

CONSIDERING PRAGMA-DIALECTICS



Edited by
Peter Houtlosser • Agnès van Rees

CONSIDERING PRAGMA-DIALECTICS

A Festschrift for Frans H. van Eemeren
on the Occasion of his 60th Birthday

This page intentionally left blank

CONSIDERING PRAGMA-DIALECTICS

A Festschrift for Frans H. van Eemeren
on the Occasion of his 60th Birthday

Edited by

Peter Houtlosser

University of Amsterdam

Agnès van Rees

University of Amsterdam



Routledge

Taylor & Francis Group

NEW YORK AND LONDON

Camera ready copy for this book was provided by the editors.

First Published by

Lawrence Erlbaum Associates, Inc., Publishers
10 Industrial Avenue
Mahwah, New Jersey 07430
www.erlbaum.com

Transferred to Digital Printing 2011 by Routledge
711 Third Avenue, New York, NY 10017
2 Park Square, Milton Park, Abingdon, Oxon, OX14 4RN

Copyright © 2006 by Lawrence Erlbaum Associates, Inc.

All rights reserved. No part of this book may be reproduced in any form, by photostat, microform, retrieval system, or any other means, without prior written permission of the publisher.

Cover design by Kathryn Houghtaling Lacey

Cover art: With respect to 61.198. Rembrandt (Rembrandt Harmensz. van Rijn) (Dutch, 1060–1669), Aristotle with a Bust of Homer, 1653. Oil on canvas; 56½ × 53¾ in. (143.5 × 136.5 cm): "The Metropolitan Museum of Art, Purchase, special contributions and funds given or bequeathed by friends of the Museum, 1961 (61.198). Photograph © 1993 The Metropolitan Museum of Art."

Library of Congress Cataloging-in-Publication Data

Considering pragma-dialect : a festschrift for Frans H. van Eemeren on the occasion of his 60th birthday / edited by Peter Houtlosser, Agnes van Rees.

p. cm.

Includes bibliographical references and index.

ISBN 0-8058-5816-4 (cloth : alk. paper)

ISBN 0-8058-6026-6 (pbk. : alk. paper)

I. Argumentation. I. Eemeren, F. H. van. II. Eemeren, F. H. van.

III. Houtlosser, Peter, 1956– IV. Rees, Agnes van.

BC177.C665 2006

306.44—dc22

2006042316

CIP

Publisher's Note

The publisher has gone to great lengths to ensure the quality of this reprint but points out that some imperfections in the original may be apparent.

Contents

Preface	vii
1 Pragma-Dialectic Versus Epistemic Theories of Arguing and Arguments: Rivals or Partners? <i>John Biro and Harvey Siegel</i>	1
2 Pragma-Dialectics and <i>pragma-dialectics</i> <i>J. Anthony Blair</i>	11
3 Pragma-Dialectics and Self-Advocacy in Physician-Patient Interactions <i>Dale Brashers, Lance S. Rintamaki, Elaine Hsieh, and Jennifer Peterson</i>	23
4 Evaluating Analogy: Toward a Descriptive Approach to Argumentative Norms <i>Marianne Doury</i>	35
5 Reflections on the Hyper Dialectical Definition of Argument <i>Maurice A. Finocchiaro</i>	51
6 A Place for Informal Logic Within Pragma-Dialectics <i>James B. Freeman</i>	63
7 When Reasons Matter Most: Pragma-Dialectics and the Problem of Informed Consent <i>G. Thomas Goodnight</i>	75
8 My Interlocutor <i>Trudy Govier</i>	87
9 Mill and Pragma-Dialectics <i>Hans Vilhelm Hansen</i>	97
10 The Pragma-Dialectical Analysis of the Ad Hominem Fallacy <i>David Hitchcock</i>	109
11 Derailments of Argumentation: It Takes Two to Tango <i>Scott Jacobs and Sally Jackson</i>	121
12 The Ambiguous Relationship between Pragma-Dialectics and Logic <i>Ralph H. Johnson</i>	135
13 Pragma-Dialectic's Appropriation of Speech Act Theory <i>Fred J. Kauffeld</i>	149

14	How to Present Fallacious Messages Persuasively: The Case of the "Nigeria Spam Letters"	161
	<i>Manfred Kienpointner</i>	
15	Hidden Effects of Presumptive Arguments on Argument Assessment Strategies	175
	<i>László I. Komlósi</i>	
16	Logic and Games	185
	<i>Erik C.W. Krabbe</i>	
17	Rhetoric, Dialectic, and the Functions of Argument	199
	<i>Michael Leff</i>	
18	The Pragma-Dialectic Ideal of Reasonableness and an Education for Critical Thinking and for the Building of a Moral Community	211
	<i>Ana Maria Yicuña and Celso López</i>	
19	Gender Aspects Concerning the Concept of "Strategic Maneuvering"	223
	<i>Brigitte Mral</i>	
20	Pragma-Dialectics and Persuasion Effects Research	235
	<i>Daniel J. O'Keefe</i>	
21	On Casting Doubt: The Dialectical Aspect of Normative Rules in Argumentation	245
	<i>Christian Plantin</i>	
22	The Semantics of Reasonableness	257
	<i>Eddo Rigotti, Andrea Rocci, and Sara Greco</i>	
23	Discourse Linguistics and Argumentation as Open Systems	275
	<i>Tatyana P. Tretyakova</i>	
24	The Impact of Argumentation on Artificial Intelligence	287
	<i>Douglas Walton and David M. Godden</i>	
25	Pragma-Dialectics: A Retrospective	301
	<i>John Woods</i>	
26	The Ten Rules of Pragma-Dialectics and Validity in Argumentation	313
	<i>David Zarefsky</i>	
	Author Index	325
	Subject Index	329

Preface

In March of 1982, Frans van Eemeren, together with Rob Grootendorst, defended the doctoral dissertation they jointly wrote, *Regels voor redelijke discussies. Een bijdrage tot de theoretische analyse van argumentatie ter oplossing van geschillen*, which was published two years later in English as *Speech Acts in Argumentative Discussions. A Theoretical Model for the Analysis of Discussions Directed Towards Solving Conflicts of Opinion*. In this comprehensive and profound inquiry, the pragma-dialectic theory of argumentation was first delineated and defended.

As we now all know, this study turned out to be a landmark in the study of argumentation. As of today, no argumentation scholar who wants to make a serious contribution to the field can afford to ignore to position himself with regard to the insights offered by Pragma-Dialectics.

Ever since that important first publication, Frans, usually in collaboration, not only with other members of what became to be known as The Amsterdam School, but also with leading scholars from other regions of the world, has expanded and elaborated the scope and the depth of Pragma-Dialectics and has reflected on its position with regard to other approaches in the field of argumentation. To mention just a few milestones that stand out on the list of Frans' publications—we cannot begin to give a complete list of all the more than 350 publications that his name is linked up with: In 1987, with Rob Grootendorst and Tjark Kruiger, *Handbook of Argumentation Theory. A Critical Survey of Classical Backgrounds and Modern Studies* appeared; in 1992, with Rob Grootendorst, *Argumentation, Communication, and Fallacies*; in 1993, with Rob Grootendorst, Sally Jackson, and Scott Jacobs, *Reconstructing Argumentative Discourse*; in 1996, with Rob Grootendorst, Francisca Snoeck Henkemans, Tony Blair, Ralph Johnson, Erik Krabbe, Christian Plantin, Douglas Walton, Charles Willard, John Woods, and David Zarefsky,

Fundamentals of Argumentation Theory; and finally, in 2004, with Rob Grootendorst, *A Systematic Theory of Argumentation*. In 1997, in collaboration with Peter Houtlosser, Frans initiated a major new development, by introducing the notion of strategic maneuvering, incorporating rhetorical insights into Pragma-Dialectics. This new development so far has resulted in a great number of articles and a book is about to appear.

Frans' work has received numerous awards and has been translated in many languages (Chinese, Japanese, Spanish, Russian, French, among others). His contribution to the field, however, does not stop here. In 1986, together with Rob Grootendorst, Tony Blair, and Charles Willard, he organized the first of a series of fourth-yearly international conferences on argumentation in Amsterdam. The sixth of these conferences, in the year in which Frans celebrates his 60th birthday, is the happy occasion for the presentation of this book. These conferences have brought together an ever-growing number of scholars in argumentation from all over the world, and are known, thanks to Frans' unending solicitude, for the high standard of their scholarship, as well as for their outstanding provisions, consumed in unusual and interesting surroundings. Frans has founded and presides the International Society for the Study of Argumentation. He is editor and member of editorial boards of a large number of international scientific journals. He has founded and is editor of the journal *Argumentation*, the primary journal in the field. He has initiated and is on the editorial board of *Kluwer's Academic Argumentation Library*, and so on and so forth.

Not only as a scholar and an organizer has Frans earned his marks, also as an educator he has made a major contribution. He has supervised a great many dissertations, has seen a solid number of his former pupils become researchers with an excellent record in their own right, and has fathered two growing international MA programs, the MA in Discourse and Argumentation Studies, and the Research MA in Rhetoric, Argumentation Theory, and Philosophy.

It is not accidental that Frans has consistently collaborated with other scholars in many of his enterprises. All of us who are fortunate enough to have been able to work with him and profit from his astute scholarship, his keen wit, and his humane wisdom, know him to be extremely amiable, a bridge-builder *par excellence*, most hospitable, and, above all, a friend in the fullest sense of the word.

Through his inspiring work and his generous friendship Frans has created a worldwide web of friends among his colleagues in the field. Now, by way of a somewhat belated present for his 60th birthday, these friends want to give something back to him, who has given all of them so much. We have compiled a small volume, in which a number of international colleagues present a piece of their research and indicate how it relates to the pragma-dialectical theory of argumentation with which Frans' name is so intimately connected. It has, due to fairly obvious limitations of space, been impossible to bring together all Frans' many associates in this volume. We have tried to achieve some spread among contributors from different places in the world and from different approaches to the study of argumentation. We gratefully offer this volume to Frans, and hope that he will continue to guide and inspire all of us for many, many years to come.

Peter Houtlosser and Agnès van Rees

Pragma-Dialectic Versus Epistemic Theories of Arguing and Arguments: Rivals or Partners?

John Biro

University of Florida

Harvey Siegel

University of Miami

In this chapter we advance what we take to be the right way to conceive of the relation between what has come to be known as the theory of argumentation and certain traditional philosophical questions about arguments. According to two of the most prominent authors in the field of argumentation studies, argumentation means the “verbal, social, and rational activity aimed at convincing a reasonable critic of the acceptability of a standpoint by putting forward a constellation of propositions justifying or refuting the proposition expressed in the standpoint” (van Eemeren & Grootendorst, 2004, p. 1).¹ Thus a theory of argumentation is a theory of this activity, and its aim must be, as with any theory of anything, to tell us how best to think about what it is a theory of.

Frans H. van Eemeren and Rob Grootendorst’s pragma-dialectical theory is the best-developed and most influential theory of this kind.² According to van Eemeren and Grootendorst (2004), “argumentation theorists are interested in the . . . analysis and the evaluation of argumentative discourse” (p. 2). Central to the pragma-dialectical theory is the idea that argumentative discourse (i.e., argumentation in the activity sense) aims “to

¹ Although van Eemeren and Grootendorst claim that this definition “is certainly in line with the way in which the word argumentation is used in ordinary usage” (van Eemeren & Grootendorst, 2004, p. 1), we are not so sure. When, for example, we say of a paper that the style is good but the argumentation leaves something to be desired, we do not seem to be referring to an activity. Nor are we saying exactly what we would be saying if we said that the argument(s) were bad, in the usual ways in which arguments, taken as abstract objects, can be: by being unsound, invalid, fallacious, irrelevant, etc. We are saying something about the way the author argues for his claims, his choice of arguments and their probative force. (If the arguments are irrelevant, the argumentation is poor but not irrelevant). The definition seems to us to be one of *arguing*. But we will not make an issue of this and will, in what follows, conform to van Eemeren and Grootendorst’s usage.

² Indeed, the very notion of a theory of argumentation in the sense just specified is so closely bound up with this particular example of it that it is not clear that there are any other theories of precisely the same thing.

resolve a difference of opinion in accordance with critical norms of reasonableness" (p. 53).

The analysis and evaluation of arguments has, of course, always been a central interest of philosophers, in two different ways. One of these is just that that is what philosophers *do* with particular arguments, both others' and the ones they themselves devise. At least in the mainstream Western tradition, doing philosophy is doing this and nothing else, and doing anything else is not doing philosophy. The other way in which the analysis and evaluation of arguments is important in philosophy is as something that itself stands in need of analysis and standards of evaluation. Such analysis and the development of such standards is the task of logic, understood in a suitably broad sense, including not just formal logic, deductive and inductive, but parts of epistemology and the philosophy of science, as well. In fact, the task is clearly an epistemological one, if one thinks of an argument, as we believe the tradition just alluded to does, as a route to knowledge or, at least, to reasonable belief. (Other such routes treated in the tradition include perception, memory, introspection, and testimony.) From this perspective, we can think of an argument as *epistemically serious* if it can serve as a tool for the acquisition of knowledge or reasonable belief. It is for this reason that in previous papers we dubbed the theory of fallacies we advocate, and the broader approach to the study of arguments and argumentation we endorse, an *epistemic* theory: An argument is fallacious if it masquerades as being able to yield knowledge or reasonable belief but cannot in fact do so.

Our main interest here is the relation between a pragma-dialectical theory of argumentation³ and an epistemic approach to argument (of which an epistemic theory of fallacies is a part). It is our contention that while they can appear to be in conflict, they are in fact complementary, and should be thought of as good companions, rather than rivals. They focus on different things, but these different things are both parts, or aspects, of the complex phenomenon that we (should) want to understand. Another way of putting things is that to understand an activity, one needs to understand the objects—however abstract these may be—with which the activity concerns itself and, conversely, to understand the properties of those objects, one needs to understand the activities in which they play a role and the nature of the role they play. The two are, in fact, inseparable and equally necessary for a proper theoretical understanding of the activity of argumentation, the objects with which that activity concerns itself (i.e., arguments), and of the interrelations between the two.

It is not part of our claim that there cannot be genuine, as opposed to merely apparent, conflict between the two approaches. Indeed, on one interpretation of the pragma-dialectical approach, it and the epistemic approach yield not just a different analysis of what a fallacy is but, not surprisingly, a different extension for 'fallacy'.⁴ For the former

³ We say 'a' rather than 'the' to allow for different versions of what we think van Eemeren and Grootendorst regard as a schema for theories, rather than a theory complete in every detail. They often speak of it as a 'research program.' In any case, whether their theory should be regarded as a theory or a theory schema, our remarks apply to a broad range of possible theories of which theirs is by far the most important example.

⁴ For an explanation and defense of the absence of so-called mention-quotes (in the text and in this footnote), see Biro, "'Quotation' and quotation," mss.

(at least in van Eemeren & Grootendorst's (2004) version of it), "Every violation of any of the rules of the discussion procedure for conducting a critical discussion . . . is a fallacy" (p. 175); "fallacies are . . . moves in an argumentative discourse or text that can be characterized as less than constructive, or even destructive, because they are violations of a well-defined system of rules for the resolution of differences of opinion . . ." (p. 175). On this view, if I fail to allow my opponent to challenge the thesis (van Eemeren and Grootendorst's 'standpoint') I have advanced, or fail to defend it when challenged—Rule 2 of their rules for a critical discussion (2004, p. 137)—I have committed a fallacy. This seems wrong to us, as does their claim that "(a)ll violations of the rules in a critical discussion are incorrect discussion moves that roughly correspond to the argumentative flaws traditionally known as 'fallacies'" (p. 22). Shutting up one's opponent or refusing to argue for one's claim is not to commit a fallacy: to do *that*, one has, surely, to be arguing!

However, we will discuss fallacies further here.⁵ Instead, we try next to show that if we unpack van Eemeren and Grootendorst's notion of a 'critical discussion' in a certain way, their theory can be seen as implying the correctness of the epistemic approach. On the other hand, we argue, if we do not unpack that notion (and associated notions such as that of reasonableness) in that way, the theory collapses into a rhetorical one, one in which talk of critical discussion and of reasonableness does no work.⁶

The notion of a *critical discussion* is central to van Eemeren and Grootendorst's (2004) account of argumentation. On that account, a critical discussion is "an exchange of views in which the parties involved in a difference of opinion systematically try to determine whether the standpoint or standpoints at issue are defensible in the light of critical doubt or objections" (p. 52). Critical discussions aim at resolving differences of opinion, and attempts to resolve such differences in such discussions are understood to take place "in accordance with critical norms of reasonableness" (p. 53). Resolution is achieved only "when the parties involved in the difference have reached agreement on the question of whether the standpoints at issue are acceptable or not" (pp. 57-58). This is only the beginning of an adequate account of van Eemeren and Grootendorst's model of a critical discussion, which they elaborate in considerable detail (pp. 42-68 and *passim*). But it is enough, we think, to allow us to indicate the two different ways in which it can be interpreted or understood.

The first interpretation centers on *agreement* and *resolution*: A dispute is successfully resolved when the parties to it agree on the acceptability or otherwise of the standpoint(s) at issue. On this understanding, a critical discussion's ending in a resolution (or not) depends on nothing more than the parties' coming to agreement. The grounds for the agreement are irrelevant, since the parties can agree that a particular standpoint is (or is not) acceptable either for different reasons, for the same reasons differently understood, or for the same

⁵ We do so in Biro and Siegel (in press).

⁶ Essentially the same problem is addressed in Biro and Siegel (1992) and Siegel and Biro (1997), discussing van Eemeren and Grootendorst (1992) and others of their writings. In the following we focus mainly on their more recent (2004).

reasons understood in the same way but nevertheless misevaluated. Such agreement can, moreover, fail to be based on reasons at all; it may be caused in a myriad of other ways. On this interpretation, van Eemeren and Grootendorst's (2004) account collapses into a rhetorical one; rhetoric—that is, persuasion aiming at agreement—is all there is to dispute resolution, and since dispute resolution is the aim of argumentation, such rhetorical or persuasive effectiveness is all there is to argumentation.

Many of their remarks can be read in this way, that is, as indicating that agreement is sufficient for dispute resolution, and that such resolution is the aim of argumentation: "The model [of a critical discussion] is based on the premise that a difference of opinion is only resolved when the parties involved in the difference have reached agreement on the question of whether the standpoints at issue are acceptable or not. This means that one party has to be convinced by the argumentation of the other party of the admissibility of that party's standpoint, or that the other party retracts his standpoint because he realizes that his argument cannot stand up to the criticism" (pp. 57-58); "The difference of opinion is resolved when the arguments advanced lead the antagonist to accept the standpoint defended, or when the protagonist retracts his standpoint as a consequence of the critical reactions of the antagonist" (p. 133); "The rules of the pragma-dialectical discussion procedure pertain to the behavior of people who want to resolve their differences of opinion by means of a critical discussion" (p. 135); "The pragma-dialectical rules for a critical discussion . . . combine to form a discussion procedure that indicates which norms the speech acts performed by either of the parties in a difference of opinion must satisfy in order to contribute to the resolution of the difference of opinion" (p. 187); "We present an ideal model in which the rules for reasonable argumentative discourse are specified as rules for the performance of speech acts in a critical discussion aimed at resolving a dispute . . . [Participants] must observe all the rules that are instrumental to resolving the dispute . . . In our approach, committing a fallacy is not automatically considered to be tantamount to unethical conduct: It is wrong in the sense that it frustrates efforts to arrive at the resolution of a dispute. The very fact that they all represent indispensable components of a code of conduct for resolving differences of opinion is the rationale for the 10 discussion rules we present . . ." (van Eemeren & Grootendorst, 1992, pp. 104-105); "The pragma-dialectical ideal model specifies the rules for reasonable argumentative discourse as rules for the performance of speech acts in a critical discussion aimed at resolving a dispute" (p. 217).

Despite these passages, which suggest that this rhetorical interpretation of their account is the one they favor, in other places van Eemeren and Grootendorst are at pains to distance themselves from it. They insist that their account is 'pragma-dialectical' rather than rhetorical, and they criticize merely rhetorical accounts of argumentation and/or dispute-resolution (van Eemeren & Grootendorst, 2004, pp. 123-132). They also criticize Toulmin's and Perelman and Olbrechts-Tyteca's accounts of argumentation for being excessively rhetorical (pp. 47-48). Despite the many passages in their writings which suggest a rhetorical interpretation of their view, then, let us for the moment set that interpretation aside.

The second interpretation centers on van Eemeren and Grootendorst's consistent emphasis on the *normative* dimension of the resolution of a difference of opinion in a critical discussion. Such resolution, they insist, must be 'reasonable' or 'rational,' and must be achieved "in accordance with critical norms of reasonableness" (van Eemeren & Grootendorst, 2004, p. 52).⁷ If such reasonableness is understood as we are inclined to understand it, in terms of the degree of warrant or justification afforded the conclusion/standpoint by the considerations advanced in its favor by one or both of the parties, then van Eemeren and Grootendorst's account is in fact an epistemic one and coincides with our own: good arguments advance knowledge or reasonable belief, and disputes are *rationally* or *reasonably* resolved only when they result in such advance.

Is this the interpretation we should, or van Eemeren and Grootendorst (2004) would, favor? Regrettably, it seems not, because in their discussions of 'rational,' 'critical rationality,' 'reasonable,' and 'normative' they seem to construe these crucial notions in a rather different way. True, they insist that normativity is an essential dimension of argumentation, one that a good theory must capture and explain, and they criticize the (in their view) overly rhetorical accounts of Toulmin and Olbrechts-Tyteca for failing to do this: "What this set of theoretical instruments lacks is a normative dimension that does justice to dialectical considerations. A difference of opinion can only be resolved in accordance with a critical philosophy of reasonableness . . . if a systematic discussion takes place between two parties who reasonably weigh up the arguments for and against the standpoints at issue" (p. 50). We agree that normativity and reasonableness are central to the theoretical understanding of argumentation. But what is a "critical philosophy of reasonableness"? What is it for the parties to "reasonably weigh up the arguments for and against the standpoints at issue"? What counts as a *reasonable* 'weighing up' of those arguments? As noted, if by this they mean something like 'determining whether the arguments result in gains in knowledge or justified belief,' then their account is, in the end, epistemic. But the reference to "dialectical considerations" in the first sentence of the just-cited passage suggests that they do not mean this, and indeed they do not: 'Reasonableness' is understood by them to be dialectical, to be a matter of admissible moves, rather than of epistemically evaluable content. As they continue the just-cited passage, "This means that the set of theoretical instruments that we need has to contain rules and procedures that indicate which moves are admissible in a critical discussion" (p. 50). And, as they put it a few pages later: "The model [of a critical discussion] provides a series of norms by which it can be determined in what respects an argumentative exchange of ideas diverges from the procedure that is the most conducive to the resolution of a difference of opinion" (p. 59). Here, too, norms and normativity concern not matters of epistemological status, that is, the relations obtaining between propositions/conclusions/standpoints and the reasons offered in their support, but are concerned solely with dialectical and procedural matters

⁷ In Siegel and Biro (1997, p. 290, note 6), we list many passages in van Eemeren and Grootendorst (1992) in which they explicitly reject the idea that dispute resolution is all there is to argumentative quality, and in which they seem inclined to endorse something like an epistemic account.

and with whether they conduce to the resolution of a difference of opinion. So, on the pragma-dialectical view, my intervention in a critical discussion is 'reasonable' just insofar as it conforms to the procedure most conducive to the resolution of a difference of opinion; and my embrace of a standpoint is reasonable just in case it results from a series of exchanges which so conforms.

This reading of van Eemeren and Grootendorst's (2004) 'dialectical' account of reasonableness is confirmed, and that account further developed, in their highly interesting discussion of these matters in the opening sections of chapter 6, "Rules for a Critical Discussion" (pp. 123-134).⁸ Here they distinguish 'rational' and 'reasonable' as follows: "... we shall use the term *rational* for the use of the faculty of reasoning and the term *reasonable* for the sound use of the faculty of reasoning" (p. 124). They articulate their preferred, dialectical view of the 'sound use of the faculty of reasoning' (i.e., reasonableness) in the following way:

In our view, it is necessary to depart radically from the justificationism of the geometrical and anthropological approaches to reasonableness and to replace these conceptions of reasonableness with a different one. We do so by adopting the view of a critical rationalist who proceeds on the basis of the fundamental fallibility of all human thought. To critical rationalists, the idea of a systematic critical scrutiny of all fields of human thought and activity is the principle that serves as the starting point for the resolution of problems. In this approach, conducting a critical discussion is made the point of departure for the conception of reasonableness—which implies the adoption of a dialectical approach. As we have indicated, argumentation in a dialectical approach is regarded as part of a procedure for resolving a difference of opinion on the acceptability of one or more standpoints by means of a critical discussion. In this procedure, a certain role is played by critical insights from dialectics, by geometrical insights from logic, and by anthropological insights from rhetoric. The reasonableness of the procedure is derived from the possibility it creates to resolve differences of opinion (its *problem validity*) in combination with its acceptability to the discussants (its *conventional validity*). In this connection, the rules of discussion and argumentation developed in a dialectical theory of argumentation must be scrutinized in terms of both their problem-solving effectiveness and their intersubjective acceptability. (pp. 131-132)

So, a move in a critical discussion is reasonable if it comports with the rules governing critical discussions; those rules are reasonable if they are both 'problem-valid' (i.e., tend to produce a resolution of the difference of opinion in question), and 'conventional-valid' (i.e., are acceptable to the discussants). What of the resolution itself? If the parties resolve their difference of opinion by coming to believe that *p*, the standpoint that was the object of the discussion, is this new belief on the part of one of the discussants reasonable? Van

⁸ We regret that limitations of space prevent us from commenting on much that is of interest in the provocative discussion in these pages. We intend to do so in "Rationality, Reasonableness, Dialectics, and Argumentation: Problems with the Pragma-Dialectical View," in preparation.

Eemeren and Grootendorst seem committed to an affirmative answer to this question, independently of consideration of the probative strength of the reasons offered in support of *p*. This is manifestly not the way that 'reasonableness,' and normativity more generally, are understood on the epistemic approach or, we think, in either philosophical discourse or every-day talk. Nor should it be, since it is clear that disputes resolved in accordance with the pragma-dialectical rules can result in new beliefs which are not reasonable in the straightforward sense that the reasons offered in their support establish their truth or enhance their justificatory status. If you and I are White racists and are engaged in a critical discussion about the wisdom of voting for a Black candidate—I plan on voting for him because, despite his skin color, he reminds me of my father, say—your reminding me of my general attitude concerning the abilities of Blacks, in moves that comport perfectly well with the pragma-dialectical rules, might well resolve our difference of opinion in accordance with rules we both accept, but my new belief that I should not vote for this candidate is still not justified by my racist prejudices, despite our agreement on the matter.⁹

The general conclusions to be drawn here are two. First, 'dialectical reasonableness' as articulated by van Eemeren and Grootendorst fails to capture epistemic normativity as conceived by the epistemic approach, since it is not linked in the right way to truth and justification. It also fails to establish particular resolutions as reasonable in any serious sense, since a 'dialectically reasonable' resolution may nevertheless be completely irrational insofar as there is no good reason for either discussant to accept or believe it. Second, the dialectical view of reasonableness does not escape the collapse into mere rhetoric: the moves conduce to dispute-resolution, and the parties to the dispute accept the rules, but the resolutions reflect merely the parties' having become persuaded of a particular standpoint. There is nothing in dialectical reasonableness to suggest that the agreed standpoints in such resolutions are worthy of belief or to prevent resolutions which end in agreements that do not result in gains in knowledge or justified belief.¹⁰

The situation can, we think, be summed up as follows. Van Eemeren and Grootendorst face a dilemma. If the goal of arguing is dispute resolution and nothing else, it does not matter how such resolutions are accomplished, and all the talk about critical rationality and reasonableness is idle. By contrast, if we are to take that talk seriously, we must spell out what it comes to. What the epistemic approach offers is a way of doing that, in terms of epistemic seriousness and the ability of an argument to yield knowledge or justified belief. On this approach, it does not matter whether the dispute is resolved or not, as long as one of the parties can be seen to have the better argument as judged by relevant

⁹ Further such examples which demonstrate how the pragma-dialectical rules and 'dialectical reasonableness' fail to track the relevant sort of normativity (i.e., epistemic normativity) are given in Biro and Siegel (1992, pp. 89-91).

¹⁰ In a particularly revealing passage suggestive of this collapse into rhetoric, van Eemeren and Grootendorst (1992) write: "There is no serious attempt to rationally justify or refute the disputed proposition. In other words, there is no genuine attempt to convince" (p. 132). Here 'rationally justify' seems to mean simply 'convince.'

epistemic criteria. (We have not discussed such criteria here; they are the stock in trade of epistemology and, whatever they turn out to be, cannot be understood as rules governing argumentative moves but must be understood as relations among premises/reasons and conclusions/standpoints such that when they obtain, gains in knowledge/justified belief result.) One cannot say simply that the goal of arguing is to resolve disputes *and* to do so in a rational way. For 'arguing in a rational way' can and must be spelled out independently of considerations about who ends up with what beliefs. (Once it is, it is easy to see that whether a dispute is actually resolved depends on psychological facts about the party with the weaker case—a matter that is interesting but of no interest in the present context.)

Of course, it is a truism that disputes *should* be resolved in favor of the better argument. So, aiming to show that one has the better argument is, necessarily, aiming to resolve the dispute. On the other hand, aiming to resolve a dispute, even aiming to do so in one's favor, is not necessarily aiming to show that one has the better argument. One could have the former aim without having the latter. This asymmetry shows that the aim of arguing is, at a minimum, not just a matter of dispute resolution. More substantively, the asymmetry shows that the aim of arguing is to effect a gain in knowledge or justified belief, either in oneself or in one's interlocutors.

It is clear that van Eemeren and Grootendorst want to avoid the first horn of the dilemma, which turns their account into a merely rhetorical one. This is the role played in their discussion by their many remarks concerning 'reasonableness', 'critical rationality', and the like. But they must either accept our way of spelling out that talk, in epistemic terms—in which case, their approach collapses into ours—or offer a superior alternative. Perhaps they can do the latter. But the pragma-dialectical rules they do offer cannot be that alternative, tied as they are solely to the aim of dispute-resolution.

The central difference, as we see it, between the pragma-dialectical and the epistemic approaches lies in the different ways they conceive of the role in argumentation and in argumentation theory of dispute-resolution and epistemic seriousness, respectively. The former approach sees the concept of dispute-resolution as tied directly to that of argumentation and as expressing the latter's intrinsic goal. The latter does not, even while recognizing that an argument can be made that it is, and perhaps must be, its proximate goal, instrumental to the intrinsic epistemic one. Such an argument would maintain that the best, and perhaps the only, criterion of epistemic success is agreement among reasonable debaters. This is not the place to discuss whether such an argument is itself a good one. But we suggest that van Eemeren and Grootendorst's theory may be seen, at least in part, as developing an argument of this sort, in which case they mis-state their position and make it look as if they held that dispute-resolution is the intrinsic goal.

Van Eemeren and Grootendorst (2004) criticize Barth and Krabbe's 'formal dialectical theory' (pp. 132-133) for (a) focusing too much on the notion of inconsistency (and thus of truth and falsity) and (b) failing to reflect (in pretending that the parties are engaged in a joint investigation of the logical properties of the argument) the adversarial dynamics of "ordinary argumentative exchanges." They describe the latter in the following way:

Because a theory of argumentation must, in our view, deal in the first place with ordinary argumentative exchanges in ordinary language, in pragma-dialectics the general starting point is a different one: A speaker or writer advances a standpoint and acts as protagonist, and a listener or writer expresses doubt with regard to the standpoint and acts as antagonist . . . After the antagonist has expressed doubt or criticism, the protagonist puts forward argumentation in defense of the standpoint. If a positive standpoint is defended, the protagonist attempts to justify the proposition(s) expressed in the standpoint; if a negative standpoint is defended, the protagonist attempts to refute this proposition (or these propositions). If there is reason to do so, in both cases the antagonist reacts critically to the protagonist's argumentation . . . (pp. 133-134)

Talk of truth has, indeed, dropped out of this characterization of 'ordinary argumentative exchanges,' but only to be replaced by talk of justifying and refuting propositions. But how else can we understand expressions such as 'justifying/refuting a proposition' other than as elliptical for longer ones in which truth and falsity *is* mentioned: 'showing that *p* is true/false'? Likewise with 'accepting or doubting that *p*,' surely equivalent to the (pleonastic) 'accepting or doubting that *p* is true.' Correspondingly, the target of criticism must, in this context, be the epistemic merit of the argument being put forward.

Why is this important? Because it shows that the activity of argumentation itself consists of taking up various epistemic attitudes to propositions and the arguments they comprise. Not only that, but the only *reason* one could be given in a discussion for accepting (i.e., *coming* to believe) a proposition one did not before is that there are some other propositions one already accepts (i.e., believes) that entail, or in some weaker way make more likely to be true, the first. But, then, the aim of argumentation—that is, arguing—must be to adduce such propositions and to show their probative force with respect to the proposition (standpoint) in question. And that is, surely, just another way of saying that that aim is to construct arguments (abstract objects) which lead to knowledge or reasonable belief. The pragma-dialectical approach may be right in saying that a good (perhaps, the best) *method* we have for testing how well particular arguments fulfill that function is the kind of critical discussion of which they give us a schematic description, and that the best *criterion* for deciding whether a particular argument does so is whether it leads to the resolution of a dispute between reasonable discussants.¹¹ But it does not follow from this that dispute resolution—even rational dispute resolution—is the intrinsic goal of *arguing*, understood as the production of arguments designed to give others a reason for coming to endorse a proposition they do not yet endorse.

Try to think of it the other way around. It cannot be done. One *could* think of dispute resolution *simpliciter* as the intrinsic goal of arguing and imagine some group of single-minded consensus-builders who do not so much as raise questions of truth, knowledge, or reasonable belief. We can think of such a group adopting the rules for critical discussion that van Eemeren and Grootendorst propose. But can we think of the members of such a

¹¹ Note that 'reasonable' here must itself be understood epistemically, on pain of vacuity.

group as either rational or reasonable, simply in virtue of their enthusiasm for resolving disputes?

In attempting to clarify the relation between the pragma-dialectical approach and our own epistemic one, we have had to make some critical comments about the former. We do in fact think that the pragma-dialectical approach must in the end itself embrace an epistemic account of what makes an argument good or bad and have been at pains to establish this. Yet we must also applaud the impressive achievements of van Eemeren and Grootendorst's theory. There is no denying the deep insights afforded by their model of a critical discussion and their account of the rules governing the conduct of such a discussion. Their account of the sorts of moves (speech acts) necessary for the reasonable resolution of disputes captures what is involved in engaging in the activity of arguing. And, as we say earlier, this is part of what a theory of argumentation should do: It is most important for such a theory to develop a detailed account of the *procedural* requirements for being said to be arguing reasonably. No other account does this with the depth and insight of van Eemeren and Grootendorst's. Accordingly, their account of that activity is essential for a full theoretical understanding of the phenomena that a theory of argumentation is intended to account for. We think the epistemic approach, on the other hand, illuminates the objects that activity is concerned with, namely, arguments. If we are right, the pragma-dialectical and epistemic approaches are best seen not as rivals, but as partners, each endeavoring to illuminate different, but equally important, aspects of the range of phenomena that a suitably broad, philosophically adequate theory of argumentation must address.

REFERENCES

- Biro, J., & Siegel, H. (1992). Normativity, argumentation and an epistemic theory of fallacies. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.), *Argumentation illuminated* (pp. 85-103, Ch. 7), Amsterdam: Sic Sat.
- Biro, J., & Siegel, H. (in press). In defense of the objective epistemic approach to argumentation. *Informal Logic*.
- Eemeren, F. H. van, & Grootendorst, R. (1992). *Argumentation, communication, and fallacies: A pragma-dialectical perspective*. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Eemeren, F. H. van, & Grootendorst, R. (2004). *A systematic theory of argumentation: The pragma-dialectical approach*. Cambridge: Cambridge University Press.
- Siegel, H., & Biro, J. (1997). Epistemic normativity, argumentation, and fallacies. *Argumentation*, 11, 277-292.

Pragma-Dialectics and *pragma-dialectics*

J. Anthony Blair

University of Windsor

Three general approaches are possible in any reflection on the Pragma-Dialectical theory of argumentation, initially devised by Frans H. van Eemeren and his late colleague Rob Grootendorst (1984), and continuing to undergo refinement and applications by van Eemeren and his colleagues at the University of Amsterdam and elsewhere. One can develop insights based on its inspiration, one can respond to part or all of it from a *sed contra* perspective, or one can attempt a new insight inspired by the theory in response to objections to it. Each approach implies an acknowledgement of the importance of the theory and all are animated by its spirit. This chapter takes the third approach, with admiration and respect.

Pragma-Dialectics is not one theory but an amalgam of several. Together, its components constitute a detailed, multidisciplinary theoretical complex concerning the nature of argumentation (see van Eemeren & Grootendorst, 1984, 1992, 2004). The overall complex is designed to be capable of informing the analysis, reconstruction and evaluation of any sort of actual argumentation and it is identifiable by the combination of a number of specific features. The whole should be referred as the “Pragma-Dialectical” theory of argumentation, with upper-case initial letters to indicate that it is a proper name.

In this chapter I distinguish from the Pragma-Dialectical multiplex the “*pragma-dialectical* approach” to the study of argumentation—to borrow a phrase from the authors’ subtitle (2004). This is an orientation that is generalizable from the particulars of the Pragma-Dialectical theory, and that should be termed the “*pragma-dialectical*” theory of argumentation, with all lower-case letters, since it is a descriptive term, *not* a proper name. (In order to keep the contrast present in readers’ minds, I will in this chapter also always italicize the generic term.)

The hypothesis envisaged here is that the Pragma-Dialectical theory is one particular

version—the Amsterdam version – of the *pragma-dialectical* theory, and the two can and ought to be distinguished. The *pragma-dialectical* theory is the general theory, and the Pragma-Dialectical theory is a particular version of that general theory. An implication of this understanding is that it is possible to accept the general theory without accepting every feature of the specific instance of that theory, but not conversely. Another implication is that the general theory might have other versions that apply where the Pragma-Dialectical theory strictly-construed does not, and so, by being more general, the former is more powerful than the latter.

The Pragma-Dialectical theory's authors and promoters have argued over the years against attempts to show that there are some particular kinds or uses of argumentation to which the theory does not apply, as if the success of such claims would undermine the theory. It might be that the success of such claims would undermine the contention that the Pragma-Dialectical theory is perfectly general, but if the distinction suggested here holds, the success of such claims would not undermine the contention that the *pragma-dialectical* theory is general. My own view is that the *pragma-dialectical* approach to argumentation is the correct approach—that in some sense the *pragma-dialectical* theory is true, whereas the particular version of it called "Pragma-Dialectics" is open to serious objections to some of its elements, and if one is required to assess it as the conjunction of all its specific component subtheories, it is false.

It might be thought that the distinction I am proposing has already been made in other terms—that it is embodied in the distinction between normative pragmatics (the generic theory) and Pragma-Dialectics (a specific version of normative pragmatics). This suggestion requires a word of caution. The label "normative pragmatics" has been appropriated by different people for slightly different purposes. In *Argumentation, Communication, and Fallacies* (1992), van Eemeren and Grootendorst construe the study of argumentation to be part of normative pragmatics, "[i]f pragmatics is taken to be the study of language use" that permits the "convergence of normative idealization and empirical description" (p. 5). In his contribution to "a unified philosophy of language and mind" (1994, p. xxiii), Robert Brandom in *Making it Explicit* identifies his subject as normative pragmatics. He takes "pragmatics" to be "[t]he study of the practical significance of intentional states, attitudes, and performances (including speech acts)" (p. 133), and he takes linguistic practice to have an ineliminable normative dimension (p. xiii). Scott Jacobs (1999; see also Jacobs, 2000) sees normative pragmatics to include in particular the study of the communicative properties of messages (their expressive design) and the functional design of messages (the ways "meanings are implicated in chains of social and cognitive consequences that have a bearing on the deliberative process") (1999, p. 400). Goodwin (2001) also stresses the importance of a "design theory" approach in normative pragmatics, and contrasts design theory with Pragma-Dialectics. The accounts of van Eemeren and Grootendorst, and Brandom, while slightly different, are compatible. One might take Jacobs and Goodwin to be contrasting normative pragmatics with Pragma-Dialectics, but it would be more accurate to take them to be proposing an alternative normative pragmatic account of argumentation to the normative pragmatic account offered by Pragma-

Dialectics. Understanding normative pragmatics, then, to be the study of the norms presupposed by and operating in language use, is the distinction I am proposing the distinction between normative pragmatics, the generic field, and Pragma-Dialectics, one particular theory of the normative pragmatics of language use in argumentation?

The answer is, "No." The distinction I am proposing between Pragma-Dialectics and *pragma-dialectics* is the distinction between a particular normative pragmatic theory of argumentation, and a more general normative pragmatic theory of argumentation. To borrow terms from biological classification, "normative pragmatics" is the family of which *pragma-dialectics* is a genus, and Pragma-Dialectics is a species of the genus *pragma-dialectics*.

The hypothesis of the chapter will be supported if there are specifics of the Pragma-Dialectical theory that can be dropped or modified without the loss of the more general outlines and structure of a *pragma-dialectical* theory of argumentation. The strategy is to begin by identifying the elements, the particular features, of the Pragma-Dialectical theory. Next comes a list of possible criticisms of the theory, many of which have been proposed in the literature. These indicate possible vulnerabilities of Pragma-Dialectics. They also raise the prospect of setting aside or modifying some elements of the theory while retaining others unchanged or with only minor revisions. We are then in a position to try to distinguish between what must be retained for Pragma-Dialectics to survive, and what must be retained to maintain a *pragma-dialectical* theoretical perspective that is distinguishable from and more general than Pragma-Dialectics.

ELEMENTS OF PRAGMA-DIALECTICS

The Pragma-Dialectical theory might be regarded as a combination of propositions about argumentation and its analysis and evaluation. To be sure, it is not the mere conjunction of these components; in the Pragma-Dialectical theory they are woven together in a particular, distinctive way. Among these components are the following:

(a) There is a particular concept of argumentation captured by the definition: "Argumentation is a verbal, social, and rational activity aimed at convincing a reasonable critic of the acceptability of a standpoint by putting forward a constellation of propositions justifying or refuting the proposition expressed in the standpoint" (van Eemeren & Grootendorst, 2004, p. 1). On this view, argumentation is a communicative practice with a single particular goal. It turns out that this definition is stipulative, for if one cites instances of argumentation that do not satisfy this definition (such as interior reasoning in a single agent's mind, or collaborative investigations of a standpoint's truth), the authors take the position that such argumentation can be adequately analyzed and evaluated as if it were an instance of the practice captured by the definition.

(b) The approach to the analysis and evaluation of argumentation makes several explicit theoretical assumptions. It treats argumentation from a pragmatic and a dialectical point of view—hence its name. The perspective is pragmatic insofar as it understands

argumentation as a use of language with a given purpose. It is dialectical insofar as it envisages two parties seeking to resolve a difference of opinion by means of a methodical exchange of moves in a well-ordered discussion (van Eemeren & Grootendorst, 1992: p. 10). As such, the approach has four elements. (i) Externalization: only what is expressed or can be reconstructed as expressed is the subject of analysis. By eschewing reference to beliefs, the aim is to avoid making the theory into a psychological theory. (ii) Functionalization: expressions of argumentative discourse are to be analyzed in terms of their functions. That is, argumentation is regarded as a complex of speech acts playing various roles in the speech events in which they occur. It is not analyzed in terms of the logical relations between the propositions expressed or presupposed by the speech acts. (iii) Socialization: argumentation is taken to be an interactional process between two or more parties that always aims at bringing about the effect that differences over a standpoint will be resolved. (iv) Dialectification: argumentation is taken to be rational in the sense that it aims to convince a critical opponent by means of rules regulating a methodical discussion in which the parties attempt to overcome one another's doubt.

(c) It follows from (b) that a detailed description of argumentation will require a speech act-theoretic analysis, and a detailed prescription for argumentation will require rules about which speech acts are permissible at which points in the course of any argumentation process and interaction. Argumentation is viewed as a complex speech event in which a variety of speech acts, direct and indirect, can, according to certain principles of communication, be appropriate at its different stages.

(d) A distinctive element of the Pragma-Dialectical theory is that it assumes the correctness of a Popperian critical rationalist epistemology. It assumes a generalization of Popper's view that the closest that it is possible to arrive at scientific truth is the survival of attempts at refutation. There is no "objectively" ascertainable truth, just propositional attitudes or "standpoints" that withstand attempts to refute them by systematically following a procedure that is "rational" in the respects that it serves successfully to resolve differences of opinion and each step in doing so is acceptable to the discussants. The authors explicitly accept the "Münchhausen trilemma," according to which justification of any kind must either (1) result in an infinite regress of "justifications," or (2) end up being circular, or (3) be broken off at some point that is arbitrarily privileged (van Eemeren & Grootendorst, 2004, p. 131). The Amsterdam theory holds that a standpoint is reasonable if it can withstand the scrutiny of a Critical Discussion.

(e) A crucial feature of the Pragma-Dialectical theory is its use of the ideal model of a "Critical Discussion." (*Critical Discussion* is a term of art in the theory, and since it is also a common enough descriptive phrase outside the theory, when it is used in its privileged or technical sense it should be capitalized.) Actual argumentation is to be analyzed, reconstructed, and evaluated as if it were supposed to conform to an ideal model of argumentation. Any text of argumentation is treated as if it were an episode with four stages. These "stages" are actually different types of interaction that play different roles in the discussion contributing to the goal of rational resolution of a difference of opinion. The theory is not an "ideal observer" theory—that is, it does not presuppose or require

judgments as if these were made by an ideal (omniscient, rational, fair) arguer or critic—but rather it is an “ideal procedure” theory. It requires resolutions that are the result of a rational procedure. The theoretical assumptions are that (a) argumentation is rational in the sense that (or just insofar as) it can produce positive results (as opposed to resulting in an endless iteration of pro and con arguments, or in question-begging circularity, or in some arbitrary stopping point) that are acceptable to its participants, and that (b) such a condition is achievable if and only if a “reasonable” procedure is followed in an exchange of arguments. Such a procedure has several requirements. (i) The parties must agree about and identify clearly what is at issue between them. (ii) They must agree to the discussion rules and the discussion rules they agree to have to be in some sense rational or reasonable. To be reasonable they must include, first, orderly subprocedures for identifying commitments that may be appealed to as premises in the arguments that they use. They must include, second, reasonable inference practices to be used in deriving conclusions from such premises. (In particular, they must allow valid deductive entailments to count as determinative arguments, and in the absence of entailments they must allow instances of appropriate argument schemes appropriately used to count as determinative arguments.) (iii) The parties must agree about what counts as a resolution of their disagreement. The theory does not suppose that actual argumentative exchanges satisfy this ideal model, but it regards the model as constituting a set of norms that can be used to analyse and evaluate actual argumentation. A Critical Discussion is described by a set of constitutive prescriptive rules (15 in the latest version: van Eemeren & Grootendorst, 2004).

(f) The theory contains a theory of fallacy. By definition, any violation of the rules undermines the rational resolution of a difference of opinion, and it is a contention of the Pragma-Dialectical theory that any and all of the traditional fallacies identified in the history of the study of arguments and argumentation correspond to one or another violation of the Critical Discussion rules. Thus the theory also provides a systematic and complete account of all historical fallacies as dialectical—as violations of discussion rules for reasonable disagreement-resolution.

POSSIBLE OBJECTIONS TO PRAGMA-DIALECTICS

One motivation for the distinction between Pragma-Dialectics and *pragma-dialectics* arises from the fact that there are many possible lines of criticism against the Pragma-Dialectical theory as it stands, and many actual criticisms have been registered. Some of these criticisms seem addressed to details whose abandonment or revision would not seem to entail abandoning Pragma-Dialectics as a whole. Other criticisms seem addressed to more significant portions or aspects of the theory, so that were they to stand up, Pragma-Dialectics would be refuted.

1. Critical rationalism is rejected. The Münchhausen trilemma is rejected. One might argue that the burden of proof rests with the proponents of the Münchhausen trilemma, since contemporary epistemology carries on as if it were false. As consistency requires,

van Eemeren and Grootendorst do not try to justify this claim. One might note the paradox, which is worrisome, that if the Münchhausen trilemma is true then it cannot be shown to be true, and if can be shown to be true, then it is false. Moreover, contemporary epistemologists are not one and all Popperians. Alvin Goldman (1999), to name one of many, defends a veritistic epistemology, according to which the aim of argumentation is to arrive at truth rather than at disagreement-resolution.

2. Searlean/Austinian speech-act theory, or its application to argumentation theory, might be rejected. The formulators of Pragma-Dialectics themselves have had to modify Searle's theory so as to apply it to argumentation, which is not a single speech act, but a whole complex of speech acts (see van Eemeren & Grootendorst, 1984, pp. 32-35). Moreover, it is not so clear that speech act theory is needed to illuminate the analysis of argumentative discourse. To take an example: Whether a grammatical interrogative utterance is meant literally or rhetorically is a matter of whether it is an "assertive" or an "interrogative." However, the decision as to which speech act analysis is correct must depend on analyzing the function of the grammatical interrogative utterance in the discourse, and once one has made that determination, the classification of the utterance as one or the other speech act seems superfluous.

The Cooperative Principle of Paul Grice (see van Eemeren & Grootendorst, 2004, pp. 75-80; see Grice, 1975/1989) might be challenged. There are rumblings of dissent from it in some quarters (see Davis, 1998, for instance). Grice's principle is not a synthetic *a priori* principle, and it has resisted confirmation as an empirical prediction.

