact, value, or hierarchy does not mean that she personally believes it to be true. Rather, these categories tell us what the speaker believes her audience assumes is true and can be used merely strategically in order to persuade. This allows for intra-tradition analysis in a different way from the deconstruction of logical components; certain assumptions that are shared by speakers allow them to be seen as a sort of coherent group. To illustrate this point, at the level of specific claims and informal logics, the American Catholic and Iranian Shii women I study do not agree; Lisa Cahill and Frances Kissling do not agree on the permissibility of abortion, and Monir Gurji and Mahbubeh 'Abasqulizadah do not agree on a woman's right to practice *ijtihād*. Nevertheless, the arguments of these two pairs of women share assumptions about the more general beliefs (facts, hierarchies, and so forth) of their audience.

Third, this level of analysis is also appropriate for analysis between religious traditions. At the level of informal argumentation, we would not expect components to line up. What counts as appropriate backing in the Catholic tradition is different from the Shii tradition, and to assume otherwise would run the risk of assessing the strength or merit of an argument on the specific logics of a different context or, as Toulmin puts it, "condemning an ape for not being a man or a pig for not being a porcupine" (1958, 256). It is not that assumptions will be the same in different religious communities, although they might be, especially if they share specific time frames or circumstances. However, all arguments begin with agreements according to Perelman, and if we are able to understand what these agreements are—through analysis of specific arguments—we can consider how they might be the same or different on similar ethical issues. This level of analysis could enable thinking about the possibilities and limitations of developing cross-cultural feminist politics based on shared assumptions. Put another way, it can address the hermeneutical-dialogical goal of the second wave.

3.3 Seeing with bifocals: The logics of discourse as rhetorical interplay

The category of logics bridges intra- and inter-tradition analysis as a meta-category focused on general types of citation. Logics allow the scholar to stand in a middle ground, between the details of the logical structure of the speaker and broader audience assumptions. It is meant to help explain a moral argument as responding, even if indirectly, to another.

Logics are general tactics used in an argument that work within existing logical assumptions, but in innovative ways—the *logic of concentration* chooses one small part of an argument to base another argument, while the *logic of expansion* applies a claim to cases unanticipated by the original speaker. If possible responses are anticipated by logical deviations from the original rhetoric, logics are the method for making these responses without necessarily refuting the original argument. As I have defined them, logics are the intellectual coherence behind transformations of a tradition. This level of analysis proved necessary in my research in order to think more generally about the women's discourse as "creative conformity" to clerical teachings. It allows analysis to move from "close up" concern with an individual speaker's construction of an informal argument to understanding the overall logics of arguments *in relation* to each other.

Taken together, these three modes of rhetorical analysis, which focus on three aspects of rhetoric—logical form, audience assumptions, and rhetorical interplay—illuminate different dimensions of persuasion and, ultimately, different opportunities for women to construct and articulate their own conceptions and practices of womanhood. The shifts between perspectives allow rhetorical analysis to proceed holistically, not only in terms of the tradition as a whole, but also in terms of accounting for the diversity of types of persuasion within the tradition.

4. Conclusions

The goal of this research project, as outlined at the beginning of this article, was to describe women's moral praxis rather than place women from different religious traditions in direct dialogue. This seems to make some ethicists uncomfortable, as I am often pressed in public forums to declare my constructive project. The assumption behind these inquiries is that a cross-cultural study of religious women should have dialogue as its primary aim, and given that my research is on Iran and the United States, the need for such dialogue, given recent geopolitical events, seems all the more urgent.

I am sympathetic to the desire to understand through conversation, but I strongly resist that a facilitator of dialogue is the only role a comparative ethicist may hold. I conclude this essay by summarizing the range of constructive dimensions of a project that uses comparative rhetoric beyond the fusion of moral horizons. These dimensions are often not placed in the foreground of my own work because of my attempt to proceed within a tension of constructive and descriptive work, letting each inform the other, rather than beginning with fully defined constructive goals that might constrain analysis. This essay has therefore been a welcomed opportunity to more precisely articulate the interaction of these two dimensions, particularly as seen in methodological invention.

First, it is helpful to clarify that the strongest normative arguments in my research come from the women I study. Women's moral discourse is constructive if we consider it from the point of view of the academic study of religious ethics. During fieldwork, I was instructed by women time and time again on the limits of my categories of analysis (such as feminism). The dynamic form of women's discourse, which engages, appropriates, and shifts a number of existing discursive strands, pushes us as scholars to consider moral discourse as interactive interplay, versus as authored in isolation. The women also, in the end, were the origin of my method of comparative rhetoric by suggesting the importance of clerical rhetoric for gendered moral praxis in their community. There are potentially many additional normative interventions religious women's discourse can make into the academic study of religious ethics if we are willing to listen to its critiques of our own constructive tendencies.

From a different point of view, the women's discourse can be understood as constructive from within their religious community. This is possible even if one does not assign intentional resistance to the women. Merely through their participation in the moral life, women contribute to the production of ethical knowledge. This participation is tactical insofar as it works within the parameters of the prevalent moral discourse, even as it shifts them through a series of engagements. These engagements demonstrate the limits of conformity through the inevitable role of creativity in moral praxis.

This discloses a constructive stance that grounds my work in the field. Religious women, even those who appear to be conforming to male-inscribed forms of authority, are nonetheless contributing to local ethical knowledge and practice. I make this claim against both scholarship that neglects the agency of religious women (Okin 1999) and scholarship that neglects a role of innovation through free will because of the power of religious habituation (Mahmood 2006).

My constructive agenda also includes an attempt to demonstrate how gender studies has something to contribute to the comparative enterprise in religious ethics. Although this involves highlighting the role of women as sources of ethical teachings and practices, it also involves demonstrating how making gender the central lens of analysis complicates the attempt to work within and between religious traditions. In my own work, methods focused on gender from both Christian feminist ethics and multi-tradition scholarship proved inadequate when applied to more than one religious and cultural context.

Finally, I argue for a particular conceptualization of moral discourse as interactive and multi-layered. Its power within a given setting comes from both informal logical structure and its affective power through connection to audience assumptions. This is not unrelated to the gender dimension of my constructive project, as demonstrated by how closely my own conceptualization of ethics is to Kristeva's:

The theoretical work that interests me involves the analysis of the work of language, not as something possessing an arbitrary but systematizable nature (the aim of positivist semiology) but rather as a verbal practice whose economy is complex, critical and contradictory. . . . I call this preoccupation ethical because, like any theory, it still demonstrates a meaning, or a thesis, or communicates a truth, even if this is contested in the process [1977, 115].

The form of my emerging method is an attempt to deconstruct the contested process of response to clerical rhetoric, and the offering of the method—with both its philosophical roots in Aristotle's distinctions and the technical categories I use to describe and explain it—can be understood as the core constructive dimension to my work. In this way, methodological invention becomes the constructive project.

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