Notice that speech act theory allows beliefs, ruled out by the externalization requirement, to enter the scene by the back door. One way to see this is to note that according to their analysis, the sincerity condition of the speech act of assertion in argumentation requires that the assertor *believe*, to some degree, that what s/he asserts is acceptable, that is, will be accepted by the other party (or parties) (van Eemeren & Grootendorst, 1992, p. 33). Moreover, there is no reason for an interlocutor in a Critical Discussion to commit to a proposition that he can foresee will result in the refutation of his standpoint or the successful defence of the opponent's standpoint unless he *believes* it and is arguing sincerely from his *beliefs*.

3. The argument reconstruction theory is rejected. As it stands, the theory employs a kind of methodological deductivism in its doctrine about how to reconstruct argumentation from discourse in which it is imbedded. The discourse is to be analyzed as if the arguments were (intended to be) deductively valid, and propositions that must be added to the discourse to produce such analyses are considered to have been unexpressed premises of the arguments. This doctrine has been questioned by some theorists (such as Govier, 1987 and Johnson, 2000), who contend that, absent contextual clues indicating deductive intent on the author's part, it will be an uncharitable interpretation to render the argument deductively valid if the requisite premise is implausible.

4. The theory of fallacy is rejected. John Woods (1992) and Douglas Walton (1992) separately propose conceptions of fallacy that are at odds with the Pragma-Dialectic theory. There are (at least) three lines of argument against the theory of fallacy. One

grants the insight that some fallacies are dialectical, but rejects the claim that all are (holding that some are logical or epistemological). Another contends that the theory stretches the concept of fallacy out of shape by counting any dialectical misbehavior as a fallacy. A third holds that what makes for (some) fallacies is not a violation of the Critical Discussion rules but instead illegitimate dialogue-type shifts.

5. The four stages might be wrong, or apply only to one type of argumentation. One might accept a stage theory, but distinguish different stages. For instance, in such fields as philosophy, much of the argumentation that is carried on is about how precisely to identify the question at issue, so the confrontation stage might be divided to allow for a meta-level argumentation stage. Or again, the argumentation stage seems to bundle together arguments for and against the standpoint, on the one hand, and arguments for and against aspects of the arguments for and against the standpoint at issue (another kind of meta-argument), on the other. Both frequently occur in argumentation. If meta-arguments are conceived as new arguments, the door is opened to an infinite regress. So perhaps the argumentation stage needs to be subdivided. Alternatively, as seems implied by van Laar's defense of the theory against my criticism that it doesn't apply to complex solo arguments (Blair, 1998; see van Laar, 2005), it might be desirable to distinguish layers or levels of dialogue at the argumentation stage. Thus van Laar conceives a protagonist and an antagonist, each of whom can be conceived as playing the roles of both proponent and opponent at a different level.

6. The Critical Discussion rules might be changed in some respects. To take just one rule, Rule 7 (van Eemeren & Grootendorst, 2004, pp. 147-150), which calls for the appropriate use of appropriate argument schemes, it might be argued that the Pragma-Dialectical classification of argument schemes into symptomatic, analogous and instrumental (pp. 96-97) is open to challenge as not being exhaustive (for example), or it might be held that argument scheme theory is in general problematic. A more general point is that the theory as it stands contains no argument that each of the listed Critical Discussion rules is necessary and all are jointly sufficient (see Johnson, 1995). Hans Vilhelm Hansen (2003), for instance has argued that some entail others, from which it would follow that some are basic and others derivative.

7. Either not all argumentation can be modeled as an attempt to resolve a difference of opinion, or else it is not economical or fruitful to try to assimilate all argumentation to that model. Jean Goodwin (1999) has argued that argument can have other goals than the resolution of disagreements. I think that individual or collective argumentation used for inquiry or deliberation is not best modelled as if it were argumentation aimed at disagreement resolution (see Blair, 2004).

8. Ideal model theorizing is rejected. It is possible to take the position that norms and ideals can be pursued without presupposing an ideal model, and much normative theorizing about argumentation is carried out without embracing an ideal model. Whether or not they are right, there is no necessary requirement that one must be assuming an ideal model in regarding argumentation as a practice (and hence as normatively guided) and in holding it up to standards of logical, epistemic, or dialectical rigor.

9. The primacy of the dialectical is rejected. A case in point are rhetoricians such as Christopher Tindale (2004), who argues that a rhetorical perspective, not a dialectical one, is in some sense basic.

PRAGMA-DIALECTICS AND PRAGMA-DIALECTICS

Several possibilities are raised by the prospect of these lines of possible criticism, or others like them. One possibility is that what is telling in the lines of criticism at most calls for some revisions of the Pragma-Dialectical theory. This would be this case, for instance, if the threefold classification of basic argumentation schemes were to be replaced by some other classification, or if the rules constitutive of Critical Discussions were added to or modified without changing the basic character of a Critical Discussion. For instance, a revised conception of the nature of logic could be dropped into the theory, calling for a replacement of "Commandment" 7 (the validity rule) and "Commandment" 8 (the argument scheme rule) of the latest version of the theory (van Eemeren & Grootendorst, 2004, pp. 193-195) without changing the essential nature of the theory. Even if the precise characterization of the four "stages" of an idealized argumentative interchange were modified, I think the revised theory would still be recognizable as a modified version of the Pragma-Dialectical theory. In this regard, notice how van Eemeren and Houtlosser's (2002, 2003) recent renovation to allow for a rhetorical component does not invite the judgment that the theory has been abandoned or replaced. The theory would be Pragma-Dialectics revised.

A second possibility is that the scope of the Pragma-Dialectical theory has to be restricted. If it should turn out, for instance, that the rational resolution of a disagreement is not the only purpose of argumentation—or, to put the point somewhat differently, if it should turn out that using the Critical Discussion ideal to model argumentation with other objectives than the rational resolution of a disagreement is not the most perspicuous way to model them—then the Pragma-Dialectical theory would not have been shown to be false or unacceptable, but it would have been established that there is a need for a parallel theory or model that is more perspicuous for these other purposes of argumentation. Since the model of a Critical Discussion is a central tenet of the Pragma-Dialectical theory, the parallel theory would not be a version of Pragma-Dialectics, but it might still be a *pragma-dialectical* theory in that it might share enough of the features of its opposite number to be classified as belonging to the same genus. Such a theory would be a complement to Pragma-Dialectics.

A third possibility is that so many of the elements of the Pragma-Dialectical theory are replaced by alternative accounts that the resultant theory bears only a family resemblance to the Pragma-Dialectical theory. For instance, if critical rationalist epistemology were replaced by a veritistic epistemology, and the fallacy theory were replaced by Walton's theory, and some of the precise features of the theory's approach to the analysis of discourse were rejected (say, due to a rejection of Grice's Cooperative Principle), then

even though the resultant theory retained many Pragma-Dialectical features (for instance, it might remain an ideal-model theory, it might retain the speech-act analysis, it might have discussion rules), it could not be advertised using the Pragma-Dialectical trademark. However, it might remain pragmatic and dialectical in inspiration, and look in many respects like its Pragma-Dialectical cousin. It might be most accurate to identify it as a *pragma-dialectical* theory, though not Pragma-Dialectics. Such a theory would be a competitor. This might be the place to locate Walton's ever-developing conception of argumentation (see, e.g., 1998) or that of Jacobs (see 1999, 2000).

The fourth possibility is that so much of the theoretical apparatus of Pragma-Dialectics is rejected that no theory of argumentation consistent with that rejection has any generic resemblance to the original theory and so none could be termed "*pragma-dialectical*" in any accurate sense.

What properties would a theory of argumentation have to have in order to qualify minimally as a *pragma-dialectical* theory? I suggest that it would have to have as a minimum the following three properties.

(1) It would be a pragmatic theory in the following respect. Argumentation would be analyzed and assessed not just in terms of the probative relations among propositions, but also in interactional and functional terms, and hence as well in terms of the particular contexts in which it occurs. Argumentation would be taken to be a kind of communication practice.

(2) It would be a dialectical theory in the following respect. Argumentation would be analyzed as in some essential respect involving shifts from pro to con points of view, from challenges to responses, examining an issue or responding to a proposal both from the perspective of what can be said positively in its favor and also from the perspective of a critical assessment of it.

(3) It would be a normative, or a descriptive and normative theory. It would have a normative element that plays a central role. Argumentation would be taken to be, or to be parasitic upon, a rational activity in some sense and to some degree. By this test, Willard's theory of argument is not *pragma-dialectical* (Willard, 1989), but, perhaps surprisingly, Johnson's is (Johnson, 2000).

A *pragma-dialectical* theory would not be a version of Pragma-Dialectics unless it were beefed up with additional properties. It seems that at least the adoption of the critical rationalist epistemology, an ideal model approach, and in particular the ideal model of a Critical Discussion, which also implies the adoption of some sort of speech act theory, would have to be included.

What would a theory of argumentation that was not *pragma-dialectical* look like? There are several possibilities. One would be a theory that focused exclusively on the logical or epistemic properties of the sentences or propositions (informal logic?). Another would be a purely empirical theory that classified argumentation exclusively in terms of such categories as persuasive effectiveness and sought explanations of variations in those properties in terms of variations in social or psychological properties of arguers, audiences or variations in rhetorical strategies or figures (the "new rhetoric"?). A third would be a

theory that focused microscopically on the linguistics of argumentation, such as the theory of *argumentation dans la langue* of Anscombe and Ducrot (1983).

Readers might hope for a systematic basis for the inclusions and exclusions of these classifications, but I am afraid the effort to supply one will have to be the subject of another paper. At this point, the grouping is based on features that seem salient to this writer. I invite others to take on this task of the distinctions proposed here seem worth maintaining.

CONCLUSION

It is both liberating and empowering to distinguish *pragma-dialectics* from Pragma-Dialectics. It is liberating, because it releases the theorist who is critical of some parts of the Pragma-Dialectical theory yet convinced of the merits of others of its features from having to take an all-or-nothing stand with respect to the theory. It is a Hobson's choice for such a theorist to be confronted with the two options of accepting the theory in its entirety or giving it up in its entirety. Moreover, as we have seen, recognizing that one can embrace a *pragma-dialectical* approach without having to sign up for every detail of Pragma-Dialectics also opens up the possibility of a third option, namely a version of Pragma-Dialectics that differs from the original theory by virtue of containing corrections or modifications that improve it. The distinction is also empowering, because it enables the application of insights that are generalized from the Pragma-Dialectical theory to be applied to uses of arguments that are not Critical Discussions and are not perspicuously modeled as if they were. Even if a theorist cannot subscribe to certain essential features of Pragma-Dialectics, such as its critical rationalist epistemology, he or she can still be in the *pragma-dialectical* business and apply the insights of that approach to the study of argumentation.

The possibilities that the generalization of Pragma-Dialectics opens up are entirely due to the great suggestiveness and complexity of that theory. The community of argumentation scholars over the past 20 years owes much to the original insights of van Eemeren and Grootendorst and, even setting aside the continuing work of the School of Amsterdam, which shows no signs of abating, the influence of their work to date will shape the field of argumentation studies for many more years to come. It is an honor to have the opportunity to offer these reflections as a token of gratitude to Professor van Eemeren and the memory of Professor Grootendorst.

ACKNOWLEDGMENTS

My thanks to Ralph H. Johnson for many helpful comments that have (I hope) resulted in numerous improvements to the original draft of this chapter, and to June Blair for helpful copyediting and proofreading.

REFERENCES

- Anscombe, J.-C., & Ducrot, O. (1983). *L'Argumentation dans la langue*. Liège/Bruxelles: Pierre Mardaga.
- Blair, J. A. (1998). The limits of the dialogic model of argument. *Argumentation*, 12, 325-339.
- Blair, J. A. (2004). Argument and its uses. *Informal Logic*, 24, 137-151.
- Brandom, R. B. (1994). *Making it explicit: Reasoning, representing and discursive commitment*. Cambridge: Harvard University Press.
- Davis, W. A. (1998). *Implicature: Intention, convention and principle in the failure of Gricean theory*. Cambridge, England: Cambridge University Press.
- Eemeren, F. H. van, & Grootendorst, R. (1984). *Speech acts in argumentative discussions: A theoretical model for the analysis of discussions directed towards solving conflicts of opinion*. Dordrecht: Foris.
- Eemeren, F. H. van, & Grootendorst, R. (1992). *Argumentation, communication and fallacies: A pragma-dialectical perspective*. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Eemeren, F. H. van, & Grootendorst, R. (2004). *A systematic theory of argumentation: The pragma-dialectical approach*. Cambridge: Cambridge University Press.
- Eemeren, F. H. van, & Houtlosser, P. (2002). Strategic maneuvering: Maintaining a delicate balance. In F. H. van Eemeren, & P. Houtlosser (Eds.), *Dialectic and rhetoric: The warp and woof of argumentation analysis* (pp. 131-159). Dordrecht: Kluwer Academic Publishers.
- Eemeren, F. H. van, & Houtlosser, P. (2003). Fallacies as derailments of strategic maneuvering: The *argumentum ad verecundiam*, a case in point. In F. H. van Eemeren, J. A. Blair, C. A. Willard, & A. F. Snoeck Henkmans (Eds.), *Proceedings of the Fifth Conference of the International Society for the Study of Argumentation* (pp. 289-292). Amsterdam: Sic Sat.
- Goldman, A. I. (1999). *Knowledge in a social world*. Oxford, England: Oxford University Press.
- Govier, T. (1987). *Problems in argument analysis and evaluation*. Dordrecht: Foris.
- Grice, H. P. (1975). Logic and conversation. In P. Cole, & J. Morgan (Eds.), *Syntax and semantics*, Vol. 3. New York: Academic Press. Reprinted in H. P. Grice (1989), *Studies in the way of words* (pp. 22-40). Cambridge: Harvard University Press.
- Goodwin, J. (1999). Good argument without resolution. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.), *Proceedings of the Fourth International Conference of the International Society for the Study of Argumentation* (pp. 255-259). Amsterdam: Sic Sat.
- Goodwin, J. (2001). One question, two answers. In H. V. Hansen, C. W. Tindale, J. A. Blair, R. H. Johnson, & R. C. Pinto (Eds.), *Argument and its applications*. Windsor, ON: Ontario Society for the Study of Argumentation. CD ROM.
- Hansen, H. V. (2003). The rabbit in the hat: Where do dialectical rules come from? In F. H. van Eemeren, J. A. Blair, C. A. Willard, & A. F. Snoeck Henkmans (Eds.), *Proceedings of the Fifth Conference of the International Society for the Study of Argumentation* (pp. 433-436). Amsterdam: Sic Sat.
- Jacobs, S. (1999). Argumentation as normative pragmatics. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.), *Proceedings of the Fourth International Conference of the International Society for the Study of Argumentation* (pp. 397-403). Amsterdam: Sic Sat.

- Jacobs, S. (2000). Rhetoric and dialectic from the standpoint of normative pragmatics. *Argumentation*, 14, 261-286.
- Johnson, R. H. (1995). Informal logic and pragma-dialectics: Some differences. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.), *Analysis and Evaluation: Proceedings of the Third ISSA Conference on Argumentation*, Vol. 2 (pp. 237-245). Amsterdam: Sic Sat.
- Johnson, R. H. (2000). *Manifest rationality: A pragmatic theory of argument*. Mahwah, NJ: Lawrence Erlbaum Associates.
- Laar, J. A. van (2005). One-sided arguments. In D. Hitchcock (Ed.), *The Uses of Argument: Proceedings of a Conference at McMaster University* (pp. 297-306). Hamilton, ON: Ontario Society for the Study of Argument.
- Tindale, C. W. (2004). *Rhetorical argumentation: Principles of theory and practice*. Thousand Oaks, CA: Sage Publications.
- Walton, D. N. (1992). Types of dialogue, dialectical shifts and fallacies. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.), *Argumentation illuminated* (pp. 133-147). Amsterdam: Sic Sat.
- Walton, Douglas. (1998). *The new dialectic: Conversational contexts of argument*. Toronto: University of Toronto Press.
- Walton, D. N. and E. C. W. Krabbe. (1995). *Commitment in dialogue: Basic concepts in interpersonal reasoning*. Albany: State University of New York Press.
- Willard, C. A. (1989). *A theory of argumentation*. Tuscaloosa: The University of Alabama Press.
- Woods, J. (1992). Who cares about the fallacies? In F. H. van Eemeren, R. Grootendorst, J. Blair, & C. A. Willard (Eds.), *Argumentation illuminated* (pp. 23-48). Amsterdam: Sic Sat.

Pragma-Dialectics and Self-Advocacy in Physician-Patient Interactions

Dale E. Brashers

University of Illinois at Urbana-Champaign

Lance S. Rintamaki

Hines VA Medical Center and Northwestern University

Elaine Hsieh

University of Oklahoma

Jennifer Peterson

University of Wisconsin at Milwaukee

PRAGMA-DIALECTICS AND THE IDEAL MODEL OF CRITICAL DISCUSSION

The pragma-dialectical theory of argumentation presents an ideal model of *critical discussion* in which a proponent advances a standpoint and defends it against the challenges of an opponent (van Eemeren & Grootendorst, 1992). Van Eemeren, Grootendorst, Jackson, and Jacobs (1993) elaborated the theory with a method for reconstructing and improving argumentative discourse. They described higher-order conditions needed to achieve a "correct, justified, and rational" (p. 25) conclusion. *First-order conditions* are the basis for resolution-oriented interactions and include rules of the discussion (e.g., "Parties must not prevent each other from advancing standpoints or casting doubt on standpoints." "A party that advances a standpoint is obliged to defend it if the other party asks him to do so." "A party may defend his standpoint only by advancing argumentation relating to the standpoint." see van Eemeren & Grootendorst, 1992, p. 208). Violations of the first-order conditions lead to fallacious moves in the argument: Shifting or evading the burden of proof is a failure to meet one's obligation to defend a standpoint that has been challenged (van Eemeren & Houtlosser, 2002). *Second-order conditions* "correspond, roughly, to the psychological makeup of the arguer" (van Eemeren et al., 1993, p. 32) and include requirements such that the participants (a) are disinterested in the outcome (i.e., willing to change positions); (b) are able to offer valid reasoning and to account for multiple lines of argument; and (c) are skilled and competent in the subject matter under

discussion. *Third-order conditions* "stress the importance of political ideals such as non-violence, freedom of speech, and intellectual pluralism as well as practical constraints and resources for empowering critical discussion" (van Eemeren et al., 1993, p. 33). These conditions reflect the assumed "symmetry in the status of participants; neither party can be dependent, subordinate, or inferior" (p. 33).

The model of critical discussion presented by van Eemeren and colleagues, however, represents an ideal or a normative standard by which arguments can be judged—not a description of real argument practice. As Jackson (2002) noted, "highly theorized models of ideal argumentative practice such as the pragma-dialectical model of critical discussion depend on competencies and conditions that are almost never satisfied in actual interaction" (p. 116). However, it is both interesting and important to understand how actual practice deviates from the ideal model. Interactions can be examined to determine to what degree deviations from the ideal harm disagreement resolution and how to improve practice when they do, what Jackson (2002) described as the "engineering of argument" (p. 105). Building a normative theory of practice can help us understand how communication behaviors are evaluated and how communicators can achieve desired outcomes (Goldsmith, 2001). This process includes identifying dilemmas of interaction, and options for responding to those dilemmas (Brashers, Neidig, & Goldsmith, 2004).

One case in which deliberative interactions might vary from the ideals of critical discussion is self-advocacy (Janoff-Bulman & Wade, 1996). People often face the task of persuading others for something they need or want for themselves. Self-advocacy is a unique argumentative task that is defined by self-interest in advancing a standpoint, such as writing a letter of application for employment or asking for a raise in salary. People who need to advocate for themselves may or may not be skilled in situation-specific rules of deliberation (e.g., self-represented litigants in court proceedings) and may not be recognized as experts in the subject matter being discussed (e.g., patients in healthcare settings). These deficiencies may need to be overcome or adjusted for in discussion.

Healthcare interactions are a particularly interesting context in which individuals might need to advocate for themselves. A great deal of research indicates that people managing illnesses desire more input into healthcare decision making, yet it is often difficult for them to enact (Brashers, Haas, Kingle, & Neidig, 2000). There are disparities in expertise and status that signal power differences, physicians often are trained to take control of decision making, and patients often do not assert themselves in the healthcare setting. There is evidence, however, that patients are becoming increasingly consumerist and likely to claim power for themselves (Ainsworth-Vaughn, 1998). It is important to understand more fully how and why patients promote their own interests, and what outcomes are associated with self-advocacy (Brashers, Haas, & Neidig, 1999; Brashers, Haas, Neidig, & Rintamaki, 2002). The following section describes patient self-advocacy and outlines some challenges.

PATIENT SELF-ADVOCACY

Brashers, Haas, et al. (2000) defined self-advocacy as “persuasive efforts of an individual that are in the individual’s interest” (p. 396). In the context of HIV and AIDS, they related self-advocacy to social activism—that is, people living with HIV often learned self-advocacy strategies from participating in collective actions (for descriptions of AIDS activism, see Brashers, & Jackson, 1991; Epstein, 1996; Fabj & Sobnosky, 1995; Meyers & Brashers, 2002). Brashers, Haas, et al. (2000) argued that activists learn to educate themselves about the substance of their discussion, are more assertive in their interactions, and are willing to be “mindfully” noncompliant. Self-advocacy in this context then involves patient empowerment, health literacy, and informed decision making. These characteristics translate from social activism, such as AIDS activists’ efforts to change healthcare policies, to self-advocacy, such as a patient asking for a particular medication or procedure.

Patient self-advocacy is a particularly challenging persuasive task. Brashers, Haas, and Neidig (2002) theorized that self-advocacy is a unique form of critical discussion that may violate its basic assumptions. They noted, therefore, that people engaged in self-advocacy must address two levels of argumentation. *At the first level*, a standpoint is advanced and a recognizable source of disagreement is raised (Houtlosser, 1994). Consider the following from Brashers, Haas, and Neidig (2002), in which a patient recommends a treatment option to her physician and her physician challenges the standpoint:

Patient: “I believe I should try drug X.” (1)

Physician: “Drug X is unproven for your condition and therefore
I will not prescribe it.”

A number of factors recently have increased the likelihood that patients see healthcare encounters such as this one as opportunities or venues for self-advocacy. Medicines and medical procedures are advertised directly to consumers on television (Brownfield, Bernhardt, Phan, Williams, & Parker, 2004), in newspapers (Illes et al., 2004), and on the internet (Huh & Cude, 2004; Macias & Lewis, 2003) and physicians sometimes agree to requests for advertised medications (Kravitz et al., 2003). In addition, patients now use the internet to locate information about their illnesses and possible treatments, which they subsequently take to their medical appointments (Broom, 2005). Finally, governmental and healthcare industry policy debates in some countries are seen to encourage patient empowerment (e.g., the discussion of the “Patients’ Bill of Rights” in the United States, see McLellan, 2001).

Healthcare providers, however, can challenge the persuasive efforts of patients; therefore, a discussion may be required to resolve the issue. When doubt is cast on a standpoint, as in Example 1, movement toward resolution requires that the facts of the case be established (e.g., “Is the medication safe and effective?” “Are there side effects that could make taking the medication difficult or impossible?” “Can the patient make the lifestyle

changes needed to take the medication?"). These are the normal expectations of pro-argumentation: The protagonist must establish the grounds for accepting a standpoint. In the ideal model of critical discussion, advancing and casting doubt on a standpoint represent the *confrontation stage*, clarifying common ground and resolution mindedness occurs in the *opening stage*, advancing and reacting to arguments is the *argumentation stage*, and resolving the disagreement (accepting or rejecting the standpoint) is the *concluding stage* (van Eemeren & Grootendorst, 1992).

According to Brashers, Haas, and Neidig (2002), the patient also may need to address the circumstances of the argument *at a second level* (e.g., "Is the patient competent to make a decision about treatments?" "Do political concerns prevent a fair and accurate representation of the data?"). These second-level requirements of self-advocacy are derived from the idealization of discussion procedures; that is, the higher-order conditions described by van Eemeren et al. (1993). Realizing these higher-order conditions in practice can be difficult (Jacobs, 1999, 2000). In physician-patient interactions, social and personal barriers to normative discussion exist. Self-advocacy reveals a rhetorical dimension to argumentation: "people who take part in argumentative discourse try to resolve the difference of opinion *in their own favor*, and their use of language and other aspects of their behavior are designed to achieve precisely this effect" (van Eemeren & Houtlosser, 1997, p. 52). Patients who want to persuade their physicians to prescribe a treatment are not likely to be "disinterested" in the outcome, particularly if they come to the interaction with a personal decision preference. Moreover, physicians and patients may have motivations other than resolution seeking (e.g., maintaining or challenging existing power structures, managing identity, or maintaining relationships). Patients may lack appropriate expertise, or they may be perceived to lack appropriate expertise, in the subject matter (i.e., medicine, virology, and so on) needed to debate issues. Patients may feel pressured to reach a decision quickly due to the severity of the consequences of not finding an effective treatment. Physician-patient relationships often are asymmetrical in power, time constraints of the medical interview can decrease the patient's ability to develop arguments, and patients may choose to discontinue relationships with their physicians rather than continue debate.

Deviations from the ideal provide a starting point for examining the unique argumentative requirements of patient self-advocacy. If there are real or imagined violations of the ideal model, discussants may need to deal with them explicitly. For example, self-advocating patients must establish self-interest without appearing selfish. By this, we mean that the patient needs to be willing to develop arguments that advance a position other than "desire" (i.e., "I want this medication" is insufficient argumentation). Although some claim that all behavior is self-interested (Elster, 1990), some interests obviously are more self-serving than others. Self-advocacy also requires establishing sufficient competence to advance a position. Competence includes expertise in the subject matter, ability to argue effectively, and mental competence and freedom from emotional duress. Finally, self-advocacy may require impartiality. Evidence may need to be externally verifiable to prevent the patient from serving as his or her own witness.

To determine how patients might advocate for themselves, Brashers, Haas, and Neidig (2002) presented a hypothetical scenario to participants living with HIV. They were asked to describe how they would request a medication that they believed their physician would be reluctant to prescribe. Table 3.1 presents the 11 strategies for self-advocacy that were identified in those data. Participants sometimes crafted messages with multiple strategies, as in this example from Brashers, Haas, and Neidig (2002):

I have researched it to the best ability that anyone could have, and I understand the possible side effects. This is something I really want to do that could have a positive effect on my health. If this treatment has a negative effect on my health, I am ready for this and hold myself responsible (not the physician) for the effects. This should be my decision, what the doctor should do is let me know all consequences and positive contributions this treatment could have on my overall health. (p. 302)

In addition, some participants described “opting out”—not challenging the authority of the physician by accepting his or her decision.

TABLE 3.1 *Argument Strategies for Self-Advocacy (Brashers, Haas, & Neidig 2002)*

-
1. **Establish facts** (e.g., “I would offer all available information on the drug to my physician and ask that he recommend it for me.”)
 2. **Establish expertise** (e.g., “I would let my physician know that I have taken the time to research the treatment.”)
 3. **Make conditional threats** (e.g., “I would say to the physician, ‘I’m going to insist that you enroll me in this treatment. If you cannot in good conscience do so, I understand, but I will find another physician who will.’”)
 4. **Appeal to relationship** (e.g., “I would state how important it is that he and I work together as a team.”)
 5. **Establish obligation** (e.g., “I hire my doctor to provide services for me. If they want to remain my employee they will read on my disease.”)
 6. **Describe other benefits** (e.g., “It is better to have tried than not to have tried at all. My life should be used to help prolong the lives of others in the future. This is the importance of experimental drugs.”)
 7. **Accept responsibility** (e.g., “I would say that I realize that experimental treatments are no guarantee and may be harmful, rather than the desired effect; but I am willing to take responsibility for my healthcare.”)
 8. **Describe the severity of the consequences** (e.g., “I think I have the right to choose experimental treatments because of my prognosis.”)
 9. **Establish self-interest** (e.g., “We are discussing my body, I have the right to decide what to do with it, what constitutes quality of life, etc.”)
 10. **Promise to exercise caution** (e.g., “I might argue that, since I monitor my own health closely and try to stick to my treatment regimens, I would be a good candidate to obtain information about the effectiveness of this treatment.”)
 11. **Elicit and respond to counterarguments** (e.g., “First I would want to know why he would be so reluctant to prescribe the medication in the first place.”).
-

As Brashers, Haas, and Neidig (2002) hypothesized, participants described strategies that are a normal part of critical discussion (e.g., establishing the facts), but they also described explicit strategies for addressing the higher-order conditions (e.g., establishing their own expertise). They also, as Hitchcock (2003) noted, described strategies that appear to be more like negotiation tactics than components of critical discussion (e.g., making conditional threats). Brashers, Haas, and Neidig (2002) noted that those latter strategies might be considered fallacies in a critical discussion. Those moves, however, may be aimed at resolving discrepancies between self-advocacy and the conditions for an ideal model of critical discussion, or designed to argue the irrelevance of certain conditions. For example, *making conditional threats* and *establishing obligation* might be an attempt to balance an asymmetrical relationship in which the physician is perceived to have more power than the patient. *Describing other benefits* might be used to demonstrate that the attempt at self-advocacy is not solely motivated by self-interest. On the other hand, *establishing self-interest* may be a strategy for denying the appropriateness of the higher-order condition that individuals should be disinterested in the outcome of a critical discussion. Therefore the "negotiation" strategies may be deemed acceptable as violations of critical discussion rules because they serve to move the discussion forward.

Much more needs to be done to understand how and why people advocate for themselves. The remainder of this chapter considers data from two samples of people living with HIV or AIDS: A set of focus group interviews with 32 participants and a set of one-on-one interviews with 72 participants. Transcripts were reviewed for comments associated with self-advocacy. Two related themes are examined here: (a) the subjectivity of the illness experience leads to a need for self-advocacy and (b) negotiation and critical discussion occur together in self-advocacy situations. Selected examples are presented in the following sections to elaborate these themes.

ILLNESS AS A SUBJECTIVE EXPERIENCE

Participants emphasized that self-advocacy often is appropriate because illness is a subjective experience. For participants in our studies, illness-related information includes more than the objective medical knowledge. Randy explained the difficulties of finding the right authority for patients' illness experiences:

We all react to these drugs differently. Our body reacts to HIV in different ways. The physicians look at HIV in a specific way . . . I mean, there's so many different things and no one's an expert on all of these so we don't have a choice but to draw from all these sources and to pick and choose what we feel is right for us specifically. We can't draw blanket generalities from one source.

Randy's comment highlights the differences between the knowledge of objective medical information and the knowledge of subjective experiences. Adam described the need to

conference with peers (i.e., others with the illness) because of their ability to empathize: "The best, the BEST resource though are other people who are going through what you are going through . . . I go to medical professionals more for the treatment issues." Daniel similarly explained,

[Other patients'] personal experiences may be a lot better to rely upon than the statistics. You know, the medications made them sick and they can tell you how they made them sick or how bad they made them sick, you know versus reading it in a text.

Often, individuals' subjective illness experience is beyond the scope of a healthcare provider's understanding of medical knowledge and medical terminology. Adam described his frustration in explaining his illness experience to the healthcare providers:

There's a fuzzy feeling. And the doctor looks at you and goes, "So what do you mean?" It's like a whoosh. "Describe whoosh." And I told her, "I feel pooppy." I mean, that's how I feel but what's the medical terminology for that?

If the patients do connect their subjective illness experience with their physicians, using language that is shared by both, healthcare providers still would not be able to claim authority over the knowledge of illness experiences. Such experiences and knowledge are only accessible to other patients who are going through or have gone through the illness event. In other words, healthcare providers could not be a reliable source in their understanding and interpretation of the patients' illness experiences.

In summary, participants in our research demonstrate a complicated understanding of bodies of knowledge and their corresponding authorities. Although most participants would agree knowledge is power in their illness events, providers and patients have access to different types of knowledge. Participants in this study suggested that they do not perceive healthcare providers as credible authorities for their understanding of subjective illness experiences. In addition, the objective medical knowledge that allowed medical professionals to assume the role of credible authorities is subject to challenge. Other healthcare providers and patients may be able to access more or better medical information that allows them to become *competing* authorities.

NEGOTIATION OF DECISIONS AND CRITICAL DISCUSSION RULES

To account for the subjectivity of the illness experience, patients may have to find ways in which to incorporate evidence from their own experiences into the discussion of treatment options. Participants in our studies described healthcare interactions as sites of negotiation (also see Ratzan, 1993)—both about healthcare decisions as well as rules of discussion. For example, Charles noted that his doctor developed contingent plans and offered advice, but he still allowed Charles to feel in charge of the decision making:

The doctor I've got, other than throwing me on anti-depressants at first—which I didn't need, I walked around kind of stoned out of my mind for a while—basically with all of the antiretrovirals, and protease inhibitors, and all that good stuff, it was like "This isn't working. Let's try this. This had this potency. This didn't do this." He was explanatory about it: "We'll do it this way, if that doesn't work, then we'll try this." And stuff like that. If you don't agree with something, he'll say, "this is a risk, but if you still want to do it, we can give it a try." So he's willing to do whatever, but he also gives you all the information that goes with it. Which is good.

Charles revealed that discussion of treatment options was an ongoing deliberation and a form of critical discussion aimed at problem solving (see van Rees, 2002). Another important point revealed by Charles is that the "science" of medicine is an inexact or uncertain enterprise (Fielding, 1999). Medications may or may not work, there may or may not be extensive side effects. This again highlights the subjective nature of the illness experience, but it also highlights uncertainty about HIV illness and treatments that patients may not initially expect (Brashers et al., 2003; Brashers, Neidig, Cardillo, Dobbs, Russell, & Haas, 1999).

Participants also noted that they placed boundary conditions on their decisions, which might limit their options from the outset. For example, Marcos stated that his experience with neuropathy (a potentially debilitating form of chronic pain that is associated with many HIV medications) led him to exclude treatments that might exacerbate his condition:

At this point we sort of ruled out a lot of things because of their potential side effect of neuropathy. I'm really scared to start taking something that I know could make my neuropathy worse. My discussion with my doctor has been, "I'd rather live a shorter amount of time but have the quality better than live a long time and be miserable." That's sort of the way we approach things.

Marcos noted that his decision might ultimately shorten his life, but that his preference toward living a good quality of life (versus a long life in extreme pain) was a choice he made consciously.

Similarly, Beau's experience with protease inhibitors led to lipodystrophy, a condition with visible fat redistribution that can cause a thin face, large abdomen, and hump on the upper back. Beau's discomfort with this side effect prompted a renegotiation of his medicine regimen with his physician. He noted,

When I was on those protease inhibitors, one of the things they cause are those huge bellies. I went in and hiked up my shirt and said, "look at me, I look like I'm pregnant," and I said, "Fuck this. I am not going to walk around looking like some damn elephant." I was adamant about that. I realize I am getting older and being a man you get the proverbial "pot belly." That's when he said, "Well, let's switch you to Sustiva." I just think it's my personality.

I guess I'm very lucky in that I have a very supportive physician and the nursing staff up here in the ID clinic is extremely supportive.

Beau, as did many participants, described support from his physician in his decision making. Carson similarly described a collaborative relationship with his physician, one in which his expertise was recognized:

I am kind of a resource person for my doctor—he asks me questions about how I am doing and things like that. We are able to talk about it even though he is not an Infectious Disease doctor. He's very supportive, he's always there, and tells me to do whatever I need to do. I can go to him and tell him I need a prescription for Bactrim and a prescription of this, this, and this. He says, "why do you need it?" Obviously I need it and he says, "okay." In fact I can say I love my doctor and I wouldn't want another doctor.

Strategies for negotiation also might include behaviors with less productive outcomes. For example, Luke noted that his friend engaged in frequent "doctor shopping" to find a physician to agree with his preferred options:

I had one friend who's changed a doctor like twice a year and somebody else was saying "Why are you doing this?" Are you just trying to find someone to agree with you? I don't know what they're looking for, basically—cause some of them have had, in the course of using so many doctors, they have actually had some good ones that have given them good advice and things that seemed reasonable as far as treatments and things like that; but they just didn't want to do that, they didn't want to hear it so—"I'm going to use someone else."

This may be a counterproductive strategy by which participants fail to balance their desires with their expectations for assistance from healthcare providers. And it would seem to be a fallacious move in a critical discussion. Although it may be a strategy for avoiding confrontation or gaining access to a preferred treatment, it may also forestall resolution of problem solving.

CONCLUSION

Self-advocacy is a form of persuasive communication that defies many traditional assumptions about argumentative discourse. In the healthcare decision-making context, self-advocacy may be particularly problematic, perhaps because (a) patients may be thought to lack appropriate expertise needed to support arguments in favor of a treatment or plan of action, (b) there are often power differences between patients and their healthcare providers, and (c) the time in which to develop arguments for a position may be limited. This may be particularly salient because of the need to encourage treatment adherence, which is typically a concern across a variety of illnesses.

The theory of pragma-dialectics provides a starting point for understanding judgments about the effectiveness and appropriateness of patient self-advocacy. Patients may use a variety of strategies for advocating for a treatment or medical procedure, including establishing credibility by demonstrating their expertise, attempting to minimize power differences by invoking the commercial nature of the relationship, or signaling urgency to reach a conclusion by highlighting the severity of the consequences of the illness. These strategies may help move self-advocacy attempts closer to the ideals of critical discussion, or they may move them farther away. Future research on naturally occurring interactions is needed to determine to what extent people use the strategies described by participants in the study by Brashers, Haas, and Neidig (2000). Research, including experimental and quasi-experimental studies, is needed to determine the effect of various strategies on the quality of deliberation and on the outcomes of interactions.

The current chapter added to understanding of patient self-advocacy by investigating more of the underlying mechanisms that might lead to participants advocating for themselves. Because the illness experience is often thought to be a subjective experience, participants noted that they felt healthcare providers could not fully understand and appreciate their individual needs. Therefore, they felt that their individual experiences with illness needed to be considered as evidence in decision-making discussions. They also noted that decision-making interactions involved negotiation strategies. They see healthcare interactions, including negotiation about treatments, as a collaborative enterprise. Their experiences also revealed that physicians and patients might both be open to persuasion.

There is a great deal of theoretical and practical benefit to better understanding patient self-advocacy. Theoretically, it is important to understand how context-specific variations in argumentation practice influence outcomes such as effective decision making and problem solving. Investigations into self-advocacy can further define how argumentation can be adapted for the special circumstances in which a person must argue for his or her own needs. Practically, studies of self-advocacy can lead to better designs for patient education and training. Current training programs aimed at enhancing health care for individuals with chronic illnesses tend to focus on providing information. Patient education programs that facilitate the development of communication skills may empower patients to engage in self-advocacy within a context of critical discussion, ultimately leading to better decisions and better healthcare for those individuals. Argumentation theorists can help promote self-advocacy and patient empowerment through continued research in this area.

REFERENCES

- Ainsworth-Vaughn, N. (1998). *Claiming power in doctor-patient talk*. New York: Oxford University Press.
- Brashers, D. E., Haas, S. M., Klinge, R. S., & Neidig, J. L. (2000). Collective AIDS activism and individual's perceived self-advocacy in physician-patient communication. *Human Communication*

Research, 26, 372-402.

- Brashers, D. E., Haas, S. M., & Neidig, J. L. (1999). The patient self-advocacy scale (PSAS): Measuring involvement in health care decision making. *Health Communication*, 11, 97-122.
- Brashers, D. E., Haas, S. M., & Neidig, J. L. (2002). Satisfying the argumentative requirements of self advocacy. In F. H. van Eemeren (Ed.), *Advances in pragma-dialectics* (pp. 291-308). Newport News, VA: Vale Press.
- Brashers, D. E., Haas, S. M., Neidig, J. L., & Rintamaki, L. S. (2002). Social activism, self-advocacy, and coping with HIV illness. *Journal of Social and Personal Relationships*, 19, 113-133.
- Brashers, D. E., & Jackson, S. (1991). "Politically savvy sick people": Public penetration of the technical sphere. In D. W. Parson (Ed.), *Argument in controversy: Proceedings of the Seventh SCA/AFA Conference on Argumentation* (pp. 284-288). Annandale, VA: Speech Communication Association.
- Brashers, D. E., Neidig, J. L., Cardillo, L. W., Dobbs, L. K., Russell, J. A., & Haas, S. M. (1999). "In an important way I did die." Uncertainty and revival in persons living with HIV and AIDS. *AIDS Care*, 11, 201-220.
- Brashers, D. E., Neidig, J. L., & Goldsmith, D. J. (2004). Social support and the management of uncertainty for people living with HIV or AIDS. *Health Communication*, 16, 305-332.
- Brashers, D. E., Neidig, J. L., Russell, J. A., Cardillo, L. W., Haas, S. M., Dobbs, L. K., Garland, M., McCartney, B., & Nemeth, S. (2003). The medical, personal, and social causes of uncertainty in HIV illness. *Issues In Mental Health Nursing*, 24, 497-522.
- Broom, A. (2005). Virtually he@lthy: The impact of internet use on disease experience and the doctor-patient relationship. *Qualitative Health Research*, 15, 325-345.
- Brownfield, E. D., Bernhardt, J. M., Phan, J. L., Williams, M. V., & Parker, R. M. (2004). Direct-to-consumer drug advertisements on network television: An exploration of quantity, frequency, and placement. *Journal of Health Communication*, 9, 491-497.
- Elster, J. (1990). Selfishness and altruism. In J. J. Mansbridge (Ed.), *Beyond self-interest* (pp. 44-52). Chicago: University of Chicago Press.
- Eemeren, F. H. van, & Grootendorst, R. (1992). *Argumentation, communication, and fallacies: A pragma-dialectical perspective*. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Eemeren, F. H. van, Grootendorst, R., Jackson, S., & Jacobs, S. (1993). *Reconstructing argumentative discourse*. Tuscaloosa: University of Alabama Press.
- Eemeren, F. H. van, & Houtlosser, P. (1997). Rhetorical rationales for dialectical moves: Justifying pragma-dialectical reconstructions. In J. F. Klumpp (Ed.), *Argument in a time of change: Definitions, frameworks, and critiques* (pp. 51-56). Annandale, VA: National Communication Association.
- Eemeren, F. H. van, & Houtlosser, P. (2002). Strategic maneuvering with the burden of proof. In F. H. van Eemeren (Ed.), *Advances in pragma-dialectics* (pp. 13-28). Newport News, VA: Vale Press.
- Epstein, S. (1996). *Impure science: AIDS, activism, and the politics of knowledge*. Berkeley: University of California Press.
- Fabj, V., & Sobnosky, M. J. (1995). AIDS activism and the rejuvenation of the public sphere. *Argumentation and Advocacy*, 31, 163-184.
- Fielding, S. L. (1999). *The practice of uncertainty: Voices of physicians and patients in medical malpractice claims*. Westport, CT: Auburn House.

- Goldsmith, D. J. (2001). A normative approach to the study of uncertainty and communication. *Journal of Communication*, 51, 514-533.
- Hitchcock, D. L. (2003). Critical review: Advances in pragma-dialectics ed. by Frans H. van Eemeren. *Informal Logic: Reasoning and Argumentation in Theory and Practice*, 23.
- Houtlosser, P. (1994). The speech act "advancing a standpoint." In F. H. van Eemeren, & R. Grootendorst (Eds.), *Studies in pragma-dialectics* (pp. 165-171). Amsterdam: Sic Sat.
- Huh, J., & Cude, B. J. (2004). Is the information "fair and balanced" in direct-to-consumer prescription drug websites. *Journal of Health Communication*, 9, 529-540.
- Illes, J., Kann, D., Karetsky, K., Letourneau, P., Raffin, T. A., Schraedly-Desmond, P., Koenig, B. A., & Atlas, S. W. (2004). Advertising, patient decision making, and self-referral for computed tomographic and magnetic resonance imaging. *Archives of Internal Medicine*, 164, 2415-2419.
- Jackson, S. (2002). Designing argumentation protocols for the classroom. In F. H. van Eemeren (Ed.), *Advances in pragma-dialectics* (pp. 105-119). Newport News, VA: Vale.
- Jacobs, S. (1999). Argumentation as normative pragmatics. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.), *Proceedings of the Fourth International Conference of the International Society for the Study of Argumentation* (pp. 397-403). Amsterdam: Sic Sat.
- Jacobs, S. (2000). Rhetoric and dialectic from the standpoint of normative pragmatics. *Argumentation*, 14, 261-286.
- Janoff-Bulman, R., & Wade, M. B. (1996). The dilemma of self-advocacy for women: Another case of blaming the victim? *Journal of Social and Clinical Psychology*, 15, 143-152.
- Kravitz, R. L., Epstein, R. M., Feldman, M. D., Franz, C. E., Azari, R., Wilkes, M. S., Hinton, L., & Franks, P. (2005). Influence of patients' request for direct-to-consumer advertised depressants: A randomized controlled trial. *JAMA*, 293, 1995-2002.
- Macias, W., & Lewis, L. S. (2003). A content analysis of direct-to-consumer advertising (DTC) prescription web sites. *Journal of Advertising*, 32, 43-56.
- McLellan, F. (2001). U.S. House passes patient's bill of rights. *Lancet*, 358, 480.
- Meyers, R. A., & Brashers, D. E. (2002). Rethinking traditional approaches to argument in groups. In L. R. Frey (Ed.), *New directions in group communication* (pp. 141-158). Thousand Oaks, CA: Sage.
- Rees, A. van (2002). A new approach to problem-solving discussions. In F. H. van Eemeren (Ed.), *Advances in pragma-dialectics* (pp. 83-92). Newport News, VA: Vale.
- Ratzan, S. C. (1993). Health communication as negotiation: The COAST model and AIDS. In S. C. Ratzan (Ed.), *AIDS: Effective health communication for the 90s* (pp. 37-51). Washington, DC: Taylor and Francis.

Evaluating Analogy: Toward a Descriptive Approach to Argumentative Norms¹

Marianne Doury

CNRS, Laboratoire Communication et Politique

Argumentation studies throughout the academic world present a remarkable diversity as regards the scientific disciplines they belong to (e.g., psychology, philosophy, linguistics, logic, literature) as well as the methodology they rely upon or the objects they try to account for. Nevertheless, it is possible to identify some strong theoretical or methodological commitments which contribute to structuring roughly this field of research. It is the case for the tension between *descriptive* and *normative* approaches to argumentation. In descriptive approaches attention is paid mainly to the way in which people actually *do* conduct arguments, while normative approaches focus on the way people *ought to* conduct arguments. The alternative between a normative or a descriptive perspective corresponds globally to the demarcation line between Anglo-Saxon research, inspired by studies about fallacies and informal logic (in particular by Hamblin, 1970), and research in the Romance area, directly connected with ancient rhetoric (Perelman & Olbrechts-Tyteca, 1968; Breton, 1996) or linguistics (Anscombe & Ducrot, 1983).

Nevertheless, such an alternative should not be thought of as entailing an exclusive focus on one of the two poles. Adopting a normative perspective does not mean that the way speakers actually argue is considered as irrelevant; for example, the analyst may be interested in the way the theoretical normative model of argumentation he elaborates does or does not echo the “naïve” argumentative norms used in practice by ordinary speakers. Indeed, such a question is central to pragma-dialectics, as it claims that the norms ruling a critical discussion make sense insofar as they are *intersubjectively approved*, or *conventionally valid*—hence the recent studies aiming at evaluating the intersubjective acceptability of the academic argumentation categories (see Garssen, 2002).

¹ The author wishes to thank Anca Gata for her careful reading of the text.

Similarly, adopting a descriptive perspective on argumentation, focusing on the discursive and interactional processes owing to which the discourse and the counterdiscourse combine together, should not lead the analyst to neglect the question of argumentative norms—the relevance of which is undoubtedly proved by the observation of ordinary argumentative conversations. When taking part in a polemical discussion, arguers are constantly faced with the question of the acceptability of the arguments they are addressed (Heyse, 1991, p. 88); the analysis of ordinary arguments shows an unceasing activity of argument evaluation. The aim of the descriptive analyst is not to check the validity of ordinary arguments by confronting them to a pre-established idealized model of argumentation; it is rather to unveil the ordinary normative conceptions of argument that show through everyday argumentative practice (Jackson, 1989; Plantin, 1995).

This chapter advocates such a descriptive perspective on argumentative norms. It seeks to shed light on some aspects of such argumentative norms by first showing that ordinary arguers often conceive of argument schemes as being either wholly positively or wholly negatively valued. It then turns to the case of specific argument schemes that may be conditionally accepted, and focuses on the case of comparative argumentation. More precisely it isolates some characteristics of a spontaneous critical discourse on comparison (Plantin, 2002, p. 248; Buffon, 2002, p. 206; Cattani, 2001, p. 176) mainly based on the analysis of messages posted in various internet newsgroups.²

TOWARD A DESCRIPTIVE APPROACH TO ARGUMENTATIVE NORMS

The conception of argumentation that will be illustrated here is descriptive. It aims at accounting for any discourse—be it monological or interactional—in which argumentative processes can be identified, whichever the objectives that can be assigned to the speakers or to the situation of communication (that is, irrespective of whether a discourse may be characterized as a critical discussion or not). The analysis ought to highlight the discursive and interactional devices used by speakers faced with conflicting standpoints in order to take a stand and to elaborate their position in such a way as to hold out against contention. Such an objective requires, when dealing with interactional data, to combine argumentation theory with insights from the analysis of conversations (and particularly, the notions of negotiation and of face-work; Traverso, 1996; Kerbrat-Orecchioni, 1990, 1992, Brown & Levinson, 1987). When dealing with monological data, analyzing the way in which the main speaker's discourse integrates elements from the opposing standpoint requires the use of some concepts and principles belonging to the

² It may be observed that meta-communicative comments (among which, meta-argumentative points) are very common in usenet newsgroups (typically in political newsgroups; Marcoccia, 2003). Making explicit the social norms which rule the discussion allows to balance the low degree of mutual awareness which characterizes computer-mediated communication (McLaughlin, Osborne, & Smith, 1995).

“linguistique de l'énonciation” (Ducrot, 1980; Authier-Revuz, 1982).³

As mentioned before, such a descriptive approach does not exclude the question of argumentative norms from the research horizon. Indeed, the observation of everyday argumentation strongly suggests that argumentative competence has an important normative dimension, owing to which speakers first “label” the argument they are confronted with by resorting to spontaneous argumentative categories provided by the language they use (Plantin, 1995; ex.: “this is an example, an analogy,” etc.). Once the argument has been identified, it is characterized as acceptable or unacceptable by means of evaluation criteria which may be left implicit. Such evaluative claims often directly support confirmative or refutative argumentative strategies (the opposing standpoint is rejected as supported by a disqualified argument scheme; the allied standpoint is accepted as being conclusively supported by a valid argument scheme).

The normative dimension of the argumentative competence may be investigated in two different ways. One possible solution is to identify the way speakers spontaneously label the argumentative devices they meet or use: such labels often have an evaluative dimension. In particular many argument schemes are positively or negatively valued (by specific groups of speakers, in specific situations: Such evaluations are seldom “absolute” ones). Another solution is to explore the way arguers justify or reject a specific argument scheme, and thus reveal what they hold as acceptability conditions of this very argument (Doury, 2004b).

ACCEPTED-DISQUALIFIED ARGUMENT SCHEMES

The labeling of arguments by speakers engaged in an argumentative discussion seems to serve two alternative purposes:

- Planning one's own discourse in order to provide the addressee with interpreting instructions, and to orientate him towards the “right” understanding of the argumentative line;
- Pointing out some of the adversary's argumentative devices as not valid or unacceptable; labelling is then tightly integrated to refutative moves.

The Argument Schemes Used By the Speaker Are Positively Valued

As one could expect, a speaker often labels the argument schemes he himself uses owing to positively valued categories, as in Example 1. In a previous message, a participant polemically wonders who hides behind the pseudo “Masa” (in particular, he wonders if the person who posts messages under the pseudo “Masa” is a man or a woman). The so-called Masa then answers developing what s/he retroactively characterizes as a *parable*:

³ On the role of reported speech in argumentative discourse, see for instance Doury, 2004a.

fr.misc.engueulades

(1)

Message de: Masa - 11 Décembre 2001 22:04:02

Sujet: Re:Opiniâtres en votre mal et aveugles en votre bien

(...)

Allons, allons. Nous jouons tous dans la cour des grands. Nous savons tous que la pensée possède le sexe des anges et que nous sommes ici pour discuter du thème "cloner l'humain", pas pour nous raconter ce que nous avons mangé à midi ou "il est comment, ton zizi?"

Prouvons que l'espèce humaine peut progresser par la réflexion, pas par la déconstruction, la décortication, la destruction . . . Tout ça, c'est pour les méchants bébés en colère qui éventrent leur nounours pour voir ce qu'il a dans le ventre. Qu'arrive-t-il au nounours éventré? Soit, on le jette à la poubelle, [. . .] soit la maman bienveillante le recoud et le petit enfant continue à jouer avec et prend bien soin de lui.

Il n'y a rien de plus décevant que d'éventrer un nounours. L'éventration ne raconte pas le mystère de la vie. Elle ne révèle pas la vérité. Elle déçoit.

Avec l'espoir que *ma petite parabole* vous mette la puce à l'oreille . . .

Say, say. We are all grown up boys. We all know that thought is not a matter of gender and that we are here in order to talk about "cloning the human being", not about what we had for lunch or "what does your willy look like ?"

Let us prove that human kind can progress owing to reflection, not owing to deconstruction, dissection, destruction. Such behaviours resemble that of bad angry babies who eviscerate their teddy bear just to see what's in its belly. What happens to the disembowelled teddy bear? Either it goes to the bin, [. . .] or the benevolent Mum fixes it and the little child goes on playing with it and takes care of it.

Nothing is more disappointing than eviscerating a teddy bear. Evisceration does not account for the mystery of life. It does not reveal the truth. It is only disappointing.

I hope that my little parable will start you thinking.

The parallel between the internet user who wants to know whom "Masa" stands for and the child eviscerating his teddy bear in order to see "what's in its belly" is labeled *a posteriori* a parable, thus proposing a specific level of interpretation to the addressee. Besides, by naming the argument scheme he used a parable, Masa presents himself as the author of a parable. As we suggested before, many argumentative schemes are culturally positively or negatively valued; and a parable, which is associated with the biblical narrative style, may contribute to improve the ethos of the one who uses it—and shows off that he uses it.

The Argument Schemes Used by the Opponent Are Negatively Valued

On the opposite side, the adversary's discourse is characterized as resorting to negatively valued argument schemes. In a polemical context, such an evaluation permits to reject the opponent's argument on the ground that it belongs to a disqualified / fallacious / un-

acceptable scheme. Most often the arguments that undergo such an evaluative- refutative process belong to what the rhetorical-argumentative tradition regards as fallacies.

The arguments that are rejected as unacceptable by the co-arguer in everyday polemical interactions often belong to the *ad hominem* fallacy—and specially to its *tu quoque* and abusive forms. As one can expect, the expression “*ad hominem* argument” is almost never used to label such an argumentative device in ordinary discussions; but the perception of a claim as belonging to a recognizable argumentative scheme does not seem to depend on the existence, in the language used by the speakers involved in the argument, of an expression to name it. Speakers often resort to reformulating phrases such as “you should discuss facts, and not criticize the persons.” They also can create original terminologies in order to categorize argumentative schemes, as in Example 2. In a highly polemical internet newsgroup, “Rastak” accuses “Apokrif” of pretending to be modest whereas he previously charged others of displaying such a false modesty. Apokrif answers as follows:

fr.misc.engueulades (2)

De:Apokrif

Objet:Re: [suis tjs là] - 2003-04-30 15:38:35 PST

Rastak:

> Ce n'est pas vous qui parliez de fausse modestie, tantôt?

Vous avez acheté un stock de **céçukidikiyé** au prix de gros?

Rastak:

>Were you not the one to charge others with false modesty a moment ago ?

Did you buy a stock of “**céçukidikiyé**” [“that’s the one who says, he is”] at wholesale price ?

Apokrif accuses his opponent of constantly using an argument scheme that he labels a “**céçukidikiyé**”, creating for the occasion a neologism issued from the oral form of the juvenile expression “that’s the one who says, he is [c’est celui qui dit qui est]”, aiming at reversing an abusive designation against the one who used it. Such a designation disqualifies the opponent’s argumentation as childish; in that, it involves an additional criticism that the “orthodox” *tu quoque* designation would have missed.⁴

In the same perspective of identifying the argumentative schemes that are disqualified in a given context, one should also pay attention to the various forms of denial (“I certainly won’t use such or such argument scheme”). In Example 3, after having mentioned many prestigious persons who once were fond of astrology, the author of the paper denies having appealed to authority:

⁴ Note that the criticism focuses here on the *tu quoque* variant of the *ad hominem* argument, whereas according to the results of the experiment presented in van Eemeren and Meuffels, 2002, it is deemed more reasonable than the abusive or circumstantial *ad hominem* variants.

Bien qu'encore minoritaires parmi leurs pairs, des scientifiques, dont certains de (3) premier plan, sont par ailleurs des parapsychologues, des occultistes ou des mystiques convaincus. Nombre de ceux qui jetèrent les fondements des conquêtes modernes de la raison et de la science furent des adeptes de l'ésotérisme: Léonard de Vinci, Francis Bacon, Descartes (le "père du Rationalisme" fut Rosicrucien), Pascal, Newton, Goethe, Dalton, Faraday et tant d'autres jusqu'à aujourd'hui . . . *Notre dessein, bien sûr, n'est aucunement d'employer ici le stupide argument d'autorité* ("Untel, qui fut un savant éminent, a dit ceci, donc c'est juste !"). (*Le Monde Inconnu* 106, juin 1989, p. 10)

Even if they still are a minority among their peers, several scientists, some of them being prominent, are besides out-and-out parapsychologists, occultists or mystics. Many of the ones who laid the foundations of the modern conquests of reason and science did practice esoterism: Léonard de Vinci, Francis Bacon, Descartes (the "Rationalism father" was a Rosicrucian), Pascal, Newton, Goethe, Dalton, Faraday and so many others until today . . . Of course we do not mean here to use the stupid appeal to authority ("Mr So-and-so, who was a distinguished scientist, said this, so it's true!")

By thus denouncing appeal to authority as "stupid," the arguer displays his respect for modern argumentation standards, while he uses what could hardly be analyzed otherwise than as an appeal to authority ("Léonard de Vinci, Bacon . . ."). This sequence constitutes a spectacular illustration of what van Eemeren and Houtlosser (2002) name "strategic maneuvering": an attempt to conciliate respect (or at least, a display of respect) of the standards which rule a reasonable argument (here, by firmly rejecting appeal to authority), and specific rhetorical achievements (e.g., increasing astrology's credibility by associating it with prestigious followers).

Such phenomena of spontaneous designation of argument schemes as in Example 2 are not frequent in our data⁵—at least, under such a spectacular form. But the previous examples all attest the strategic need for devices permitting to classify argumentative claims as belonging to general argumentative "moulds" which are culturally accepted or disqualified. The need for such classification means is so imperative that when speakers do not have pre-established designations at their disposal, they may invent some in order to achieve the rhetorical objectives they pursue.

CONDITIONS OF ACCEPTABILITY OF AN ARGUMENT SCHEME

Finally, observing how speakers engaged in a discussion refute or justify a specific argument scheme may reveal what constitutes, for them and in this given situation, the acceptability conditions of this argument scheme. In what follows, we focus on the refutation of

⁵ For a more detailed analysis of this phenomenon, see Doury, 2004b.

comparative discourse in order to highlight some aspects of an ordinary critical perspective on argumentative comparison⁶ in some Internet newsgroups.

Refuting a Specific Comparison: “x and y Cannot be Compared”

The most usual way of refuting a comparison consists in claiming that *x* and *y* (the terms of the comparison) cannot be compared on account of the existence of dissimilarities—the detail of which may be left implicit. In French Internet newsgroups, injunctions such as “let us compare only what can be” [*comparons ce qui est comparable*] are very common.

In this chapter we limit our study to a single device which illustrates this type of refutation: refuting a comparison by associating it with a second comparison the incongruity of which is consensually admitted.⁷ In French, this role is typically devoted to the fixed expression “*il ne faut pas mélanger les torchons et les serviettes*,” which roughly corresponds to the English injunction “let us not compare apples with oranges.” Example 4 is issued from a discussion commenting on a Human Rights Watch report (echoed by the French newspaper *Le Monde*) denouncing the Israeli Military’s failure to investigate wrongdoing toward civilians (mostly Palestinians). According to this report hardly 5% of the known cases gave rise to an investigation. A participant to the newsgroup comments on these figures by establishing a parallel with the Palestinians’ wrongdoing and claims: “Note that in the Palestinian case, the rate of investigation is of 0%.” The balance of this parallel (“the Palestinians enjoy an impunity even greater than the Israeli Army”) leads to two variants of the same conclusion: If one condemns the Israeli army for not investigating impartially on the wrongdoing of its members, then one should *also* (moderate conclusion, *a pari* argument) / *even more severely* (radical conclusion, *a fortiori* argument) condemn the Palestinian combatants for having the same behavior.

Example 4 constitutes a reaction to this parallel between the Israeli army and the Palestinian combatants:

fr.soc.politique (4)
De: “Victor de Kin”
Local: Jeu 23 juin 2005 02:42
Objet: Re: L’armée israélienne agit dans un “climat d’impunité”, dénonce Human Rights Watch
“Le Monde du 23-06-2005
Un rapport de l’organisation américaine Human Rights Watch (HRW), (. . .)” Etc.

Merci on a compris. En Israel, pays en guerre depuis sa création, seul 5% des fameux “dommages collatéraux” de cette putain de guerre font l’objet d’une enquête.

⁶ In this chapter we define argumentative comparison as a parallel between two elements *x* and *y* on the ground of an alleged resemblance between them. By considering what is known / admitted about *y*, this parallel aims at unveiling something new or not yet admitted about *x* in order to strengthen the argumentative orientation of the discourse in which the comparison is inserted.

⁷ This device constitutes a particular case of the logical analogy as defined by Govier, 1987, p. 59.

Pas besoin de comparer avec le cas du voisin Palestinien, ce serait mélanger serviette et torchon.
Comparons avec une *autre* démocratie empêtrée dans la question post-coloniale. Au hasard, la France.
Combien d'enquêtes ouvertes en 40 ans? [...]
Victor de Kin

"Le Monde, 23-06-2005
A report of the American organization Human Rights Watch (HRW), (...) " Etc.

Thanks, we got it. In Israel, country at war since it was created, only 5% of the famous "collateral damage" of this fucking war gave rise to an investigation.
No need to compare with the case of the Palestinian neighbor, it would be like mixing towels and napkins.
*Let's compare with *another* democracy entangled in the post-colonial question. At random, France.*
How many investigations in 40 years ? [...]
Victor de Kin

The comparisons used in the foregoing message are embedded according to a pattern represented in Fig. 4.1.

The refutation of the comparison between the Israeli army and the Palestinian combatants (comp(a)) resorts to a parallel (COMP (C)) with another comparison between napkins

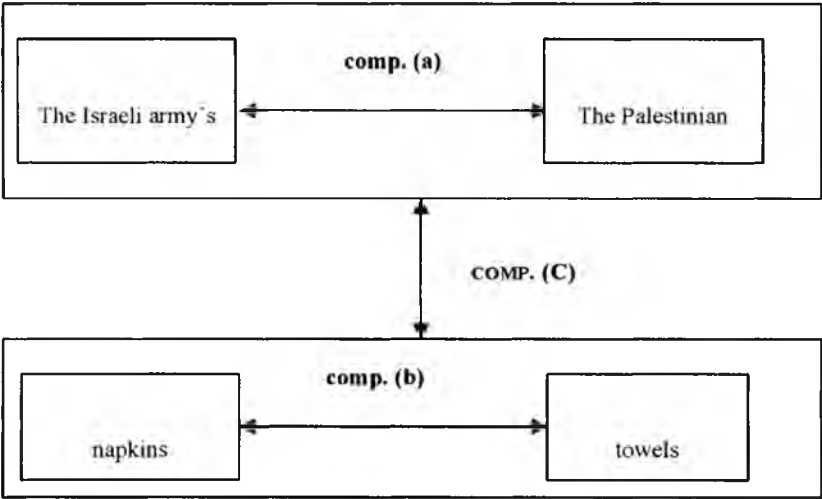


FIGURE 4.1 Comparisons

and towels (comp(b)). This latter comparison is supposed to be unanimously considered incongruous (napkins have nothing to do with towels, and one should not compare things that have nothing to do with one another). Hence the parallel between comp(a) and comp(b) aims at shifting this incongruity judgement onto the comparison between the Israeli army and the Palestinian combatants.

Rejecting a comparison as unacceptable by bringing up differences presented as essential between the compared elements is associated, in this example as in many others, with the proposal of a new comparison (Buffon, 2002, p. 206; Cattani, 2001, p. 176; Govier, 2001, p. 375), between France and Israel. This comparison is deemed acceptable for it involves two democratic countries. Two additional remarks can be made:

- The precise motive for rejecting comp(a) (the fact that unlike Israel, the Palestinian State is not democratic) can only be inferred from the explicitation of the characteristic shared by the terms of the new comparison (France and Israel are two democratic countries). The use of the French fixed expression "*mélanger les serviettes et les torchons*" elicits, for the French speaker, a sense of evidence which may exempt the arguer from justifying his refutation.
- Victor de Kin's criticism of comp(a) does not mean that he rejects the thesis it was supposed to support. On the contrary, comp(a) plays in favor of what could roughly be qualified a pro-Israelian commitment—and so it is as regards Victor de Kin's message. Hence Example 4 constitutes a disinterested, unprejudiced criticism of a comparison, in that it targets an allied argument and does not favor the arguer's strategic interests.

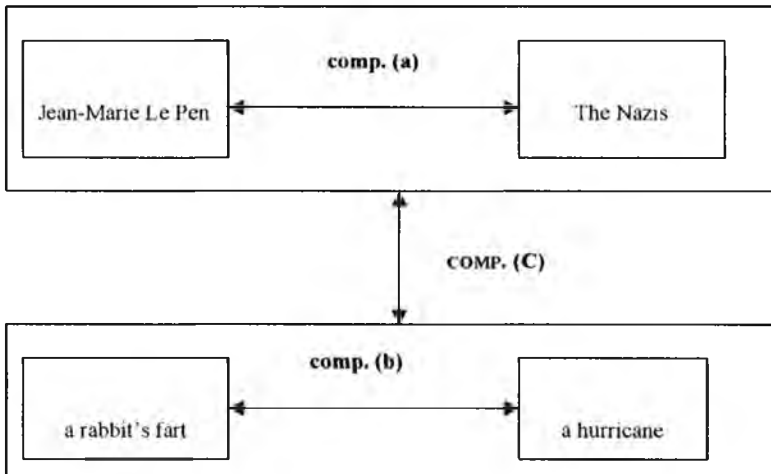
The same argumentative device (establishing a parallel between the comparison under discussion and a second clearly incongruous comparison) can also permit pointing to a specific flaw: a disrespect of proportions between the compared elements.

It is the case in Example 5, issued from a discussion commenting on Jean-Marie Le Pen's⁴ performance during a TV show ("120 minutes pour convaincre", France 2, 5 may 2003). Many messages established a parallel between Jean-Marie Le Pen and the Nazis, giving rise to the following reaction:

fr.soc.politique (5)
 De:gbog
 Objet:Re: Lepen réellement usé ?
 Date:2003-05-05 18:46:49 PST
 (...) Si un débat avec Le Pen comme celui de ce soir est comparable avec les années noires en France et en Allemagne, alors on peut tout aussi bien comparer une discussion à propos d'un pet de lapin et la confrontation bien réelle avec un ouragan.

(...) *If tonight debate with Le Pen is comparable to the dark years in France and in*

⁴ Jean-Marie Le Pen is a French politician, leader of the Front National, an ultra-right party.

FIGURE 4.2 *Comparisons*

Germany, then one can also compare the discussion about a rabbit's fart to the harsh confrontation to a hurricane.

The rejection of the comparison between Jean-Marie Le Pen and the Nazis has the same structure as the previous example (see Fig. 4.2).

Unlike in Example 4, here, *comp(b)*, the argumentative function of which is to disqualify *comp(a)* as breaking the proportions between the compared phenomena, is an original creation. Its rhetorical efficiency depends on the obviousness of the disproportion it points out, as much as on its fancy and vivid illustration.

Example 5 also involves a proportional analogy: Jean-Marie Le Pen is to the Nazis what a rabbit's fart is to a hurricane, that is: a minor phenomenon. Hence "Gbob"'s reaction to *comp(a)* suggests that, for him, an acceptable comparison should involve same scale phenomena—and from the point of view of the interactional dynamics, the infringement of this rule may justify the refutation of "Gbob"'s opponent's argument.

Criticizing the Comparison Device in Itself

Rejecting comparisons by resorting to injunctions like "one should compare only what can be" is very common in our data, and this reveals the Achilles' heel of comparative discourse, which always entails a part of similarity and a part of difference. Comparison always involves a *shift*—one does not compare an *x* with a *y* which replicates it perfectly, but rather with a *y* which is different enough from *x* for the parallel between *x* and *y* to engender a new argumentative meaning. But this dissimilarity element makes the comparison fragile: Accepting or rejecting a comparison always depends, in a polemical

context, on the way the opponent will balance the part of sameness and the part of otherness: If s/he considers that the similarities between x and y are not essential, then s/he may reject the comparison.

The vulnerability of comparison due to the shift it necessarily involves is precisely at stake in the following example. All three messages were posted on the very day of the French referendum on the European constitution:

fr.soc.politique 6)
 De: "analogue"
 Date: 29 May 2005 02:36:39 -0700
 Objet: Re: Connait on le taux de participation à cette heure?
 Comparé au premier tour des dernières présidentielles à la même heure, j'ai vu moins de monde.

Compared to the first ballot of the last presidential elections at the same time, I saw less people.

De: "k34"
 Date: Sun, 29 May 2005 11:40:04 +0200
 Objet: Re: Connait on le taux de participation à cette heure?
 En principe on compare avec les mêmes élections. Maastricht par exemple.

In principle one compares with the same elections. Maastricht for example.

De: "analogue"
 Local: Dim 29 mai 2005 12:22
 Objet: Re: Connait on le taux de participation à cette heure?
 J'aurais parlé de Maastricht, qqu'un m'aurait dit de comparer aux plus récentes, etc . . .

Had I spoken of Maastricht, someone would have told me to compare to more recent elections, etc...

"Analogue"'s reaction to "k34"'s refutation amounts to disqualifying *a priori* any criticism concerning the choice of the compared elements on the ground that no comparison will ever gain the general agreement.

The following example illustrates a similar phenomenon. In a discussion about speed check on French roads, "Faetan" establishes a parallel between driving at an excessive speed and having sex without a condom. In his message, he quotes a criticism he was addressed by "Fustigator" ("you're mixing two things which have nothing to do with each other") and opposes it with the very essence of the comparative process:

soc.culture.Belgium

(7)

De: "Faelan"

Local: Ven 13 fév 2004 08:27

Objet: Re: Radars salvateurs: ça ne plaira pas à tout le monde;-)

F u s t i g a t o r" a écrit [...]

> Pas du tout: tu mêles deux choses qui n'ont rien à voir.

C'est le propre d'une comparaison, d'un parallèle. Tu ne savais pas?

Du moment que les proportions sont respectées . . .

F u s t i g a t o r" wrote [...]

> *Not at all: you're mixing two things which have nothing to do with each other*

It is comparison's special attribute. Did you not know?

Provided that proportions are respected . . .

Once again, claiming that a comparison always involves some kind of shift permits to avoid actually taking into account the opponent's criticism.

Let us mention another characteristic of comparative discourse, which may support a radical exclusion of comparison in argument: the fact that the conclusion may vary quasi mechanically according to the choice of the *analogue*. Thus in a discussion about the procedure ruling the creation of a usenet newsgroup, several messages establish a comparison between the "fr.*"newsgroups and the "big 8" newsgroups. This comparison is first rejected through the refutation device analyzed in the previous section ("you compare goats to bananas"):

fr.usenet.forums.evolution

(8)

De: Antoine Medecin

Date: 1998/09/04

Objet: Re: Comparons ce qui est comparable (Was: Nouvelle regle pour les votes ?)

>Ne comparons pas fr.*, hiérarchie techniquement régionale, avec le gros 8, hiérarchie

>mondiale.

fr.* est mondiale si si

> fr.* n'est que le penant de de.*, pl.* ou it.*: ni plus, ni moins.

c'est vrai mais avec les comparaisons c'est toujours la meme chose on compare des chevres et des bananes

le taux de creation/non-creation de fr.* est supérieur à celui d'autres hiérarchies et inférieur à d'autres, ça va sûrement faire avancer le débat ça:)

J'en ai un autre

les limites de vitesses sont supérieures en allemagne et inférieures aux US. D'ailleurs je fais un parallèle entre les voitures et Usenet fr

ça rime a rien:)

Antoine

>Let us not compare fr.*, a technically regional hierarchy, and the big 8, worldwide
>hierarchy.

fr.* is a world-wide hierarchy, yes it is.

>fr.* parallels de.*, pl.* or it.*, nothing less, nothing more.

It's true, but with comparisons it's always the same story, you compare goats to bananas.
The rate of creation/non-creation of fr.* is superior to the rate of some other hierarchies
and inferior to others, sure it will make the debate progress:)

I have another one

Speed limitations are superior in Deutschland and inferior in the United States. Besides I
establish a parallel between cars and Usenet.fr

It makes no sense:)

Antoine

Antoine first emphasizes the fact that comparisons are always open to criticism because of the argumentative shift they involve. Then he adds a radical criticism of the comparison by suggesting that it should never be regarded as conclusive, because the choice of a different—but not less acceptable—*analogue* would have led to a different—and even opposite—conclusion. Such a meta-argumentative standpoint entails the outright rejection of comparative discourse because of its internal characteristics as well as because of the relativity of the conclusions it leads to.

In reality, the diversity and richness of the strategies that may be used to criticize a comparison are overwhelming; what we proposed here is only a brief insight, the aim of which was to advocate the interest of an in-depth, systematic study of spontaneous ordinary argumentative norms which come to light in polemical contexts. Such a study makes sense only if it is associated to a reflection on the variation of argumentative norms according to the speech community which is being observed (Kienpointner, 1987, p. 285) and according to various characteristics of the communicative context in which argumentation occurs (constraints on genre, theme, etc.; cf. Amossy, 2000, p. 195 *sq.*).

We would like to conclude by insisting on the fact that such a program should not be seen as contradictory with a normative approach like the pragma-dialectic model, but rather as complementary: observing the argumentative norms “in action” in everyday discussions can complete the experiments elaborated in order to check the distance between academic argumentative norms and spontaneous ones.

REFERENCES

- Amossy, R. (2000). *L'argumentation dans le discours. Discours politique, littérature d'idées, fiction*. Paris: Nathan Université.
- Anscombre, J.-C. & O. Ducrot (1983). *L'argumentation dans la langue*. Paris: Mardaga.
- Authier-Revuz, J. (1982). Hétérogénéité montrée et hétérogénéité constitutive: éléments pour une

approche de l'autre dans le discours. *DRLAV* 26, 91-151

- Breton, P. (1996). *L'argumentation dans la communication*. Paris: La Découverte (coll. Repères).
- Brown, P., & S.C. Levinson (1987). *Politeness: Some Universals of Language Use*. Cambridge: Cambridge University Press.
- Buffon, B. (2002). *La parole persuasive*. Paris: Presses Universitaires de France.
- Cattani, A. (2001). *Botta e risposta. L'arte della replica*. Bologna: Il Mulino.
- Doury, M. (2003). L'évaluation des arguments dans les discours ordinaires: le cas de l'accusation d'amalgame. *Langage et Société* 105, 9-37.
- Doury, M. (2004a). La fonction argumentative des échanges rapportés. In M. Lopez Munoz, S. Marnette, L. Rosier (eds), *Le Discours rapporté dans tous ses états*. Paris: L'Harmattan.
- Doury, M. (2004b). La classification des arguments dans les discours ordinaires. *Langage* 154 (J.-C. Beacco, éd., "Les linguistiques populaires"), 59-73.
- Ducrot, O. (1980). Analyse de textes et linguistique de l'énonciation. In O. Ducrot (ed.), *Les Mots du discours*. Paris: Minuit, 7-56.
- Eemeren, F.H. van (2002). Advances in Pragma-Dialectics. In F. van Eemeren (ed.), 3-11
- Eemeren, F.H. van & P. Houtlosser (2002). Strategic maneuvering with the burden of proof. In F. H. van Eemeren (ed.), 13-28.
- Eemeren, F.H. van & B. Meuffels (2002). Ordinary arguers' judgments on *ad hominem* fallacies. In F. H. van Eemeren (ed.), 45-64
- Eemeren, F.H. van (ed.) (2002). *Advances in Pragma-Dialectics*. Amsterdam: Sic Sat / Newport News, Virginia: Vale Press.
- Garssen, B. (2002). Understanding argument schemes. In F. H. van Eemeren (ed.), 93-104.
- Hamblin, C. (1970). *Fallacies*. London: Methuen.
- Heyse, T. (1991). Truth and Theory of Argumentation. In F. van Eemeren, R. Grootendorst, J. A. Blair, C. A. Willard (eds), *Proceedings of the 2d International conference on Argumentation. June 19-22, 1990*. Amsterdam: Sicsat / ISSA, 84-91.
- Kerbrat-Orecchioni, C. (1990-1992). *Les Interactions verbales*, t.1-2. Paris: Armand Colin.
- Jackson, S. (1989). What can argumentative practice tell us about argumentation norms? In Maier R. (ed.), *Norms in argumentation. Proceedings of the Conference on Norms 1988*. Dordrecht (Holland) / Providence (USA): Foris publications, 113-122
- Kienpointner, M. (1987). The Pragmatics of Argumentation. In J. Verschueren, M. Bertuccelli-Papi (eds), *The Pragmatic Perspective. Selected Papers from the 1985 International Pragmatics Conference*. Amsterdam / Philadelphia: John Benjamins: 277-288.
- Marcoccia, M. (2003). Parler politique dans un forum de discussion. *Langage et société* 104, 9-55.
- Mc Laughlin, M., Osborne, K.K. & C.B. Smith (1995). Standards of conduct in usenet. In S. G. Jones (ed.), *Cybersociety. Computer-Mediated Communication and Community*. Thousand Oaks: Sage, 90-111.
- Perelman, C., & L. Olbrechts-Tyteca (1988). *Traité de l'argumentation. La nouvelle rhétorique*. Bruxelles: Éditions de l'université de Bruxelles, 5^e ed (1st ed. 1958).
- Plantin, C. (1990). *Essais sur l'argumentation. Introduction linguistique à l'étude de la parole argumentative*. Paris: Kimé.
- Plantin, C. (1995). L'argument du paralogisme. *Hermès* 15, 245-262.

Plantin, C. (1996). *L'argumentation*. Paris: Seuil.

Plantin, C. (2002). Analyse et critique du discours argumentatif. In: R. Koren & R. Amossy (eds), *Après Perelman: quelles politiques pour les nouvelles rhétoriques ?* Paris: L'Harmattan, 229-263.

Traverso, V. (1996). *La conversation familière*. Lyon: PUL.

This page intentionally left blank

Reflections on the Hyper Dialectical Definition of Argument

Maurice A. Finocchiaro

University of Nevada, Las Vegas

THE HYPER DIALECTICAL CONCEPTION

In various works, Frans van Eemeren and his followers have advanced a conception of argument that deserves more explicit discussion than it has received. One formulation of this conception asserts that “in principle, every single argumentative move serves to remove some form of doubt that the antagonist may have with regard to the standpoint” (van Eemeren & Grootendorst, 1992, p. 73). Similarly, another member of the pragma-dialectical school has stated that “in a dialogical approach, every argument is regarded as a means to overcome some form of doubt or criticism. Sometimes this doubt or criticism is left implicit by both parties so that it must be inferred from the arguments that are advanced. But if the arguer explicitly mentions the criticism to which he is reacting in his arguments, the analyst has much more to go on” (Snoeck Henkemans, 1992, p. 179).

These formulations embody a very strong claim, as is suggested by their syntactical form of universal generalizations. Indeed, the claim is even stronger than that, for the first formulation adds the qualification that this is so as a matter of principle, while the second formulation adds the qualification that the doubt or criticism can be implicit as well as explicit. So the claim seems to be that the removal of doubt or criticism is a property of all arguments that does not just happen to belong to them, but that must belong to them as a matter of definitional necessity.

The definitional status of this claim has been made explicit by a third representative of the pragma-dialectical school, van Rees (2001). The context of her discussion was that of a review of Johnson’s (2000) theory of argument. One of her criticisms is directed at Johnson’s definition of argument, which reads: “an argument is a type of discourse or text—the distillate of the practice of argumentation—in which the arguer seeks to

persuade the Other(s) of the truth of a thesis by producing the reasons that support it. In addition to this illative core, an argument possesses a dialectical tier in which the arguer discharges his dialectical obligations" (Johnson, 2000, p. 168). Van Rees's objection is that "according to this definition, producing reasons and discharging one's dialectical obligations are two different things. But in actual fact, if the notion of argument is indeed to be rooted in the dialectical practice of argumentation, the two should coincide. In a truly dialectical account, argument *per se* would be defined as an attempt to meet the critical reactions of an antagonist, that is, to take away anticipated objections and doubt" (van Rees, 2001, p. 233).

I do *not* interpret van Rees's objection as amounting to the criticism that Johnson's definition is not "really" dialectical because the only "really" dialectical definition is the pragma-dialectical one. Rather I interpret it as the criticism that Johnson's definition is insufficiently dialectical and that her proposed definition is more highly or deeply dialectical. For Johnson defines an argument in terms of both an illative component of reasons supporting the conclusion and a dialectical tier of replies to objections; so for him the dialectical component is just part of an argument, a necessary part to be sure, but only one of two parts, the other part being the illative tier. Whereas van Rees is proposing that an argument be defined in terms of just the dialectical tier; that is, the dialectical tier is not only necessary, but also sufficient, to have an argument.

Now it is important to note that Johnson's definition is already more dialectical than some others (i.e., that he gives the dialectical tier more importance than other definitions do). In fact, there are other definitions that give the dialectical tier a role, without making it necessary. For example, according to Goldman (1999), "if a speaker presents an argument to an audience in which he asserts and defends the conclusion by appeal to the premises, I call this activity *argumentation*. More specifically, this counts as *monological* argumentation, a stretch of argumentation with a single speaker . . . I shall also discuss *dialogical* argumentation in which two or more speakers discourse with one another, taking opposite sides of the issue over the truth of the conclusion" (p. 131). This amounts to claiming that answering doubts or criticisms is a sufficient but not necessary condition for an argument, and that the illative component is another sufficient but not necessary condition. Clearly, Johnson's definition is more strongly dialectical than Goldman's, and so I find it inappropriate to deny dialectical status to it. Similarly, Goldman's definition should not be denied dialectical status either, because it does take into account the dialectical tier and may be contrasted to other definitions that do not. These are the purely illative definitions, such as the following one advanced by Copi and Cohen (1994): "an argument, in the logician's sense, is any group of propositions of which one is claimed to follow from the others, which are regarded as providing support or grounds for the truth of that one" (p. 5).

In my framework, the situation is as follows. One type of definition conceives an argument as just an attempt to support a conclusion with reasons. Besides Copi, this conception corresponds to the definitions of many other authors. Adopting a term from Johnson (2000, p. 150), who adopted it from Blair (1995), we may call the supporting

reasons the *illative tier* (not the illative *core*), and then we may call this the purely illative definition of argument, or the illative definition, for short; here the illative tier is a necessary and sufficient condition to have an argument.

Another type of conception defines an argument as an attempt to justify a claim by supporting it with reasons *or* defending it from objections. Besides Goldman, such a definition has also been advanced by Reed (2000, p. 1) and by the present author (2003), and it may be attributed (Finocchiaro, 2005b) to John Stuart Mill (1997, pp. 68-69). If we call the defense from objections the dialectical tier, then we may regard this as a *moderately* dialectical definition, in which the dialectical tier as well as the illative tier are each a sufficient but not necessary condition to have an argument.

A third type conceives an argument as an attempt to justify a claim by supporting it with reasons *and* defending it from objections. Johnson's definition is the best known example of this type. Here both tiers are necessary conditions for an argument, but neither is sufficient; this may be called the strongly dialectical definition of argument.

Finally, there is a fourth type, of which van Eemeren's pragma-dialectical definition is the best known example, according to which an argument is just an attempt to justify a claim by defending it from objections. Here the dialectical tier is both necessary and sufficient to have an argument, whereas the illative tier is neither necessary nor sufficient; a natural label I have used before (Finocchiaro, 2003, p. 25) is the *hyper* dialectical definition of argument.

THE PRAGMA-DIALECTICAL ARGUMENT

The next question I want to discuss is, why should we define an argument the way van Eemeren does? How is the hyper dialectical definition justified? What arguments does the pragma-dialectical school of argumentation give for their hyper dialectical definition?

Such arguments are not easy to find. For example, let us search in van Eemeren and Grootendorst's (1992) work. If we begin with the first quotation above which I took as a pragma-dialectical formulation of the hyper dialectical definition (van Eemeren & Grootendorst, 1992, p. 73), we find that the nearby passages contain no argument for this claim. In that context, the claim is part of a recapitulation of previous theoretical claims for the purpose of tackling a new topic, that of complex argumentation.

In fact, if we examine other parts of the same work, we do find other formulations of the hyper dialectical definition. For example, in the first chapter we are told that "dialectification is achieved by treating argumentation as a rational means to convince a critical opponent and not as mere persuasion. The dispute should not just be terminated, no matter how, but resolved by methodically overcoming the doubts of a rational judge in a well-regulated critical discussion" (van Eemeren & Grootendorst, 1992, pp. 10-11). However, there is no argument. Here, this claim is just one of four that articulate various aspects of the pragma-dialectical approach, the other three being claims about externalization, functionalization, and socialization.

If we examine van Eemeren and Grootendorst's (2004) work, we find that "in . . . argumentation . . . protagonists advance their arguments for their standpoints that are intended to systematically overcome the antagonist's doubts or to refute the critical reactions given by the antagonist" (p. 61; cf. 1992, p. 35). This is a definition of the "argumentation stage," and so again we have a variant of the hyper dialectical definition. But, again there is no justifying argument in sight. Instead, this is one of four claims, the other three being about the confrontation, opening, and concluding stages of a critical discussion.

Thus it may appear that pragma-dialectical theorists do not argue for their definition of argument; that they do not engage in argumentation when it come to defending their own conception of argument. This would be ironic, for it would mean that, for all their emphasis on argumentation as the subject matter of their theorizing, they do not themselves engage in argumentation in their own theorizing. And in turn this would suggest that pragma-dialectical theorists do not practice what they preach. This would be serious criticism if it were accurate, *pace* the fallacy theorists who still believe that to criticize someone for incoherence in the theory-practice relationship is a variant of the *ad hominem* fallacy. But is the criticism accurate? That it is not completely accurate may be seen by focusing on a clue contained in what we have already examined.

We have seen that in each of the three places where we located a formulation of the hyper dialectical definition there was no justifying argument, but that the last two passages occurred in contexts where this definition was being stated together with several other theoretical claims. Now, it is a well-known phenomenon in the epistemology of scientific theorizing that normally theoretical claims cannot be confirmed individually or in isolation, but only collectively or holistically or in conjunction with others. For example, consider such a scientific achievement as Isaac Newton's *Mathematical Principles of Natural Philosophy* (1687). One of its basic theoretical claims is the so-called first law of motion or law of inertia. If we were to examine this work to locate arguments directly justifying this principle, we would be as disappointed as for the case of the hyper dialectical definition in van Eemeren's and Grootendorst's 1992 work. Instead, we would find that the law of inertia must be combined with the law of force (the second law of motion), with the law of action and reaction (third law), and with the law of universal gravitation in order to yields those explanations that justify them, that is, explanations of such established facts as Kepler's laws of planetary motion, Galileo's law of falling bodies, and the tides. Similarly, for the case of the pragma-dialectical theory, we should not expect that the hyper dialectical definition can be justified by means of simple direct arguments; perhaps we should look for holistic indirect arguments in which that definition is combined with other theoretical claims and then the whole system used to yield analyses of various facts of argumentative practice.

With these considerations in mind, let us see what we can find. At the end of chapter four of van Eemeren and Grootendorst's (1992) work, they assert that

argumentative discourse can, in principle, always be dialectically analyzed, even if it concerns

a discursive text that, at first sight, appears to be a monologue. The monologue is then, at least partially reconstructed as a critical discussion: The argumentative parts are identified as belonging to the argumentation stage and other parts as belonging to the confrontation, the opening or the concluding stage. Usually, this reconstruction is not so much of a problem as it may seem. A speaker or writer who wants to convince his audience should, after all, make it clear . . . that he intends to offer . . . arguments in favor his standpoint that overcome all critical doubt . . ." (pp. 42-43).

Here we do have, along with a restatement of the hyper dialectical claim, what I would call an argument-sketch: the programmatic claim that if we apply the various principles of the pragma-dialectical theory, we can show that all argumentative discourse consists of attempts to overcome all critical doubt; namely that, appearances to the contrary, all actual arguments can be shown to conform to the hyper dialectical conception. This is a programmatic claim in the sense that it describes a research program for argumentation theorists to conduct this kind of analysis in regard to actually occurring argumentation. Such research would presumably yield the empirical claim that all actual arguments are indeed attempts to remove the doubts and criticism of real or potential opponents; and so what we have here is an empirical argument-sketch. Finally, the argument is also indirect, theoretical, and holistic because such an empirical claim would be the result of the application of the hyper dialectical claim together with others, such as the pragma-dialectical principles of externalization, functionalization, and socialization, and the definitions of confrontation, opening, and concluding stages.

In accordance with this theoretical-empirical research program (i.e., in an attempt to give content and substance to this argument-sketch) the pragma-dialectical school has been, and continues to be, working hard to produce the relevant analyses. Even when the empirical material analyzed is relatively uninteresting, it is undeniable that the pragma-dialectical analysis provides some support in favor of their theory (e.g., van Eemeren, Grootendorst, Jackson, & Jacobs, 1993). But when the material studied is intrinsically interesting and important, then such analyses are doubly welcome. For example, there are indications that van Eemeren and Houtlosser (2003) have been working on the historically important case study involving William of Orange's rejection of the King of Spain's criticism that he (William) had violated the Treaty of Gaundt of 1576. More generally, the pragma-dialectical analysis of fallacies (van Eemeren & Grootendorst, 2004, pp. 162-186; 1992, pp. 93-207) could be regarded as another instance of providing content and substance to the argument-sketch under discussion. Another important such instantiation is that provided by Snoeck Henkemans's (1992) analysis of complex argumentation.

However, at this point the discussion becomes more complex in another dimension. That is, on the one hand, we have seen that the perceived paucity of (direct) argumentation for the hyper dialectical definition that we find in the pragma-dialectical theory can be corrected first by the realization that here we are dealing with a systematic theory whose arguments are necessarily indirect and holistic, and second by the undeniable fact that pragma-dialectical theorists have tried and are trying to provide the relevant analyses of

actual, empirical argumentative practice. On the other hand, my point now is that the cogency of such a theoretical, indirect, empirical argument is dependent on more than just producing such analyses, or even on showing that they are good and enlightening analyses. The additional requirement is that the pragma-dialectical analyses of such phenomena should be better and more enlightening than other analyses of the same phenomena. For the problem at hand, this issue reduces to the question of whether and why the hyper dialectical analysis is better than the strongly dialectical analysis, or the moderately dialectical one, or the illative one; for these are the four alternatives in this context.

In other words, it may very well be that the reconstruction of argumentative discourse accomplished in the project of van Eemeren et al. (1993) provides empirical support for the pragma-dialectical theory, including the hyper dialectical definition. It may also be that more empirical support is provided by van Eemeren and Houtlosser's analysis of William of Orange's argument against the King of Spain; by van Eemeren and Grootendorst's analysis of fallacies; and by Snoeck Henkemans's analysis of complex argumentation. Now, from the point of view of the illative definition of argument (perhaps with some holistic qualifications) such empirical support generates supporting reasons for the hyper dialectical definition, and hence an argument in its favor. The same holds from the viewpoint of the moderately dialectical definition. However, for the strongly dialectical definition, and even more so for the hyper dialectical definition, such empirical support *per se* is not even an argument, let alone a good argument; it is at best an incomplete argument. From the point of view of the hyper dialectical definition, what is required is at least to "translate" such empirical support into something that looks like the removal of doubts, criticism, or objections by opponents. That is, such empirical support must be given a "dialectical garb," to use Barth and Krabbe's (1982) expression. In short, by their own criteria, the analyses which pragma-dialectical theorists have advanced in favor of the hyper dialectical definition are either not arguments, or not good arguments, or not complete arguments.

THE SYMMETRY OF THE DIALECTICAL AND ILLATIVE TIERS

At this point one could say that the answer to this latest difficulty is easily forthcoming, indeed that it is already implicit in the progression of this very essay. For the support provided by the pragma-dialectical analyses of empirical material has emerged as an answer to the questions, doubts, criticism, and misgivings which this writer was expressing toward the hyper dialectical definition of argument. And so such pragma-dialectical analyses, although they may *appear* to be illative monological exercises, can be easily reconstructed as being dialectical replies to the objections of an antagonist.

What's more, this is true in general. Given any claim, one could always raise the question, what reasons if any there are in support of the claim. This question may be regarded as the prime or minimal objection to any claim. If one anticipates it, one constructs the illative tier and gives the supporting reasons even before the objection has actually

been raised. Or one can wait until after the objection has been explicitly raised. In either case, the illative component can be interpreted as a part of the dialectical tier.

However, I do not think this establishes the exclusivity, or even the primacy, of the dialectical tier. For in a way analogous to how a dialectical theorist attempts to interpret the illative component in terms of the dialectical tier, a proponent of the illative definition can perhaps try to do the reverse and reinterpret the dialectical tier in terms of the illative component.

Consider an argument whose illative component consists of premises P-1 through P-n and conclusion C. And suppose the argument also has a dialectical tier with objections O-1 through O-k, respectively answered by replies R-1 through R-k. Now consider the conjunction of an objection and its corresponding reply, (O-j & R-j), or some appropriately reworded phrasing of it that might be needed for grammatical propriety. It seems to me that such a conjunction would constitute a reason supporting the conclusion C. It would be like saying that one reason for accepting the conclusion is that if one objects to it in such and such a way, such an objection would be incorrect; or collectively considered, one reason for accepting conclusion C is that all objections against it fail (i.e. that there are no objections to it). In other words, an objection to a conclusion C may be seen as a reason against it, a reason for claiming not-C; and if a reason R for not-C is a bad reason, then the claim that R is a bad reason for not-C, may be seen as a reason for C. Of course, such a reason would not be a conclusive reason, and to claim such conclusiveness would be to commit a damaging version of the fallacy from ignorance. But we are clearly dealing with reasons that, however strong, fall short of conclusiveness, and for such cases the explicit refutation of an explicit objection may be viewed as a supporting reason.

The upshot of these considerations is that while the presentation of supporting reasons may be regarded as a reply to a weak or minimal objection, the refutation of objections may be regarded as a weak or minimal supporting reason. There thus seems to be a symmetry between the illative and the dialectical tiers. Applied to the present issue, this symmetry implies that although the illative empirical support for the hyper dialectical definition of argument can be interpreted to constitute a dialectical defense as well, and thus to satisfy this very definition, the hyper dialectical definition is itself conceptually indistinguishable from the purely illative definition; their differences are either purely linguistic or two sides of the same coin.

ANOTHER ARGUMENT

Although, as indicated earlier, the problem of the formulation and justification of the hyper dialectical definition of argument emerges naturally within the pragma-dialectical theory, it also emerges in other ways in other scholarly contexts. Especially after the impasse just reached, and while waiting for a possible reply from the pragma-dialectical school, it will be valuable to examine some of those other contexts.

In a previous work, the present author has also formulated and defended the hyper

dialectical definition of argument. One of the arguments is worth quoting verbatim:

The basic purpose of an argument is to make a proposition more acceptable than it would be in the absence of the argument. This means that without the argument its conclusion would be less acceptable. But how could the acceptability of a proposition be less, when there is no supporting argument? Only if there are present certain objections to the proposition; the argument is then an attempt to remove such objections. We may then say that an argument is a defense of its conclusion from actual or potential objections. No argument would be needed if there were no need to make the conclusion more acceptable, i.e. if there were no previous objections. Thus the objections are prior, and objections are nothing but critical arguments. (Finocchiaro, 1980, p. 419)

The fifth sentence in this passage is a clear and explicit statement of the hyper dialectical definition of argument. It may be regarded as the final conclusion of the argument contained in this passage. A final, unsupported premise is a proposition (expressed in the first sentence) which is being adopted from Hamblin (1970, p. 245); this embodies a conception of the purpose of argument in terms of increasing the acceptability of the conclusion. An intermediate proposition here is unstated in this passage, it being an immediate and obvious consequence of the last sentence, namely that critical arguments are prior to constructive ones. This proposition is being adopted from Johnstone (1959, p. 82); here, by critical argument is meant one whose conclusion explicitly expresses a negative evaluation of some proposition or argument, whereas a constructive argument is one whose conclusion is explicitly about some event or object in the world. Johnstone's point is that apparently "constructive" arguments are really critical (i.e., justify their conclusion by criticizing objections and counterarguments). Thus, historically and "dialectically" speaking, this argument was also an attempt to combine the ideas of these two pioneers of recent argumentation theory.

Now besides this argument, there is a second, much longer, and very different one advanced in that previous work of mine. This second argument is essentially an inductive one, indeed an inductive generalization. The sample of arguments consists of those in Galileo's *Dialogue on the Two Chief World Systems, Ptolemaic and Copernican*. Galileo's arguments are examined in great detail with an eye toward deriving or testing useful claims in the theory of argument. It turns out that in the sample, by far "most arguments are critical, rather than constructive" (Finocchiaro, 1980, p. 418; cf. 2005a, pp. 43-44), and this provides empirical support for the above-mentioned Johnstonian thesis. Then from this thesis, via the argument quoted before, one arrives at the hyper dialectical definition of argument.

Now, space limitations, as well as modesty and potential embarrassment, prevent me from evaluating these arguments. Instead it will be more instructive to try to locate other possible arguments for the hyper dialectical conception.

MILL'S HYPER DIALECTICAL ARGUMENTATIVE PRACTICE?

One source I should like to explore is John Stuart Mill. I believe this exploration will be instructive despite the fact that he appears to subscribe to what I call a moderately dialectical, rather than strongly or hyper dialectical definition (cf. Finocchiaro, 2005b). Nevertheless, I would begin by saying that, however "moderately dialectical" he may be according to my terminology used here, it is undeniable that he preaches and practices a dialectical approach. My second consideration is that it is generally acknowledged that Mill is pursuing certain ideas quite single-mindedly, passionately, coherently, so much so that we would expect him to articulate a "hyper" position on the subject. Third, he is the author of a very revealing and emblematic remark, made in his essay *On Liberty*, that "when we turn to subjects [such as] morals, religion, politics, social relations, and the business of life, three-fourths of the arguments for every disputed opinion consist in dispelling the appearances which favor some opinion different from it" (Mill, 1997, p. 69). Now, although this claim, even if true, would not prove the hyper dialectical definition without further ado, the hyper dialectical implications of it are obvious: it would show that what I have found to be the case for the arguments in Galileo's *Dialogue* is relatively common; in other words, if the hyper dialectical definition applies in 75% of the cases, then it is more promising than it appears at first. In line with this remark, we could then examine an instructive example of such an explicitly hyper dialectical argument mentioned by Reed and Long (1998, p. 3), namely Turing's (1950) attempt to show that machines can think based primarily on a critique of nine objections to this conclusion.

However, an even better example may be Mill's own argument in the first chapter of *The Subjection of Women*, if Hansen's (2005) suggestion is correct that Mill's argumentative practice there corresponds to the hyper dialectical conception. According to Hansen,

in *The Subjection of Women* . . . chapter I serves double duty: it is first a general introduction to the work, an essay which aims to show that 'the legal subordination of one sex to the other' is wrong . . . Secondly, . . . Mill imagines a presumption will be claimed in favour of the existing social relationship between the sexes because it is the *status quo*; this means that the burden of proof will fall on anyone who wishes to change the system . . . Mill . . . accepts the burden . . . The way the argumentation unfolds in the heart of this chapter is that Mill is proposing the thesis that the present arrangement between the sexes is unjustified, and he answers objections to this . . . In this chapter Mill does not present any particular argument in favour of his thesis. What he has done is to consider a number of objections to the thesis, and then replied to them, one by one. (p. 7)

Before testing this interpretive hypothesis, let us note that in this last sentence Hansen seems to betray a commitment to either the illative or the strongly dialectical conception of argument. We need not share this presupposition, for from the point of view of the moderately or hyper dialectical conceptions, if Mill considers and then replies to several

objections to his thesis, even without offering any constructive, illative, supporting reasons, he is thereby advancing an argument for his thesis.

However, I believe that an examination of Mill's *Subjection of Women* reveals that neither his argumentative practice nor his meta-argumentative reflections correspond to the hyper dialectical conception. This essay tries to justify the claim that "the principle which regulates the existing social relations between the two sexes—the legal subordination of one sex to the other—is wrong in itself, and now one of the chief hindrances of human improvement; and that it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other" (Mill, 1997, p. 133). He states that for a satisfactory justification of this claim, he has to do the following:

I should be expected not only to answer all that has ever been said by those who take the other side of the question, but to imagine all that could be said by them . . . and besides refuting all the arguments for the affirmative, I shall be called upon for invincible positive arguments to prove a negative. And even if I could do all this, and leave the opposite party with a host of unanswered arguments against them, and not a single unrefuted argument on their side, I should have thought to have done little; for a cause supported on the one hand by universal usage, and on the other by so great a preponderance of popular sentiment, is supposed to have a presumption in its favor, superior to any conviction which an appeal to reason has power to produce in any intellects but those of a high class. (p. 134)

Mill sees himself as holding the negative side of the question whether the legal subordination of women to men is right; but what he holds can also be stated affirmatively, at least grammatically speaking, namely that the subjection of women is wrong. He feels bound to abide by what he would regard as the usual requirement; that is to refute or criticize all arguments against or objections to his own claim, and to provide unanswerable arguments in its favor. And in most of the essay he does that. For example, in the last part of chapter 1 (pp. 149-155), he tries to refute the objection that the subordination of women is not wrong because it corresponds to the nature of men and women. Then in chapter 2, he tries to show that the subordination of women is wrong because it produces considerable evil and harm in marriage. In chapter 3, he argues that it is wrong because of its harmful effect in the public sphere of employment and citizenship. In chapter 4, he gives reasons for thinking that it is wrong because its abolition would result in considerable benefits and advantages in marriage, social relations, and the psychological well being of women. So far, Mill is being moderately dialectical in regard to the *definition* of argument, but quite inclusive in regard to what's needed to *justify* one's conclusion. Note for example, that he thinks it is important to imagine or invent counter-arguments or objections to one's one conclusion. However, in this case something more radical is needed.

In this case all these things are insufficient because, for Mill, the belief in the subjection of women is not the result of argumentation but rather of non-rational causes. Mill (1997) mentions the two chief ones, custom and emotion. In such cases, an opinion

"gains rather than loses in stability by having a preponderating weight of argument against it" (p. 133), and so what is also needed is to undermine those non-rational causes. Part of this undermining involves exposing them. But perhaps more is needed after exposure, partly rational criticism of such causes, and partly counteracting or counterbalancing such causes by others. In fact, most of chapter 1 (Mill, 1997, pp. 135-149) deals with this task of exposure and counterbalancing. The major counter-balancing factor discussed by Mill is the modern progressive tendency for greater and greater equality.

This is an extremely interesting and provocative idea, but a fuller discussion is beyond the scope of this chapter. In part Mill is pointing out a limitation of rationality and argumentation. In part he is proposing a way to deal with this fact of cultural life. His proposal requires that in some cases, besides rational argumentation we need what might be called causal explanation and causal intervention. So he is making the task harder for the practitioner and theorist of argumentation. In that sense he is advocating the kind of radical and uncompromising position he is famous for. Although such a position could be called hyper according to the general dictionary sense of this word, it is not hyper in the sense defined in this chapter. That is, although he does not seem to hold a hyper dialectical definition of argument, he seems to hold a very stringent principle for the justification of conclusions, so laden with what might be called "dialectical" obligations that it would not be improper to label it a hyper dialectical principle of justification.

REFERENCES

- Barth, E. M., & Krabbe, E. C. W. (1982). *From axiom to dialogue*. Berlin: Walter de Gruyter.
- Blair, J. A. (1995). Premise adequacy. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard, *Analysis and evaluation: Proceedings of the third ISSA conference on argumentation*, Vol. 2 (pp. 191-202). Amsterdam: Sic Sat.
- Copi, I., & Cohen, C. (1994). *Introduction to logic* (9th ed.). New York: Macmillan.
- Eemeren, F. H. van, & Grootendorst, R. (1992). *Argumentation, communication, and fallacies*. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Eemeren, F. H. van, & Grootendorst, R. (2004). *A systematic theory of argumentation*. Cambridge: Cambridge University Press.
- Eemeren, F. H. van, Grootendorst, R., Jackson, S., & Jacobs, S. (1993). *Reconstructing argumentative discourse*. Tuscaloosa: University of Alabama Press.
- Eemeren, F. H. van, & Houtlosser, P. (2003). More about fallacies as derailments of strategic maneuvering. In J. A. Blair, D. Farr, H. V. Hansen, R. H. Johnson, & C. W. Tindale (Eds.), *Informal logic@25*. Windsor, ON: Ontario Society for the Study of Argumentation. CD-ROM; ISBN: 0-9683461-3-8.
- Finocchiaro, M. A. (1980). *Galileo and the art of reasoning*. Boston: Reidel.
- Finocchiaro, M. A. (2003). Dialectics, evaluation, and argument. *Informal Logic*, 23, 19-49.
- Finocchiaro, M. A. (2005a). *Arguments about arguments: systematic, critical, and historical essays in logical theory*. New York: Cambridge University Press.

- Finocchiaro, M. A. (2005b). Mill's *On liberty* and argumentation theory. In D. Hitchcock (Ed.), *The Uses of Argument*. Proceedings of a Conference at McMaster University (pp. 89-98). Hamilton, ON: OSSA.
- Goldman, A. (1999). *Knowledge in a social world*. Oxford: Clarendon Press.
- Hamblin, C. L. (1970). *Fallacies*. London: Methuen.
- Hansen, H. V. (2005, May). Does Mill have a theory of argumentation? Paper presented at the conference "The Uses of Argument," Ontario Society for the Study of Argumentation, McMaster University, Hamilton, Ontario, Canada.
- Johnson, R. H. (2000). *Manifest rationality*. Mahwah, NJ: Lawrence Erlbaum Associates.
- Johnstone, H. W., Jr. (1959). *Philosophy and argument*. University Park: Pennsylvania State University Press.
- Mill, J. S. (1997). *The spirit of the age, On liberty, The subjection of women*. Ed. A. Ryan. New York: Norton.
- Reed, C. (2000). Building monologue. In C. Tindale, H. V. Hansen, & E. Sveda, (Eds.), *Argumentation at the century's turn*. Ontario Society for the Study of Argumentation. CD-ROM. ISBN: 0-9683461-1-1.
- Reed, C., & Long, D. (1998). Persuasive monologue. In H. V. Hansen, C. W. Tindale, & A. V. Colman (Eds.), *Argumentation and rhetoric*. St. Catharines, ON: Ontario Society for the Study of Argumentation. CD-ROM. ISBN: 0-9683461-0-3.
- Rees, M. A. van (2001). Review of Johnson's *Manifest rationality*. *Argumentation*, 15, 231-37.
- Snoeck Henkemans, A. F. (1992). *Analysing complex argumentation*. Amsterdam: Sic Sat.
- Turing, A. M. (1950). Computing machinery and intelligence. *Mind*, 59, 433-460.

A Place for Informal Logic Within Pragma-Dialectics

James B. Freeman

Hunter College of the City University of New York

PRAGMA-DIALECTICS AS A COMPREHENSIVE ACCOUNT OF ARGUMENTATION

Pragma-Dialectics' comprehensiveness is first expressed in seeing argumentation as fundamentally dialectical. Argumentation basically arises in an exchange between the proponent of some claim and a challenger who openly doubts that claim. The resulting critical discussion to resolve this difference of opinion constitutes argument in its primary sense. Argumentation then basically falls under the province of dialectics. However, since the interlocutors' contributions can have persuasive effects, rhetoric is not denied its province of study on the pragma-dialectical view. Likewise, the proponent's contributions can be recast in the form of an argument as product, subject to logical evaluation.¹

Pragma-Dialectics gives a comprehensive account of argumentation in another sense, implicit in van Eemeren and Grootendorst's (1984) very definition: "Argumentation is a speech act consisting of a constellation of statements designed to justify or refute an expressed opinion and calculated in a regimented discussion to convince a rational judge of a particular standpoint in respect of the acceptability or unacceptability of that expressed opinion" (p. 18). Criteria for acceptability and unacceptability are variable, being justified in believing (or withholding belief) being only one possible criterion.

Cohen (1992) draws a distinction between belief and acceptance. One believes a proposition that p just in case one has a disposition or propensity to feel it true that p when attending to the question of whether p , and false that $not-p$ (p. 4). To accept p is to be prepared

¹ These considerations reply to Johnson's (2000) remark showing pessimism that a case can be made for supplementing product-based theories of argument with process-based.

to take *p* as a premise in deliberation about what to think or do (p. 4). Clearly although one tends to take as premises what one believes, reasons justifying belief also justifying acceptance, belief and acceptance need not always go together. One might justifiably believe a certain proposition, yet for certain practical considerations refuse to take it as a premise. Similarly, one might not believe a certain proposition, yet take it as a premise because one perceives that one's interlocutor *does* take it as a premise. Such argumentation may be disingenuous but not unmotivated. Whatever the ground of acceptability, however, the regimented discussion still instances argumentation. Being open to the plurality of goals constitutes a comprehensive stance from which Pragma-Dialectics may view argumentation.

This comprehensiveness underlies, I believe, the formulation and presentation of a number of the pragma-dialectical rules for critical discussions, in particular for the argumentation stage. Van Eemeren and Grootendorst (1984) distinguish rules of two sorts. First, they propose overall rules to govern the participation of proponent and challenger, which are binding on pain of committing fallacies. But before commencing the argumentation stage of a particular discussion, the interlocutors will chose further rules governing how the proponent will defend his view, the challenger attack it, and how their defense or attack will be judged successful. "In a rational discussion, attacking and defending a point of view takes place in accordance with *commonly shared rules of discussion* . . . [which] must be regarded as *proposals* that only *come into force* when they have been *accepted* by the language users who fulfill the roles of protagonist and antagonist" (p. 163, italics in original). Thus, which rules proper to a given discussion are in force is a matter of the free choice of the participants in that exchange. One cannot fail to be reminded here of van Eemeren and Grootendorst's countrymen, the intuitionist mathematicians Brouwer and Heyting, who sought to understand mathematics as a free activity of the human mind (compare Heyting, 1931, p. 52). Pragma-Dialectics does not specify these rules in advance and thus has an understanding of argumentation comprehensive enough to encompass critical discussions regulated by freely chosen rules.

The interlocutors must also decide what propositions are taken as acceptable-accepted without further argument in the context of the exchange, and how new information can be certified as constituting acceptable propositions.² Van Eemeren and Grootendorst (1984) also specify that proper to the rules governing whether a defense or attack is successful, the interlocutors must adopt logical rules for determining when the connection, justificatory or refutatory, between premises and conclusion is valid (pp. 168-169). This suggests a step back from comprehensiveness, since obviously the connection between premises and conclusion might be inductively strong without being valid.³ But except in

² Having an intersubjective testing procedure allows a straightforward reply to Johnson's (2000) objection that it is not reasonable to require the participants in a critical discussion to list in advance all the premises which they will then regard as acceptable in the course of the discussion.

³ In their 1987 and 1992 formulations, there is a serious conflict between this validity requirement stated in Rule VIII and the preceding Rule VII requiring the defense of standpoints to instance a properly applied argumentation scheme. Johnson has noted this problem in 1995 (p. 239) and 2000 (pp. 314-315). Arguments symptomatic, causal, and by analogy indicate families of *inductive* arguments.

their discussion of making unexpressed premises explicit, van Eemeren and Grootendorst (1984) nowhere indicate that by "valid" they mean semantic deductive validity. Within deductive logic we can define a notion of syntactic validity, the conclusion of an argument following validly from its premises by application of specified rules. Surely sets of rules may contain non-demonstrative inference licences. But we may still speak of conclusions properly following from premises by means of the rules included in such sets and in this sense being valid.

This openness to sets of rules freely chosen by the interlocutors is incorporated into van Eemeren and Grootendorst's (1984) very understanding of rationality: Rationality in critical discussions consists in following an agreed-upon set of rules which facilitate the resolution of a dispute (p. 18). This means that to be properly conducted or rational, critical discussions need not be oriented toward arriving at true or justified belief concerning some point at issue. The goal might be to determine whether a claim is the most pragmatically fruitful for the participants of the dialogue to accept. One may, however, speculate that should the goal not be to arrive at the best justified approximation of the truth available, the resolution of the dispute, even though proper, will not be stable. The question may very well be reopened again.

One may object that argumentation not oriented toward arriving at justified belief is neither proper nor rational. The following considerations should mollify this critic. Engaging in a critical discussion is one mechanism for generating beliefs. We may also come to hold beliefs through mechanisms including perception or taking one's word. Since Plato, knowledge has been characterized as true belief satisfying some additional condition. Plantinga (1993) calls this condition *warrant*. A true belief's being warranted requires the proper functioning of the mechanism generating it. But this in itself is not sufficient. As Plantinga points out, we may properly form many beliefs, even though the evidence at hand does not sufficiently support them. "I may believe that I will recover from a dread disease much more strongly than is justified by the statistics of which I am aware. William James's climber in the Alps, faced with a life or death situation, believed more strongly than the evidence warrants that he could leap the crevasse. In . . . these cases, there is no cognitive dysfunction or failure to function properly" (Plantinga, 1993, pp. 11-12). One may thus form beliefs to preserve values other than the truth. Such beliefs may still be properly generated, although they do not have warrant. But this simply highlights that the proper functioning of a belief-generating mechanism is independent of its orientation to the truth on a given occasion. Hence argumentation carried out within the framework of the pragma-dialectical rules for critical discussion can be the product of a properly functioning belief-generating mechanism, even if it is not truth-oriented. This does not mean that properly conducted argumentation oriented to arriving at true, verisimilitudinous, or sufficiently justified beliefs is not of special interest. But that introduces the subject matter of the next section.

CRITERIA OF INFORMAL LOGIC AS A SET OF PRAGMA-DIALECTICAL AGREEMENTS

Informal logic, on our understanding, is concerned with the analysis and evaluation of arguments as products, especially as they appear in ordinary language argument texts. The issues of acceptability of premises, their relevance to conclusions, and their adequacy as grounds for asserting those conclusions, the informal logic agenda, constitute argument evaluation. So understood, the purview of informal logic extends even beyond what is counted as logic proper. Questions of premise adequacy are epistemological; logic strictly understood deals with questions of connection adequacy.

In evaluating an argument, we may imagine ourselves entering into a critical discussion with the author of the text. We are reconstructing the argument stage of the critical discussion. The author, of course, is the proponent and we the challenger and rational judge. Beginning with the final conclusion of the argument, we may view the remainder as presenting the proponent's responses to various critical challenges we have made. The final conclusion is the initial assertion of the proponent. Our challenges concern whether we are or may be made aware of evidence which constitutes epistemically good grounds justifying believing the claim, or presuming it true or sufficiently verisimilitudinous. The proponent's argumentation is understood as responding to these questions.

In making these challenges, we are guided by certain rules reflecting our informal logic agenda. For the purpose of our reconstruction, we may imagine the proponent having agreed to these rules. Although from a purely pragma-dialectical perspective, the interlocutors in a critical discussion are free to accept or not accept these rules, from the perspective of doing informal logic from a pragma-dialectical perspective, these rules reflect the norms of informal logic used to assess whether an argument renders its (final) conclusion acceptable, and from that perspective are not variable. Thus we shall have premise acceptability, relevance, and ground adequacy rules. What might be instances of such rules?

1. A proponent will put forward only premises which are vouched for by a presumptively reliable source in the absence of known or suspected defeaters to the presumption of the source's reliability, or be prepared to offer further argumentation for the premise.
2. The proponent shall put forward only those premises which are connected—singly or in combination with other premises—by a reliable non—rebutted warrant (inference rule) to the conclusion being defended, or be prepared to construct a chain of reliably warranted arguments from the premises put forward to the conclusion allegedly supported.
3. The proponent shall put forward only sets of premises sufficient to shift the burden of proof to the challenger to show that the conclusion should not be accepted, or be prepared to augment his set of premises.

Notice that the first rule refers to presumptively reliable sources and their defeaters, the

second to reliable warrants and their rebutting conditions, and the third to the conditions for shifting the burden of proof. Identifying these factors is also not a matter of free choice on the part of the interlocutors, but fixed by epistemic considerations. Identifying these factors to understand the rules is part of doing informal logic within the pragma-dialectical framework. Van Eemeren and Grootendorst speak of attacking the propositional content and justificatory or refutatory potential of a point of view. As should be apparent, for a challenger to question the acceptability of one or more premises is to attack their propositional content, while to question their relevance or ground adequacy is to question their justificatory potential.

The issue of when a challenger is obliged to accept a premise—"the propositional content of an illocutionary act complex *argumentation*" (van Eemeren & Grootendorst, 1984, p. 165)—raises interesting points for doing informal logic within a pragma-dialectical perspective. Van Eemeren and Grootendorst indicate that settling this issue requires the interlocutors to "establish explicitly (1) what propositions they jointly accept without further argument, and (2) how they will jointly decide on the acceptability of other propositions" (p. 165). For the informal logician, the issue concerns primarily the second condition. The author of an argument text will ordinarily not be available to enter into agreements about which propositions will be regarded as acceptable *ab initio*. Notice that from an informal logic perspective, such *ab initio* agreement would not be a matter of free choice but of jointly recognizing that certain propositions *are* acceptable, satisfying certain normative criteria, identified on epistemic grounds, the proponent's agreement presupposed.

The informal logician will focus on the acceptability of the premises actually put forward, which may express propositions which he or she has not considered prior to entertaining the argument. (As van Eemeren and Grootendorst (1984) point out, the protagonist should be able to introduce new information defending his standpoint and not be limited to initially agreed upon propositions (p. 167).) From the pragma-dialectical perspective, the proponent's being able to introduce new information presupposes that proponent and challenger have agreed on how new information may be tested, for example that certain sources will be regarded as authoritative or certain procedures as decisive. For the informal logician as challenger, we claim that any imagined agreement with the proponent is predicated on an epistemic theory of premise acceptability supporting a procedure of epistemic casuistry for deciding the acceptability of a claim in a particular case.⁴ In a later section, we indicate how such a procedure could be carried out dialectically.

Similarly, the issue of when a challenger is obliged to concede that a set of premises is adequately connected to the conclusion it allegedly supports, conversely the issue of when a proponent has successfully met a challenge to connection adequacy, highlights how one can carry out an informal logic evaluation within a pragma-dialectical framework. Van Eemeren and Grootendorst claim that in assessing connection adequacy, one in

⁴ We present such a theory and procedure in Freeman (2005a).

general will need to make explicit the unexpressed premises being asserted. The question of unexpressed premises and the adequacy of van Eemeren and Grootendorst's method for making them explicit raise issues that are beyond the scope of this chapter. Suffice it to say that as long as one admits that in some cases arguments may involve unexpressed premises, making them explicit will be an appropriate early step in assessing connection adequacy. In the context of a critical discussion, the reconstruction process may result in an argument which instances one of the inference rules agreed upon at the beginning of the discussion. If so, the connection is adequate and the challenger is required to admit its adequacy.

In the absence of such a reconstruction, van Eemeren and Grootendorst (1984) indicate that the interlocutors need to enter into an intersubjective reasoning procedure "to check the validity of the argument" (p. 169). What they intend here is not at all clear. Are the interlocutors to engage in the intersubjective reasoning procedure if their attempted reconstruction has failed to produce a valid argument, or do they need to engage in the procedure if the procedure of explicating unexpressed premises has not been undertaken at all? Setting that question aside, and keeping in mind the syntactic notion of validity highlighted earlier, one can easily appreciate that the argument from a set of premises to a conclusion could be syntactically valid, yet the premise-conclusion complex not instance any available inference rule. To show syntactic validity, one would have to construct a derivation, the conclusion of the given argument being the final line. If asserting each intermediate conclusion was justified by some available rule, the original argument would be shown syntactically valid by means of this reasoning procedure. What van Eemeren and Grootendorst (1984) stress is that the participants in a critical discussion "must have *logical rules* which they can apply in order to evaluate the validity of the protagonist's argument" (p. 169, italics in original).

Here again, it appears that the pragma-dialectical approach allows free choice in identifying these logical rules. From the perspective of doing informal logic within the framework of a reconstructed critical discussion, the choice will have been made for warrant or inference rules which are reliable. In Toulmin's terminology, the choice will be for warrants which are properly, sufficiently backed. Proponent and challenger would determine whether certain premises are adequately connected to the conclusion by determining whether they instance some reliable warrant or if there is a series of premise-conclusion connections leading from the original premises ultimately to the original conclusion where each connection in the series instances a reliable warrant. Again, these need not be demonstrable warrants expressing deductively valid inference patterns. Such connection will not be sufficient for adequacy, however, for as Toulmin has pointed out, each warrant can be rebutted. Hence, for adequate connection, each warrant in the reasoning procedure showing adequacy must be non-rebutted. In this way, we can see how the informal logic commitment to acceptable, relevant, and ground adequate premises can be translated into a set of agreements for entering into a critical discussion from the pragma-dialectical perspective.

REPLIES TO CERTAIN INFORMAL LOGIC CRITICS OF PRAGMA-DIALECTICS

Johnson (1995) raises critical questions over some of the pragma-dialectical rules for critical discussion (1992 version). Concerning "Whoever advances a standpoint is obliged to defend it if asked to do so," Johnson (1995) remarks that this puts a *conditional* burden of proof on the proponent, whereas informal logic regards the burden as *unconditional*, obviated only by contextual factors, such as asserting common knowledge (p. 238). The conditional account does not satisfy Johnson's criterion of manifest rationality. It is not enough for an argument to *be* rational, those engaging in or evaluating the argument must be able to *recognize* the rationality. Hence, should the proponent put forward a questionable but unchallenged and hence undefended assertion, the argument would not appear rational to anyone finding the assertion questionable, even if the assertion were true or justifiable.

Johnson's point is very important. In seeking to justify claims through argument, one takes an internalist stance. That is, an argument will render a claim justified only if one sees the premises as justified and their connection to the conclusion sufficient to justify the conclusion. Simply being justified and adequately connected is not enough. This stance is internalist, because whether or not one is aware of these factors is a matter of one's internal inspection. It does not follow, however, that informal logic and Pragma-Dialectics are in conflict over manifest rationality. In evaluating an argument as product, one takes the challenger stance with an assumed agreement with the author over the conditions under which the acceptability, relevance, and ground adequacy criteria are deemed satisfied. Hence, if one finds a premise questionable, one is obligated from the informal logic point of view to question it. Hence the burden of proof will be on the proponent to defend it, from the pragma-dialectical point of view, because he will be questioned about it. Thus when one enters a critical discussion from the informal logic point of view, there will be no disagreement between informal logic and Pragma-Dialectics over where lies the burden of proof for questionable assertions. Of course, given the comprehensiveness of Pragma-Dialectics, one may enter a critical discussion from other perspectives. Such a critical discussion need not exhibit manifest rationality as Johnson understands it, but Pragma-Dialectics was not intended to satisfy manifest rationality in this sense.

Johnson also criticizes Pragma-Dialectics for not unconditionally requiring the proponent in a critical discussion to answer even some of the objections against a standpoint he is advancing. If proponent and challenger enter a critical discussion from the informal logic point of view, the challenger will be under an obligation to raise questions over at least some of these objections, as long as the proponent has not addressed them. Such questions may concern whether the premises constitute adequate grounds for the standpoint and may thus be part of the required testing procedure for validity in the wider than demonstrative sense. But then the proponent will be obligated, on pragma-dialectical grounds, to respond to these objections.

Biro and Siegel (1992) argue that the participants in a critical discussion could abide by all the rules, yet reach a resolution that would be "unjustified or irrational" (p. 90),

indicating that Pragma-Dialectics is deficient as a normative theory of argumentation. The interlocutors could have agreed to accept false or unjustified beliefs or problematic inference rules. Should these problematic agreements be used in the course of their critical discussion, their resolution, although arrived at in complete accord with pragma-dialectical rules and procedure, would be epistemically unjustified. They conclude "The pragmatic aim of reaching resolution—even in accordance with rules agreed to by all disputants—reflects at most a commitment to *instrumental* or pragmatic, rather than *epistemic*, rationality. But it is only the latter which can do full justice to the normativity of argumentation" (p. 91, italics in original). We see Biro and Siegel as more talking past the pragma-dialectical approach than exposing a deficiency. Insofar as Pragma-Dialectics sees critical discussions regulated by rules and calls for evaluating critical discussions on how well they adhere to rules, it is normative, going beyond a mere descriptive or rhetorical account (contra Siegel and Biro's claims in 1997, pp. 282-284). Insofar as the rules facilitate the resolution of disputes, they are pragmatically or institutionally rational. But this is all that van Eemeren and Grootendorst claim about these rules. To argue that the rules do not satisfy some further condition is not necessarily to criticize their position as such. The informal logician is free to claim that for the resolution of a dispute to be *epistemically* and not just *pragmatically* justified, some further conditions must be satisfied, in particular conditions placing restrictions on choosing starting points and admitting logical rules.

Siegel and Biro (1997) argue that van Eemeren and Grootendorst (1992) go beyond a merely pragmatic concept of rationality or reasonableness when the latter claim "Scholars of argumentation give shape to their ideals of reasonableness by presenting a particular model of what is involved in acting reasonably in argumentative discourse. An ideal model aims at providing an adequate grasp of argumentative discourse by specifying which modes of argument are *acceptable to a rational judge in view of a certain philosophical conception of reasonableness*" (p. 7; quoted in (1997, p. 283) with italics added). Appealing to what is acceptable to a rational judge in virtue of a philosophical conception of reasonableness takes this conception beyond the merely pragmatic. But Siegel and Biro (1997) complain that van Eemeren and Grootendorst leave this conception "completely without content" (p. 283). Until they specify their philosophical conception of rationality which will explicate what makes a rational judge rational, they have not given a further criterion of reasonableness. Again, Siegel and Biro's complaint apparently misunderstands what van Eemeren and Grootendorst are doing. Their purpose is to indicate that there can be a plurality of ideals of reasonableness and how such an ideal can be articulated. Their ideal gives us a pragmatic account of rationality. But this account encompasses rather than conflicts with an epistemic conception of rationality.

ADVANTAGES TO INFORMAL LOGIC OF THE PRAGMA-DIALECTICAL PERSPECTIVE

The advantages to viewing informal logic as one way of engaging in a critical discussion

center on the pragma-dialectical emphasis on dialogue as the primary arena for understanding argumentation. One cannot profitably evaluate a text containing argumentation on the core informal logic grounds until one sees how the components of the text fit together. This is a matter of common sense. Determining whether the premises are acceptable presupposes identifying the premises. Determining whether connections are relevant and sufficient presupposes identifying what premises are connected to what conclusions. Some logic texts have included ways of representing argument structure through diagrams. Many who have used these texts, however, have found the instructions for constructing diagrams confusing and the procedure mystifying.

In 1991, we argued that if, with the pragma-dialectical school, we saw dialectical exchange as the primary arena in which argumentation arises, we can motivate our discernment of argument structure (Freeman, 1991). We think of an argument text as generated through a proponent/challenger exchange. The proponent puts forward an initial claim and responds to the challenger's critical questions concerning that claim and his subsequent responses. The challenger subscribes to acceptability, relevance, and ground adequacy as criteria of argument evaluation. Her role is solely to draw out the best argument possible from the proponent, in light of these criteria. Should the challenger doubt the proponent's initial assertion, she will question its acceptability, initiating a critical discussion. We picture the proponent responding with one statement, resulting in an argument. The challenger may find that argument deficient on any of the three informal logic grounds. If she finds the premise questionable, she will ask an acceptability question:

Why should I believe or accept that premise?

Once the proponent answers, his argument, if laid out as a text, would have serial structure, the last statement supporting the second, that supporting the initial claim. If the challenger does not find the proponent's premise relevant to his initial claim, she will ask a relevance question (e.g., Toulmin's warrant generating question):

How to you get from reason to claim?

The resulting response from the proponent is intended to be taken together with the original premise to constitute a reason for the conclusion. The resulting text has linked structure. If the challenger perceives that the premise by itself is not sufficient to render the conclusion acceptable, she may ask a ground adequacy question:

Can you give me an additional reason?

Here the proponent's answer is (or should be) an independent consideration supporting the conclusion. The resultant argument text has convergent structure.

The challenger may also be aware that associated with some warrant involved in the argument are certain rebuttals, and that there is reason to think that at least one of these

rebuttals holds in this case. She may then ask another ground adequacy question:

Why are you so sure (in light of rebuttal R)?

The proponent's response here counters this rebuttal.⁵ We can imagine the challenger continuing to ask such questions of the proponent, drawing out an argument of ever-increasing complexity. In this way, we can see how the macrostructure of argument texts can be motivated dialectically, thus aiding the analysis indispensably prerequisite for informal logic evaluation.

The dialectical model may motivate the evaluation itself. When are the premises, in particular the basic premises, of an argument acceptable? See Freeman (2005a) for a dialectical procedure for deciding this question in specific cases. In effect we are proposing an intersubjective testing procedure (compare van Eemeren & Grootendorst, 1984, p. 167) where the participants in a critical discussion have agreed beforehand that the premises deemed acceptable must be epistemically justified. The dialectical model has distinct advantages, discouraging us from imagining proponent and challenger as pure minds or brains in vats, but rather as fully embodied persons, further embodied in the particular dialectical exchange in which they are participating. This has distinct epistemic implications, most importantly for the challenger who raised the acceptability question. She will ordinarily be aware of a host of information derived from her situation and coming from various sources including her sense perception and the word or testimony of others. Some of this information may bear on her particular acceptability question.

In the testing procedure, the proponent asks acceptability determining questions requiring the challenger to focus on this information.

- (1) What type of statement is the questioned premise—necessarily true or a contingent description, interpretation, or evaluation?
- (2) What source or sources vouch for it?
- (3) Does the voucher create a presumption for the questioned premise?

The third question leads to three more questions. Assume that the challenger identifies just one source. The proponent asks her

- (3a) Is the source presumptively reliable?
- (3b) Is the source epistemically compromised in this situation? (e.g., You perceive a red bottle and you can presume your visual perception reliable, but did you view the bottle under special lighting?)
- (3c) Is the expected cost of mistakenly accepting the statement in this situation greater than the expected cost of procuring further evidence? (Freeman, 2005a, p. 320)

⁵ For our account of representing rebuttals and counterrebuttals diagrammatically, see (Freeman 1991, pp. 155-158 and 161-165).

Should the challenger on the basis of her position in the dialectical situation answer yes to (3a), no to both (3b) and (3c), then the premise is acceptable from her point of view.⁶ Questions of premise acceptability from an informal logic viewpoint then may be assayed through a dialectical testing procedure.

We conjecture that questions of premise/conclusion adequacy can also be settled dialectically through an epistemic version of van Eemeren and Grootendorst's (1984) intersubjective reasoning procedure for determining the "validity" of an argument (p. 169). Here we can only sketch a strategy. Full elaboration and justification remain an open question. Relevance and sufficiency or ground adequacy are the two factors in connection adequacy. We see determining relevance as preliminary to determining sufficiency. In Freeman (1992) and (2005b), we developed the view, which we here put briefly, that a set of premises is relevant to a conclusion if and only if there is a reliable warrant justifying the move from premises to conclusion. The obvious first question in assessing connection adequacy is

- (1) What is the warrant?

Warrant reliability is a matter of backing. But we hold that there are different types of warrants backed in different ways.⁷ Some warrants are self-backed, such as intuitively obvious deductive inference rules. Material warrants may be backed either "from below" by particular confirming instances, or "from above," being derived from various principles explicating meaning. Hence, the reasoning procedure continues by asking

- (2) What type of warrant is it?
- (3) Is there some backing for the warrant?

Should this intersubjective testing procedure determine that the premises are relevant to the conclusion, proponent and challenger may continue to determine the strength or sufficiency of the premises. Even if a non-demonstrative warrant is genuinely reliable, it may be rebutted in a given case. Rebutting a warrant undercuts the force or weight in a given case of premises to support a conclusion. The next question, then, is

- (4) Is the warrant rebutted in this case?

Should there be no problem with rebuttals, the question of how strongly or adequately the premises support the conclusion is still open. For material as opposed to deductive warrants, this is a matter of the extent of the backing. *Ceteris paribus*, the more varied

⁶ For further introductory elaboration of our view of this intersubjective testing procedure which we call epistemic casuistry, see (Freeman, 2005a, pp. 319-322). The whole of chapter 11 in Freeman (2005a) is devoted to presenting this procedure.

⁷ For our account of types of warrants, see Freeman (2005b).

the body of evidence, the stronger the warrant and thus the stronger or more sufficient the argument.⁸ Thus the testing procedure may conclude with the questions

- (5) What is the extent of the backing?
- (6) How strong then is the argument?

If the various sets of questions we have entertained in this section facilitate informal logic investigations into the structure of argument texts, the acceptability of their premises, and the adequacy of their connections, we have shown our point: Viewing informal logic from the perspective of Pragma-Dialectics, seeing it as a way of engaging in critical discussions as characterized by the pragma-dialectical rules is profitable. There is a place for informal logic within Pragma-Dialectics.

REFERENCES

- Biro, J., & Siegel, H. (1992). Normativity, argumentation and an epistemic theory of fallacies. In van Eemeren, F.H., R. Grootendorst, J.A. Blair, & C.A. Willard (Eds.), *Argumentation illuminated*. Amsterdam, Sic Sat, 85-103.
- Cohen, L. J. (1992). *An essay on belief and acceptance*. Oxford, England: Clarendon Press.
- Eemeren, F. H. van, & Grootendorst, R. (1984). *Speech acts in argumentative discussions*. Dordrecht/Cinnaminson: Foris.
- Eemeren, F. H. van, & Grootendorst, R. (1987). Fallacies in pragma-dialectical perspective. *Argumentation*, 1, 283-301.
- Eemeren, F. H. van, & Grootendorst, R. (1992). *Argumentation, communication, and fallacies*. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Freeman, J. B. (1991). *Dialectics and the macrostructure of arguments*. Berlin/New York: Foris.
- Freeman, J. B. (1992). Relevance, warrants, backing, inductive support. *Argumentation*, 6, 219-235.
- Freeman, J. B. (2005a). *Acceptable premises*. Cambridge: Cambridge University Press.
- Freeman, J. B. (2005b). Systematizing Toulmin's warrants. *Argumentation*, 19, 331-346.
- Heyting, A. (1931). The intuitionist foundations of mathematics. *Erkenntnis*. Reprinted In P. Benacerraf, & H. Putnam (Eds.), *Philosophy of Mathematics* (pp. 42-49). Englewood Cliffs, NJ: Prentice-Hall.
- Johnson, R. H. (1995). Informal logic and pragma-dialectics: Some differences. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.), *Perspectives and approaches. Proceedings of the Third ISSA Conference on Argumentation* Vol. I (pp. 237-245). Amsterdam: Sic Sat.
- Johnson, R. H. (2000). *Manifest rationality*. Mahwah, NJ: Lawrence Erlbaum Associates.
- Plantinga, A. (1993). *Warrant and proper function*. New York/Oxford: Oxford University Press.
- Siegel, H., & Biro, J. (1997). Epistemic normativity, argumentation, and fallacies. *Argumentation*, 11, 277-292.

⁸ For our discussion of strength of empirical warrants, see Freeman (1992, pp. 226-229).

When Reasons Matter Most: Pragma-dialectics and the Problem of Informed Consent

G. Thomas Goodnight

*Annenberg School for Communication
University of Southern California*

Informed consent is a legal and normative doctrine that has emerged recently in the United States and worldwide ("Informed Consent," American Medical Association, n.d., "Informed Consent," 2005). Once, the deliberations between doctor and patient fell within the circle of a private or personal relationship, with predictable legal and institutional constraints supporting the decisions. Recently, medical care has become increasingly complex due to the growing variety of treatment options, institutional formulas for resource allocation, and the specialist provision of care. Still, the communication between doctor and patient must somehow still be reasonably formed. The doctrine of informed consent as a legal constraint, institutional norm, and personal ethic strives to assure that reasonable discussion continues to be the basis of communication in medical practice. As the American Medical Association (n.d.) concludes: "Informed consent is more than simply getting a patient to sign a written consent form. It is a process of communication between a patient and physician that results in the patient's authorization or agreement to undergo a specific medical intervention." The question of how discussants engage in exchange to reach a reasonable conclusion has not been taken up by ethical theorists or legal scholars. In this chapter, I will show that the Pragma-Dialectical model of argumentation by Rob Grootendorst and Frans van Eemeren is useful in uniting theory and practice, thereby providing an important normative resource for the criticism and development of practice.

Pragma-Dialectics bases the norms of argumentation upon an ideal model of discussion, where all temptations to short-circuit open exchange by the tricks of persuasion are checked by the dialectical rules of critical discussion. The rational end of argumentation is to come to a reasonable determination of a propositional utterance. A protagonist supports the proposition as a claim, and is met by an antagonist who either doubts its

acceptability or substitutes a counterclaim—for instance, that the original proposition is false. In directing arguments, interlocutors share the “tacit assumption” that discussion is reciprocally directed toward a “reasonable critic,” otherwise “there would be no point in advancing argumentation” (van Eemeren & Grootendorst, 2004, p. 2). Ideally, discussants are free to advance standpoints, and assume responsibility to defend claims; they do not raise spurious issues or pose irrelevant alternatives, and they fully disclose premises or influences guiding thought. Furthermore, arguers are expected to stick to the matter initiated by the argument, clearly commit to logical validity in evaluating the truth of questioned claims, and neither equivocate on conclusive matters, nor take advantage of ambiguity to lend more credence to an argument than is warranted. This chapter examines the pragma-dialectical norms of argument as they underwrite, yet are shaped to meet, the medical field of deliberative practices, establishes deliberative argumentation as the means of communication necessary to reach informed consent, and explores the special concerns, topics, and norms of reasoning that arise at each stage of critical argumentation in reaching informed consent. A case is made for the importance of applying general norms of communicative reasoning to test the appropriateness of complex, state-of-the-art practices.

THE PRACTICE OF DELIBERATION

From the standpoint of van Eemeren and Grootendorst (2004), the practical realm of argumentation ranges across “all the institutionalized and non-institutionalized settings that serve as formal or informal meeting places where the inhabitants of the realm can have their exchanges,” including courts, politics, pubs and even the “proverbial village pump” (pp. 31–32). What holds a practice together as a field of argumentative exchange is that those engaged in communication reciprocally produce and evaluate reasons in discourse. The pragma-dialectical model provides norms by which a difference of opinion in these encounters may be resolved, while a given realm of practice provides topics, constraints, and routines of interaction. The exchanges between doctor and patients under the doctrine informed consent fall under the aegis of “practical rationality,” which “is concerned with what we have reason to care about and do”. At base, “it is rational for a person to perform some act if there would be a good reason to perform that act if the facts were as he/she believes them to be” (Savulescu & Momeyer, 1997, p. 283). The facts are tested through argument within the purpose-driven, time-limited, workaday world of expert-client exchange. How are the ideals of argumentation related to the realm of a specific critical practice?

John Rawls (1955) lends insight into how to translate the general idealized norms of pragma-dialectic into analysis of institutional practices. Rawls defines a “practice” most generally “any form of activity specified by a system of rules which defines offices, roles, moves, penalties, defenses, and so on, and which gives the activity its structure” (p. 3). Practices include “games and rituals, trials and parliaments”. Any practice is secured

by doctrine that states the values to be protected by disposition of the burdens of argument. Doctrine anticipates recurring situations where choices will have to be made (based upon cooperative reasoning among interested parties), and identifies constitutive rules and regulative procedures outside of which decisions reached are not legitimate and invalid. To sustain consensus, the rules and procedures regulating a practice must (a) be held as "logically prior to the particular cases that it addresses," (b) designate "the degree of authority each person has regarding the unilateral resolution of particular cases," (c) become deployed as instructions not merely referenced as guidelines, and (d) be acknowledged in the majority of cases to "protect values on which the practice is based" (White, 1994, pp. 30-31; see Rawls, 1995, pp. 22-24).

In examining an argument practice, then, it should be expected that the regulation of argumentation will both be accountable at two (dialectically positioned) levels. The ideal norms of communicative reasoning may always be invoked in principle because legitimate agreement rests upon open, fair, complete, and productive discussion. These norms are well identified by the pragma-dialectical model. On the other hand, any practice is constituted by special constraints where the range of outcomes, the relative relations of typical interlocutors, and the consequences of coming to a wrong or untimely choice create particular duties and special instantiations of general norms. The result is that every argumentative practice is an instance of bounded communicative rationality, a condition within which interlocutors give up elements of communicative freedom (to pursue reasons wherever they lead and however long such conversation might take) in exchange for participation in exchanges that reach state of the art conclusions. The practices of arguing pursued by interlocutors in a field define the duties and responsibilities, risks and advantages, for protagonist and antagonists routinely engaged in discussion. The situated constraints of any given practice vary depending upon the standard anticipations of differential and common risks, legal rules that must be abided by, and ethical or political norms that guide purpose. In spite of the fact that a given practice is grounded in a particular field, the "reasonability" of an outcome of a particular case may be tested dialectically against general norms of rational discussion to question critically whether the regulative rules of practice are conducive to reasonable exchange. Thus, practice is held accountable to the more general norms of argument—as articulated by the ideals of the pragma-dialectical model.

Practical reason often engages interlocutors in deliberation. In deliberative practice, the situated interests of the interlocutors always enter into the norms of discussion, for the risks of getting it (a mutually concerned decision) wrong are never equal. Ideally, in argumentation there is a complete symmetry of knowledge, power, resources, authority, and distribution of gains and losses for interlocutors; in practice, deliberation always occurs under asymmetrical conditions of resources and interest. When one of the interlocutors has little or no ability to reach an independent decision, poor communication can result—with outcomes ranging from simple insensitivity, to undo influence, to fraud. Situations where one party has all the resources necessary to compel the choice of an other, but takes none of the risks for himself or herself, may meet the very definition of

coercion. Often, influence is more subtle; vulnerable people find it difficult to just ask a question, much less to actually raise objections, and say no. Whether undo influence is overt or suggestive, reasonable discussion can occur only if dire asymmetries are somehow offset.

INFORMED CONSENT AS ARGUMENTATION

Societies that value “freedom” and “autonomy” attempt to rebalance the equations of power and risk within institutional practices by setting up regulations of argumentative exchange in such a manner to bring about greater conditions of equality among interlocutors. Public institutions constantly need to review whether accepted rules produce fair play in order for “reasonable” exchanges between its representatives and constituent publics. An expert has all the power of legal authority, all the resources of technical training, all the benefits of staff and logistical support, together with familiarity brought about by professional experience and the detachment from personal risk embedded in a detached persona, validated through rewards for efficiency. Informed consent is a doctrine that endeavors to make doctor-patient deliberation better, but the practices of communication in the medical field remain contested.

Definitions of the practice of deliberation in medical settings may be deceptively simple, as the University of Washington health center tells its customers: “informed consent is the process by which a fully informed patient can participate in choices about her health care” (“Ethics in Medicine,” n. d.). The “argumentative reality” in which professional judgments are reached, treatment or procedure determined to be necessary, and options chosen by responsible agents is much more complex. In practice, the legal and ethical conditions require that before an action is undertaken, a patient agrees “based upon a full appreciation and understanding of the facts and implications of any actions (as far as humanly possible), with the individual being in possession of all his faculties (not mentally retarded or mentally ill), and his judgment not being impaired at the time of consenting (by sleepiness, intoxication by alcohol or drugs, other health problems, etc.)” (“Informed Consent,” “Wikipedia,” n.d.). The question of painful trade-offs emerges. Full disclosure and lengthy discussion could come at the cost of timely action, not to mention institutional inefficiency. On the other hand, a patient may need time to appreciate his or her own medical condition and respond meaningfully to alternatives presented. A physician, who is trained in mainstream medical practice, may deem unusual choices by patient to be “reasonable,” however a patient may have value preferences that lead in a different direction. Additionally, it is not clear when an illness has abrogated the ability of a person to decide; indeed, as a person grows more vulnerable, her rights must be more carefully guarded and wishes honored. The wide range of possible outcomes creates a context for communication where differences in opinion are not unexpected. Absent comprehensive administrative or legal rules, justifications must be weighed, when values conflict, on a case-by-case basis (Wear, 1993, p. 9). The more difficult or complicated the

question involved the greater the strain on the standard normative rules for rational decision making, but also the greater the opportunity to resolve issues through deliberation.

From an argument standpoint, doctors and patients are protagonists and antagonists. When reasons matter most, the doctor proposes, the patient disposes. Under informed consent, the doctor must justify a proposed course of conduct. Justifications must be presented in a manner sufficient to garner the understanding and acceptance of a patient. If the proposal is refused, then the doctor must listen to the reasons of the patient, and honor them—if the patient remains deemed to be competent. As in all argument practices, the allocation of the burden of proof to one side and the power to choose to another reflects an underlying institutional value. Such values are not universal across communities and over time, therefore, practical arrangement constitutes a state-of-the-art norm for the time being. There are different models of best practice that lead to different judgments as to how much information a doctor must provide and how much understanding must be secured on the part of the patient.

Paternalism is a traditional model of professional care. As argumentation, it exists as a deliberative arrangement that gives the expert-doctor hold of all of the cards. The norms of the relationship are such that the patient is supposed to appear for observation, answer questions that are relevant, undergo treatments and follow orders—all based on trust in the actions of the doctor. If explanation is needed to render the participation of the patient in the treatment more competent, then information is provided as required, and directions as needed. If a patient desires lengthy explanation or more education, then it is up to him or her to obtain such from a family member or other resource. Doctors are busy people; their time is limited. Since the doctor presumably knows more than the patient, has more experience, and is dispassionate about the case, there is little or no intrinsic value accorded to deliberation. At best, such an exchange results in the patient becoming a little more informed and acceding to a recommended course of care; at worst, such discussions not only waste valuable time but also raise anxieties needlessly thereby impairing recovery and undermining authority. The exchange between doctor and patient ideally is instrumentally directed, task specific, logically clear, and direct. Any discussion is left to an optional “bed-side manner,” if time is available. In a world where the variety of treatments were few, the reputation of a doctor known in a community, the profession trusted, the provision of care ruled exclusively by the goal of beneficence, and choices limited by shared social norms, paternalistic constraints leading to minimal deliberation held sway. That is not the world in which doctors and patients now operate.

The alternative paradigm that has emerged with the Patients’ Rights Movement of the 1990s veers toward maximal deliberation as a norm. Such critical-rational discussion requires that not only that all information related to a patient’s condition be disclosed, but also that it be communicated in a way that facilitates understanding the consequences of all the choices available. The doctor is encouraged formally by the profession, as well as mandated by the law, to make sure that the patient understands the risks and benefits of the treatments or procedures proposed. Of course, informed consent has always been

required legally; a procedure that is performed on a patient without notification and agreement is tantamount to battery (Howard, n.d.). What is new is that the patient is now in the position where it is required that information be provided that would permit him or her to understand the reasons or justifications for the proposed actions. These deliberative requirements appear to be more in keeping with van Eemeren and Grootendorst's (2004) norms of a critical rational discussion. Yet, as with all institutionally situated deliberation, the norms of practical reason bind the kinds and shape of arguments that take place. Thus, the "stages of argumentation" constitute the situated requirements of deliberation in the institutional practice of medical argument.

THE STAGES OF ARGUMENT

A person who is uncomfortable with a physical or mental condition comes to an expert who society has authorized to treat maladies and heal the sick. An appointment to be seen is given, but before a reasonable discussion can take place, the doctor must make a judgment as to whether reasonable communication is possible with the supplicant. Sometimes patients are brought to doctors in extreme cases, and competency decisions must be made where little or no direct consultation is possible. At other times the situation is ambiguous, and a doctor must assess whether the client is capable of rational discussion. Society has set presumption strongly in the patient's favor and placed the burden of proof on the doctor in the great number of cases (Wear, 1993, p. 10; White, 1994, p. 1). Competence assumes that a patient can understand facts when appropriately presented, recognize information as relevant to choices facing him or her, and can remember information (White, 1994, p. 154). Furthermore, to be deemed a reasonable discussant, a patient must show that he or she has sufficient cognitive and affective capability to self-relate the situation; that is, to recognize alternatives and to discriminate among them. A competent patient has the ability to choose by selecting an option for treatment or reconciling with the consequences of declining care. Finally, to assure informed consent can be obtained the patient must have the ability to explain, by way of recognizable reasons, how his or her choice came to be made ("Consumer Bill of Rights," 1998). With the judgment that the patient is competent, the doctor is ready to engage in a discussion.

Initial Confrontation Stage

When competence is granted, the doctor and patient engage in an initial "confrontation stage." What is confronted is not an overt disagreement of opinion—as in van Eemeren and Grootendorst's (2004) general model. Rather, a discussion ensues over what constitutes the discomfiting (medical) condition, its causes and implications. The patient must disclose complaints, provide access to observation, and describe something of a general personal history or specific set of experiences with the stated problems. The doctor guided by the language of science translates all this into special facts. Furthermore, the

doctor asks questions in order to probe possible explanations. All facts are sequenced and clustered into symptoms by the doctor. These ideas are propositionally formed into hypotheses, which (with further testing) become a diagnosis. Thus, the complaints of an individual are transformed into a case, regulated by the knowledge of disease and treatment, illness and therapy. The reasoning is not unlike that performed in the discovery of unexpressed premises insofar as the doctor informs the patient of the kind of activities that are going on in producing his symptoms (diagnosis) and, through generalization, supports claims about the trajectory of the malady (prognosis). The prognosis is a conditional argument that traces the likely trajectory of the patient's complaint, should no treatment be undertaken. Any prognosis is a product of reasoned conjecture, of course, and so, in principle, open to debate. Since scientific knowledge is probable, and since more relevant facts can be garnered over time, elements of this phase of the discussion can be revisited.

Confrontation Stage

Assuming the doctor and patient come to an agreement about the nature of the problem and its likely trajectory, then the deliberative question arises: What should be done? Here, the doctor assumes the burden of a protagonist, and argues for the advantage of a course of action. The patient assumes the duties of an antagonist and puts the proposal to the test of criticism. Medical speech acts as proposals take the form of recommendations, advisory statements that measure the risks of an intervention against the likely outcome of doing nothing. In situations requiring informed consent, the doctor is presumed to be asking for action that involves the cooperation of the patient, either in submitting to treatment, complying with orders, or actively engaging in a treatment or therapy regime. Since the patient must pay the costs and endure the risks of treatment, he or she has the right to say no. Thus, it is the doctor who must meet the burden of proof and satisfy the patient's doubts. Of course, in infrequent occasions the position could be reversed—if the doctor felt that little could be done without substantial risk, while the patient requested more active intervention based on the hope that new treatments would be effective. Then, the doctor would be put in the difficult position of assenting to a course of action that he or she thought had too great of costs and too little likelihood of success.

In the confrontation stage, the protagonist can articulate speech acts from a positive or negative position. The key to deliberations held under informed consent is that doctor and patient are required to engage in a discussion where the reasons for and against a specific line of treatment are discussed fully. The drawbacks to treatments—its costs, likelihood of failure, or side effects that contravene values held by the patient—cannot remain unstated. Open comparisons are needed to make a reasonable decision between taking the doctor's recommend action and choosing to live with the prognosis.

Widening the Argument

Full informed consent involves discussion that goes beyond the bilateral choice between following a single recommendation or doing nothing; for it is the case that many conditions are susceptible to multiple kinds of treatment. This stage involves the comparative evaluation of costs and benefits for all relevant, state-of-the-art treatments possible for the patient. Neither physician dis-preference nor a lack of coverage by the health care system can limit the obligation to have this part of the discussion. The stage can be either long and comprehensive or short and pro-forma—depending upon the complexity of the situation, and the communicative strategies of doctor and patient.

From a paternalist standpoint, the proposal of the physician has strong presumption justified by the facts that she has training, knowledge, experience, and authority—and the patient does not. Moreover, from a utilitarian perspective brining up alternatives might be confusing, alarming, or delay treatment (Wear, 1993, p. 91). An alternative view holds that the discussion of alternatives should be exhaustive. Since the patient is making the choice, he or she should understand everything that is relevant to the risks of state of the art practice. This presumption rests on a deontological value. Personal autonomy is an ultimate value in a democracy, and it can be secured only when the most vulnerable among us are protected. The wishes of patients (in responding to physical vulnerability, a condition to which everyone is eventually subject) in a pluralistic society vary widely. Ruth Faden and Tom Beauchamp (1986) note in their historical study, for instance, that informed consent is “rooted in concerns about protecting and enabling autonomous or self-determining choice by patients and subjects” (p. 236).

A discussion of risk and benefits to the doctor's proposal in the context of alternatives must meet standard tests of reasonability, which according to Stephen Wear (1993, p. 183) include (1) “benefits should be stated in functional terms, not in terms of biochemical or occult anomalies. One's language should key to the signs and symptoms that the patient presents.” (2) Ideal benefit to patient would be full, instantaneous, painless, inexpensive, convenient and permanent cure—departures from the perspective of the ideal should be noted. “The limitations of the intervention must be explicated.” (3) Limitations to choices should be keyed to the patient's medical condition. “In sum, any statement of benefits should be offered hand in hand with a sense of their limitations.” In this discussion, the patient has the power to determine generally what is a “reasonable” risk, since preferences vary widely. In some cases, what is viewed as a rather trivial chance of a serious adverse outcome—death—may lead to a refusal to treat. Although the patient's judgment may differ from the physician, such judgment is to be respected—so long as it falls within the broad range of a predetermined competency.

Thus, in the third stage, deliberations widen and create a field of possible conditions and treatment options. At some point, discussions must turn from exploring options and back to choice. The question of when deliberation is sufficient is contingent and always arguable. The turn from discussing options to settling upon choices requires strategic maneuver. Cutting off conversation is always arbitrary and involves risks of delaying

otherwise needed intervention or acting precipitously. The judgment as to what constitutes an adequate discussion is both legally conscribed and professionally regulated. Sometimes, legislation sets a bottom line on what must be disclosed. Health maintenance organization “gag” orders that prevent noncovered procedures and treatments from being revealed by doctors are now outlawed. A physician is legally compelled not only to discuss the range of treatments but also to reveal the benefits of doing nothing. At other times, institutional leaders within a field will promote communication. Some local hospital systems subscribe to a patients’ bill of rights that requires communication of options in a language that a person speaks, by people whose names and positions are divulged, using records that are accessible to the patient, and in a manner to encourage discussion. There is no universal code legally determining each choice or normatively proscribing the best way to talk out every situation. Nevertheless, diverse models of best practices are beginning to evolve on how to resolve deliberation appropriately.

Concluding Stage

In the end the doctor makes a final recommendation, after learning the patient’s thinking about the preferences articulated in comparing the initial recommendation and its competitors. The trick in this particular stage is for the doctor to distinguish a presentation that draws a line between convincing and persuading. The ideal minimal conditions of genuine informed consent are fairly distinctive; after discussion, it should be the patient’s best interests, rather than the doctor’s convenience, ideology, or pocketbook that fuels the outcome of the argument. The question arises, however, what are the standards by which consent may be judged retrospectively to have been fully informed. Van Eemeren and Grootendorst (2004) recognize that in the latter stages of an argument there is a tendency to equivocate. Interlocutors do not wish to accept the outcome that follows logically from discussion, and so revisit old positions with reframing, and repeating the same reasons. Medical regulation has evolved two competing models of informed consent to assess the validity of particular cases of communication where parties have made claims to be inadequately informed or to be falsely accused of nondisclosure. Here, the field of practice splits into two quite divergent standards; one that gives advantage to the doctor (leaning back toward the paternalist standard) and the other that gives advantage to the patient (leaning forward to satisfying conditions of autonomy).

The difference between satisfactory informed consent resides between the “reasonable doctor” standard and the “reasonable patient” standard. The former asks that the doctor follow communication practices that other practitioners undertake in similar circumstances; the latter requires a doctor to provide information by imagining what any reasonable patient would *want to know* in similar circumstances. More rarely, doctors are required to meet a “subjective standard” and must tailor information to the understanding of a particular patient (“Ethics in Medicine,” n.d.). The “reasonable doctor” standard diminishes the burden of argumentation in half the states, as minimal discussion is deemed sufficient if that is what physicians generally do. This standard leaves it to the patient to ask questions,

and absent questions the patient can be presumed to be fully informed. The burden is placed on the doctor to explain the consequences of the case in the other half of the states. If risks of failure are high, probabilities of success limited, and side effects dire, then obviously the patient needs to be informed. Even if a patient does not ask questions, the "reasonable patient" standard requires disclosure of rare but significant adverse outcomes as well as common but generally considered inconsequential effects, because patients cannot be presumed to be aware of all outcomes and values are presumed to differ.

The divergent norms by which practice is assessed renders every case potentially controversial, for the deliberative duties and burdens of proof are differentially normed depending upon geographical location. The institutional practice thus becomes translated into political controversy. Some advocates claim that informed consent is too often a mere formality subtly coerced by the way situations are set up, while other advocates argue that the requirement for understanding sets up bases for law suits on the part of patients who make spurious claims. Furthermore, the divide in normative standards leads to strategic questions as to how the patient can guard against brusque, indifferent discussions by relying upon secondary, surrogate sources for full information on the one hand, and, on the other, how the physician can guard against patient abuse by creating laundry lists of adverse potential outcomes and means to prove the patient knew of these. Thus, recasting the power between institution and the individual through resetting the presumptions and burdens of proof for institutional actors is not without controversy. Old ways die hard, cultures of practice continue, with some justification. New abuses are rendered possible, for rules for reason ultimately do not stand completely apart from the dialectical contests they are meant to overarch and to guide. These conflicts between time and talk are woven into each individual case, and the contested balance of power in the reasons of doctor and patient await particular cases to illuminate the tensions infused within the institutional practice of medicine itself.

CONCLUSION

"Informed consent is one of the most important doctrines governing professional conduct," Myrna Lashley and her associates (Lashley, Talley, Lands & Keyserling, 2000) report. In fact, informed consent is the "gold standard" of professional conduct, a standard that requires doctors to justify proposals for treatment or procedures, while honoring the duty to create patient understanding, listen to objections, and obtain assent. This chapter has shown that translating the legal constraints and professional norms into mutually informed reasoning is possible, but that distributing argument burdens wisely is not easy, and sometimes controversial. For a public institution to retain its legitimacy, meaningful discussion has to be encouraged. If clients do not see providers as communicating reasonable choices, expert arguments may be recoded as arrogance, indifference, insensitivity, rushed routinization, all signs of incompetence—at the human level. Conversely, as individuals migrate in the modern world across territories and within the

chaotic circulatory spaces of urban life, everyone must be prepared to deliberate with strangers who are unfamiliar with a range of customs, values, conditions, prohibitions, taboos that render deliberation complicated and misunderstandings frequent. Theoretical knowledge and expert training are not enough to refresh a practice that needs a broad range of adaptation to increasingly varied circumstances. Nor, is trust in the traditional authority of practice sufficient for satisfactory choices, when reasons matter most. In institutional settings, communication develops to the extent that the norms of ideal conversation and the contingencies of on the ground practices inform one another. Pragma-Dialectics offers a critical optic through which the ideal and the practical norms of a deliberative, institutional practice can be explicated and evaluated.

REFERENCES

- Consumer bill of rights. (1998). Advisory Commission on Consumer Protection and Quality in the Health Care Industry. <http://www.hcqualitycommission.gov/cborr/chap4.html> Accessed 08/01/2005
- Eemeren, F. H. van, & Grootendorst, R. (2004). *A systematic theory of argumentation: The pragma-dialectical approach*. Cambridge: Cambridge University Press.
- Ethics in medicine: University of Washington School of Medicine. eduserv.hscer.washington.edu/bioethics/topics/consent.html Accessed 7/26/2005.
- Faden, R. R., & Beauchamp, T. L. (1986). *A history and theory of informed consent*. New York: Oxford University Press.
- Howard, M. L. Informed consent. E-Medicine: Instant Access to the Minds of Medicine. www.emedicine.com/ent/topic181.html Accessed 7/26/2005
- Informed consent. American Medical Association. Legal Issues. ama-assn.org/ama/pub/category/pring/4608.html Accessed 7/26/2005.
- Informed consent. www.nocirc.org/consent Accessed 7/26/2005.
- Informed consent. *Wikipedia*. en.wikipedia.org/wiki/Informed_consent Accessed 7/26/2005.
- Lashley, M., Talley, W., Lands, L. C., & Keyserling, E. W. (2000, March). Informed proxy consent: Communication between pediatric surgeons and surrogates about surgery. *Pediatrics*, 105, 591-597.
- Rawls, J. (1955). "Two concepts of rules." *The Philosophical Review*, 64, 3-32.
- Savulexcu, J., & Momeyer, R. W. (1997). Should informed consent be based on rational beliefs? *Journal of Medical Ethics*, 23, 282-288.
- Wear, S. (1993). *Informed consent: Patient autonomy and physician beneficence within clinical medicine*. Dordrecht: Kluwer Academic Publishers.
- White, B. C. (1994). *Competence to consent*. Washington, DC: Georgetown University Press.

This page intentionally left blank

My Interlocutor

Trudy Govier

University of Lethbridge

Many arguments (such as those in newspaper editorials, or general nonfiction books) seem to be addressed to a mass absent audience. That audience is diverse and noninteractive; persons in it cannot talk back to the proponent. They cannot question his or her claims and inferences, agree or disagree with what is said, or appeal to rules of discussion to back up their points.¹ A concern that I have raised elsewhere about the usefulness of appealing, in such contexts, to rules for the conduct of discussion is that there is no discussion. The interlocutor is fictive and, accordingly, the discussion is fictive too. If a single, absent, and fictive interlocutor is envisaged and his or her (invented) responses are being checked against the rules for a dialogue that is not in fact occurring, the results of the procedure would seem to be inconclusive at best. There is no discussion to which rules can be applied.

A PROBLEM

Replies to such concerns can be constructed from the perspective of the pragma-dialectical

¹ One might object that people can write letters to the editor, contact the publisher of a book, or email the author, and in such ways communicate their questions and challenges. It is true that such things can and do happen; however, necessarily, only a small portion of the mass audience can be engaged in such activities. Furthermore, the choice about whether and how to respond to such objections-from-a-distance lies entirely in the hands of the proponent, who will almost always have most or all of the power in this situation. To model such limited response and interaction in terms of a two-way exchange between parties of equal power, both of whom are present, is a considerable distortion, one that is misleading in significant respects. I have argued this point in "When They Can't Talk Back: the Noninteractive Audience and the Theory of Argument," in Govier (1999).

theory of argument. If the mass audience is diverse, one can consider its diverse perspectives one at a time. Assume for instance, that in the mass audience there are 20 different conglomerates of opinion (call them con1, con2, and so on) on the subject of the standpoint. One can consider these perspectives separately, and explore the adequacy of the premises and reasoning from these various points of view. Judgments about cogency and success might vary: The argumentation advanced by the proponent might, for example, be judged adequate from con1 (able to respond to all reasonable challenges launchable from that perspective), but inadequate from the perspectives of con2 and con3. Within a mass audience, there will nearly always be many distinct perspectives. But this does not mean there is no critical discussion, if one is willing to construct various fictive interlocutors. The advocate of pragma-dialectic can simply say, well there are many distinct dialogues, or critical discussions.

Given that we do not always know who is in an audience, we do not know what the audience knows, believes, values, and takes an interest in. For that reason, we cannot realistically appeal to the perspective or perspectives of an audience when we are constructing arguments. There seem to be problems here—problems of practice and, I would suggest, problems of theory as well. Can the pragma-dialectical model help us address those problems?

Dialogue models of argument and the pragma-dialectical model work with the known, single, present interlocutor as a paradigmatic audience. It is implicitly assumed that other audience situations can be appropriately modeled and understood with reference to cases in which two persons interact, taking on the roles of proponent and opponent. A recent statement of the theory says, "Argument does not consist in a single individual privately drawing a conclusion: It is part of a discourse procedure whereby two or more individuals who have a difference of opinion try to arrive at agreement. Argument presupposes two distinguishable participant roles, that of a 'protagonist' of a standpoint and of a—real or projected—'antagonist.'" (van Eemeren, Grootendorst, & Snoeck Henkemans, 1996, p. 277). The protagonist (called here the arguer) puts forward a standpoint (called here a conclusion) and seeks to support it with arguments (called here premises). The antagonist, or *interlocutor*, appears in a challenging role. The interlocutor can challenge the premises and the reasoning in various ways—dissenting from claims put forward, or questioning those claims at various points. Sometimes, as when two people are really engaged in an argumentative exchange, either face-to-face or in writing, the interlocutor is a real person. When the situation is otherwise and there is no actual interlocutor, dialogue models of argument—including the pragma-dialectical model—posit an interlocutor. Such situations are interpreted as though an interlocutor were present; a fictive interlocutor is substituted for a real one. The fictive interlocutor has obligations to follow the rules of critical discussion, just as a real interlocutor would, and premises and reasoning can be challenged from the perspective of this fictive person.

I have expressed some doubts about appeals to fictive interlocutors. Here I want to explore the role of the fictive interlocutor more positively, in the particular context of argument construction. But before embarking on this endeavor, I would like to distinguish

the context of argument construction from several distinct contexts of argument interpretation and evaluation.

SOME CONTEXTS

As consumers of argument, we engage in interpreting and evaluating arguments *directly*, which is to say that we seek to determine their cogency as a matter of practical interest to us. In contexts of direct evaluation, we seek to determine for ourselves whether the premises provide good reasons to accept a conclusion, and when we do that, we necessarily do it from the perspective of our own evidence, beliefs, interests, and values. Direct evaluation in this sense puts us in a role similar to that of an interlocutor; we ourselves take the role of interlocutors; we raise questions from our own perspective, to explore whether the conclusion or standpoint has been rendered acceptable for us.² Direct evaluation may be contrasted with indirect evaluation, which is undertaken from a third party perspective. The perspective of the scholar is often that of a third party, which is to say that it is distinct both from that of the arguer and from that of a real or fictive interlocutor. In a discussion in which both the proponent and the interlocutor are real persons, the analyst is a third person who will interpret, examine, and evaluate what they have to say and comment on such aspects as rule-following, clarity, and cogency. In a discussion in which the proponent is real—that is, the analysis is of an argument actually was presented by someone, in speech or in writing—the analyst will comment on the moves made by the proponent and the (real or fictive) interlocutor or antagonist. The analyst's point of view is distinct from those of the arguer and of the interlocutor. If the interlocutor is fictive, the analyst will construct his or her viewpoint and challenges, and then, on the basis of this construction, interpret and evaluate the moves of proponent and antagonist. In the analysis of a critical discussion of this type, the analyst will arrive at an external judgment as to the merits of the argument(s) put forward by the proponent and the appropriate conclusion of the critical discussion. If the parties in the discussion succeed in resolving their difference of belief by reasoning that proceeds according to appropriate rules, no fallacies have been committed and the arguments are good.

To keep matters simple here, I consider the perspective of a person who is constructing his or her argument. This person could be constructing an argument for various purposes. The most obvious is the purpose of presenting the argument in speech or in writing, presenting it to give reasons for a standpoint believed to be correct, with a view to convincing some others that this standpoint is correct and should be adopted, and that any difference of opinion about it should be resolved in such a way that the standpoint is accepted. One might also construct an argument purely for oneself, in the context of

² But not quite, because one might be comparatively soft on the evaluation, whereas we could plausibly interpret the antagonist role as one requiring that all reasonable questions be raised, given the adversarial connotations of the word "antagonist." This complication could be important, but I shall ignore it here.

deliberating about a standpoint or inquiring into the reasons that may support a claim.

The purpose of this chapter is to consider the roles of single and multiple interlocutors, and the potential of the pragma-dialectical approach to make serviceable suggestions about the construction of cogent arguments. In particular, I explore and consider the extent to which the construction of, and appeal to, a single fictive interlocutor is a helpful device in argument construction. Can such a construction help us to clarify and render more accurate our premises, conclusion, and reasoning? The fictive interlocutor can enable us to adapt our premises with regard to terminology, complexity, and acceptability, with the goal of rendering them maximally suitable. To whom are they to be maximally suitable? To that interlocutor, of course. What sort of role the fictive interlocutor plays will depend on the purpose of the argument and its intended audience.

A STRANGE DETOUR: EXPLANATION BY CONTRAST

One of the 20th century's most challenging philosophical works is Ludwig's Wittgenstein's *Philosophical Investigations*. This collection of short passages makes demanding reading. Among the many sources of difficulty is the fact that multiple fictive interlocutors are represented in the work. Wittgenstein expresses himself in many voices and uses questions allusions, imagined situations, and analogies to convey his point. (This comment itself would be rejected by some as oversimplifying; some scholars would reject the idea that Wittgenstein wrote to argue for specific philosophical views.) The absence of a single voice in many of the passages in *Philosophical Investigations* places great demands on readers. Wittgenstein writes from several different perspectives and poses questions from the perspectives of various quite distinct fictive interlocutors.

Often we have to consider a suggested philosophical idea and several different challenges to it, all expressed in a few short sentences or paragraphs.

A viewpoint frequently expressed in Wittgenstein's later work is that of a philosophically naïve person who is just beginning to consider some question of a general and perplexing kind—questions such as “are sensations things inside me?”, “do I have sensations?”, and “how can I know whether another person feels pain?” Occasionally viewpoints represented in questions are those of historically significant philosophers. Personages such as Hume, James, Descartes, Plato, and Augustine make cameo appearances through questions raised in their voices. Themes and claims taken from other philosophers nearly always run contrary to the claims of the proponent—to the extent that there is an identifiable proponent. As to Wittgenstein himself, there are generally at least two historically significant possibilities as to what his own perspective might be. As is well-known, Wittgenstein's earlier philosophically views were radically different from his later ones. In many passages in the *Philosophical Investigations*, Wittgenstein seems to object to claims made by his earlier self and, in the course of doing that, to use his earlier self as an interlocutor. In the middle of all this readers find references to philosophical doctrines such as Idealism and Realism.

Sometimes an apparently authoritative voice of 'correction' seems to be speaking in such a way as to answer questions and challenges posed from a philosophically naïve perspective. When this happens, we tend to assume that we are hearing Wittgenstein's own mature voice. But sometimes even that mature voice does not itself seem to be a single voice. The mature Wittgenstein still experiences philosophical 'temptations,' and these may make his perspective coincide at least temporarily with that of the philosophically naïve person. Thus Wittgenstein often tells us what he is (in his way of putting it) *tempted* to say, only to shift, correct himself, and move on to raise further questions or offer a fresh example.

All this means that reading the *Philosophical Investigations* is a highly demanding activity. One might cite this work as one of insight, one requiring and inspiring enormous thoughtful energy—but one would hardly cite it as a model of argumentative clarity. We have to read in a very active way, posing many questions to ourselves as we do so, and trying to sort out the different voices speaking through the text. As Wittgenstein questions himself, we have to question ourselves, trying to follow Wittgenstein's words to grasp his intense thinking, while at the same time we ask ourselves what is going on. What voice is speaking? Who is the protagonist? Is there an antagonist? Who is the interlocutor and what are this stance and role to be understood? Or, more accurately, who are the interlocutors?³ Are the interlocutors antagonists?

In the following passage Wittgenstein is exploring a question in the philosophy of mind: whether experiences, or awareness, should be interpreted on analogy with objects. To explain (approximately) how this question arises, consider the following. When a person has an object—such as a table—that object is something existing in public space. It is a thing that he can point to. He is not the only person who can own a table and, for that matter, he is not the only person who can own that very table; clearly other people have tables too. The word "table" is a word in English, which is a public language usable and used by many different people. This word serves to refer to a variety of publicly perceivable objects with (roughly) similar functions and designs. That much is unproblematic; now come the philosophical questions that Wittgenstein sought to explore. To what extent does this analogical supposition make sense? Would it be helpful to think in terms of what grammar suggests, employing an analogy between 'having a table' and 'having an experience'? Wittgenstein's answer to that and related questions will be that such an analogy is seriously misleading. Many persons—including, in particular, philosophically naïve persons, some readers, and Wittgenstein himself in his earlier philosophical moments—will be naturally inclined to think that we have experiences in a sense something like owning them. We will be tempted in the sense that we will be inclined to think this way, due to the influence of our language. But when we consider the temptation, we will discover that it needs to be resisted. We make that discovery by exploring it from the points of view of several distinct interlocutors.

³ This discussion draws on Govier (1997).

Wittgenstein writes so as to make his readers think for themselves about the question of whether an experience can reasonably be construed as some sort of 'inner object' that a person *has* but that no one else can know or 'have.' (In the following quoted passage from Wittgenstein [1968] the bracketed comments are my own.)

"But when I imagine something, or even actually *see objects*. *I have got* something which my neighbour has not." [comment from a philosophically naïve person, saying in effect, well I *have* that experience, and it is my own, and *nobody else has got it*—I understand you. You want to look about you and say, "At any rate only I have got THIS." [Wittgenstein in his own voice, restating the claim of the philosophically naïve person as amount to a kind of pointing to THIS, as his own inner sensation, construed as being unique to himself or herself.]—What are these words for? They serve no purpose. [Wittgenstein's own voice, challenging his own re-statement of the initial, somewhat tempting, view of the philosophically naïve person.]—Can one not add: "There is no question of a 'seeing'—and therefore none of a 'having'—nor of a subject, nor therefore of 'I' either?" Might I not ask: In what sense have you *got* what you are talking about and saying that you have got it? Do you possess it? You do not even see it. Must you not really say that no one has got it? [Wittgenstein posing critical questions to the philosophically naïve person and using those questions to strongly suggest his own philosophical view; namely that having an experience is not anything like having a thing, and the analogy suggested by the use of the verb "to have" in both these contexts is a misleading one.] And this too is clear: if as a matter of logic you exclude other people's having something, it loses its sense to say that you have it. [Wittgenstein in his authoritative voice; he is stating his view that words must have a public, general, sense and cannot have a sense in just one case; in other words this is his appeal to his own view that, for logical reasons, there can be no such thing as a private language.] (p. 398)

This passage illustrates the prominence of questions in Wittgenstein's later writing. The nature and variety of the questions connects with the nature and roles of the fictive interlocutors; what interlocutors do is raise critical questions.

One scholar counted the questions in the *Philosophical Investigations* and found 784, of which only 110 were answered. Then he decided that of the 'answers,' some 70 were meant to be wrong.⁴ They were not really answers, but rather comments intended to stimulate further thought—and more questions. According to this count, then, Wittgenstein posed 784 questions and only answered 40 of them. To complicate the phenomenon further, there are many kinds of questions. Some are posed from the point of view of an interlocutor and answered or apparently answered; others are simply posed and not answered; presumably the reader is left to work out his or her own answer. Some seem rhetorical; others not. Some questions seem exploratory in the sense that they formulate a problem which Wittgenstein will try to address.

⁴ Fann (1971) offers these statistics, and cites Anthony Kenny for the figures.

It is a fascinating—if highly demanding—experience to read the Investigations and try to answer all the questions for ourselves. If we do this, we find that a kind of dialogue seems to be set up, a dialogue between Wittgenstein and us; it is as though there is a dialogue between the text and the reader. This phenomenon should be of interest to those who promote dialogue models of argument. The fictive interlocutor (or ‘antagonist,’ providing that we carefully exclude any adversarial implications of that conception) is the reader himself or herself. Looking at the matter this way, a dialogue can be regarded as more than hypothetical. The text is there as a source for dialogue, dialogue in which the proponent is the arguer whose voice appears in his text and the antagonist or interlocutor is the reader. (The model that works best for this conception is obviously that of direct evaluation.) Some find that Wittgenstein’s questions are so well posed that when we answer them, we find in the text a response to our answer and links to related themes and questions that arise directly from our response. The following example from Wittgenstein (1968) illustrates the possibilities:

I want to remember a tune and it escapes me; suddenly I say “Now I know it” and I sing it. What was it like to suddenly know it? [Here an exploratory question is posed in the voice of a philosophically naïve person; at this point, Wittgenstein may really be asking himself this question, and taking on the role of that naïve person.] Surely it can’t have occurred to me *in its entirety* in that moment! [Here Wittgenstein responds to this person, presuming that he or she would likely respond that the whole tune came to mind at once, in a single moment.]—Perhaps you will say: “It’s a particular feeling, as if it were *there*” [Here Wittgenstein imagines the interlocutor talking back to him]—but is it there? [Here Wittgenstein questions this response which he presumes the interlocutor will have made; his question seems to be rhetorical and to have the implication that its answer will be “no.”] Suppose I now begin to sing it and get stuck? [Wittgenstein is here proposing another exploratory question.] But may I not have been certain at that moment that I knew it? [This question puts forward the philosophically naïve person’s response to the exploratory question.] So in some sense it was *there* after all?—But in what sense? [Wittgenstein is responding to the response.] You would say that the tune was there if, say someone sang it through, or heard it mentally from beginning to end. I am not, of course, denying that the statement that the tune is there can also be given a quite different meaning—for example, that I have a bit of paper on which it is written . . . (p. 184)

BACK TO EARTH: PRAGMA-DIALECTIC AND THE SINGLE INTERLOCUTOR

These passages are notoriously puzzling and perplexing and seem almost postmodern in nature, although Wittgenstein’s thinking and writing predate what is normally regarded as post-modernism by at least several decades. His work illustrates the possibilities of complex multilogues. There is a potential for using a variety of interlocutors to illustrate

and respond to the various perspectives that may bear on an issue. They may be defended as appropriate for an eccentric philosophical genius, but their suitability for others is doubtful, to say the least. By contrast, let us consider the interlocutor from the perspective of pragma-dialectical theory. On this account, a critical discussion occurs when two parties engage in an argumentative exchange that is intended to resolve a difference of opinion about a standpoint. They seek to (jointly) find out whether a standpoint can be reasonably defended, using the method that the protagonist seeks to defend it and the antagonist seeks to criticize it. Four different stages in such discussions are distinguished. As described in van Eemeren, Grootendorst, and Snoek Henkemans (1996), these are:

1. *The confrontation stage.* At this stage it becomes clear that there is a difference of opinion on some issue. (Call it X.)
2. *The opening stage.* At this stage, the parties are identified and assume their roles; the protagonist defends X, while the antagonist will criticize X, or the argumentation offered in defense of X. The related beliefs and commitments of the protagonist and antagonist are clarified and they determine whether there is sufficient common ground for them to engage in a critical discussion about the rational acceptability of X.
3. *The argumentation stage.* Here the protagonist seeks to defend the standpoint against the critical responses of the antagonists, who poses critical questions and challenges.
4. *The concluding stage.* Here the parties determine whether the standpoint has been successfully defended or not. If it has been successfully defended, both should accept it. If the parties do not agree, their difference of opinion has not been resolved. (p. 284)

The idea of argument as critical discussion suggests that the constructor of argument should have a discussion in mind, even though no such discussion is occurring and he or she may not know whether any such discussion ever will occur. What the pragma-dialectic perspective seems to imply here is that the arguer should invent for himself a single interlocutor with a clear discrete point of view, and design his argumentation so that it would form one half of an (ideal) critical discussion with that interlocutor. Let us apply these stages to the context of argument construction, which is to say to the context of a person who is constructing an argument without a present interlocutor.

1. From the confrontation stage comes advice about selecting a conclusion, or standpoint, to be defended. It should be a claim concerning which reasonable people have differences of opinion, differences potentially solvable by reasoning together. It should also be a claim concerning which it is worth reasoning about—that merits the resources of time and energy that a critical discussion will require.

2. From the opening stage comes the advice that one should regard one's argument(s) as addressed to a *single* envisaged critic with a distinct and identifiable perspective, and that this should be a critic who would disagree (in a reasonable way) with the standpoint or conclusion that one is trying to defend. That party will be a single (fictive) interlocutor, construed as a *persona* with specific commitments relating to his or her failure to accept

the standpoint. In other words, he or she will have certain beliefs, values, and interests bearing on his or her nonacceptance of the standpoint. Minimally, that means that constructed perspective of the fictive interlocutor is one from which the standpoint does not follow as a deductive consequence of views already held. Probably it should not emerge either as an inductively likely consequence of views already held. If we label the standpoint as X, then the fictive interlocutor is understood as committed minimally to the claim possibly-not-X.

3. From the argumentation stage would come the advice to respond to all challenges that the fictive interlocutor could *reasonably* make. What is reasonable would be judged by the perspective constructed for the interlocutor, and by the rules for the conduct of a critical discussion. For example, if one thinks of a possible counterargument by the fictive interlocutor and realizes that the objections there raised are not relevant to X, one can ignore them, since they would be a violation of Rule (3) according to which "A party's attack on a standpoint must be *related to* the standpoint that has indeed been advanced by the other party."

4. From the concluding stage would come the advice to clarify what one takes oneself to have accomplished in the constructed argument and (fictive) critical discussion. Objections deemed to be reasonable will have been considered from the perspective of at least one alternative position, and the arguer will have constructed the argument in an effort to respond to those objections. The arguer needs to clarify what he or she takes to have been achieved by the argumentation advanced. Has the conclusion been shown to be rationally acceptable from the perspective of the envisaged interlocutor? Has it been shown to be certain? Plausible? Probable? Possible? Does it need qualification in some way?

The approach seems to me to be of interest because of its clarity and potential for assisting us to improve arguments as we are constructing them. We improve them by envisaging a clear singular standpoint of an opposed, but reasonable, interlocutor, and trying to adapt our premises and our reasoning so as to make them acceptable to such a person. The person may be fictive; he or she is very likely to be so when the argument is being constructed. This fictive nature presents temptations in the areas of self-indulgence; we may be reluctant to invent a really tough and highly intelligent critic for ourselves. Nevertheless, we can do our best—and it is highly likely that a fictive critic, honestly designed to oppose our stance in a reasonable way, will be better than no critic at all.

REFERENCES

- Eemeren, F. H. van, Grootendorst, R., & Snoeck Henkemans, A. F., et al. (1996). *Fundamentals of argumentation theory. A handbook of historical backgrounds and contemporary developments*. Mahwah, NJ: Lawrence Erlbaum Associates.
- Fann, K. T. (1971). *Wittgenstein's conception of philosophy*. Berkeley/Los Angeles: University of California Press.

Govier, T. (1997). *Socrates' children*. Peterborough, CA: Broadview Press.

Govier, T. (1999). *The philosophy of argument*. Newport News, VA: Vale Press.

Wittgenstein, L. J. (1968). *Philosophical investigations*. Oxford, England: Basil Blackwell.

Translated from the German by G. E. M. Anscombe.

Mill and Pragma-Dialectics

Hans Vilhelm Hansen

University of Windsor

In explaining their pragma-dialectical theory, Frans van Eemeren and Rob Grootendorst have more than once made reference to utilitarianism, suggesting that there are possible connections, or shared motivations between utilitarian views and their pragma-dialectical theory, especially when it comes to the justification of rules (1988, p. 286 and 2004, p. 188 n. 3). In this chapter I raise the question whether utilitarianism itself has anything to say about argumentation. Although he may not clearly have envisioned argumentation theory as a distinct field or subject of study, I try to make a case that John Stuart Mill not only expressed original and important views about the nature of argumentation, he also put those views into practice. After giving a brief overview of my case that Mill had a theory of argumentation, I explore some of the interesting parallels between his views and those of pragma-dialectics.

Unlike his views about logic which he presents systematically in *A System of Logic*, Mill's views on argumentation are neither systematically presented nor gathered in one place. They are scattered throughout his writings but are most readily observed in his essays *On Liberty*, *Utilitarianism*, and *The Subjection of Women*. It is also important to consider Mill's actual argumentative practice: What patterns and standards, if any, does his own argumentation display? Finally, because a theory of argumentation is a normative theory we should see whether there is any basis for comparing what Mill says about argumentation with his famous moral theory.

EVIDENCE IN MILL'S PRACTICE AND ESSAYS

At the end of chapter 1 of *Utilitarianism*, before beginning his defense of utility, Mill expressly sets out how he will proceed to make his case:

Before . . . I attempt to enter into the philosophical grounds which can be given for assenting to the utilitarian standard, I shall offer some illustrations of the doctrine itself; with the view of showing more clearly what it is, distinguishing it from what it is not, and disposing of such of the practical objections to it as either originate in, or are closely connected with, mistaken interpretations of its meaning. Having thus prepared the ground, I shall afterwards endeavour to throw such light as I can upon the question, considered as one of philosophical theory. (*Util.* i 6)¹

Here Mill says that he will defend the utilitarian standard by doing three things: First, he will clear up misinterpretations of the standard; second, he will deal with the practical objections to it, and finally, he will state the positive philosophical grounds that can be given in support of the theory.

Although it is admittedly difficult to individuate arguments and objections, that is what must be done if we are to examine Mill's argumentative practice. In chapter 2 of *Utilitarianism* there are, beginning with the third paragraph and continuing to the end of the chapter, at least 10 objections to the thesis that *utilitarianism is the correct moral standard*, each one of them answered with at least one rebuttal. Some of these rebuttals, or replies to objections, are clarifications (e.g., the distinction between intellectual and physical pleasure in paragraph 4), and some are arguments (e.g., in reply to the objection that utilitarianism doesn't treat God's word as supreme, Mill argues that whatever God reveals must be consistent with utilitarianism [para. 22]). Later, in chapter 4, Mill gives a proof, or positive reasons, for the utilitarian standard. Thus, an overview of Mill's actual argumentation relating to the acceptability of the utilitarian thesis finds Mill carrying out the very series of steps he announced he would follow at the beginning of the essay.

In *The Subjection of Women* Mill expresses very similar views about argumentation. Consider, for example, the passage summarizing what he thinks he must do if he is to persuade others that women should have the same legal rights as men:

Before I could hope to make any impression, I should be expected not only to answer all that has ever been said by those who take the other side of the question, but to imagine all that could be said by them—to find them in reasons, as well as answer all I find: and besides refuting all arguments for the affirmative, I shall be called upon for invincible positive arguments to prove a negative. And even if I could do all this, and leave the opposite

¹ In citing Mill's work I have used the following abbreviations: *SL* = *A System of Logic*; *OL* = *On Liberty*; *Util.* = *Utilitarianism*; *SJ* = *The Subjection of Women*. For *SL* I give the book, chapter and section number; for the others I have given the chapter and paragraph number.

party with a host of unanswered arguments against them, and not a single unrefuted one on their side, I should be thought to have done little. (*SW* i 3)

Here Mill is complaining that the most thorough efforts at rational persuasion will fail on this occasion. What would constitute such thorough efforts? First, he would have to answer all that has actually been said or argued against the proposition that women should have the same rights as men. Second, he would have to imagine—*think up*—what else could be said against the proposition he is advancing, and answer all that. Last, he would have to produce a positive argument for his position that his opponents could not answer. Yet, on this occasion, Mill worries that his attempts at persuasion will not succeed. Does this mean that he thought his method was not adequate to the task of rational persuasion? I don't think so. What Mill appears to be doing is dramatizing the difficulty of the task before him, trying to soften up his audience—not unlike what Plato had Socrates doing at the beginning of the *Apology*—saying that even if he met the highest standard that rational persuasion could ask, he would still not succeed because the prejudice against his position is too deeply and firmly fixed. Offering an explanation of the difficulty, Mill goes on a few paragraphs later to say, “I do not . . . quarrel with them [the ones opposed to equality for women] for having too little faith in argument, but for having too much faith in custom and the general feeling”. (*SW* i, 4) In other words, the persuasion he is about to launch would be effective if the audience were less bound by prejudice and emotion. These remarks about what he is required to do in order to succeed in persuading his audience go beyond the program Mill had set for himself at the outset of *Utilitarianism* in order to get his readers to accept his moral theory, but they are consistent with them.

In *On Liberty*, chapter 2, Mill defends the thesis that *we should not suppress opinions* by three distinct arguments: First, because the opinions might turn out to be true (paragraphs 3 to 20); second, because even if the opinions are false, suppressing them would deprive us of the possibility of knowing why they are false (paragraphs 21 to 33), and finally, because a suppressed opinion may be part of the truth although not itself the whole truth (paragraphs 34 to 37). Each of these three elementary arguments is expanded to include replies to objections made to either the thesis, or the arguments given for the thesis, or both.

About halfway through the chapter occurs a paragraph which speaks directly to the concerns of argumentation. Near the beginning of the paragraph we find the pronouncement that, “Whatever people believe, on subjects on which it is of the first importance to believe rightly, they ought to be able to defend against at least the common objections” (*OL* ii, 23). The paragraph goes on to elaborate the role of objections in argumentation, going so far as to suggest that it may be necessary to fabricate them:

The peculiarity of the evidence of mathematical truths is, that all the argument is on one side. There are no objections, and no answers to objections. But on every subject on which difference of opinion is possible, the truth depends on a balance to be struck between two sets of conflicting reasons. Even in natural philosophy, there is always some other explanation possible of the same facts; some geocentric theory instead of heliocentric,

some phlogiston instead of oxygen; and it has to be shown why that other theory cannot be the true one: and until this is shown and until we know how it is shown, we do not understand the grounds of our opinion. But when we turn to subjects infinitely more complicated, to morals, religion, politics, social relations, and the business of life, three-fourths of the arguments for every disputed opinion consist in dispelling the appearances which favour some opinion different from it . . . He who knows only his own side of the case, knows little of that. His reasons may be good, and no one may have been able to refute them. But if he is equally unable to refute the reasons on the opposite side; if he does not so much as know what they are, he has no ground for preferring either opinion. The rational position for him would be suspension of judgment, and unless he contents himself with that, he is either led by authority, or adopts, like the generality of the world, the side to which he feels most inclination . . . So essential is this discipline to a real understanding of moral and human subjects, that if opponents of all important truths do not exist, it is indispensable to imagine them and supply them with the strongest arguments which the most skilful devil's advocate can conjure up. (*OL* ii, 23)

The most important claims here are the following: (a) Mathematical theorems are unlike all other kinds of knowledge in that they do not require defence against objections, for there are none. (b) Differences of opinion are possible on all subjects other than mathematics and, (c) finding the truth on such subjects will involve looking at the reasons on both sides, even in natural science. However, (d) for religion, politics, and ethics—the subjects of the essays we are looking at—having good reasons for a view and being able to answer criticisms of it is not enough; one must also know and be able to answer the arguments for the opposing view. Unless an arguer can do this, says Mill, she will have no ground—no basis, no justification—for preferring her opinion to the one opposed to it. The standard is given quantitative content when Mill writes (e) that three-quarters of the argumentation for every opinion will consist in answering objections to the opposite views. Finally, (f) so important is it to answer objections to one's own opinions that if no objections exist, one should invent them.

MILL'S STANDARD

Suppose I have an argument for p that I know to be sound. Then p is true and I know it. Why should I care about objections? If someone makes an objection to my argument for p , I know that it is an ineffectual objection, one that will not ultimately stand up. Should I be foolish enough to engage in discussion and begin to answer objections to my argument for p , my answers to those objections would do *nothing to advance the case for the truth of p* , since it has already been nailed down. In other words, if I have a sound argument for p then objections are of no epistemic interest to me (although they may be of historical, sociological, or rhetorical interest).

What is wrong with this scenario—according to Mill—is the supposition that I could

have a sound argument for *p*, and know it. No one is infallible, he maintains; so I cannot *know* without any doubt that I have a sound argument for *p*. What is the alternative? It is to consider *the case for p* rather than *the argument for p*. The case for *p* consists in both giving arguments for *p* and diffusing objections to *p*, things that happen typically in discussions. If the truth of *p* can at all be established, thinks Mill, it is only by following this procedure. And, on this procedure, answering objections *will* have a probative value because part of making the case for *p* is answering objections against *p*. Hence, recognizing and dealing with objections is an essential component of argumentation, as Mill understands it.

By *Mill's standard* I will mean the standard that Mill thinks good argumentation must meet. The standard makes dealing with objections a central activity of argumentation. Possibly he thinks that the standard may be raised or lowered depending on the degree of confidence with which the opinion is to be held.

The long passage quoted in the last section holds that one has *no* grounds for preferring an opinion to its opposite if he does not at least know the arguments for the opposite opinion—this is so even if one has a good argument *for* her opinion. In *Utilitarianism* we find a slightly higher standard. Both Mill's words and practice indicate that the defense of a thesis requires a supporting argument and not just awareness of objections, but *answers* to them. The *Subjection of Women* describes an even higher standard, because in addition to giving an argument for the thesis and answering actual objections to it, one has to answer *possible objections* as well. *On Liberty* has pretty much the same view. It requires that when dealing with "moral and human subjects," if there are no objections we should invent them. Perhaps, for the sake of emphasis, Mill's remark that three-fourths of the arguments should deal with objections was intentionally hyperbolic, but it brings home the point that we cannot consider ourselves justified in holding an opinion unless we can answer the objections to it. However, the highest demand that Mill's standard can place on us is that we must actively seek out objections to our views before we can have a right to hold them with confidence:

[T]he only way in which a human being can make some approach to knowing the whole of a subject, is by hearing what can be said about it by persons of every variety of opinion, and studying all modes in which it can be looked at by every character of mind . . . [F]or, being cognizant of all that can, at least obviously, be said against him, and having taken up his position against all gainsayers knowing that he has sought for objections and difficulties, instead of avoiding them, and has shut out no light which can be thrown upon the subject from any quarter—he has *a right* to think his judgment better than that of any person, or any multitude, who have not gone through a similar process. (*OL* ii, 7—italics added)

This passage concerns claims to authoritative or extensive knowledge, and Mill's view is that one has a right to make such claims only if one has made a thorough investigation of the matter by engaging in discussions with people who hold different perspectives on the

question and also only if one has sought out and been able to answer all the objections he can find.

In general, Mill's standard can be seen as having three components: one positive, one defensive, and one critical. The *positive component* consists in giving a good argument for the thesis being advanced; the *defensive component* consists in answering the objections made to that argument; and the *critical component* consists in dealing with arguments directed against the thesis; that is, arguments that deny the conclusion the arguer is attempting to establish.

DOES MILL HAVE A THEORY OF ARGUMENTATION?

In my view, Mill has a theory of argumentation—at least, he has the essential elements of such a theory. The very last chapter in *A System of Logic* gives us the framework to see that this is so.

An art specifies and defines an end, or purpose; science studies the causes and circumstances that must obtain for the end to be brought about and presents this information as a theorem to art. Art then considers whether the candle is worth the price, and if it judges it to be so, it reformulates the scientific theorem as a rule or precept for obtaining that end. Mill stresses that the only part that art has contributed to this process is the “original major premise” (SL VI xii §2), the one that asserts that the end is pursuit-worthy.

The primary example of an art that Mill mentions is ethics (SL VI xii §6) and we may observe how his general framework for an art applies to it. The end of ethics is to achieve the human good, and this Mill identifies as happiness and defines as the promotion of pleasure and the privation of pain (*Util.* ii, 2). So, the question that must go out to science, is *how* to promote pleasure and diminish pain. The sciences upon which the art of morality depends are those of “human nature and society” (SL VI xii §1) (psychology and sociology, we might say). Mill indicates often throughout the essays that the kinds of things that science will suggest will include social and legal reforms, and education. As for precepts, Mill recognizes their indispensability when he writes in *Utilitarianism* that they are common to all ethical systems and that it is impossible to do without them (*Util.* ii 24).

How might these characteristics of ethics transfer to the possibility that argumentation is an art? The definition of the end of argumentation is not explicitly given by Mill so we will have to surmise what it might be. Perhaps *On Liberty* gives us the best clue as to what it is: *justified beliefs*, where “justified” is cashed out as satisfying Mill's standard. Mill's standard, I propose, holds a position in argumentation comparable to that of the utilitarian standard in ethics: A person is justified in holding an opinion if, and only if, it meets Mill's standard. But how does one go about meeting Mill's standard?

Given the three components of the standard, an arguer will have to satisfy each one of them. As regards the defensive and critical components, this ideally means engaging others in argumentative discussions. In dealing with all parts of the standard, however, the arguer will have to honor the practical rules provided by the art of logic; for it is by logic

that both inferences and objections are judged. There is also the problem of preparing the ground for rational persuasion and this largely concerns the removal of prejudices in discussants. The goal of attaining justified beliefs can undoubtedly be helped by information from the social sciences about how to deal with these epistemic lacunae. "[S]everal sciences are often necessary to form the groundwork of a single art," (*SL* intro. §2) writes Mill, and in the case of argumentation as an art, this appears to be the case, since it will rest not only on the science of logic but also on social science as well. As for the importance of precepts there are various passages in the essays, already mentioned, that indicate rules or precepts that should be followed in order to conduct argumentation successfully. Among them are the admonitions against treating any authority as infallible, against assuming rather than presuming a proposition to be true (*OL* ii 3, 6), and stipulations about where the burden of proof should reside (*SW* i 3); in addition, in the last paragraph of the second chapter of *On Liberty*, Mill makes a plea for civility and fairness in public debate.

So, I think Mill does have a theory of argumentation. There is evidence to think that he would consider argumentation as an art, comparable to ethics, if he had thought about it. But Mill also speaks of his ethics as a theory (*Util.* i 1, 5, 6). At what point, then, does the account of an art become a theory? I do not think there is a clear answer to this question. However, given that the art of argumentation has very much the same level of complexity and organization as the ethical art, we may presume that whatever it is that makes Mill's art of ethics a theory will also make his art of argumentation a theory. It is true that Mill not only refers to his ethical views as a theory, he also presents his work on ethics as a coherent and largely complete view of the subject; neither of these advantages is given to his views on argumentation. But these differences speak not to the one being a theory and the other not, but rather to Mill's priorities and interests, and to the historical fact that no one in Mill's time had yet conceived of a *theory* of argumentation.

COMPARISON WITH PRAGMA-DIALECTICS

I think there is a great deal of similarity between Mill's view and the pragma-dialectical one. Many of the major striking features of pragma-dialectics exist in a nascent, unarticulated form in Mill's work. For example, Mill's concern for free and fair public discussions have a close counterpart in *critical discussions*. To be sure, the latter is a much better defined concept than the one we can extract from Mill but both theories see the intimate connection between argumentation and discussion. For Mill, discussion is needed to establish truth, for pragma-dialectics it is needed to critically test contested standpoints. Both Mill and van Eemeren and Grootendorst hold that although discussions must be regulated, there should be no restriction on what can be expressed, defended or criticized in discussions. Moreover, they will agree that even though all well-tested views are open to revision or retraction, untested views are hardly worth holding at all. There are many other points of sympathy between the utilitarian and pragma-dialectic theories, such as the importance

of rules or precepts, and the concern with fallacies. For pragma-dialectics a critical discussion is a fallacy-free ideal; fallacies are identified with infractions of the very rules that are constitutive of critical discussions. For Mill, fallacies are also errors of discussions, but he gets to that view in a roundabout way. He takes fallacies to be logical errors, and because good discussions rely on logic, fallacies can also be seen as unacceptable discussion moves. Mill, as mentioned earlier, takes engaging in discussion as a way of minimizing the occurrence of errors.²

Let us explore some of these comparisons further.

Freedom of Discussion

The first rule for a critical discussion is that discussants may not prevent each other from advancing standpoints or from calling standpoints into question (van Eemeren & Grootendorst 2004, p. 190). As we know, Mill held the strong view that it is an evil to silence the expression of an opinion (*OL* ii 1) and though he sees that there may be circumstances in which freedom of expression should be restricted (*OL* iii 1), he defends the freedom of thought and speech as a right on utilitarian grounds. One of the startling things about *On Liberty* is the connection of epistemic and political considerations. Epistemic justification for Mill depends on access to the widest possible range of objections and hence on a social climate that does not restrict the expression of opinions of any kind. Hence, Mill argues for a moral and political right to unrestricted freedom of thought and expression:

Complete liberty of contradicting and disproving our opinion, is the very condition which justifies us in assuming its truth for purposes of action; and on no other terms can a being with human faculties have any rational assurance of being right. (*OL* ii, 6)

So, unless the political right to express and criticize opinions is in place, one will not be able to fully exercise one's epistemic obligations. It is similar with pragma-dialectics: Freedom of expression is put in the service of testing standpoints: "putting forward a standpoint . . . [is a] . . . basic right that all discussants must accord to each other unconditionally and without reservation" (van Eemeren & Grootendorst, 2004, p. 191). In a footnote attached to this passage the authors go on to say that there is a higher-order condition that must be satisfied if this right is to be fully practicable, namely that "the social reality in which the discussion takes place is such that the participants are entirely free to put forward their views . . ." (p. 191n.). Leaving aside the differences there may be between the pursuit of truth by discussion and the pursuit of critical testing by discussion, Mill and pragma-dialectics both hold that to restrict the freedom of discussants is to restrict the value of inquiry. We should not forget, however, that Mill's defense of freedom of thought and discussion are directed to wider considerations than just setting conditions for argumentation. Freedom to think and live as we want to are an essential part of human happiness.

² I thank Professor Frederick Rosen for reminding me of this.

The Range of Critical Discussions

According to pragma-dialectics:

If one adopts the view point of a Popperian critical rationalist, one pursues the development of a reasonableness model that takes the *fallibility* of human reason explicitly into account, and elevates the concept of *systematic critical testing* in all areas of human thought and action to the guiding principle of problem solving. The critical rationalist ideal requires the promotion of *dialectics* . . . By adhering to such a conception of being critical, the dialectical idea of having a regulated *critical discussion* is made the basic principle of reasonableness". (van Eemeren & Grootendorst, 1988, pp. 279-80)

Here critical discussion is being offered as an alternative to various forms of justificationism, all of which run afoul of the Münchhausen trilemma (see van Eemeren & Grootendorst, 2004, p. 131). Similar thoughts are found in Mill. He advocates free and fair public discussions as an alternative to infallible authorities. But whereas pragma-dialectics extends the application of critical discussions to "all areas of human thought" Mill thinks that his model of discussion extends predominantly "to morals, religion, politics, social relations, and the business of life." It is not the inductive method he proposes for the sciences. Skorupski (1998) points this out when he writes of Mill that, "The epistemology of fundamental norms must be distinguished from the epistemology of factual propositions. The appropriate epistemology for fundamental norms is the method of reflection and discussion" (p. 53). It appears then that pragma-dialectics makes wider use of the idea of discussion to test opinions than does Mill.

Objections and Discovery

There might be a noticeable difference between Mill's approach to argumentation and that of the pragma-dialecticians on the question of whether we should actively seek out objections or rest content with the ones that are brought to our attention. This question concerns the critical component of Mill's standard. Mill indicates in several places that arguers must be pro-active when it comes to argumentation, that it may not be enough to deal with the objections presented by an interlocutor on a given occasion.

Millian discussions ideally involve one person advancing a thesis, T, backed by argumentation, A (positive component); the same person then attempts to allay the doubts that A has occasioned in a second person (defensive component); finally, the first person replies to arguments for not-T advanced by the second person (critical component). The structure of such a discussion is similar to what pragma-dialectics terms a *single mixed dispute* (van Eemeren & Grootendorst, 2004, pp. 119-120) in which person P advances a standpoint and person Q advances the logically opposite standpoint, and each party tries to diffuse his antagonist's doubts. Pragma-dialectics will divide the single mixed dispute into two single *non-mixed disputes*, and allow a critical discussion about each one. In a

single non-mixed dispute a person P defends his standpoint against the doubt of another person Q. If either the doubt is overcome or the standpoint withdrawn, the difference of opinion has been settled. Mill, I believe, would not find single non-mixed discussions in themselves satisfactory for the reason that from the protagonist's point of view they consist of just a positive and defensive component; they are missing the critical component which consists in dealing with arguments directed against a standpoint.

Although the standard sometimes asks us to invent our own objections, Mill ranks the practice of dealing with objections found in actual discussions with others more highly. Why is this? One reason is that the opinions and arguments of others will be an antidote to our own prejudices and blind spots—our possible errors (*OL* ii 7). But the active seeking-out of arguments against one's own opinion may not be only for the sake of improving one's position and obtaining a right to hold it. Logic was criticized by the early modern philosophers because it failed to be the method of discovery they wanted it to be. However, argumentation and discussion, as Mill appears to think of these activities, can be sources of discovery. Not just the discovery that one is justified or not justified, but the discovery of new theses, or new truths, especially on the complicated topics of morals, religion, politics, etc., is facilitated through discussion. If the role of discussion is viewed this way then the third prong of the argument in chapter 2 of *On Liberty* takes on added significance. When opinions conflict and the truth is found "between them" (*OL* ii 34) then discussion is the vehicle for the discovery of new propositions—they would not emerge save for discussions. I do not find that this line of thought plays a major role in pragma-dialectics.

The Ends of Argumentation

Mill's theory is a consequentialist theory of argumentation and, more precisely, a utilitarian theory of argumentation. In theories such as this there is a worry that the truth will be sacrificed for an individual good, or even a common good. Mill defends against this objection, both in *The Logic* and in *On Liberty*. In *A System of Logic* he writes that he does not mean that:

the promotion of happiness should be itself the end of all actions, or even of all rules of action. It is the justification, and ought to be the controller, of all ends, but is not itself the sole end. There are many virtuous actions, and even virtuous modes of action, by which happiness in the particular instance is sacrificed, more pain being produced than pleasure. (*SL* VI xii §7)

Reinterpreting this observation for the realm of argumentation we might get something like this:

It is not the case that the promotion of happiness should be itself the end of all argumentation, or even of all the rules of argumentation. The promotion of happiness is the justification, and ought to be the controller, of all ends, but is not itself the sole end. There

are many justified arguments, and even commendable modes of argumentation by which happiness in the particular instance is sacrificed, more pain being produced than pleasure.

And in *On Liberty* we find, "The truth of an opinion is part of its utility" and "no belief which is contrary to truth can be really useful" (*OL* ii 10). Happiness, then, will not outweigh the pursuit of truth. Mill's view is rather that, in the long run, the promotion of truth will promote utility. Van Eemeren and Grootendorst (2004) make a parallel remark about the rules that define a critical discussion:

Viewed philosophically, it can be observed that there is a pragmatic reason . . . to accept these instrumental rules that some would call "utilitarian." It should be borne in mind, however, that the primary aim of a critical discussion is not to maximize agreement but to test contested standpoints as critically as possible by means of a systematic critical discussion of whether or not they are tenable. (p. 188)

There is considerable agreement here between Mill and the pragma-dialecticians. For Mill, truth is more important than happiness, for the Dutch argumentation theorists critical testing is more important than eliminating discord.

Mill ends chapter 2 of *On Liberty* admonishing us to never distort an opponent's positions and to hold nothing back that might be to his advantage. "This," writes Mill, "is the real morality of public discussion" (*OL* ii 44). In developing a theory of argumentation that approximates Mill's theory in important respects, the inventors of pragma-dialectics, Professors van Eemeren and Grootendorst, have emulated Mill in another regard as well: They have become moral philosophers.³

REFERENCES

- Eemeren, F. H. van, & Grootendorst, R. (1988). Rationale for a pragma-dialectical perspective. *Argumentation*, 2, 271 - 291.
- Eemeren, F. H. van, & Grootendorst, R. (2004). *A systematic theory of argumentation: The pragma-dialectical approach*. Cambridge: Cambridge University Press.
- Skorupski, J. (1998). Mill on language and logic. In J. Skorupski (Ed.), *The Cambridge Companion to Mill* (pp. 35-56). Cambridge, England: Cambridge University Press.

³ In preparing this chapter I have been helped by Agnès van Rees, Ralph H. Johnson, and Robert C. Pinto, all of whom I thank.

This page intentionally left blank

The Pragma-Dialectical Analysis of the *Ad Hominem* Fallacy

David Hitchcock
McMaster University

THE “STANDARD TREATMENT” TODAY

The most popular contemporary North American introductory logic texts treat the *argumentum ad hominem* as a generic fallacy, divided into three species—*ad hominem* abusive, *ad hominem* circumstantial, and *tu quoque* (Copi & Cohen, 2002, p. 143-145; Hurley, 2003, pp. 118-121). Hurley (2003) characterizes the genus as the fallacy of responding to someone’s argument by directing attention to its author (p. 118), Copi and Cohen (2002) as fallacious abuse, direct or indirect, of one’s adversary (p. 145).

The abusive *ad hominem* responds with direct verbal abuse; it is said to be a mistake because possession of a stigmatized trait is irrelevant to whether the premisses of its possessor’s argument support its conclusion (Hurley 2003, p. 118) or the argument is correct (Copi & Cohen 2002, p. 143). Copi and Cohen extend the concept to direct abuse in response to a statement, which they claim to be a fallacy because the author’s character is logically irrelevant to the truth or falsehood of the statement. We may take as a real-life paradigm of the abusive *ad hominem* an exchange in the Canadian House of Commons in 1970, cited by Walton (1985, pp. 203-204). The prime minister was asked if he would consider using a certain government plane, the Jet-star, to send an information-gathering team to Biafra. He responded as follows:

Mr. Trudeau: It would have to refuel in the middle of the Atlantic Ocean . . .

Mr. Hees: On a point of order, Mr. Speaker, I bought the plane for the government and I know it can make the flight with the proper stops on the way . . .

Mr. Trudeau: I do not think it would have to stop if the hon. Member went along and breathed into the tank.

The prime minister insinuates that Mr. Hees is habitually drunk. We may question our textbooks' treatment of such direct personal attacks. It is not at all obvious that the prime minister has alluded to the alleged drinking habits of Mr. Hees in order to show that the conclusion of Mr. Hees' argument does not follow from its premisses, or in order to show that his argument is incorrect, or in order to show that his statement is false.

The circumstantial *ad hominem* alleges that the opponent is predisposed to argue as he or she does (Hurley, 2003, p. 119; Copi & Cohen, 2002, p. 145), whether because of self-interest or because of dogmatic bias. Copi and Cohen consider it a fallacy to attack any argument on the ground that its author is self-serving. They implicitly take such allegations as arguments that the opponent's argument is bad: "The arguments in favor of a protective tariff (for example) may be bad, but they are not bad because they are presented by a manufacturer who benefits from such tariffs" (p. 145). Similarly, Hurley interprets the circumstantial *ad hominem* as an argument that the opponent's conclusion does not follow from the opponent's premisses: "the fact that the Dalai Lama happens to be affected by these circumstances [that he wants to return to Tibet as leader-DH] is irrelevant to whether his premisses support a [*sic*] conclusion" (p. 119). The circumstantial *ad hominem* is also called an "indirect personal attack" (van Eemeren & Grootendorst, 1992a, p. 111) and "bias *ad hominem*" (Walton, 1998). As a real-life paradigm, let us take the following sentence, which was displayed on a PowerPoint slide at a public meeting in August 2005 as part of a presentation on global climate change: "Almost all criticisms of global climate predictions are backed by people with much to lose if policies are changed." This sweeping allegation of bias has the advantage as an example that the present author had an opportunity to learn from its author what his intention was in displaying it. We shall see that the textbooks' account of the intent behind a circumstantial *ad hominem* is incorrect in this case.

The *tu quoque* cites features in the life or behavior of an arguer that conflict with the arguer's conclusion; it is said to be an attempt to show that the opponent is arguing in bad faith. Again, the explanation of why such an attempt is a mistake presupposes that it is an attempt to show that the opponent's premisses do not support the opponent's conclusion: "whether the parent stole candy [as a child-DH] is irrelevant to whether the parent's premisses support the conclusion that the child should not steal candy" (Hurley, 2003, p. 119). Copi and Cohen (2002, p. 144) treat the *tu quoque* as a special case of a fallacious appeal to consistency; the fact that some circumstance requires a person to accept a conclusion, they explain, is irrelevant to whether it is true. We may take as our paradigm real-life case of the *tu quoque* the following passage quoted by Engel (1994):

I am a Newfoundlander, and I cannot help but feel some animosity toward those people who approach the seal hunt issue from a purely emotional stance. Surely this is not the way they look in their butcher's freezer, when they are looking for pork chops. Yet the slaughtering method approved by the Department of Health officials for swine is hideous, and nowhere near as humane as the dispatching of a young seal. (p. 31)

Here again it is not clear that the appeal to the supposed pork-eating habits of emotional critics of the Newfoundland seal hunt is intended either to show that the critics' argument against the seal hunt has a bad inference or to show that the seal hunt should be allowed. That is, the way these two textbooks characterize the fallacy seems implausible when one looks at a real-life example like this.

The two cited textbooks have thus preserved into the 21st century the "standard treatment" of the fallacies, characterized by Charles Hamblin (1970) as "debased, worn-out and dogmatic" (p. 12). They stick to the conception of a fallacy as an argument that seems valid but is not, and they illustrate their analyses with examples that are either obviously contrived and unrealistic or realistic but implausibly interpreted. Our three real-life paradigms indicate how implausible are the interpretations of the *ad hominem* fallacy in the standard treatment.

PRAGMA-DIALECTICS ON FALLACIES

Hamblin proposed to incorporate what was valuable in the fallacies tradition as part of a new branch of logic which he called "formal dialectic." Formal dialectic is the study of rule-governed systems of back-and-forth discussion. Fallacies would be analyzed in relation to a particular dialectical system as violations of its rules. Van Eemeren and Grootendorst (1984, 1992a, 2004) have taken up this idea and combined it with a pragmatic conception of argumentation as a speech act of asserting a proposition in support of a point of view—hence the label "pragma-dialectical" for their approach. Such acts are to be analyzed as if they were occurring in a critical discussion, a normative model for the rational resolution of expressed differences of opinion. Fallacies are to be construed as violations of the rules for such a discussion (van Eemeren & Grootendorst, 1984, p. 189; 1992a, p. 104; 1995b, p. 136; 2004, p. 162), of which there are 17 in the earlier and still canonical version (van Eemeren & Grootendorst, 1984, pp. 151-175), 10 in the later simplified version (van Eemeren & Grootendorst, 1992a, pp. 208-209), and 15 in the most recent version (van Eemeren & Grootendorst, 2004, pp. 135-157). Each rule is conceived as a necessary condition for the resolution of a dispute about an expressed opinion, where resolving a dispute means "reaching agreement about the acceptability or unacceptability of the standpoints at issue by finding out whether or not they can be adequately defended by means of argumentation against doubt or criticism" (van Eemeren & Grootendorst 1992a, p. 34). Thus a fallacy, as a violation of one such rule, makes the resolution of a dispute impossible.

A critical discussion has four stages: confrontation, opening, argumentation, concluding (van Eemeren & Grootendorst, 1984, pp. 85-88; 1992a, pp. 34-37; 2004, pp. 57-62). At the *confrontation stage* one participant expresses a point of view and another either casts doubt on it or contradicts it. At the *opening stage* the two participants decide to try to resolve the dispute that has arisen at the confrontation stage. One of them agrees to assume the role of protagonist, that is, to defend a point of view expressed in the

confrontation stage or its contradictory, and the other agrees to assume the role of antagonist (i.e., to challenge the protagonist to carry out this defense). The two agree on the procedural rules for the subsequent discussion and on substantive starting points. At the *argumentation stage* the protagonist puts forward arguments for the point of view being defended, and the antagonist requests further argumentation whenever the antagonist has a doubt about the acceptability or justificatory adequacy of an argument—a process that can be repeated indefinitely. At the *concluding stage* the parties establish whether the dispute has been resolved in favor of the protagonist (by the success of the protagonist's argumentation in removing all the antagonist's doubts) or has been resolved in favor of the antagonist (by the protagonist's retraction of the point of view being defended) or is unresolved.

Because the model of a critical discussion includes rules for all its stages—confrontation, opening, and conclusion as well as argumentation—the correlative theory of fallacies is broader than the traditional conception of a fallacy as an argument that seems valid but is not (Hamblin, 1970, p. 12). Resolution of a dispute can be blocked not only by mistaken inferences from premisses to conclusion but also by misconduct in the initial expression of a disagreement, in the assignment of roles and starting points for its resolution, or in the summing up of the result of the discussion. Thus the pragma-dialectical approach proposes alternative analyses to the standard treatment of many traditionally recognized fallacies as inferential errors. The *argumentum ad hominem* is a case in point.

THE AD HOMINEM FALLACY: GENERAL ANALYSIS

Van Eemeren and Grootendorst use the phrase *argumentum ad hominem* exclusively as the name of a fallacy. In this respect, their approach differs from that of Douglas Walton, who identifies a number of schemes of *ad hominem* argument, each of which can have legitimate instances, depending on how the critical questions associated with the scheme in question are answered; instances are fallacious if they answer a critical question wrongly or not at all (Walton, 1985, 1992, 1998). The pragma-dialectical approach also differs from that of Alan Brinton, who defends the abusive *ad hominem* from a rhetorical point of view as not being fallacious at all, but a legitimate attack on the *ethos* of the opponent (Brinton, 1985, 1995).

Van Eemeren and Grootendorst share with the standard treatment of our two contemporary textbooks the characterization of the genus of the *argumentum ad hominem* as an attempt by a discussant to compel agreement with the discussant's point of view by discrediting the other party rather than responding to the other's point of view or argumentation (1984, p. 190; 1992a, p. 110; 1995a, p. 225; 2004, p. 177). Here they may still be unduly influenced by the assumption of the standard treatment that a fallacy is a mistaken argument for a conclusion. On the pragma-dialectical conception, one can treat other sorts of derailments of rational discussion as fallacies, and our real-life examples indicate that the *argumentum ad hominem* is a good candidate for being such a different kind of derailment. In our

example of an abusive *ad hominem*, Trudeau is not so much trying to compel agreement with his position that the plane under consideration would have to refuel in mid-Atlantic as trying to divert attention from exposure of his mistake. In our paradigm circumstantial *ad hominem*, the speaker on global climate change is not so much trying to compel agreement that the predictions of the climatologists' models are correct as trying to put his audience on guard against the critics of those predictions. And in our paradigm *tu quoque*, the defender of the Newfoundland seal hunt is not so much trying to compel agreement that the seal hunt should be permitted as trying to point out an inconsistency in the emotional critics of the seal hunt and thus to undermine the cogency of their argument. It is a happier characterization of the error common to the varieties of the *argumentum ad hominem* that it improperly harms one's collocutor's position as a serious partner in the discussion (van Eemeren & Grootendorst, 1992b, p. 153).

Van Eemeren and Grootendorst also share with our textbooks' standard treatment the threefold division of the genus (van Eemeren & Grootendorst, 1984, p. 190; 1992a, p. 111; 2004, p. 177). In the abusive *ad hominem* as they understand it, the opponent is made out to be stupid, dishonest, unreliable, or otherwise negative. In the circumstantial *ad hominem*, the proponent tries to undermine the opponent's position by suggesting that the supporting argumentation for it is just a rationalization of self-interest. In the *tu quoque*, one party claims that the other party inconsistently both defends and attacks the same point of view, either by explicit statement or by behavior or by adherence to some principle. They note that the abusive and the circumstantial *ad hominem* are addressed to a third party of spectators rather than to the discussant, and are thus intrinsically rhetorical rather than dialectical devices (van Eemeren & Grootendorst, 1984, p. 191)—a point scarcely mentioned in the rest of the literature on the *ad hominem*. As they also note, the *tu quoque*, although in itself dialectical, can be used in the presence of a third party to try to silence the discussant.

There is an interesting development in their analysis of the fallacy. Van Eemeren and Grootendorst (1984) treat the abusive and circumstantial *ad hominem* as violations of a rule at the opening stage, and the *tu quoque* as having two species which violate rules at the argumentation stage and the concluding stage respectively. In later work, they treat all the species of the *argumentum ad hominem* as violations of a single rule at the confrontation stage. We will need to evaluate both analyses.

SPECIFIC ANALYSIS: FIRST VERSION

Van Eemeren and Grootendorst (1984) treat the abusive and circumstantial *ad hominem* as violations of the following two rules for the conduct of the opening stage:

Rule 4: A language user who has cast doubt on the other language user's point of view at the confrontation stage of the discussion is at all times entitled to challenge that language user to defend his point of view. (p. 158)

Rule 5: *The language user challenged by the other language user to defend the point of view that he has advanced at the confrontation stage of the discussion is always obliged to accept the challenge, unless the other language user is not prepared to tie himself down to certain commonly shared starting points and rules of discussion; the language user retains this defence obligation as long as he does not retract his point of view and as long as he has not successfully defended it against the other language user on the basis of the starting points and discussion rules agreed to.* (p. 160)

They construe the allegations of bad character, self-interest, or bias to be offered as a reason for not accepting the other party's challenge to defend an expressed point of view (p. 192). But Rule 5 does not recognize such defects as a valid reason; the only circumstances that relieve someone from defending an expressed point of view against a challenge are (a) unwillingness of the challenger to agree to commonly shared starting points and rules of discussion, (b) retraction by the person challenged of the previously expressed point of view, and (c) successful defense of the point of view against the challenger on the basis of agreed starting points and discussion rules.

This analysis is sketchy and unsupported by application to examples. The kernel of truth in it is that authors of abusive and circumstantial *ad hominem*s often decline to defend their point of view on the question at issue. But not always, nor is refusal to defend one's point of view a component of the definition of these two species of the *ad hominem*. In fact, the author of an abusive or circumstantial *ad hominem* need not have expressed a point of view on the question at issue. Admittedly, in our paradigm case of an abusive *ad hominem*, Prime Minister Trudeau has expressed a point of view, and his diversionary allusion to his challenger's drinking habits enables him to evade defense of that point of view; in fact, if Trudeau had not ridiculed his challenger, he would have had to admit that his challenger was correct and Trudeau was wrong. But Copi and Cohen (2002, p. 144) give as a (real) example of an abusive *ad hominem* the castigation of a forensic scientist as a racist because of the conclusions he reached; the author of this abusive *ad hominem* need not have articulated rival conclusions. In our paradigm case of a circumstantial *ad hominem*, the speaker on global climate change hardly refused to defend his point of view that predictions of global climate change were correct; in fact, the body of his hour-long presentation was a detailed defense of the predictions, with an explanation of the complex mechanisms involved. Asked in the question period what conclusion he wanted the audience to draw from his statement, "almost all criticisms of global climate predictions are backed by people with much to lose if policies are changed," he replied: "They are not motivated by a scientific interest in the truth." In later correspondence, in response to my suggestion that this sort of circumstantial *ad hominem* is typically intended as a warning that the opponent's argument should be scrutinized very carefully, he responded: "Exactly! That was the point I wanted to get across to the audience, and that is why I stated explicitly that they should note the affiliation of an author as well as the quality of the citations provided." Thus the abusive and circumstantial forms of the *ad hominem* are better conceived as attempts to prevent someone who has expressed a point of view from

having that point of view and its supporting argumentation attended to, or at least to induce their addressees to be especially skeptical about the opponent's arguments. The analysis in van Eemeren and Grootendorst (1984) must be regarded as a failed initial attempt.

The early analysis of the *tu quoque* differs according to whether the target's statement is alleged to be inconsistent with another statement in the same discussion or with something outside the discussion, whether a previous statement or behaviour. An allegation of inconsistency with another statement in the same discussion is analyzed as a violation of the following two rules for the conduct of the argumentation stage:

Rule 7: Before the start of the argumentation stage of the discussion the language users who during the argumentation stage are to assume the roles of protagonist and antagonist agree what rules are to govern the protagonist's defence of his initial point of view and the antagonist's attack on that point of view, what rules determine whether a protagonist has successfully defended his point of view and what rules determine whether the antagonist has successfully attacked it; these rules apply throughout the discussion and may not be questioned by either party during the discussion itself (pp. 163-164)

Rule 9:

- a. The protagonist has successfully defended an illocutionary act complex of argumentation against an attack by the antagonist on its propositional content if the application of the IIP [Intersubjective Identification Procedure - DH] produces a positive result and, if it does not, if the application of the ITP [Intersubjective Testing Procedure - DH]*
- b. produces a positive result; the antagonist has successfully attacked the propositional content of the illocutionary act complex of argumentation if applying neither the IIP nor the ITP produces a positive result.* (p. 168)

To challenge a statement by the protagonist that the Intersubjective Identification Procedure identifies as a shared starting point is to violate the requirement of Rule 7 that during the discussion neither party can question rules agreed to at the opening stage, and thus to prevent the protagonist from successfully defending the propositional content of the statement by using the IIP according to Rule 9a (van Eemeren & Grootendorst, 1984, p. 191)

This analysis assumes that the statement challenged by the antagonist has been agreed to at the opening stage as a common starting point. Its application to argumentative texts and conversations seems problematic, since an alternative and more plausible analysis of a charge of inconsistency within the same discussion is that the accuser has never accepted the statement that provokes the charge. Suppose that an environmentalist agrees that it was reasonable to vaccinate United States residents against swine flu in 1976, but subsequently argues against genetically modified foods on the basis of the precautionary principle (that it is better not to carry out an action with uncertain, but possibly very negative, consequences). A critic may object that the precautionary principle is inconsistent with accepting vaccination against swine flu as reasonable. Does the critic thereby commit a *tu quoque* fallacy? Charged by a pragma-dialectical analyst with having done so, the critic may plausibly reply that there was never any agreement between the critic and the

environmentalist to accept the precautionary principle. It seems that, although theoretically possible, the mistake involved in the first sort of *tu quoque* can so rarely be fairly attributed to actual discussants that it does not deserve mention in a list of fallacies.

The second sort of *tu quoque*, an allegation that a discussant's statement is inconsistent with something said outside the discussion or with the discussant's behavior, is analyzed as a violation of the following rule of conduct for the concluding stage:

Rule 17:

- a. *The protagonist is obliged to retract the initial point of view if the antagonist has (while observing the other rules of the discussion) sufficiently attacked it (in the manner indicated in rule 12) at the argumentation stage;*
- b. *the antagonist is obliged to retract his doubt about the initial point of view if the protagonist (while observing the other rules of the discussion) has sufficiently defended it (in the manner indicated in rule 12) at the argumentation stage;*
- c. *in all other cases the protagonist is not obliged to retract the initial point of view and the antagonist is not obliged to retract his doubt about the initial point of view. (p. 174)*

An author of the second sort of *tu quoque* who means by it to force the opponent to retract the statement that provokes the charge of inconsistency violates clause c of this rule (van Eemeren & Grootendorst, 1984, p. 192). Thus the defender of the Newfoundland seal hunt cannot allude to the pork-eating habits of the hunt's emotional critics, since the critic's pork-eating behavior lies outside the discussion.

Again, the application of this analysis to actual argumentative texts might be problematic. Application of the ideal model of a critical discussion involves considerable interpretation as to what has been agreed to at the opening stage. The defender of the Newfoundland seal hunt might well respond to the pragma-dialectical analyst who charges him with having committed a *tu quoque* fallacy that there is an implicit antecedent agreement between him and his critic (at the opening stage) that eating meat is morally acceptable. Thus, he might say, his charge of inconsistency is perfectly legitimate, especially since there was no agreement at the opening stage on any principle that would imply that the seal hunt is barbaric.

SPECIFIC ANALYSIS: SECOND VERSION

Perhaps in the light of the awkwardnesses in their initial analyses of the *argumentum ad hominem* as a fallacy, van Eemeren and Grootendorst subsequently adopted a simpler common analysis of all its species as violations of a rule for the conduct of the confrontation stage. The rule in question is the following:

Rule 1: *Parties must not prevent each other from advancing standpoints or casting doubt on standpoints. (van Eemeren & Grootendorst, 1992a, p. 208; cf. van Eemeren & Grootendorst, 1984, p. 155 [rule 2 in the earlier list])*

According to the new analysis, all three forms of personal attack effectively silence their target, preventing advancement of a standpoint or criticism. The abusive *ad hominem* assumes that a stupid or bad person cannot have a correct opinion or justified doubts, the circumstantial makes a similar assumption about a biased person, and the *tu quoque* assumes that a statement inconsistent with previous commitments of its author is incorrect (van Eemeren & Grootendorst, 1992a, pp. 111-112). These three assumptions are all incorrect, and thus the use of the *argumentum ad hominem* is a fallacy.

In company with other authors, including authors of many logic textbooks, van Eemeren and Grootendorst (1992a) note that personal attacks are not always fallacious. They are relevant, for example, if the standpoint at issue concerns the person of one's opponent (e.g., whether he is a suitable candidate for a certain position, or if a witness is testifying in a legal case) (pp. 113-114). A great advantage of their analysis is that such relevant personal attacks are clearly distinguished from the fallacious *argumentum ad hominem*, since they are not an attempt to silence an opponent in a critical discussion.

In the new analysis of the *tu quoque*, van Eemeren and Grootendorst (1992a) again distinguish sharply a statement's inconsistency with its author's prior commitments outside the discussion from its inconsistency with commitments made inside the discussion. Perhaps for the reason given in the preceding critique of their earlier analysis, they no longer view the allegation of intradiscussion inconsistency as a fallacy, but instead regard it as "a highly relevant contribution to the resolution process" (p. 114). But any allegation of inconsistency of a statement made in a critical discussion with its author's statements or behavior outside the discussion is in their view a fallacy.

There are legitimate questions about the plausibility of their new analysis of the *tu quoque*. They themselves acknowledge the difficulty in practice of determining in real life where one discussion begins and another ends. A further difficulty is that the *tu quoque* is only indirectly an attempt to silence the author of the challenged statement. Its more direct function, as Whately (1827, p. 192) pointed out, is to shift the burden of proof from the challenger to the statement's author. In our paradigm case, the defender of the seal hunt tries to put its emotional critics in the position of having to reconcile their pork-eating habits with their opposition to the seal hunt. The attempt to shift the burden of proof is an attempt not so much to silence the opponent as to put the opponent on the defensive. If the opponent's commitment that generates the inconsistency is a standing one, such as a commitment to some political or religious ideology, it seems artificial to label the *tu quoque* charge a fallacy on the ground that it was not made within the current discussion. If it is not a standing commitment, but is for example a previous position that the opponent has retracted prior to the present discussion, then the fallacy appears to be a violation of the rule at the argumentation stage that restricts participants in a critical discussion to starting points agreed to at the opening stage.

A further difficulty with the new analysis is that the assumptions attributed to the three forms of personal attack are stronger than is necessary to explain their intended relevance, and thus uncharitable. An abusive *ad hominem* is a rhetorical tactic, designed to divert the attention of a third party (the audience) from the positions and arguments of

one's opponent. It need not assume that a person with the alleged faults cannot have a correct opinion or justified doubts. If read as an argument, it is an argument for the implicit conclusion that it is not worth listening to the opponent on the issue under discussion. Such an argument assumes that it is not worth listening to someone with the alleged faults on an issue of the type in question. One could back up such an assumption in various ways, for example by claiming that people with the alleged faults are quite likely to distort the truth on issues of that type, even to the extent of inventing or lying, and that the audience would find it difficult to detect such distortions. Backing of this sort is much weaker than the assumption that such people cannot have a correct opinion or justified doubts. It might or might not be justified, depending on the nature of the fault and the nature of the issue. In our paradigm case, it seems quite certainly unjustified; the drinking habits of Trudeau's challenger do not undermine his appeal to direct personal knowledge that Trudeau's claim is mistaken.

A circumstantial *ad hominem* likewise needs a weaker assumption. If it is construed as an argument that the opponent should not be listened to on the issue in question, it assumes that anyone with the specified bias should not be listened to on that type of issue. One could back up this assumption in a way similar to that just pointed out for the abusive *ad hominem* argument. It is enough that people with the specified bias are likely to distort the truth on issues of that sort in ways that their audience will find difficult to detect. The author of a circumstantial *ad hominem* need not assume that the opponent cannot have a correct opinion or have justified doubts.

The *tu quoque* likewise need not assume that a statement inconsistent with its author's previous commitments is incorrect. The function of the *tu quoque*, as van Eemeren and Grootendorst rightly point out, is to question the opponent's trustworthiness as a source of advice or information on the question at issue. The fact that someone simultaneously commits themselves to incompatible positions on a question is surely reasonable grounds for hesitating to accept their position—who knows what it is? But, contrary to the claim of van Eemeren and Grootendorst, pointing out an apparent inconsistency in someone's commitments does not foreclose further discussion. As Whately pointed out, it shifts the burden of proof to the opponent, who must either show that the inconsistency is merely apparent or retract a commitment. The *tu quoque* on this analysis seems like a legitimate tactic.

There is a further difficulty in the application of the new analysis to real-life argumentation. If someone charges the author of a position or argument with some defect of character or intellect, or with rationalization of self-interest, or with inconsistency, and the aim of this charge is to undermine the credibility of that person with a third party, how are we to determine whether the two parties are in fact participating in a critical discussion? The *argumentum ad hominem* as van Eemeren and Grootendorst conceive it is a fallacy only if it occurs in a critical discussion. But the various forms of personal attack that they stigmatize as a fallacy may in fact have the function of indicating that the person attacked is not an appropriate interlocutor for a critical discussion. There is no reason in principle why an argument to this effect may not be reasonable.

CONCLUSION

Thus the pragma-dialectical treatment of the *ad hominem* fallacy is clearly superior to the standard treatment in its recognition of mistakes of reasoning other than using an invalid form of argument. But both the earlier and later analyses seem still tied to the assumptions of the standard treatment, and in need of further development.

REFERENCES

- Brinton, A. (1985). A rhetorical view of the *ad hominem*. *Australasian Journal of Philosophy*, 63, 50-63.
- Brinton, A. (1995). The *ad hominem*. In H. V. Hansen & R. C. Pinto (Eds.), *Fallacies: Classical and contemporary readings* (pp. 213-222). University Park, PA: Pennsylvania State University Press.
- Copi, I. M., & Cohen, C. (2002). *Introduction to logic* (11th ed.). Upper Saddle River, NJ: Prentice-Hall.
- Eemeren, F. H. van, & Grootendorst, R. (1984). *Speech acts in argumentative discussions: A theoretical model for the analysis of discussions directed towards solving conflicts of opinion*. Dordrecht/Cinnaminson: Foris.
- Eemeren, F.H. van, & Grootendorst, R. (1992a). *Argumentation, communication and fallacies: A pragma-dialectical perspective*. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Eemeren, F. H. van, & Grootendorst, R. (1992b). Relevance reviewed: The case of argumentum *ad hominem*. *Argumentation*, 6, 141-159.
- Eemeren, F. H. van, & Grootendorst, R. (1995a). *Argumentum ad hominem*: A pragma-dialectical case in point. In H. V. Hansen & R. C. Pinto (Eds.), *Fallacies: Classical and contemporary readings* (pp. 223-228). University Park, PA: Pennsylvania State University Press.
- Eemeren, F. H. van, & Grootendorst, R. (1995b). The pragma-dialectical approach to fallacies. In H. V. Hansen & R. C. Pinto (Eds.), *Fallacies: Classical and contemporary readings* (pp. 130-144). University Park, PA: Pennsylvania State University Press.
- Eemeren, F. H. van, & Grootendorst, R. (2004). *A systematic theory of argumentation: The pragma-dialectical approach*. Cambridge: Cambridge University Press.
- Engel, S. M. (1994). The five forms of the *ad hominem* fallacy. *Inquiry: Critical Thinking Across the Disciplines*, 14, 19-36.
- Hamblin, C. L. (1970). *Fallacies*. London: Methuen.
- Hurley, P. J. (2003). *A concise introduction to logic* (8th ed.). Belmont, CA: Wadsworth.
- Walton, D. N. (1985). *Arguer's position: A pragmatic study of ad hominem attack, criticism, refutation, and fallacy*. Westport, CT: Greenwood Press.
- Walton, D. N. (1992). *The place of emotion in argument*. University Park, PA: Pennsylvania State University Press.
- Walton, D. (1998). *Ad hominem arguments*. Tuscaloosa / London: University of Alabama Press.
- Whately, R. (1827). *Elements of logic* (2nd ed.). London: Mawman.

This page intentionally left blank

Derailments of Argumentation: It Takes Two to Tango

Scott Jacobs

University of Arizona

Sally Jackson

University of Arizona

We congratulate our long-time colleague and very dear friend, Frans van Eemeren, on his 60th birthday. Our collegial relationship now spans 20 years, dating from conversations we began having about common threads in *Speech Acts in Argumentative Discussion* (van Eemeren & Grootendorst, 1984) and our own early work on the structure of argumentation in ordinary conversation (Jackson & Jacobs, 1980; Jacobs & Jackson, 1982). All of us saw considerable promise in applying to argumentation Searle's (1969, 1975, 1976) speech act theory and Grice's (1989) theory of conversational implicature as well as in seeing the structure and function of argumentation in terms of disagreement-focused dialogue. Inspired also by ethnomethodology and conversation analysis (Garfinkel, 1967; Heritage, 1984; Sacks, 1992), we (Jackson and Jacobs) were examining argumentation as a form of "conversational repair" that produces disagreement-relevant expansion of speech act sequences. Meanwhile, Frans van Eemeren and Rob Grootendorst were developing a normative theory of critical discussion that was influenced considerably by traditions of dialectical logic (Barth & Krabbe, 1982; Lorenzen & Lorenz, 1978). The substantial similarities in our two viewpoints drew us together, and the more subtle differences between them have kept our conversations interesting. For this special volume, before turning to a brief study, we reflect on what it has meant to develop our theoretical orientation through constant dialogue with and consideration of Pragma-Dialectics.

THE INTERESTING DIFFERENCES

Canonical Pragma-Dialectics, as we first encountered it in the mid-1980s, treated argumentation as a complex illocutionary act with conditions on each component and on

the complex as a whole. Assertions occurring within a complex act of argumentation commit speakers to believing the truth of what is said and make them responsible for defending the assertion's acceptability in the face of any qualified challenge. Argumentation was also represented as being embedded in dialectical processes, meaning that the component speech acts are performed within the framework of certain agreements about the purposes of the exchange and the kinds of conduct appropriate to those purposes. This framework was distinctly normative, defining requirements not just for any sort of argumentation, but for reasonable argumentation. For the pragma-dialecticians, this orientation has led to sustained attention to the formulation of discussion rules and a code of conduct for participants in critical discussion (van Eemeren & Grootendorst, 1984, 1992, 2004).

Normative and Descriptive Interests

In our view, as in Pragma-Dialectics, speech acts play a foundational role: as the conceptual and normative framework for "disagreement space," the issues that are implicit in any act's performance in its particular interactional context (Jackson, 1992). But viewing argumentation not as one kind of speech act but as a kind of interactional repair that takes form as expansion of speech act sequences, we have tended to see argumentation as an omnipresent possibility that hovers over all interaction rather than as a special kind of interaction bracketed from the contingencies and concerns of the interaction that made it relevant. Rather than expecting argumentation to unfold through recognizable stages, we expected to find argument occurring in anticipation or avoidance of disagreement; as opportunistic instigation of disagreement; or as a response to disagreeable speech acts of any kind. Argument may also simply hang in the offing while, in the way they adjust their talk, participants signal their awareness of bases for potential disagreement and challenge. And importantly, given our backgrounds in empirical social science, we tended to see argumentation as a natural process of communication and interaction without much regard for the quality of the argumentation per se (thus, our interest in the *management* of disagreement rather than the *resolution* of disagreement, as, for example, in Jacobs, 1987). The principles we were relying on applied to good and bad practices alike, being intrinsic to the generation of any argumentation in the first place.

The earliest and deepest effect of Pragma-Dialectics on our own research has been the pressure we have felt to reckon with normative considerations. Especially working with the aggressively empirical stance of conversation analysis, we were challenged by the openly normative perspective of Pragma-Dialectics. Just as different systems of formal logic gave clarity and precision to such notions as deductive validity or contradiction at the level of linguistic content, the pragma-dialectical model of critical discussion gives clarity and precision to such notions as critical openness or burden of proof at the level of pragmatic interaction. Adopting the normative perspective of Pragma-Dialectics has increasingly led us to focus on the gap, sometimes dauntingly wide, between ideal conduct and real practice. Efforts to bridge the gap with special formats and procedures have an

engineered quality that has called our attention to design and to the possibility of conceptualizing argumentation theory as a design enterprise. Interest in

design and designability has led us to search for ways people have tried to regulate disagreement in non-ideal conditions: in studies of third party mediation (Jacobs, 1992, 2002; Jacobs & Aakhus, 2002; Jacobs et al., 1987), TV news coverage of social protest (Maher & Jacobs, 1995), political and judicial inquiries (Aldrich, 1993; Truch & Jacobs, 1998), news interviews (Polcar & Jacobs, 1998), studies of move/countermove design features (Jackson, 2005; Jackson & Jacobs, 2004), and efforts to map out a generalized design methodology (Jackson, 1998).

A fundamental puzzle for us has been how argumentation is, can, and should be conducted under circumstances in which arguers are unwilling or unable to place themselves under the strict obligations of critical discussion, or when placing themselves under those stricter obligations is not a sufficient guarantee of a reasonable undertaking to resolve a difference of opinion on the merits. When we think about design of argumentation procedures, we do not usually think about rules that would govern an ideal critical discussion, but rather about rules that underlie all communicative procedures and about devices that would improve argumentation in non-ideal circumstances. How we have adopted and applied a normative viewpoint is a reflection of our abiding interest in the principles and practices of communicative interaction that generate all kinds of argument.

Fallacies

Fallacies have long been understood as defective forms of argument, schemes that are incapable of providing adequate reason for accepting the truth of a conclusion. Hamblin (1970) described and critiqued a "Standard Treatment" of fallacies as arguments that appear valid but are not valid, pointing out that certain fallacies are not invalid and others have no appearance of validity.

Most contemporary dialectical positions on argument, including Pragma-Dialectics and our own position, reject these legacy views of fallacies in favor of views that situate fallacies and all other arguments in discourse and that take a functional view of argumentative contributions. Walton (1995, 1998) emphasizes that fallacies are arguments using argumentation schemes that can be rightly applied but have been wrongly applied in some context. Fallacies are not a distinctive class of inherently inadequate schemes, but schemes that have been wrongly applied either as a result of mistakes or efforts to mislead. In Pragma-Dialectics, fallacies are not just wrongly applied argumentation schemes, but wrong moves in discussion, where right and wrong are governed by rules for critical discussion. In other words, fallacies are violations of critical discussion rules (van Eemeren & Grootendorst, 1992, 2004) that may come about as derailments of strategic maneuvering (van Eemeren & Houtlosser, 2002).

We agree that defective arguments and illegitimate moves have to do with a general framework of cooperative commitments within which people seek to resolve disagreements (Jackson, 1996). But we have had a very longstanding interest in how arguers make do

under imperfect circumstances, strategizing not to enforce rules of proper conduct but to correct conditions that make it hard to decide issues on the merits. Whether viewed as a wrongly applied argumentation scheme or as a move that is a functional violation of a discussion rule, we doubt the possibility, and even the desirability, of classifying an individual argument (or other move) as fallacious or not outside of its context of occurrence. Embedding all arguments—strong, weak, and fallacious—in discursive engagements, we are much more interested in the interplay of move and countermove than in extracting one party's contribution alone and inspecting it for fallaciousness. When arguments seem fallacious to a participant, it is that participant's responsibility to initiate repair (or to withhold or adjust those arguments in the first place). Where bad moves may slip by, what is needed are procedures that manage their occurrence in a constructive way.

In this respect, our position is slightly more socialized than that of *Pragma-Dialectics*. We would willingly abandon the idea of a fallacy as a defective argument or illegitimate move in favor of analytic constructs capable of capturing what has gone wrong in the flow of debate. Move and countermove are equally implicated in anything that goes wrong; together they make up flow. Derailment always occurs in at least two steps. A bad move of some sort is made and then, rather than taking corrective action of some sort, the move is allowed to pass and to take effect or, worse yet, the bid for derailment is taken up and pushed even further along (Jacobs, Jackson, Stearns, & Hall, 1991; Jacobs & Jackson, 1992). What have been traditionally thought of as "fallacies" are such because they have the potential to mislead, misdirect, or otherwise obstruct reasonable engagement on the issues. But that potential can only be realized in response to the move. Thus, when thinking about fallacies, it is as important to consider the response to a bad move as it is to consider the latent tendencies to mislead or misdirect in the initial move itself.

Within this framework, responsibility for preventing derailment of the argumentation process will be distributed in various ways depending upon the conditions in which argumentation takes place, the properties of the range of plausible means by which derailment might be initiated and continued, and the range of feasible strategies for dealing with such maneuvers. And whether a move derails the course of argument or sets it right will also depend on the conditions in which argumentation takes place and the range of feasible strategies for dealing with problems.

PRACTICAL DESIGN: A CASE STUDY

Take two very simple but pervasive real-life departures from the conditions presupposed by an ideal model of dialectical exchange: (1) limited and nonreciprocal access to information that might be relevant to the resolution of a dispute; (2) vested interests in the outcome of a dispute that distort a reasonable-minded concern for resolution according to the merits. Unless adjustments are made to correct, mitigate, or compensate for the effect of these deficiencies on the quality of the discourse, moves can be expected that derail argumentation in various ways and to varying degrees of importance. Consider, for

example, the effects of secrecy and ignorance on the conduct of even perfectly resolution-minded interlocutors. Acting as protagonist(s) and antagonist(s), each party is obligated to assert only what they believe is defensible and to rebut only with what they take to be acceptable counterarguments. However, knowing the range of allowable assertions and arguments given that obligation depends to some extent on having access to information known by the other party. Arguments that at first glance seem unacceptably weak or altogether irrelevant (and that therefore should be withheld) may be compelling given information available to one's interlocutor—if only one had known. Even the very relevance of the information the arguer does have may not be apparent to the arguer, absent discovery of the opponent's information store. This is one of the reasons why requirements on procedures for discovery and disclosure are so important to both judicial and scientific inquiry.

And the threats to full information may be magnified by the injection of personal interest in the outcome of a decision-making process. Motives to withhold, suppress, fabricate, misrepresent, distort, deny, and dismiss information are all too familiar and the opportunity to do so is that much greater under conditions of ignorance, secrecy, and uncertainty. And we need not attribute deliberate intent; the effects of bias can be quite unwitting.

Different institutions have developed various discourse designs to regulate the problems that emerge. They range from the relatively unregulated free marketplace of ideas characteristic of public political debate to the arcane procedural requirements of judicial and scientific inquiry. Examining these design solutions has shown us three general properties:

1. The kinds of troubles that can arise as threats to reasonable deliberation are often a consequence of abuses and perversions of foundational principles that make communication itself possible—principles like those named in Grice's (1989) theory of implicature or the conversation analysts' accounts of sequential relevance (Sacks, 1992; Sacks & Schegloff, 1974). Troubles arising from these abuses require solutions that take into account the way in which the principles and practices themselves can be used to detect and offset these threats.
2. Design solutions are often systemic in nature, adjusting the discussion process as a whole and the conditions for discussion rather than the characteristics of the individual disputants. Critical thinking does not have to depend on the competence of individuals in a discussion but can sometimes be built into decision-making systems—a point made in Willard's (1990) work on the institutional organization of authority. Responsibility for avoiding error can be distributed across individuals in different ways for different kinds of problems.
3. The steps taken to assure the most reasonable decision-making feasible can sometimes be quite surprising when considered merely in the abstract. Moves that might seem fallacious when considered against a background of ideal conditions can sometimes be deployed in ways that actually improve the quality of discussion (Jackson, 1996; Jacobs, 2000).

When limited and nonreciprocal access to information combines with vested interest in the outcome of the discussion, conditions are clearly not favorable for reasonable discussion. Yet this happens often in cases where reasonable discussion is needed. Not only does a self-interested position based on partial information tend toward the production of slanted and biased arguments, it also leads to obstinate resistance of counterarguments, evasive maneuvers of all sorts, and decidedly uncharitable formulations of an opponent's claims, arguments, and character. But rather than considering these conditions as obstacles to reasonable discussion, it is possible to construct systems in which these conditions actually drive the system toward reasonableness.

The Anglo-American judicial system, for example, has opted for an openly adversarial form of debate as opposed to the more cooperative, impartial inquiry of the Continental model. Such a system is designed to exploit and encourage what might otherwise be seen as a defect in the arguers—their obvious self-interest in the decision outcome, leading them to slant evidence, make one-sided presentations, dismiss the strength of otherwise reasonable arguments, and skeptically challenge claims that do not square with a desired conclusion. With a third party taking on the function of decision maker (judge or jury), advocates are free (in fact, required) to make the strongest case possible, to push the arguments as far as they can go, and to persistently dig for any supporting evidence. What is more, adversaries under these conditions will be especially alert to flaws, gaps, and errors in the arguments of the other side. Each advocate must act on the expectation that weaknesses will be exposed, vulnerabilities exploited, shortcomings magnified, defects leapt upon, and fallacies turned back against them. Thus, the design of the adversarial system exploits self-interested bias in a way that creates an intrinsic constraint on how far either advocate can reasonably push their case while at the same time discouraging premature withdrawal of arguments, overly charitable acceptance of claims, casual assessment of evidence, and all the other vices that might attach to argumentation conducted from an attitude of self-restraint, accommodation, helpfulness, disinterestedness, and sympathetic supportiveness.

A particularly interesting development in the American judicial system is the way in which the problem of perjury is managed. Because access to information is necessarily limited and witnesses may have strong motives to act deceptively, any practical system of argumentation must have a means for minimizing and correcting such occurrences. Penalties for perjury are one interesting if obvious means of doing so. Such penalties are a normatively interesting design feature of practical systems of deliberation because they amount to threats of coercive punishment to discourage unreasonable behavior that cannot be easily corrected within the limits of the deliberation process itself. While the law itself in effect spells out a rule for reasonable argumentation, it is the threat backing up the law that encourages witnesses and advocates to act reasonably where they otherwise might not. What in abstract argumentation theory is commonly pointed to as blatant fallacy here operates in practice as an invaluable resource for promoting reasonable inquiry.

But application of penalties for perjury is decidedly reluctant and measured. Perjury

is largely limited to willfully making statements under oath that are literally false. The general federal perjury statute refers to a witness under oath who willfully "states or subscribes any material matter which he does not believe to be true" (U.S.C. 18, §1621). And while witnesses take an oath "to tell the truth, the whole truth, and nothing but the truth," counsel commonly advises clients and other witnesses not to volunteer information beyond what is necessary to answer the question asked (Danda, 2001). The guiding principle seems to be that, insofar as is possible, the examination process itself should correct for misleading messages. This is illustrated in the U.S. Supreme Court's decision in *Bronston v. the United States* (1973).¹ We will analyze the Court's decision at some length, not just because of its landmark status, but because it is an exemplary case of linguistic pragmatic analysis applied to a problem in the designability of reasonable argumentation (cf. Tiersma, 1990). At issue in the case was the following testimony, given by the president of Samuel Bronston Productions in 1966 under cross-examination during bankruptcy hearings to determine the company's assets.

Q: Do you have any bank accounts in Swiss banks, Mr. Bronston?

A: No, sir.

Q: Have you ever?

A: The company had an account there for about six months, in Zurich.

Q: Have you any nominees who have bank accounts in Swiss banks?

A: No, sir.

Q: Have you ever?

A: No, sir.

Bronston's answer to the second question would seem to suggest that he never had any bank accounts in Swiss banks. In fact, Bronston had maintained a Swiss bank account from 1959 to 1964 with assets totaling more than \$180,000. Bronston was prosecuted for perjury. A District Court jury found Bronston guilty, the conviction later being upheld by the Court of Appeals. The question addressed by the Supreme Court was "whether a witness may be convicted of perjury for an answer, under oath, that is literally true but not responsive to the question asked and arguably misleading by negative implication." The government's prosecution of the case held that Bronston had done just that, "implying that he had no personal Swiss bank account at the relevant time." The Court agreed with the prosecution that Bronston's answer was unresponsive and probably shrewdly calculated to mislead, but the Court reversed the lower court decisions and decided for Bronston.

Beyond question, petitioner's answer to the crucial question was not responsive if we assume, as we do, that the first question was directed at personal bank accounts. There is, indeed, an implication in the answer to the second question that there was never a personal

¹ We thank Jean Goodwin for calling our attention to this case.

bank account; in casual conversation this interpretation might reasonably be drawn. But we are not dealing with casual conversation and the statute does not make it a criminal act for a witness to willfully state any material matter that implies any material matter that he does not believe to be true.

The Court held that, even though the answer was misleading, the problems that arise from literally true but unresponsive answers are to be remedied by the cross-examining counsel and not by federal perjury prosecution.

Calling a perjury prosecution “a drastic sanction,” the Court held that “the perjury statute is not to be loosely construed, nor the statute invoked simply because a wily witness succeeds in derailing a questioner—so long as the witness speaks the literal truth. The burden is on the questioner to pin the witness down to the specific object of the questioner’s inquiry.”

It should come as no surprise that a participant in a bankruptcy proceeding may have something to conceal and consciously tries to do so, or that a debtor may be embarrassed by his plight and yield information reluctantly. It is the responsibility of the lawyer to probe; testimonial interrogation, and cross-examination in particular, is a probing, prying, pressing form of inquiry. If a witness evades, it is the lawyer’s responsibility to recognize the evasion and to bring the witness back to the mark, to flush out the whole truth with the tools of adversary examination.

In other words, the fault lay not with Bronston’s answer *per se*, but with the questioner allowing it to pass.

Perhaps most interesting is the basis for the Court’s confidence in the examiner’s ability to ferret out the truth in cases of “answers unresponsive on their face, but untrue only by ‘negative implication’.”

Though perhaps a plausible case can be made that unresponsive answers are especially likely to mislead, any such argument must, we think, be predicated on the questioner’s being aware of the unresponsiveness of the relevant answer. Yet, if the questioner is aware of the unresponsiveness of the answer, with equal force it can be argued that the very unresponsiveness of the answer should alert counsel to press on for the information he desires . . . [T]he examiner’s awareness of unresponsiveness should lead him to press another question or reframe his initial question with greater precision.

So, unlike literally false statements (and perhaps other forms of deceptive communication), the basis for this kind of misleading implication is signaled by the open, face value irrelevance of what is said. Anyone alert enough can see it and, indeed, must see it in order to infer the misleading implication. In fact, the Court provides in a footnote (n. 5) what Tiersma (1990, p. 387, n. 40) considers to be “a remarkably sophisticated linguistic analysis of the problem.”

Arguably, the questioner will assume that there is some logical justification for the unresponsive answer, since competent witnesses do not usually answer in irrelevances. Thus the questioner may conclude that the unresponsive answer is given only because it is intended to make a statement—a negative statement—relevant to the question asked. In this case, petitioner's questioner may have assumed that petitioner denied having a personal account in Switzerland; only this unspoken denial would provide a logical nexus between the inquiry directed to petitioner's personal account and the petitioner's adverting, in response, to the company account in Zurich.

Substitute "cooperative" for "competent" and "implicature" for "statement," and one reads an analysis that closely parallels Grice's (1989) schema for working out a conversational implicature based on a flouting of the relevance maxim. In fact, in another footnote (n. 3) the Court distinguishes the kind of implicature Bronston was alleged to have made from a kind of implicature that would follow from a covert violation of Grice's Quantity submaxim ("make your contribution as informative as required"):

The District Court gave the following example "as an illustration only":

"[I]f it is material to ascertain how many times a person has entered a store on a given day and that person responds to such a question by saying five times when in fact he knows that he entered the store 50 times that day, that person may be guilty of perjury even though it is technically true that he entered the store five times."

The illustration given by the District Court is hardly comparable to petitioner's answer; the answer "five times" is responsive to the hypothetical question and contains nothing to alert the questioner that he may be sidetracked.

In other words, the issue is not just a matter of the truth of "what is said" versus the truth of "what is implicated," but whether or not the implicature arises from a flouting that (by definition for Grice) is obvious and open. It should not be all that surprising that plainly nonresponsive answers to cross-examination questions will be heard as implicating an indirect answer. Grice's (1989) Cooperative Principle and conversational maxims and the conditional relevance of adjacency pairs like question-answer (Sacks, 1992; Schegloff, 1968) are, after all, foundational principles for communicative coordination and are not left at the door when people enter a courtroom. Nor should it be surprising that in the same footnote the Court wonders whether (unlike Bronston's statement) baldly understating a numerical fact in response to a quantitative inquiry "can be described as even technically true." It is a highly contentious issue in the field of pragmatics whether such inferences should be characterized as "generalized conversational implicatures" or instead as implicit elements of what is said, that is, as "implicatures" or "explicatures" (Bach, 1994; Carston, 2002; Levinson, 2000; Recanati, 2002; Sperber & Wilson, 1995). How a seemingly arcane analytic distinction works itself out in the theoretical literature may well have serious legal implications for deciding whether a witness has "stated" or merely implied something false.

The important thing to see here is that responsibility for managing deception can be distributed across participant roles, requiring two steps contributed by two participants. Where recipients can expect, detect, and correct a potential misstep, they should. Bronston's evasion was only the first step in the derailment of the discussion; the questioner contributed the second step, by allowing the evasion to stand without exposure through further questioning. Importantly, although any individual may fail to perform well on any particular occasion, the system (including questioning formats, rules of evidence, penalties for perjury, and so on) can be designed to take account of the way in which the principles of communication can be exploited to subvert reasonable inquiry by providing a resource for counteracting such exploitation, in this case, the astute and insistent probing of cross-examination.

ARGUMENTATION THEORY AS A DESIGN ENTERPRISE

Designed systems like negotiation, third party mediation, adversarial contests before a judge, and so on, can be read as practical theories of argumentation—that is, as embodiments of assumptions about how arguers will conduct themselves if left to their own impulses. Conversely, a normative theory of critical discussion (such as the ideal model at the heart of Pragma-Dialectics) can be read quite easily as a design proposal: that is, as a proposed system for conducting discussion aimed at assuring reasonableness in the search for resolution of disagreement. We find a connection of deep significance between our work and Pragma-Dialectics in the shared orientation we have to design.

The ideal model of critical discussion presented in canonical Pragma-Dialectics (van Eemeren & Grootendorst, 2004) and in our collaborative work (van Eemeren, Grootendorst, Jackson, & Jacobs, 1993) is of course not just one possible design among other equally good designs. It is a special reference model that can be used to generate other designs meant to achieve the same result—resolution on the merits. In our thinking, the ideal model helps to draw attention to gaps between the real and the ideal, and it provides a standard of performance against which methods of bridging these gaps may be judged.

Earlier, we alluded to two interesting differences between our approach and canonical Pragma-Dialectics: A difference in how we take normative considerations into account that leads us to focus on all kinds of work-arounds when ideal conditions cannot be satisfied, and a difference in how we think about fallacies that leads us to focus on both parties' contributions when something goes wrong. The fallacy that occurred in *Bronston* was a joint responsibility. Our interest in the *Bronston* case is the way it makes clear that control of false, misleading, and inadequate claims is not, in actual argumentation settings like courtrooms, the sole responsibility of the message producer. The system itself can be designed to depend on other participants to help avoid and correct falsehood, misdirection, and inadequacy.

The brief analysis presented here should make clear not just the promise of seeing ordinary language argumentation as designed discourse; it should also make clear the

value of taking a normative attitude toward that design, of looking at the pragmatics of argument, and adopting a dialectical perspective toward argumentative discourse. These are, we believe, some of the truly valuable contributions to argumentation studies that have been tirelessly championed by Pragma-Dialectics and are among the many achievements of its leading proponent, Professor Frans van Eemeren. It has been our privilege and our pleasure over the past two decades to extend our own work in relation to his.

REFERENCES

- Aldrich, A. (1993). *Control strategies in discourse*. Unpublished master's thesis. University of Arizona, Tucson.
- Bach, K. (1994). Conversational implicature. *Mind & Language*, 9, 124-162.
- Barth, E. M., & Krabbe, E. C. W. (1982). *From axiom to dialogue: A philosophical study of logics and argumentation*. New York and Berlin: Walter de Gruyter.
- Bronston v. United States (1973). 409 U.S. 352.
- Carston, R. (2002). *Thoughts and utterances: The pragmatics of explicit communication*. Oxford, England: Blackwell.
- Danda, D. E. (2001). Rules for witnesses. *FindLaw for legal professionals*. Retrieved July 31, 2005, from <http://library.findlaw.com/2001/Jan/1/128695.html>
- Eemeren, F. H. van, & Grootendorst, R. (1984). *Speech acts in argumentative discussion*. Dordrecht, The Netherlands: Foris.
- Eemeren, F. H. van, & Grootendorst, R. (1992). *Argumentation, communication, and fallacies: A pragma-dialectical perspective*. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Eemeren, F. H. van, & Grootendorst, R. (2004). *A systematic theory of argumentation: The pragma-dialectical approach*. Cambridge: Cambridge University Press.
- Eemeren, F. H. van, & Grootendorst, R., Jackson, S., & Jacobs, S. (1993). *Reconstructing argumentative discourse*. Tuscaloosa: University of Alabama Press.
- Eemeren, F. H. van, & Houtlosser, P. (2002). Fallacies as derailments of strategic maneuvering. In G. T. Goodnight (Ed.), *Arguing communication & culture: Selected papers from the twelfth NCA/AFA conference on argumentation* (pp. 67-75). Washington, DC: National Communication Association.
- Garfinkel, H. (1967). *Studies in ethnomethodology*. Englewood Cliffs, NJ: Prentice Hall.
- Grice, H. P. (1989) *Studies in the ways of words*. Cambridge: Harvard University Press.
- Hamblin, C. L. (1970). *Fallacies*. London: Methuen.
- Heritage, J. (1984). *Garfinkel and ethnomethodology*. Cambridge, England: Polity.
- Jackson, S. (1992). "Virtual standpoints" and the pragmatics of conversational argument. In F. H. van Eemeren, R. Grootendorst, A. Blair, & C. A. Willard (Eds.), *Argument illuminated* (pp. 260-269). Amsterdam, The Netherlands: International Centre for the Study of Argumentation (Sic Sat).
- Jackson, S. (1996). Fallacies and heuristics. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.), *Analysis and evaluation: Proceedings of the Third ISSA Conference on*

- Argumentation*, Vol. II (pp. 257-269). Amsterdam: International Centre for the Study of Argumentation (Sic Sat).
- Jackson, S. (1998). Argumentation by design. *Argumentation*, 12, 183-198.
- Jackson, S. (2005, August). *Designing countermoves to reshape a disagreement space*. Paper presented at the biennial NCA/AFA conference on argumentation, Alta, UT.
- Jackson, S., & Jacobs, S. (1980). Structure of conversational argument: Pragmatic bases for the enthymeme. *Quarterly Journal of Speech*, 66, 251-265.
- Jackson, S., & Jacobs, S. (2004, June). *Designing countermoves to questionable argumentative tactics*. Paper presented at the Wake Forest Argumentation Conference, Venice, Italy.
- Jacobs, S. (1987). The management of disagreement in conversation. In F. H. van Eemeren, R. Grootendorst, J. A. Blair & C. A. Willard (Eds.), *Argumentation: Across the lines of discipline. Proceedings of the conference on argumentation 1986* (pp. 229-239). Dordrecht, The Netherlands: Foris.
- Jacobs, S. (1992). Argumentation without advocacy: Strategies for case-building by dispute mediators. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.), *Argumentation illuminated* (pp. 270-280). Dordrecht, the Netherlands: International Centre for the Study of Argumentation (Sic Sat).
- Jacobs, S. (2000). Rhetoric and dialectic from the standpoint of normative pragmatics. *Argumentation*, 14, 261-286.
- Jacobs, S. (2002). Maintaining neutrality in third-party dispute mediation: Managing disagreement while managing not to disagree. *Journal of Pragmatics*, 34, 1403-1426.
- Jacobs, S., & Aakhus, M. (2002). What mediators do with words: Implementing three models of rational discussion in dispute mediation. *Conflict Resolution Quarterly*, 20, 177-204.
- Jacobs, S., & Jackson, S. (1982). Conversational argument: A discourse analytic approach. In J. R. Cox & C. A. Willard (Eds.), *Advances in argumentation theory and research* (pp. 205-237). Carbondale & Edwardsville: Southern Illinois University Press.
- Jacobs, S., & Jackson, S. (1992). Relevance and digressions in argumentative discussion: A pragmatic approach. *Argumentation*, 6, 161-172.
- Jacobs, S., Jackson, S., Hallmark, J., Hall, B., & Stearns, S. A. (1987). Ideal argument in the real world: Making do in mediation. In J. W. Wenzel (Ed.), *Argument and critical practices: Proceedings of the fifth SCA/AFA conference on argumentation* (pp. 291-298). Annandale, VA: SCA.
- Jacobs, S., Jackson, S., Stearns, S., & Hall, B. (1991). Digressions in argumentative discourse: Multiple goals, standing concerns, and implicatures. In K. Tracy (Ed.), *Understanding face-to-face interaction: Issues linking goals and discourse* (pp. 43-61). Hillsdale, NJ: Lawrence Erlbaum Associates.
- Levinson, S. C. (2000). *Presumptive meanings: The theory of generalized conversational implicature*. Cambridge: MIT Press.
- Lorenzen, P., & Lorenz, K. (1978). *Dialogische logik* [Dialogical logic]. Darmstadt, Germany: Wissenschaftliche Buchgesellschaft.
- Maher, D., & Jacobs, S. (1995). The Clayoquot Sound controversy: The procedural adequacy of news coverage and public deliberation of environmental issues. In S. Jackson (Ed.), *Argumentation and values: Proceedings of the ninth SCA/AFA conference on argumentation*

- (pp. 344-348). Annandale, VA: SCA.
- Perjury Generally, Crimes and Criminal Procedure (1982). U.S.C. 18, §1621.
- Polcar, L., & Jacobs, S. (1998). Evasive answers: Reframing multiple argumentative demands in political interviews. In J. F. Klumpp (Ed.), *Argument in a time of change: Definitions, frameworks, and critiques. Proceedings of the tenth NCA/AFA conference on argumentation* (pp. 226-231). Annandale, VA: NCA.
- Recanati, F. (2002). *Literal meaning*. Cambridge, England: Cambridge University Press.
- Sacks, H. (1992). *Lectures on conversation, Vols. 1 and 2* (G. Jefferson, Ed.; E. A. Schegloff, Intro.). Oxford, England: Blackwell.
- Schegloff, E. A. (1968). Sequencing in conversational openings. *American Anthropologist*, 70, 1075-1095.
- Schegloff, E. A., & Sacks, H. (1973). *Semiotica*, 8, 289-327.
- Searle, J. R. (1969). *Speech acts: An essay in the philosophy of language*. Cambridge, England: Cambridge University Press.
- Searle, J. R. (1975). Indirect speech acts. In P. Cole & J. L. Morgan (Eds.), *Syntax and semantics, Vol. 3: Speech acts* (pp. 59-78). New York: Academic Press.
- Searle, J. R. (1976). The classification of illocutionary acts. *Language in Society*, 5, 1-23.
- Sperber, D., & Wilson, D. (1995). *Relevance: Communication and cognition* (2nd ed., with postface). Oxford, England: Blackwell.
- Tiersma, P. (1990). The language of perjury: "Literal truth," ambiguity, and the false statement requirement. *Southern California Law Review*, 63, 373-431.
- Truch, N. J., & Jacobs, S. (1998). Identifying arguments in courtroom transcripts. In J. F. Klumpp (Ed.), *Argument in a time of change: Definitions, frameworks, and critiques. Proceedings of the tenth NCA/AFA conference on argumentation* (pp. 333-338). Annandale, VA: NCA.
- Walton, D. N. (1995). *A pragmatic theory of fallacy*. Tuscaloosa: University of Alabama Press.
- Walton, D. N. (1998). *The new dialectic: Conversational contexts of argument*. Toronto: University of Toronto Press.
- Willard, C. A. (1990). Authority. *Informal Logic*, 12, 11-22.

This page intentionally left blank

The Ambiguous Relationship Between Pragma-Dialectics and Logic

Ralph H. Johnson

University of Windsor

What precisely is the role of logic in the pragma-dialectical approach? Certain statements and developments raise this question for me. In *Anyone Who Has a View*, the Editors say that “the subject of argumentation is approached from different angles. Both the formal and informal logical approach and the rhetorical and the communicative approaches are presented in various ways” (van Eemeren, Blair, Willard & Snoeck Henkemans, 2003, p. 1). This statement accommodates the widely shared view, going back at least to Wenzel (1990) that the study of argumentation requires input from logical, dialectical, and rhetorical approaches. In *Dialectic and Rhetoric* (van Eemeren & Houtlosser, 2002), on the other hand, logic is conspicuous by its absence (Johnson, 2004). That absence can perhaps be explained by the consideration that there the authors are attempting to rethink the relationship between their own theory and rhetoric, and so the absence of logic is here understandable. It is perhaps less understandable when in *A Systematic Theory of Argument*, we find a section with the subtitle “New rhetorics and new dialectics” yet no reference is made to “new logics.”¹ I want to suggest that the time is ripe for Pragma-Dialectics to reconsider its relationship to logic, and particularly one of the new logics—informal logic.

In the most recent exposition of their theory, van Eemeren and Grootendorst (2004) write:

Of course, what is meant by valid in a logical sense can be interpreted in different ways, depending on the logical theory that is taken as its starting point. It is an interesting

¹ And there are new logics ... a number of them: epistemic logic, deontic logic, paraconsistent logic, informal logic, fuzzy logic. Of very few of them can it be said that they have any relevance whatever to the study of argumentation, which is why informal logic is so important; for it is a logic devised explicitly to handle real life argumentation (Blair & Johnson, 1980).

academic question as to *what logical theory provides the best starting point*, but we cannot deal with this question in the context of the discussion of a practical code of conduct. (p. 104, n.19; italics added)

This statement raises an important and timely question: What logical theory provides the best starting point? Perhaps better: What logical theory best fits the logical requirements of the pragma-dialectical approach? Perhaps better still: Which logical theories (for it may require more than one) are best suited to support the requirements laid out by the pragma-dialectical approach?

In this chapter, I attempt to provide at least a partial answer to that question by clarifying the relationship between the pragma-dialectical approach and logic. I will look at this relationship historically and in its most current iteration—*A Systematic Theory of Argumentation*. The conclusion I come to is that the relationship between the pragma-dialectical approach and logic remains an ambiguous one. In most instances, the logical theory invoked turns out to be formal deductive logic (FDL), though at other times the pragma-dialectical approach appears to be leaning in the direction of something like informal logic. There is nothing at all wrong with invoking both of these, because there is no incompatibility between formal and informal logic (Johnson, 1999a). Yet as I shall attempt to make clear, the pragma-dialectical approach appears hampered in certain respects by a tacit allegiance to formal logic that might be ameliorated if informal logic were accorded a more explicit role in its meta-theory.

PRAGMA-DIALECTICS AND LOGIC

Though they have offered characterizations of both dialectic and rhetoric, so far as I am aware, the authors have never attempted a precise articulation of the nature of logic.² In *Fundamentals of Argumentation Theory*, they refer to “the present set-up of logic as the study of formal reasoning patterns and its methodological starting points” (van Eemeren & Grootendorst, 1996, p. 6). They then state, quite rightly, that “although abstracting from the actual discourse has been highly beneficial to the development of logic, it has been detrimental to the study of argument as envisaged by argumentation theorists.” From this important insight, two paths are possible: One can more or less abandon logic in favor of pragmatics, or one can attempt to remedy the deficiency by reforming logic. Pragma-Dialectics has taken the first path; informal logic the second.

Pragma-Dialectics began in the 1970s under the inspiration of Popper’s critical rationalism (van Eemeren & Grootendorst, 1996, p. 274). Its authors wanted to develop a code of conduct for argumentative discourse using an approach which was at core linguistic but informed by important philosophical developments. The authors were strongly influenced by Speech Act Theory as developed by Austin and Searle, and by Grice’s

² See van Eemeren and Grootendorst (1996, pp. 5-12).

approach to conversational implicature. When they discuss the origins of the pragma-dialectical approach, the authors relate that they were influenced by the *formal dialectic* of Barth and Krabbe (1982), which in turn owes something to the forerunner *dialogue logics* of Lorenzen and Lorenz (1978). From the very beginning of their project, logic played an important role in its development.

Dialogue logics take as their setting a dialogue. Such logics construe argumentation as a process, an exchange between a proponent and an opponent. Conventional logics, such as propositional logic, on the other hand, focus rather on what might be called the product of such discussions (i.e., an argument encoded in a text—e.g., an editorial in the newspaper). Such logics develop norms in the form of criteria by which to evaluate written arguments (as Aristotle's syllogistic normativized validity). Dialogue logics, on the other hand, seek to provide norms in the form of rules for conducting a dialogue, or critical discussion. Each approach has its strengths and weaknesses, and there are important similarities and differences (Johnson, 1995).

In the development of the pragma-dialectical approach, van Eemeren and Grootendorst have placed strong emphasis on pragmatics (as the very name suggests), and logic has been to some degree in the background. But logic has not altogether disappeared. In the presentation of their theory, the authors mention and make use of, either directly or indirectly, various logics: syllogistic logic, propositional logic, predicate logic, inductive logic and informal logic. More specifically, they state: "Being able to check whether the arguments of the protagonist are logically valid calls for logical rules, such as the dialogue rules of the Erlangen school, to evaluate the validity of the arguments" (van Eemeren & Grootendorst, 2004, p. 148). As we shall see their commitment to the validity requirement becomes more and more qualified in successive versions.

The authors exhibit what might be called a wariness of logic that manifests itself in a number of ways. In *Argumentation, Communication and Fallacies*, for example, van Eemeren and Grootendorst (1992) warn against the dangers of a "logico-centric" approach to fallacies:

Our approach to fallacies is broader and at the same time more specific than the traditional *logico-centric approach*, it is broader because right from the start all violations of discussion rules, not just the "logical" errors concerning validity, are brought into the analysis. (p. 105)

Here they seem to be referring to the influential definition, cited by Hamblin (1970), of a fallacious argument as "one that that seems to be to be valid, but is not so" (p. 12). Moreover, to the degree that logicians have attempted to approach the study of fallacy using the notion of validity (following Hamblin), it seems clear that the logic in question is FDL.

In *Argumentation, Communication and Fallacies* (1992), the role of logic appears more limited—to helping understand the step whereby the acceptability of the premise is transferred to the conclusion: "In order to assess the quality of the individual arguments, it must be determined whether the underlying reasoning is logically valid and starts from

premises that are acceptable" (p. 96). In the background, one can detect *the ideal of soundness* associated with the view propounded in FDL that a good argument is a sound argument (i.e., an argument whose form is valid, and whose premises are true). In this situation, the truth of the premises is transferred to the conclusion.³ But the authors caution us against a too-narrow view of validity:

There is no need, however, to immediately assume that somebody who puts forward an argument is indeed involved in demonstrating how the conclusion is logically derived from the premises. Still in some way or other, the acceptability of the premises is transferred to the conclusion. (p. 96)

Evidently, they envisage some form of linkage between premises and conclusion which is not that of deductive validity (necessary consequence, entailment). In the footnote they add:

On this point, logic has not much to offer. In spite of important differences in the way logicians define the object, scope and method of their work, they seem unanimous in thinking that their concern with validity is about formal rather than substantive relations between premises and conclusions, syntactico-semantic rather than pragmatic aspects, reasoning in isolation rather than reasoning in context, implications rather than inferences and—most important to us at this juncture—transmission of truth rather than acceptance. (p. 96)

While this set of contrasts hits the mark as far as FDL is concerned, it is far, far wide if taken as an accurate characterization of the thinking of informal logicians such as Blair and Johnson (1980), Govier (1987), Walton (1989, 1990), Freeman (1988).

Moreover, their implicit model appears to invoke the ideal of soundness discussed before, from which however the pragma-dialectical approach deviates in two important respects. First, while they include validity in the sense associated with FDL, they have always made a point of allowing validity to be understood in a broader sense, as we shall shortly see. Second, their commitment has been to acceptance/acceptability rather than truth as the constraint on premise adequacy. We will see that they are in the position of relying on truth in their meta-theory, while rejecting it in their theory. This is not an intolerable situation, but it does raise questions which, however, I cannot pursue here.⁴ The important point is that the pragma-dialectical approach, like many other approaches that seek to distinguish themselves from FDL, appears to be loosening the requirements for what counts as a good argument.

Another manifestation of their wariness of logic emerges in the warning about the dangers associated with "absolutism" which they in turn associate with logic. As van

³ This ideal is not propagated by FDL as such, but rather is a theory of argument derived from it by many philosophers and textbook authors (e.g., Copi in successive editions of his *Introduction to Logic*).

⁴ See Johnson (1999b) for a discussion of this problem.

Emmeren and Grootendorst (1996) state: "In order to avoid the dangers of absolutism and relativism inherent in the "logical," "geometrical," and the "rhetorical" (anthropological) traditions in the philosophy of good reasoning, the dialectical approach to argumentation joins the "critical" tradition" (p. 278, n.11). Again it is important to ask: what logic is being tacitly referred to? The reference to "geometrical" suggests Toulmin's (1958) critique of formal deductive logic.

I have only been able to focus on a small portion of the many texts in which the authors of this approach have touched on Pragma-Dialectics' relationship to logic, but I have in this sample provided some justification for my claim that the relationship is to some degree ambiguous. The pragma-dialectical approach depends on logic, yet remains leery of it. What is not ambiguous is that from the beginning the pragma-dialectical approach has embraced the validity requirement—a criterion whose logical credentials are impeccable. But that embrace has become increasingly tentative, as we shall see in the next section.

PRAGMA-DIALECTICS AND THE VALIDITY REQUIREMENT

In this section, I trace the evolution of the validity requirement which makes its appearance through several presentations of their theory.

Speech Acts in Argumentative Discussions (1984)

Chapter 6 of this work is devoted to the topic of unexpressed premises in rational discussions. Here the authors discuss in detail the shortcomings of then current theoretical approaches: the standard logical approach (exemplified by Copi, Kahane, and Rescher); the presuppositional approach (exemplified by Rescher, Ohlschlager, and Nuchelmans) before opting for a Gricean approach (pp. 134-141). Still the constraint of validity remains operative: "The validity of the reconstructed argument is a necessary but not a sufficient condition" (p. 136). The intersubjective explication procedure requires that the protagonist's argument be reconstructed so that it is valid. And that in turn requires that there be "*logical rules* which they can apply in order to evaluate the validity of the protagonist's argument" (p. 169).

Before continuing my discussion of validity, let me pause to note what appears to be a slight incongruity. From its beginning, the pragma-dialectical approach has paid considerable attention to the issue of making unexpressed premises explicit. It has always seemed to me that their concern with supplying missing premises is somewhat at odds with their approach, in the following way. The need to reconstruct an argument in order to supply the appropriate missing premise(s) is clearest in the case in which an argument (as text, as product) is delivered to what Govier (2000) has called "the non-interactive audience" (p. 183f). In this setting, the author of the argument is typically not readily available, so one cannot ask the arguer which premise was omitted. However, in the

setting of a critical discussion, this problem would seem to be something of a non-starter. For suppose Karl and Ludwig are the interlocutors, and Karl puts forth an argument that Ludwig thinks has a missing premise. Ludwig does not need to reconstruct Karl's argument. He can simply request that Karl provide the requisite missing premise(s).⁵ Suppose, for example, Karl says: "One should not threaten visiting speakers with a poker; this proves that there are moral truths" Ludwig can simply ask Karl: "What is the assumption you are making here? How can you infer that conclusion from that premise? Are you assuming that the statement in question is a moral truth?" The task of supplying missing premises seems paramount for theories focused on the argument as product directed to the non-interactive audience, and much less of a problem for rule-based process-oriented approaches like Pragma-Dialectics—except to the degree that such approaches must have recourse to argument as product.⁶ That it receives the amount of attention it has in the pragma-dialectical approach seems to me an indication of an underlying and non-negligible commitment to argument-as-product, and to that degree to logic rather than dialectics.

In this way, then, the problem of missing premises serves to illustrate the ambiguous nature of Pragma-Dialectics' relationship to logic. FDL takes a deductive approach to the problem of missing premises (deductivism), whereas informal logicians have been unsatisfied with this approach, adopting more nuanced approaches to the task of argument reconstruction including the issues surrounding the proper articulation of the principle of charity, and its justification. (See Johnson (2000, pp. 123-135) for a fuller discussion of these issues.)

Argumentation, Communication and Fallacies (1992)

In *Argumentation, Communication and Fallacies* (1992), we notice a slight shift from the 1984 position. The authors write: "If in argumentation parts of the argument are implicit, then a logical analysis is indispensable. There may be unexpressed premises but also unexpressed conclusions. The argument must then be constructed so that it becomes logically valid. (p. 60). But there is an important footnote:

Although some commitment to a clear criterion of validity is required, this does not necessarily imply a dogmatic commitment to deductivism. At this juncture, we do not want to take a specific and definitive stance on the question exactly what kind of logical validity is to be preferred. (p. 60, n.2)

⁵ One response to this suggestion (which they attribute to Scriven) is that Karl may not provide the proper formulation of the missing premise (van Eemeren & Grootendorst, 1984, p. 142).

⁶ Van Eemeren and Grootendorst (1996) believe their pragma-dialectical approach is both product-oriented and process-oriented (p. 278). In (2004) they outline their view of how to accommodate a monologue which is "taken to be a specific kind of critical discussion where the protagonist is speaking (or writing) and the role of the antagonist remains implicit" (p. 59). Blair (1998) has argued against this. Van Laar (2005) is a response to Blair's criticism.

The reference to “kind[s] of logical validity” is puzzling. The term *valid* clearly applies to deductive validity which is supported by a well-developed theory, FDL. And the authors clearly mean to make use of that, as the following text indicates. But this opens the door to the question of what other types of validity there might be. This is an issue that has been in the forefront of informal logic from the beginning. Many theorists have examined this issue of what other types of connection might exist between premises and conclusion (Govier (1987), Freeman (1988)). Van Eemeren and Grootendorst (1992) continue:

We shall restrict ourselves in our present exposé on unexpressed premises to making use of the well-known and ready-made instruments of propositional logic and first order predicate logic. This does not automatically mean that we agree with Rescher’s view of an “inductive inference” as an aspiring but failed deductive inference. (pp. 60-61, n.2)

Their commitment, then, to developed logical theories is clear, with a suggestion that they might embrace inductive logic.

In a later section titled “Argumentation Schemes as Dialectical Tools,” they state: “In order to assess the quality of the individual arguments, it must be determined whether the underlying reasoning is logically valid and starts from premises that are acceptable” (p. 96). Again one can sense the ideal of soundness in the background. They continue:

There is no need, however, to immediately assume that somebody who puts forward an argument is indeed involved in demonstrating how the conclusion is logically derived from the premises. Still in some way or other, the acceptability of the premises is transferred to the conclusion. (p. 96)

Thus the pragma-dialectical approach, like many others that seek to distinguish themselves from FDL, appears to be “weakening the requirements” for a good argument.

Fundamentals of Argumentation Theory (1996)

In this work, we find the following statement:

Although many (but not) all logicians is “valid” to mean “deductively valid” in the study of argumentation—and in pragma-dialectics—the term *valid* is used in a broader sense. Some commitment to a clear criterion of validity is required, but this does not automatically lead to a dogmatic commitment to “deductivism” (p. 284, n.23)

But this broader sense of validity remains undeveloped.

A Systematic Theory of Argumentation (2004)

We come now to the treatment of the validity requirement in their most recent work in

which we will notice an evolution. Commandment 7 is the validity rule (pertaining to Rules 8 and 9 of the discussion procedure). "Reasoning that in an argumentation is presented as formally conclusive may not be invalid in a logical sense" (p. 193). This is designed to ensure that protagonists who resort to formal reasoning for resolving a difference of opinion use only reasoning that is valid in a logical sense. But, of course, not all will do so, and this opens the door to another relaxation of the validity requirement. The authors comment (in the text already cited at the beginning of this chapter):

Of course, what is meant by valid in a logical sense can be interpreted in different ways, depending on the logical theory that is taken as the starting point. It is an interesting academic question as to what logical theory provides the best starting point, but we cannot deal with this question. (p. 194, n.19)

They go on to indicate that in the case when the reasoning is not fully externalized, a reconstruction of the implicit elements must be undertaken. In this case, Rule 7 may not apply because a more drastic reconstruction that what goes beyond the logical minimum (required by deductive reconstruction) may apply. The net effect of this modification is that it is now possible under this system of rules to present "an argument that is, strictly speaking, not logically valid" (p. 194, n.10)—something that was not so clearly allowed for in previous versions.

In my judgment this is a step in the right direction. Certainly it is more in line with how many informal logicians treat the process of argument reconstruction. This issue is further addressed in their (2004) book, in the discussion of Commandment 8 which is "designed to ensure that standpoints can indeed be conclusively defended by arguments that are not presented as logically valid, if the protagonist and the antagonist are agreed on a method to test the soundness of the types of argument concerned" (pp. 194-195).

Summary Regarding the Validity Requirement

From the beginning, a dependence on FDL is evident in the pragma-dialectical approach, though it appears that there has been a gradual relaxation of the validity requirement.

I have been attempting to show that Pragma-Dialectics' commitment to the validity requirement illustrates its ambiguous relationship to logic, and at the same time reveals a lacuna in their theorizing which possibly informal logic can help fill. In this connection, I would mention Govier's (1987) work on conductive arguments which are neither deductive nor inductive (chaps. 3 and 4), her critique of formalism (2000, chap. 5) and her discussion of good arguments (2000, chap. 7). Others (Pinto, 2001, 2005); Hitchcock (2000, 2003) believe that the notion of a warrant has great promise. The notion of argumentation schemes (of which the authors are well aware) has itself undergone significant development—the details of which I cannot discuss here. The ultimate weakening of the validity requirement is to make it disappear altogether, as for example Johnson and Blair (1977, 1980) have attempted; see also Johnson (2000).

In the next section I explore a second idea that appears beholden to FDL—that of a conclusive defense.

THE NOTION OF A CONCLUSIVE DEFENSE

The authors of the pragma-dialectical approach have from the beginning been committed to the notion of critical reasonableness, an ideal they associate with Karl Popper. They refer to the “critical-rationalistic view of reasonableness, which is in fact an extended version of the Popperian critical perspective” (van Eemeren & Grootendorst, 2004, p. 17). What does this mean? It seems that the Popperian critical reasonableness commits one to the following tenets that:

- all human thought and action is fallible (2004, p. 57);
- one should attempt to falsify standpoints, subjecting them to reasonable doubt (2004, pp. 192-193);
- no theory/standpoint is ever true, *tout court*;
- the ability of a theory/standpoint to resist attempts as falsification (and respond to criticism) is sign of its strength and truth-likeness;
- a statement and its negation cannot both be true at the same time (1996, p. 281, n.17).

Popperian critical reasonableness would thus appear as the opponent of both absolutism (which they associate with logic) and relativism (which they associate with rhetoric) (199, p. 278 n.18). In this context, there is at least an apparent difficulty with the notion of a conclusive defense invoked in the Rules and the Ten Commandments. How can the spirit of critical reasonableness be reconciled with the idea of conclusive defense? To answer this, we must look at the appropriate rules and their justification.

The latest exposition of the pragma-dialectical approach contains 15 Rules for Critical Discussion which, the authors say, are “too technical for immediate use.” Accordingly, they supplement that exposition with a simple code of conduct for reasonable discussants which they call “The Ten Commandments.” In each version, the notion of a conclusive defense appears.⁷

Let us look at the technical exposition. Rule 7 stipulates what is required for *the successful defense* of the propositional content, and Rule 8 stipulates what is required for *successful defense* of the force of justification or refutation. The authors write: “For a *conclusive defense* of a standpoint, then, the protagonist must have [successfully] defended both *the propositional content* of the argumentation (as prescribed in Rule 7) and *its force of justification or refutation* with regard to the position on which the standpoint bears (as prescribed in Rule 8). Thus the notion of a conclusive defense makes its appearance in Rule 9, where it appears to be the result of conjoining the effects of Rule 7 and Rule 8.

⁷ The notion of a conclusive defense is not to be found in (van Eemeren & Grootendorst 1984).

Why is this said to be conclusive?

Where the dispute has been resolved in favor of the protagonist, he has succeeded in producing a *conclusive defense* of his standpoint. A resolution of the dispute demands that in principle the protagonist and the antagonist jointly establish which has won the discussion so that there is no uncertainty, let alone disagreement, about the outcome. (1992, p. 184, *emphasis added*)

The defense is said to be conclusive because it succeeds in removing the doubts expressed by the protagonist. The dispute has been resolved, which was the point of the critical discussion; so the critical discussion is concluded.

We can see in Rule 9 an echoing of the ideal of soundness of which we have spoken a number of times in the requirement of true premises (counterpart to Rule 7) combined with a valid argument form (counterpart to Rule 8). Such an argument would be taken by many as conclusive (in some stronger sense), or in Hamblin's turn of phrase "a knock down argument." And there are instances where reasoning has been conclusive in this sense; viz., in mathematics where proof is a fairly common occurrence. Such proofs are conclusive, not just because they put an end to this or that protagonist's doubt, but because they put an end to all possible doubts. Such was the case when Gödel (1931) proved that any theory strong enough to express arithmetic was necessarily incomplete; or when Wiles (1995a) proved that Fermat's Last Theorem has no solution (when $n > 2$). Or, when in an earlier moment, Wiles had put forward a proof but that proof was refuted, and he had to revise his so-called proof. The terms *proof* and *refutation* find here their most natural deployment.⁸ However in discussions between reasonable people about contentious issues, especially where the discussants are governed by the Popperian spirit of critical reasonableness, disagreement will always be possible. Terms like proof and refutation seem far less appropriate in argumentation. Certainly no defense can claim to be conclusive in the strong sense that it has established the standpoint against all possible reasonable doubt (see van Eemeren & Grootendorst, 1992, p. 186, n. 1).

Thus, we have seen that there are at least two possible readings that might be given to the notion of a conclusive defense:

Conclusive-1 the defense is conclusive because it puts an end to all doubts that have been expressed by the antagonist.

Conclusive-2 the defense is conclusive because it puts an end to any possible reasonable doubt from any protagonist period, as for example would be the case with a proof in the strict sense. (See n. 8.)

⁸ Wiles (1995b) says: "In a mathematical proof you have a line of reasoning consisting of many, many steps, that are almost self-evident. If the proof we write down is really rigorous, then nobody can ever prove it wrong. There are proofs that date back to the Greeks that are still valid today."

Clearly, the rules of Pragma-Dialectics must be seen as invoking Conclusive-1: the defense is conclusive if it puts an end to doubts that have been expressed by the other party. The authors speak of "the relative nature of every successful defense" (1992, p. 192) and they state: "However many attempts to refute the hypothesis may fail, the conclusion can never be that its truth has been proved; only that it may be reasonable to assume for the time being that it is true" (p. 193). The authors say that even if the defense of the standpoint is agreed by the opponent to be successful so that his doubt is satisfied and withdrawn, it is entirely possible that the opponent may wish to revisit the defense at a later time with some other criticism of it. So it would not be Conclusive-2.

Any stronger interpretation (Conclusive-2) would likewise be inconsistent with other rules, such as Commandment 1 (The freedom rule), which says: "Discussants may not prevent each other from advancing standpoint or calling standpoints into question (2004, p. 190). Certainly, were a protagonist to claim that a defense is Conclusive-2, he or she would be violating this commandment, as for example the professor who responded to a student who had challenged a standpoint being expressed in class: "This [standpoint] is not subject to argument or disagreement; it has been conclusively established by consensus."

In fact, such a move would be fallacious in the pragma-dialectical approach. In *Argumentation, Communication and Fallacies* (1992) the authors discuss a fallacy that occurs at this stage: they call it "Making an Absolute of the Success of the Defense." They write: "If the protagonist violates Rule 9 by automatically attaching to a successful defense of the standpoint the consequence that he has proved his standpoint true, he making is principle a double mistake" (p. 186). For the protagonist to claim "I have proven my standpoint true" seems little different than to say "I have provided a conclusive defense (strong sense) of my standpoint."

My suggestion, then, would be that because of the unfortunate (in this context) connotation of the term *conclusive* (which may stem from its association with models of argumentation the authors clearly regard as inhospitable), it might best be removed, especially since the idea appears to add nothing substantial to the idea of a successful defense. There appears to be no loss of meaning, if Rule 9 is also phrased in terms of a successful defense. The result would be language more in keeping with the spirit of critical reasonableness which is, after all what the pragma-dialectical approach to critical discussion is founded on.

CONCLUSION

I have focused on the relation of the pragma-dialectical approach to logic, with special attention to two areas: validity and the notion of a conclusive defense.

It seems evident that the authors of the pragma-dialectical approach have struggled with the validity requirement (which is an inheritance from FDL) and indeed with their relationship to logic and logical theory. In the most recent articulation, they appear to have taken a step to ameliorate their embrace of validity by in effect "weakening" the

validity requirement. I am suggesting that unsavory vestiges of this allegiance survive in adherence to the notion that a standpoint is susceptible of conclusive defense. Both validity and the ideal of a conclusive defense are associated historically with a certain picture, a certain ideal, the sort of situation Wittgenstein (1953) was referring to when he wrote "A picture held us captive, and we could not get outside it for it lay in our language and language seemed to repeat it to us inexorably" (§ 102).

Clearly the pragma-dialectical approach must have recourse to FDL, if only because the notion of validity is an important criterion when it comes to argument appraisal. Just as the authors were anxious to purge fallacy theory of "logico-centrism," it seems to me that similar work must be undertaken here. This would require some rethinking of the relationship between Pragma-Dialectics and logic. Informal logic may be helpful with this development. In this way, what I have referred to as the ambiguous relationship between the pragma-dialectical approach and logic may be clarified, and a better alignment between the two achieved.

ACKNOWLEDGMENT

I am enormously grateful to my colleague, Tony Blair, for his trenchant criticisms of an earlier draft, and his comments on the version in play now. I am also grateful to my colleague, Hans V. Hansen, for his comments in an earlier draft that resulted in significant changes. I also want to thank my research assistant, Michael Baumtrog, for help in proofing and formatting.

REFERENCES

- Barth, E. M., & Krabbe, E. C. W. (Eds.). (1982). *From axiom to dialogue: A philosophical study of logics and argumentation*. Berlin: Walter De Gruyter.
- Blair, J. A. (1998). The limits of the dialogue model of argument. *Argumentation*, 12, 325-339.
- Blair, J. A., & Johnson, R. H. (Eds.). (1980). *Informal logic: The first international symposium*. Inverness, CA: Edgepress.
- Eemeren, F. H. van, & Grootendorst, R. (1984). *Speech acts in argumentative discussions: A theoretical model for the analysis of discussions directed towards solving conflicts of opinion*. Dordrecht: Foris.
- Eemeren, F. H. van, & Grootendorst, R. (1992). *Argumentation, communication, and fallacies: A pragma-dialectical perspective*. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Eemeren, F. H. van, & Grootendorst, R. (2004). *A systematic theory of argumentation: The pragma-dialectical approach*. Cambridge: Cambridge University Press.
- Eemeren, F. H. van, Grootendorst, R. & Snoeck Henkemans, A. F. et al. (1996). *Fundamentals of argumentation theory. A handbook of historical backgrounds and contemporary contributions*. Mahwah, NJ: Lawrence Erlbaum Associates.

- Eemeren, F. H. van & Houtlosser, P. (Eds.) (2002). *Dialectic and rhetoric: The warp and woof of argumentation analysis*. Dordrecht: Kluwer Academic Publishers.
- Eemeren, F. H. van, Blair, J. A., Willard, C. A., & Snoeck Henkemans, A. F. (Eds.). (2003) *Anyone who has a view: Theoretical contributions to the study of argumentation* (pp. 41-54). Dordrecht: Kluwer Academic Publishers.
- Freeman, J. B. (1988). *Thinking logically*. Englewood Cliffs, NJ: Prentice-Hall.
- Gödel, K. (1931). On formally undecidable propositions in *Principia mathematica* and related systems I. *Monatshefte für Mathematik und Physik*, 38, 173-198.
- Govier, T. (1987). *Problems in argument analysis and evaluation*. Dordrecht: Foris.
- Govier, T. (2000). *The philosophy of argument*. Newport News, VA: Vale Press.
- Hamblin, C. L. (1970). *Fallacies*. London: Methuen.
- Hitchcock, D. (2000). The significance of informal logic for philosophy. *Informal Logic*, 20, 129-138.
- Hitchcock, D. (2003). Toulmin's warrants. In F. H. van Eemeren, J. A. Blair, C. A. Willard, & A. F. Snoeck Henkemans (Eds.), *Anyone who has a view: Theoretical contributions to the study of argumentation* (pp. 69-82). Dordrecht: Kluwer Academic Publishers.
- Johnson, R. H. (1995). Informal logic and pragma-dialectics: Some differences. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.), *Perspectives and approaches. Proceedings of the Third ISSA Conference on Argumentation*. Volume I (pp. 237-245). Amsterdam: Sic Sat.
- Johnson, R. H. (1999a). The relation between formal and informal logic. *Argumentation*, 13, 265-274.
- Johnson, R. H. (1999b). The problem of truth for theories of argument. In F. H. van Eemeren, R. Grootendorst, J. A. Blair & C. A. Willard (Eds.), *Proceedings of the Fourth International Conference of the International Society for the Study of Argumentation* (pp. 411-416). Amsterdam: Sic Sat.
- Johnson, R. H. (2000). *Manifest rationality: A pragmatic theory of argument*. Mahwah, NJ: Lawrence Erlbaum Associates.
- Johnson, R. H. (2004). Review of F. H. van Eemeren, & P. Houtlosser (Eds., 2002), *Dialectic and rhetoric: The warp and woof of argumentation analysis*, Dordrecht: Kluwer Academic Publishers. *Argumentation*, 18, 483-488.
- Johnson, R. H. & Blair, J. A. (1977). *Logical self-defense*. Toronto: McGraw-Hill Ryerson.
- Laar, J.A. van. (2005). One-sided arguments. In D. Hitchcock (Ed.), *The uses of argument. Proceedings of a Conference at McMaster University* (pp. 297-306). Hamilton, ON: Ontario Society for the Study of Argument.
- Lorenzen, P. & Lorenz, K. (1978) *Dialogische Logik*. Darmstadt: Wissenschaftliche Buchgesellschaft.
- Pinto, R. C. (2001). *Argument, inference and dialectic*. Dordrecht: Kluwer Academic Publishers.
- Pinto, R. C. (2005). Reasons, warrant and premises. In David Hitchcock (Ed.), *The uses of argument. Proceedings of a Conference at McMaster University* (pp. 368-369) Hamilton, ON: Ontario Society for the Study of Argument.
- Toulmin, S. E. (1958). *The uses of argument*. Cambridge, England: Cambridge University Press.
- Walton, D. N. (1989). *Informal logic: A handbook for critical argumentation*. Cambridge, England: Cambridge University Press.
- Walton, D. N. (1990). What is reasoning? What is an argument? *The Journal of Philosophy*, 87,

399-419.

- Wenzel, J. (1990). Three perspectives on argument. In R. Trapp, & J. Schutz (Eds.), *Perspectives on argumentation: Essays in honour of Wayne Brockriede* (pp. 9-16). Prospect Heights, IL: Waveland Press.
- Wiles, A. (1995a). Modular elliptic curves and Fermat's last theorem. *Annals of Mathematics*, 141, 443-551.
- Wiles, A. (1995b). Interview on *Nova*. Accessed September 2005 from <http://www.pbs.org/wgbh/proof/wiles.html>
- Wittgenstein, L. (1953). *Philosophical investigations*. G.E.M. Anscombe (Trans). Oxford: Basil Blackwell.

On Pragma-Dialectic's Appropriation of Speech Act Theory

Fred J. Kauffeld

Edgewood College

High on any inventory of Professor van Eemeren's scholarly contributions sits the appropriation of doctrines from speech act theories and their integration into the pragma-dialectical approach to the study of argumentation. This chapter offers a partial essay of that contribution, focusing on the initial takeover effected by Professor van Eemeren and his colleague, Rob Grootendorst in *Speech Acts in Argumentative Discussions* (1984, pp. 51-63). In that seminal work Frans H. van Eemeren and Rob Grootendorst offer a theoretically oriented account of the communicative structure of argumentation which focuses on the pragmatic nature of its norms. The discussion which follows will, first, reflect upon the importance of that project and, then, will critically examine the contribution which van Eemeren and Grootendorst make to our understanding of speech acts per se.

THE DEPENDENCE OF ARGUMENTATION THEORIES ON AN ACCOUNT OF SPEECH ACTS

Any account of argumentation as conducted in a natural language necessarily makes suppositions about communicative acts. The structure of argumentation is fundamentally a structure of commitments. To make a claim, to put forward an assertion for acceptance in an argument, to advance a conclusion as based on reasons or supporting premises—however one conceptualizes arguments—is to undertake a commitment. Likewise, to accept an argument is undertake a commitment to its claim, conclusion, and so forth. These commitments are undertaken in connection with seriously saying things. The claims, assertions, statements, propositions, etc. which are put forward for acceptance, assent, agreement, etc. are utterances which can be truthfully reported as things which speakers

have said; they can, that is, be repeated and paraphrased in a report of the form 'S (speaker) said that p ' where p expresses what S meant. Speech acts, as Austin (1962) taught us, just are acts in which speakers undertake commitments in and by saying things.

The important questions, then, do not start with whether argumentation theorists need an account of speech acts, but rather with how deeply such accounts need draw on what is or should be known about human communication. For some the import of this observation has been somewhat obscured by the scholarly traditions from which contemporary studies of argumentation emerge. Traditionally arguments are studied from the perspective of logic, dialectic, and rhetoric. Each of these orientations brings a preferred paradigm for abstracting arguments from communicative acts. Logicians typically regard arguments as concatenations of propositions, with "proposition" understood as an abstract representation of what is asserted in some communicative (or mental) act. Dialectically oriented scholars traditionally abstract arguments from the question and answer exchange in regulated dialogues. In traditions of rhetorical study, arguments are regarded as products created by speakers and writers engaged in public discourse. Each of these traditional perspectives has inclined scholars to regard arguments as products abstracted from their preferred communicative paradigm, deflecting attention from the communicative acts which make up the activity of arguing.

Professors van Eemeren and Grootendorst, along with their colleagues, Sally Jackson and Scot Jacobs, have been in the forefront of those who maintain that theories of argumentation need deep and solid footing in the pragmatics of speech acts. Their position recognizes three respects in which accounts of argumentation require attention to speech acts: (1) *arguing* itself is a speech act; (2) the argumentation is conducted by the performance of speech acts; and (3) the commitments undertaken in many primary speech acts define spaces for potential argument (Eemeren, Grootendorst, Jackson, & Jacobs, 1993). So, van Eemeren and Grootendorst maintain that argumentation theories ought to be informed by a comprehensive account of speech acts.

As framework for their study of *Speech Acts in Argumentative Discussions*, van Eemeren and Grootendorst turn to J. L. Austin's (1962) well-known classification of speech acts into locutionary acts, illocutionary acts and perlocutionary acts and, also, to H. P. Grice's (1989) analysis of conversational maxims. The pioneering work of these two philosophers provides insight into the commitments speakers incur in communicative endeavors. Austin's class of illocutionary acts merits careful attention; in the performance of many members of this class speakers incur argumentatively important commitments. In performing the illocutionary act of accusing, for example, a speaker may incur an obligation to substantiate her allegations with reason and evidence (Kauffeld, 1998). Grice's account of conversations provides a sketch of maxims which speakers may be presumed to follow in cooperative conversations. However, both Austin's and Grice's work, while cautious and rigorous, would best be described as pretheoretical. Van Eemeren and Grootendorst, on the other hand, aspire to found a systematic, theoretically satisfying account of argumentation, informed by a suitably systematic account of speech acts. To bridge the distance between their theoretical aspirations and the atheoretical orientation of much mid-20th century

work in the philosophy of language, van Eemeren and Grootendorst adopt as their immediate point of departure the programmatic account of illocutionary acts offered by J. R. Searle's (1969) *Speech Acts: An Essay in the Philosophy of Language* as fortified by H. P. Grice's account of conversational implicature. On the basis of a careful reconsideration of Austin, Grice, and Searle, van Eemeren and Grootendorst (1984) construct an account of argumentation as a complex illocutionary act which has a potential perlocutionary force; they offer an abstract idealized model for the performance of that complex speech act in a critical discussion; in addition, they articulate rules for the conduct of arguers, and they provide a conceptual frame for the reconstruction and interpretation of day-to-day argumentation in light of their idealized model. Their account of speech acts, in short, provides the framework for an idealized normative model of argumentation and a bridge between that idealized model and the commitments arguers undertake in the day-to-day performance of speech acts which produce arguments. It is fair to say their construction of a pragma-dialectical perspective affords the most powerful available integration of speech act theory into the study of argumentation. It unites normative and descriptive approaches to the study of argumentation theory and does so in a systematic fashion.

PRAGMA-DIALECTIC'S CONTRIBUTION TO THE THEORY OF SPEECH ACTS

The task of building a theoretically oriented account of argumentation as an activity conducted by speech acts requires, as van Eemeren and Grootendorst recognize, very serious modification of Searle's views. Searle holds that illocutionary acts are constituted by rules which are embedded in the semantics of the verb used to designate illocutionary acts of that kind and which are typically invoked by some conventional device. To perform an illocutionary act (e.g., to make a promise), a speaker conforms her behavior to the following rules: (a) *S* utters a sentence expressing a proposition of the appropriate form (in promising *S* says that she will perform some future act); (b), *S* observes certain preparatory requirements (the recipient of the promise [*A*] would prefer that *S* perform this future act, and it is not obvious to *A* that *S* is going to perform that act); (c) *S* intends that her utterance will commit her to having the appropriate intention (e.g., commit the promisor to intending to perform that act); and (d) *S* intends that her utterance place her under an obligation to act appropriately (e.g. obligate her to perform that act); (e) *S* intends that her utterance produce in her addressee (*A*) recognition of her intentions and, so, obligate her to act appropriately (Searle, 1969, pp. 57-62).

Regarded from the standpoint of normative pragmatics, van Eemeren and Grootendorst find that Searle's account of the illocutionary has several deficiencies which impair its utility as the basis for a satisfactory theory of argumentation: First, it is limited to illocutionary acts performed by uttering one sentence and incurring a related obligation, whereas, arguing involves a complex of coordinated illocutionary acts; second, Searle focuses on the role of the speaker in the performance of an illocutionary act,

neglecting the interactive consequences which involve the addressee; third, arguing is constituted by pragmatic rules, not merely by semantic conventions associated with illocutionary verbs. More generally, van Eemeren and Grootendorst (1984) "choose a route that is, as it were, diametrically opposed to the route taken by Searle in *Speech Acts* . . . , and take "the functions of usage" to be "the starting point in any investigation of illocutions and perlocutions" rather than the "verbal means of expression available in a particular language" (p. 62).¹

To correct these deficiencies van Eemeren and Grootendorst advance major alterations in Searle's theory of speech acts. These modification very substantially, one is tempted to say "radically," alter Searle's "basic theory." Where Searle represents illocutionary acts as performances staged by speakers in conformity to rules embedded in the conventional semantics of the verbs used to identify familiar kinds of illocutionary acts, van Eemeren and Grootendorst represent illocutionary acts as well established forms of interactions between speakers and addressee which rely upon functionally warranted and well established conventions to achieve communicative and interactional objectives. This sea-change is undertaken by van Eemeren and Grootendorst in order to clarify the status of argumentation as a speech act, but the modifications in the views received from Searle are, from the view point of normative pragmatics, of such a dramatic and positive nature as to warrant appraisal in terms of whether and how they illuminate our comprehension of speech acts, and especially illocutionary acts, per se. Accordingly, we should now ask whether and how van Eemeren and Grootendorst's account of speech acts squares our pretheoretical, conceptions of illocutionary acts and our ordinary understanding of their pragmatics. For the most part, I argue, van Eemeren and Grootendorst's changes, while substantial, greatly improve Searle's formulation, but on the key matter of whether illocutionary acts are constituted by conventions, I want to suggest that van Eemeren and Grootendorst do not go far enough.

Professors van Eemeren and Grootendorst rightly insist on the internal complexity of some kinds of illocutionary acts. Searle's model of an illocutionary act is too simple, they maintain, in two important respects. First, in making a promise a speaker must say something which has a definite propositional content, namely, the promisor must say that she will do *x*, where *x* refers to the future act she commits herself to performing. Other illocutionary acts share this characteristic, for example, an accuser must at least say that the accused did *x*, where *x* refers to the act the accused is alleged to have performed. But many illocutionary acts do not require that *S* commit herself to a proposition having a specific semantic content. In *proposing* something *S* must produce an utterance which expresses the proposition(s) she puts forward for (tentative) consideration, but the content

¹ There is a respect in which analysis of the verbal formulations available for making explicit the forces of illocutionary acts has some methodological priority in the study of speech acts. By analyzing the semantics of, for example, 'I promise that *p*' one can identify the essentials of our concept of *promising*, and from this analysis one can identify means which are in favorable circumstances practically necessary and sufficient to a successful performance of promising. One can, then, inquire as to the practical calculation which would unite those means in a coherent and potentially efficacious communicative strategy.

of that proposition may involve a future course of action, a new theory of whatever, her latest ideas about some matter, and so on. The same is true regarding advice; advice is often given regarding what the advisee should do, but it can also be given regarding tomorrow's weather, etc. (Kauffeld, 1986, 1995, 1998). So it would be a mistake to suppose that each kind of illocutionary act is tied to the expression of a proposition having a distinct content. This point, as van Eemeren and Grootendorst rightly observe, has serious implications regarding the speech act of *arguing*, as arguments are not restricted to propositions having a specific semantic content.

Second, *promising*, at least characteristically, is a unitary illocutionary act; its performance does not require or commit the promisor to performing a set of subordinate or coordinate illocutionary acts. In this respect the typical promise differs from *arguing*. Whatever its status as a communicative act, *arguing* involves the coordination and interaction of subordinate illocutionary acts such as claiming, asserting, citing testimony, and so on. Van Eemeren and Grootendorst rightly argue that this apparent difference is no obstacle to considering arguing to be a complex illocutionary act (or illocutionary act complex) composed of subordinate illocutionary acts. This idea that some illocutionary acts are capable of subsuming a complex of illocutionary acts, some of which are acts in which arguments are produced, is surely correct. A speaker may make a proposal by saying, in serious and literal speech, "I propose that we exchange our dollars for euros." But in many cases making proposal involves much more than simply putting forward a proposition for consideration. Many proposals include a long and complex set of illocutionary acts supporting the proposition put forward for consideration; moreover, the initial act of making a proposal commits a speaker to providing such supporting argumentation, if called upon to do so. In these cases the act of proposing both puts forward a proposition for consideration and serves as something like a container for arguments on behalf of that proposition. Given a suitable array of supporting arguments a proposal may acquire considerable illocutionary force.

What else do van Eemeren and Grootendorst teach us about speech acts? First, they accept Austin's discovery of the illocutionary act, but they do not accept a sharp compartmentalization of illocutionary as segregated from perlocutionary acts. In their view in the performance of illocutionary acts, speakers aim at communication effects and at interaction effects. The former can be achieved by getting an addressee (*A*) to understand what a speaker (*S*) is saying and immediately trying to achieve in performing that illocutionary act; they regard the latter as perlocutionary outcomes which are achieved by the addressee's recognizing and accepting the speaker's illocutionary effort and, accordingly, responding as the speaker primarily intends (Eemeren & Grootendorst, 1984, pp. 53-63). So, for example, in making a proposal *S* does the following, (a) *S* says that *p*, e.g., that *S* and *A* should immediately exchange their jointly held dollars for euros, (b) *S* says this intending that *A* enter a discussion of the matter by asking *S* questions expressing whatever doubts and objections *A* might have, and (c) *S* further intends that *A* understand what *S* has said and recognize *S*'s primary intention to engage *A* in a critical discussion of *S*'s proposal. Should *S* get *A* to understand what she putting forward and, also to recognize her manifest

desire to engage *A* in a critical discussion (i.e., one in which she answers *A*'s doubts and objections), her speech act will, in the account offered by van Eemeren and Grootendorst have an illocutionary force relevant to the perlocutionary effect of getting *A* to accept *S*'s proposal as a focus for critical discussion. Accordingly, *A* may come under some (rational) pressure to accept *S*'s effort to engage *A* in a critical discussion. Setting aside the very difficult conceptual question of whether the interactional effect of *S*'s manifest intention to induce *A* to join in a critical discussion of *S*'s proposition should be identified as "perlocutionary," there is much about this account of the structure of illocutionary acts which seems sound. First, in performing an illocutionary act a speaker does aim at more than the "communicational effect" of securing understanding (and recognition) of the intention with which she is speaking. Typically the proposer, at a minimum, overtly intends that *A* take *S*'s manifest willingness to answer questions and objections as somehow bearing on *A*'s willingness to at least tentatively test *S*'s proposal with questions and objections. And van Eemeren and Grootendorst (1984) rightly proceed on the supposition that recognition of *S*'s communicative effort is related to her speech act's acquiring a certain illocutionary force (i.e., other things being equal *A* is presented with a consideration which rationally bears on his acceptance of *p* as a focus for critical discussion). Our theorists express this by saying that perlocutionary effects are brought about by a rational decision on the part of the addressee (p. 28).

Illocutionary acts, in van Eemeren and Grootendorst's (1984) view, are "*functional* units, determined by pragmatic rules, which are primarily linked to specific *intentions of language users* . . ." (p. 38). This emphasis on the pragmatic character of illocutionary acts is surely a strength of their account. Proposals typically serve to induce (tentative) consideration of propositions which addressees otherwise might be inclined to disregard or to induce calm and careful consideration for propositions which might be disregarded as too controversial. They do so by means of commitments proposers undertake by manifesting the intentions with which they are speaking and by means of the reason addressees thereby acquire for accepting the proposal as an object which merits consideration. This focus on the pragmatics of illocutionary acts leads van Eemeren and Grootendorst to reject a simple performative model of the structure of illocutionary acts—a model which suggests that performing an illocutionary act is like an umpire calling someone out in a game by uttering a certain form of words ('You are out') which, in the appropriate circumstances, engages a rule of the game which, in turn, requires that players conform to the normative requirements of that rule and, accordingly, taking the base runner out of play (on the importance of this insight, see: Warnock, 1973).

In line with their pragmatic orientation, van Eemeren and Grootendorst reject Searle's view that illocutionary acts are constituted by semantic conventions associated with the verbs we use to refer to illocutionary acts, for example, 'propose,' 'accuse,' 'promise' (van Eemeren & Grootendorst, 1984; also see: Stampe, 1975). The fact that we have names for at least some kinds of illocutionary acts suggests that those kinds of illocutionary acts are guided by stable practical calculations which result in successful outcomes; as a result those illocutionary acts have become familiar forms of conduct regarding which we have

relatively clear concepts and common names. The fact that we have expressions of the order of 'I propose that, ' 'I promise that' seems well enough explained by the fact that the successful performance of these communicative acts requires that speakers manifest the intentions with which they are speaking; accordingly, it is convenient to have a linguistic means for making such intentions known. Certainly one does not have to say that one is making a proposal, much less say 'I propose that . . . ' in order to make one. There seems to be no reason to suppose that we could not have kinds of illocutionary act for which we did not have a convenient label and for which we have no distinctive preface.

It should also be noted that van Eemeren and Grootendorst make a very important point when they argue that illocutionary acts are fundamentally interactive. The obligation which descends on a speaker in view of her having made a promise may not arise if her promise is not accepted, tacitly or explicitly, by her promisee. The proposer seeks a specific response from her addressee, participation in a dialogue testing the worthiness of the proposal, and the act of proposing is designed to warrant that response. And the accuser openly seeks a specific communicative response from the accused (i.e., he is to answer the accusation with an explanation, justification, excuse, denial, admission of wrongdoing). It is a mistake to think of illocutionary acts as solitary performances on the order of an umpire's calling someone out.

In line with their emphasis on the pragmatic nature of illocutionary acts, van Eemeren and Grootendorst (1984) carefully reconsider the idea that illocutionary acts are constituted by conventions. Following Searle and others, they assume that the conventionality of illocutionary acts "is virtually beyond dispute" (p. 63). So, to maintain an appropriate pragmatic orientation to this domain of communicative conduct, van Eemeren and Grootendorst set out to reinterpret the concept of a convention. Although they are certainly correct to cast a critical eye in this direction, their efforts to reconstitute the concept of a convention yield, I would argue, less than satisfactory results.

The Searlean idea that illocutionary acts are constituted by conventions, a somewhat modified version of Austin's views, accommodates two important facts: First, in performing an illocutionary act speakers incur obligations, and, second, a successfully executed illocutionary has a certain force. Thus, if *S* promises to meet *A* at 5:00 o'clock, *S* incurs an obligation to do what she has promised, and her addressee, *A*, will have a powerful reason, even a commitment, to coordinate his conduct with *S*'s promise. The conventionalist view of these facts holds that in the successful and satisfactory performance of an *illocutionary* act, a speaker conforms her behavior to the requirements of a convention, which constitutes illocutionary acts of that kind, and that convention prescribes appropriate changes in the social and moral order. In this view, illocutionary acts have much the same basic structure as the communicative acts Austin identifies as performative (e.g., an umpire's calling someone out in a game).

In adopting Searle's conception of an illocutionary act as the underlying functional structure of argumentation, van Eemeren and Grootendorst faced the problem of identifying pragmatically based conventions which both prescribed proper conduct for arguers and assign a force to that conduct which corresponds to what can be achieved by compelling

argumentation. Braving this task and noting that the term "convention" is used in various senses with little assurance as to what the term refers to in the real world of day-to-day discourse, van Eemeren and Grootendorst (1984) undertake to stipulate a sense of "convention" adequate for their purposes (p. 58).

The fact that our scholars stipulate a sense for this term is not in itself objectionable; however, the definition they set forth seems to contain a critical ambiguity. According to van Eemeren and Grootendorst (1984), "*A language usage convention exists in the usage of the members of community of language users if:*

1. *the language of the members of the community displays a certain regularity which occurs in strictly delineated cases;*
2. *the members of the community expect these regularities to occur in those cases;*
3. *the members of the community prefer the regularity to occur in those cases because it solves a problem of communication or interaction."* (1984, p. 59)

The ambiguity in this analysis arises in connection with the idea of members of a community of language users preferring a regularity to occur in those cases because it solves a problem of communication or interaction. Two very distinct kinds of cases may satisfy this description.

Type A cases in which members of the community prefer a regularity because *the fact of the regularity* solves a communication or interaction problem. Thus we agree to drive on the right of the road in the United States, and we prefer the arrangement because conformity to that arrangement averts potential chaos and tragedy.

Type B cases in which members of a community prefer to act in a specific way because that way of acting is a pragmatically reliable way of solving a recurrent practical problem involving communication or human interaction. So, for example, mothers routinely burp howling babies under certain circumstances. This is a practice preferred by mothers and, one presumes, by babies; because it works the practice has become a regularity, but the fact that it is a regularity is not a particularly significant factor in either the efficacy or the preference for the practice (though it might have something to do with the diffusion of the practice across successive generations.) In Type A cases the efficacy of the practice depends up its becoming a regularity.

Type A cases may comfortably be considered *conventions*; here conformity to a practice is secured by tacit or implicit agreement to conform to the practice because the sheer fact of conformity is pragmatically necessary to the success of the practice. In Type B cases conformity to the practice occurs because the practice is efficacious independent of whether members of the community generally conform to the practice. In Type A cases it makes sense to say that the practice is constituted by a kind of rule, a convention; in Type B cases it makes sense to say the practice is constituted by a practical calculation.

Van Eemeren and Grootendorst frequently use "convention" in the second, Type B, sense identified earlier to speak about rules which are agreed to by parties because they mandate a procedure, activity, etc. which solves a communicative or interactional problem. This raises two concerns regarding their conception of illocutionary acts.

First, it seems on the face of the matter that in Type B cases the positing and/or establishing a convention would simply be otiose. If *S* and her addressee, *A*, both recognize that making statements which are relevant to the question at hand is important to resolving their difference of opinion and if both *S* and *A* want to resolve their difference of opinion, then they both have good practical reasons for preferring to make relevant statements and, also, for making such statements. What need is there for a convention, a rule, which mandates that they should limit themselves to making statements which are relevant to the question at hand? Positing conventions in this type of situation seems to open the door to an endless multiplicity of conventions which mandate that we avoid performing bad acts, do no unwise deeds, pursue no imprudent courses of action, etc.

Second, Type B conventions, do not seem to mandate the sorts of commitments which speakers and addressees incur in the performance of illocutionary acts. There are, it should be noted, broadly regulative practices which conform to Type B "conventions." In the United States, it is customary to begin what is known as the "Christmas shopping season" on the fourth Friday in November, the day following the nation's Thanksgiving Holiday. That date, known as "Black Friday" because the volume of sales on that day move many merchants out of the red and into the black for the year, is marked by a large number of "sales" in which most merchants very substantially lower their prices for items which are expected to be in demand as Christmas gifts and items. This custom conforms precisely to van Eemeren and Grootendorst's definition of a convention: (a) The language (and behavior) of members of a community displays a certain regularity in circumscribed conditions: on Black Friday sellers dramatically lower prices on strategically selected items and buyers show up in droves to engage in purchasing conversations; (b) members of the community expect those regularities to occur in these circumstances: Both potential customers and merchants anticipate the high volume consumer and marketing behavior which occurs on the Friday following Thanksgiving; and (c) the members of the community prefer the regularity to occur in those cases because it solves a problem of communication or interaction: for both consumers and merchants Black Friday initiates the Christmas shopping season and each benefits—the one from awakening the buying public and the other from lower prices.

The expectations and commitments characteristic of this broadly regulative practice are not of the same caliber as the commitments undertaken in the performance of illocutionary acts. Suppose a merchant declines to participate in Black Friday price reductions, and, indeed, some do not conform to the custom of strategically reducing prices. Assuming that this merchant did not advertise any sales scheduled for that date, his or her deviation from the expected regularity might occasion some questions from customers as to why that merchant did not reduce prices, and the merchant might not experience the volume of sales enjoyed by competitors who did conform to the custom in question. But these

reactions and consequences are not on the same scale as the negative reactions that properly accompany the failure of speakers to live up to commitments incurred in the performance of illocutionary acts. Suppose that an accuser does not speak truthfully, and her allegations turn out to be a pack of lies, or suppose that she is unprepared to back up her accusation in the face of a denial that the accused did what she alleges. In these events the caliber of our negative reactions is sharper and more pointed than the quizzical attitude taken toward merchants who fail to conform to customary marketing practices.

The difference between our reactive attitudes in these two cases is easily explained. Where the accuser fails to speak truthfully or to fairly present the reasons and evidence supporting her allegations, she has not fulfilled obligations she incurred in making her accusation; whereas, merchants are not (at least not typically) under an obligation to potential customers to lower prices on Black Friday. The distinguished philosopher G. J. Warnock (1971) provides an analysis of obligation which provides guidance relevant to this contrast. Warnock argues convincingly that obligations are incurred where: (a) It is foreseeable that others will suffer or will continue to suffer harm in the event the obligee does not act; (b) others are counting on his or her acting in order to avert, prevent, ameliorate, or rectify that harm; and (c) he or she must so act in order to avoid speaking or having spoken or even having acted *falsely*. The commitment incurred in the performance of illocutionary acts nicely fit Warnock's analysis of obligation. In making an accusation *S* openly commit herself to speaking truthfully and to treating the accused fairly; her addressee thereupon has reason to depend on the accuser conducting herself accordingly; moreover, the accused will suffer harm if the accuser fails to live up to the obligations she has incurred; and she will have acted falsely should she so fail. A merchant who simply refuses to strategically lower prices on Black Friday may violate his customers expectations, but so long as he has not advertised a sale or otherwise given his customers reason to expect one, he has not falsely prompted them to rely on his acting as they may have anticipated.

Now, briefly consider two points approaching a conclusion to this essay. First it is possible to give an account of the commitments undertaken in many kinds of illocutionary acts without recourse to conventions or rules specific to performing acts of that kinds. This possibility was first pointed out by P. F. Strawson as an interpretation and application of Grice's analysis of utterance-meaning and has subsequently been elaborated in essays by Dennis Stampe and others (Kauffeld, 2001; Stampe, 1967; Strawson, 1964). The core of this view holds that in the performance of an illocutionary act a speaker deliberately and openly incurs certain obligations, thereby giving her addressee(s) reason to presume that she is speaking truthfully and will fulfill such other commitments as she has undertaken and, consequently, reason to respond as the speaker primarily intends. So, for example, in making a proposal, *S* says that *p* and openly gives it to be believed that she is prepared to answer such questions and objections as *A* may have regarding *p*; *A* is thereupon entitled to presume that *S* is not only speaking truthfully but also may be prepared to show that *p* merits serious consideration. This presumption may, in turn, induce *A* to engage in a dialogue with *S* in which *A* can tentatively consider *p* and in which *S* has a strategic opportunity to at least show that her proposition merits serious consideration.

Similar strategies can be seen to constitute *accusing* and other illocutionary acts. So it is possible to give an account of many illocutionary acts without recourse to special conventions.

That, however, does not mean that a pragma-dialectical account of argumentation can or should dispense with conventions in the sense identified by van Eemeren and Grootendorst. The idealized model of a critical discussion presented by Pragma-Dialectics is designed as a *regimented* format for the *orderly* conduct of argumentation designed to resolve a difference of opinion on the basis of the merits of the case. The participants in this idealized discussion are assumed to be committed to cooperatively resolving the matter at hand. At a preliminary stage in their dialogue they are to *explicitly* agree upon the rules and commitments which will govern their interaction. In these circumstances, the parties to the critical discussion are to agree upon practices which will enable resolution of their difference of opinion. Here the rules to be adopted are preferred by the participants because the practices mandated by the rules solve interaction and communication problems. The rules themselves function to ensure an orderly interaction, and their acceptance obligates the participants to conform to the rules because each is relying on the other to do so. So the rules which Pragma-Dialectics posits as governing an idealized critical discussion do have a pragmatic function—they ensure orderly and thorough argumentative interaction, and they also impose obligations because each party is depending on the other's explicit commitment to the agreed upon procedures.

In conclusion, it seems that studies of argumentation from the standpoint of normative pragmatics should recognize two distinct routes via which arguers incur normative commitments: Some commitments are incurred as a matter of procedural necessity and mandate that arguers conform to practices which are mutually agreeable because those practices solve communication and interactional problems; other commitments are openly undertaken by speakers in order to generate presumptions which provide addressees with reason to act in ways which are desired by the speaker. Approaching matters in this way would have the advantage of positing rules and conventions at those points where the existence of a rule or convention serves a recognizable purpose, leaving our inquiries open to more clearly contemplate the pragmatic values of obligations which are strategically and openly undertaken in illocutionary acts.

REFERENCES

- Austin, J. L. (1962). *How to do things with words*. Cambridge: Harvard University Press.
- Eemeren, F. H. van, & Grootendorst, R. (1984). *Speech acts in argumentative discussions*. Dordrecht: Foris.
- Eemeren, F. H. van, Grootendorst, R., Jackson, S., & Jacobs, S. (1993). *Reconstructing argumentative discourse*. Tuscaloosa: The University of Alabama Press.
- Grice, H. P. (1989). Logic and conversation, *Studies in the way of words* (Reprint ed., pp. 22-40). Cambridge: Harvard University Press.
- Kaufeld, F. J. (1986). *Accusing, proposing, and advising: The strategic grounds for presumption*

- and the assumption of probative responsibilities*. University of Wisconsin, Madison, Wisconsin.
- Kauffeld, F. J. (1995). The persuasive force of arguments on behalf of proposals. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.), *Analysis and evaluation: Proceedings of the third ISSA conference on argumentation*. Vol. II (pp. 79-90). Amsterdam: International Society for the Study of Argumentation.
- Kauffeld, F. J. (1998). Presumption and the distribution of argumentative burdens in acts of proposing and accusing. *Argumentation*, 12, 245-266.
- Kauffeld, F. J. (2001). Argumentation, discourse, and the rationality underlying Grice's analysis of utterance-meaning. In E. Nemeth T. (Ed.), *Cognition in language use: Selected papers from the 7th international pragmatics conference* (Vol. 1, pp. 149-163). Antwerp: International Pragmatics Association.
- Searle, J. R. (1969). *Speech acts: An essay in the philosophy of language*. Cambridge, England: Cambridge University Press.
- Stampe, D. (1967). *On the acoustic behavior of rational animals*. University of Wisconsin, Madison, Wisconsin.
- Stampe, D. (1975). Meaning and truth in the theory of speech acts. In P. Cole & J. Morgan (Eds.), *Speech acts* (pp. 25-38). New York: Academic Press.
- Strawson, P. F. (1964). Intention and convention in speech acts. *Philosophical Review*, 73, 439-460.
- Warnock, G. J. (1971). *The object of morality*. London: Methuen.
- Warnock, G. J. (1973). Some types of performative utterance, *Essays on J. L. Austin* (pp. 69-90). Oxford, England: Clarendon Press.

How to Present Fallacious Messages Persuasively The Case of the “Nigeria Spam Letters”

Manfred Kienpointner

University of Vienna

Within the framework of Pragma-Dialectics, a major focus of interest has fallen on the concept of “strategic maneuvering” (cf. van Eemeren, 2002, van Eemeren & Houtlosser, 1999a, 1999b, 2002a, 2002b, 2003, 2005). It deals with the ways in which points of view and the corresponding arguments are presented via rhetorical strategies which enhance the persuasive efficiency of argumentative messages. As long as the norms for the rational solution of a conflict with the help of a critical discussion are not violated, strategic maneuvering is acceptable from a pragma-dialectic point of view (cf. van Eemeren & Houtlosser, 2002a).

... we would like to claim that there is nothing inconsistent about attempting to resolve a difference of opinion and trying to do so in one's own favour, even though there is indeed a potential discrepancy between pursuing dialectical objectives and rhetorical aims. This potential discrepancy gives rise to the management of the discourse that we call *strategic maneuvering*, which is aimed at making the strongest possible case while at the same time avoiding any moves that are clearly unreasonable. (p. 16)

Although these strategies may sometimes fall short of complying with norms of rational discussions, they cannot be dismissed altogether. Already Aristotle stated that it would be a shame if strong arguments would fail to convince their audience only because they are not presented in the most persuasive form (cf. Aristotle, *Rhet.* 1355a 22-24). More specifically, the emotional aspects of arguments deserve a more cautious and often more positive assessment than in earlier times, where all emotional arguments tended to be classified as fallacies *ad X* (e.g., *argumentum ad hominem*, *argumentum ad baculum*, *argumentum ad misericordiam*, *argumentum ad verecundiam*). This has been stressed in

recent work by Walton (1992), Plantin (1998), and Gilbert (2001).

On the one hand, these recent insights have to be taken into account whenever we deal with cases of potentially fallacious arguments. On the other hand, there are emotional arguments and strategies aiming at persuasiveness which clearly cannot escape a critical judgment of being fallacious reasoning. I am talking about the so-called "Nigerian Scam Letters," types of fax or, nowadays more often, e-mail letters which often, but not always, come from Nigeria. They have been around since 1988 and today reach millions of addressees via e-mail. The writers of these messages ask for assistance in transferring enormous amounts of money (usually, millions of U.S. dollars or Euros) to the bank account of the addressee of these mails, who is promised a certain percentage of this money as a "compensation" for their help. As motivation for this apparent "generosity," the authors of the letters usually give one of the following three kinds of highly stereotypical stories:

1. They are managers in (Nigerian) banks or security firms and a deceased client, without relatives, has left millions of U.S. dollars. They have access to this money due to their position in the enterprise and are willing to share 10% to 30% of the money with the addressee if they are willing to help to transfer the money to their bank account. The writers sometimes openly concede that the transfer is illegal, but they always claim that there is no risk involved for their "partner."
2. Alternately, they claim to be family members (wives, children) of a killed or deceased or imprisoned leader of an African or Asian country and have access to an account of millions of U.S. dollars. They are willing to share this money with the addressee, who will get 20% to 30% if they help with the transfer.
3. Finally, they might say that they are persons suffering from a lethal illness (usually: esophageal cancer) and have only a few more weeks or months to live. They cannot trust their relatives and friends; therefore, in the hospital they write letters on their laptops to find somebody who would help to transfer millions of U.S. dollars, which should ultimately be distributed among charitable organizations. They offer less (sometimes: no) money (5% to 10%) for the addressee's help and cooperation.

These stories are told at differing lengths, from a few lines up to several pages. The idiomatic and stylistic quality differs greatly. As far as content is concerned, the qualitative differences are also considerable (see the section on Qualitative Analysis). Sometimes there are incredibly obvious mistakes, for example, in the letter written by a woman named Kathleen M. Pilot. This woman claims to have been diagnosed *with prostate* (sic!) *and esophageal cancer* (Letter 51; henceforth, I quote passages according to the rank of the letter in a list of 97 e-mails I have collected for this chapter). However, sometimes the persuasive strategies which are used for making these highly dubious stories more convincing are quite subtle and elaborate. There is one further reason why even obvious

inconsistencies cannot be detected so easily, namely, often a whole series of letters would have to be compared to recognize the following facts clearly:

1. Often "one person" writes widely differing, hence implausible versions of the "same" letter over a long period of time. A certain Mrs. Mariam Abacha, pretending to be the widow of the Late Nigerian General Sani Abacha (who ruled Nigeria as a brutal dictator from 1993 to 1998 and whose enormous assets were frozen by the new civilian Nigerian government after his death as the result of charges of corruption and embezzlement) offers 20% of 21.5 million U.S. dollars within e-mails dating from Friday, 27 August 2004 and Tuesday, 31 August 2004, 30% of 28.6 million dollars on Tuesday, 26 October 2004 and Monday, 8 November 2004, and 30% of 300 million dollars in diamonds (!) in a recent mail on Wednesday, 18 May 2005.
2. Often "different persons" actually write the "same" (or almost the "same") letter over a longer period of time, for example, Kathleen Pilot, Hassan Mohammed, Saeed Ahmed, and Ibrahim Umar sent mails which are, to a great extent, exactly identical texts and tell the same story on Tuesday, 9 November 2004, Thursday, 23 December 2004, Thursday, 13 January 2005, and Thursday, 19 May 2005.

It has been amply proved (cf. e.g., <http://www.interpol.int/Public/FinancialCrime>) that these letters are intended to betray the addressees, who, after having been won over to cooperate, are asked to send a relatively small amount of money (usually, still up to thousands of dollars) to the authors of the messages, in order to cover "administrative" costs. Needless to say, the somewhat naïve addressees who send the money never see a cent of the promised sum. According to police sources and authorities of the respective countries (cf. e.g., <http://www.nigeriaembassyusa.org/fraud.shtml>), hundreds of millions of U.S. dollars have been made by these fraudulent strategies.

Now it could be doubted whether a case study of these scam letters is of any interest to modern argumentation theory, precisely because they are so clearly fallacious. However, fallacies are not simply dubious kinds of arguments that clearly violate rules of rational discussions, but rather dubious arguments that do not appear to be fallacious (cf. van Eemeren & Houtlosser, 2003; Woods, 2004). Moreover, these letters have been successful to a certain degree in convincing many persons to trust the authors of the letters. It is, therefore, interesting to take a look at the rhetorical strategies used in these fallacious texts, where strategic maneuvering has gone wrong.

Furthermore, in recent studies of fallacies, it has been stressed that it is not so easy to assess specific arguments as clearly fallacious: The contemporary theory of fallacies has shown that many arguments traditionally classified as fallacious should rather be considered as weak or "presumptive" arguments, which, however, can still shift the burden of proof (cf. Walton, 1992, 1996, 1999). Although in the case of the scam letters it is quite clear to everybody that these arguments are fallacious, the theoretically interesting question remains: Why have they been successful, given their rather obvious fallacious character?

In order to answer this question, in the following sections I analyze a sample of 97 scam letters (dating from July 2004 to February 2005) both quantitatively and qualitatively. This sample will be occasionally supplemented with more recent scam letters.

The quantitative analysis provides answers to the following questions: Where do the letters come from? Which kinds of fallacious arguments, more particularly, which emotional appeals are used how often? Which kind of introductory statements are made to portray the author as a trustworthy person (strategies of “ethos”)? More specifically, which kinds of strategies justify the potentially suspicious fact that the authors write an e-mail to a person totally unknown to them to send them millions of dollars (“concessions” which admit that such a letter does indeed look suspicious)? Which kind of “external” evidence is provided to support the highly dubious information provided by the authors?

The qualitative analysis tries to describe, in greater detail, the ways in which the persuasive strategies are presented in some of these letters. More specifically, a few illustrative examples will be adduced to distinguish the specific properties of appeals to greed (which, henceforth, I would like to call *argumentum ad avaritiam*; for the similar, already established term *argumentum ad pecuniam* cf. Plantin 1998: 14) from appeals to pity and authority (cf. Walton, 1992, 1997a, 1997b).

In this way, it will be shown that the authors of the letters use most of the subtypes of strategic maneuvering distinguished by van Eemeren and Houtlosser (2002a):

... strategic maneuvering can take place in making an expedient selection from the options constituting the *topical potential* associated with a particular discussion stage, selecting a responsive adaption to *audience demand*, and exploiting the appropriate *presentational* devices. Given a certain difference of opinion, speakers or writers will choose the material they can most appropriately deal with, make the moves that most acceptable to the audience, and employ the most effective presentational means. (p. 16)

Finally, this case study can make a modest contribution to modern fallacy theory, where in spite of the remarkable progress made during the last decades “in pragma-dialectics and other dialectical approaches some [...] desiderata have not yet been fulfilled” (van Eemeren & Houtlosser, 2003, p. 3):

1. Adequate criteria for deciding in concrete cases univocally whether or not a certain rule has been violated are still lacking.
2. No explanation has been given for why a lot of fallacies can be so persuasive.
3. No clues have been given as to why fallacies do so easily go unnoticed.

QUANTITATIVE ANALYSIS

My sample of 97 scam letters (occasionally supplemented by a few more recent letters) shows that they are not evenly distributed among countries and continents. As can be seen

in Table 14.1, the relative majority (32%) comes from Nigeria, and more than half of them (54%) come from Nigeria plus four other West-African countries (Benin, Ghana, Ivory Coast/Côte d'Ivoire, Burkina Faso). A small group of eight letters has an unclear origin. From each of the remaining 11 countries only one letter was sent and these are, therefore, not included in Table 14.1 (Democratic Republic of Congo, Iraq, Jamaica, Korea, Liberia, Palestine, Pakistan, Russia, Sao Tomé, Switzerland, Zimbabwe). All but two letters were written in English (one letter in French, a further one in German).

One has to bear in mind, however, that the remarks on the origin of the letters cannot be trusted, as it is highly probable that the addresses have been manipulated in many cases. This assumption is additionally supported by the fact that in the meantime Nigerian addresses must have become suspicious. Therefore, the Nigerian authors might often have tried to obscure the Nigerian origin of their letters by simulating that they come from other (West-)African countries or even from other continents. Today, the scam letters are even simply called "419 letters" because this is the number of the paragraph of the Nigerian law which forbids the fraudulent practices used in these scam letters.

According to the main focus of the "appetizing story" which is told, the scam letters can be classified into a few fundamental categories. Most of the letters, if not all of them, appeal to the widespread desire to become very rich. This desire becomes even more stimulating because the writers of the letters promise that their addressee can become rich easily and quickly. Henceforth, this fallacious and clearly manipulative appeal (after all, the writers of the letters know perfectly well that their "clients" will not only not become rich, but might lose considerable amounts of money) will be called *argumentum ad avaritiam* ("appeal to greed"). In my quantitative analysis I count only those letters as instances of this type of emotional fallacy which either exclusively appeal to the greed of the addressees or where this appeal is the dominant strategy throughout the letter.

Some letters, however, tend to appeal to a more decent emotion, namely, pity and compassion for the sick and the poor. For example, this subcategory of the scam letters portrays the writers as seriously ill and even dying human beings, who suffer a lot and want

TABLE 14.1 *Countries of Origin*

Nigeria	31	32%
Unclear Origin	8	8%
Benin	8	8%
Ghana	7	7%
United Kingdom	7	7%
South Africa	5	5%
Ivory Coast/Côte d'Ivoire	4	4%
United Arab Emirates	4	4%
Zimbabwe	4	4%
Burkina Faso	3	3%
China	2	2%
Kuwait	2	2%
Philippines	2	2%

TABLE 14.2 *Types of Fallacies*

<i>Argumentum ad avaritiam</i>	77	79%
<i>Argumentum ad misericordiam</i>	15	15%
<i>Argumentum ad verecundiam</i>	5	5%

to donate their money to charitable organizations a short time before their death. So the addressees could be moved both by the deplorable state of health of the writers and by the noble aim they are asked to help to achieve. These letters I classify as fallacious instances of the *argumentum ad misericordiam* (on the abuse of pity in arguments cf. Walton, 1992, 1997b).

Finally, there are a few letters where neither appeals to greed nor appeals to compassion are the main strategies for achieving the persuasive goal. In these letters, appeals to the authority of religion (most of the time, the Christian religion; however, in a recent letter dating from Friday, 27 May 2005, Al Ahli Usman appeals to the authority of Islam) are the dominant strategy, that is, the authority of God is invoked throughout the letter. Where the authority of God, rather than pity or greed, is primarily invoked, I classify these letters as instances of the fallacy *argumentum ad verecundiam* (on the improper use of authority in arguments cf. Walton 1992, 1997a).

As these short remarks should already have made clear, it is not possible to categorize individual letters neatly as instances of one or the other types of the emotional fallacies mentioned before (later, I analyze some example letters in detail to show the interplay between the fallacious strategies). There is considerable overlap and there are mixed cases. Still, the dominant use of one or the other of the emotional fallacies allows a rough quantitative distinction of the letters and the following numerical distribution can be established (cf. Table 14.2).

These dominant strategies are backed up with additional rhetorical techniques which try to make the suggested transfers, which should appear very strange and suspicious to any critical reader, more plausible and even acceptable (on the distribution of strategic maneuvering within the stages of a discussion cf. van Eemeren & Houtlosser, 2002b, van Eemeren, Houtlosser & Snoeck Henkemans, 2005). Some of these techniques try to deal explicitly with the strange fact that the authors write to people they have never met before, from distant countries, and still expect their trust.

In order to lessen the suspicion likely to arise under these circumstances, the authors of the scam letters often use introductory statements like *I know this letter might come to you as a surprise* (Letter 6) or *This mail will reach you as a surprise* (Letter 11) or *No doubt I know you will be surprised to receive this proposal* (Letter 14) or they even apologize for sending the mail: *I strongly apologize for this unsolicited mail* (Letter 22).

Furthermore, they sometimes even concede that there are hoax mails around in the internet, but they explicitly deny that their letter is one of them: *I wish to inform you that this letter is not a hoax mail and I urge you to treat it serious* (Letters 32 and 35) or *Pardon me if I have offended you by contacting you for such a big transaction through an*

TABLE 14.3 *Persuasive Strategies*

Letter is a surprise	16	16%
Letter is no hoax	7	7%
External "evidence"	4	4%
Ethos of the writer	7	7%
Vanity of the reader	18	19%
Straight to the business	42	43%

ordinary letter which makes it suspicious considering the type of fraud proposals moving around the world today (Letter 50). Moreover, sometimes the authors provide internet web sites to let their addressees "check" the truth of the claims made in their proposals, for example, news about a plane crash (with their deceased client on board) or some political events in their country: *This mail is written to solicit your assistance to be presented as next of kin to my late client Neal Walker [. . .] Unfortunately he lost his life aboard Egypt Air > Flight 990, which crashed into the Atlantic Ocean on October 3, 1999. (View: <http://news.bbc.co.uk/1/hi/world/americas/502503.stm>)* (Letter 86).

This "external evidence" does not, of course, prove the seriousness of their proposals, because even if the alleged plane crash really took place, the addressee cannot control whether the deceased client was indeed on board the plane. Moreover, and more decisively, from these "historical facts", one cannot infer that the authors are indeed willing to pay the addressee the huge amounts of money they are offering. Nevertheless, this strategic move gives a touch of "authenticity" to their claims.

Finally, the authors also use strategies enhancing the ethos of the speaker and present themselves as decent family men (e.g., *I write you this proposal in good faith: I am 42 years old married with two lovely kids*, letters 9 and 12) and, last but not least, flatter the addressees' ego and vanity with formulations like *I am greatly impressed on your person* (Letters 31 and 59) or *I came to know about you in my private search for a reliable person* (Letter 24) or *J'ai reçu votre E-mail par un ami qui lui travaille pour la commission droits de l'homme ici à Abidjan (Côte d'Ivoire)* (Letter 93) or *This bequest is for support of your activities, humanitarian services and help to the less-privileged* (Letter 87).

Not all letters, however, make use of these "trust" strategies. Many of them get "straight down to business" and thus seem to rely totally on the force of the "greed-appeal." Table 14.3 shows the percentages of letters with and without (combinations of) the persuasive strategies exemplified above.

QUALITATIVE ANALYSIS

Some of the letters will now be analyzed in more detail. I will start with the largest group, namely, those letters which primarily appeal to the greed of the addressees. Most of these letters try to support the appeal *ad avaritiam*, which might appear somewhat suspicious

to the addressees, with further strategic moves. In this way, the bluntness of the appeal to greed is weakened, partially concealed and thus becomes more persuasive.

**“I Request for your Sincere Cooperation Devoid of Greed”
(Letter 21, 19 September 2004)**

One of them is the most frequent one and found in most of the letters, namely, the “guarantee” that there will be no risk whatsoever for the addressee. Intuitively, it is indeed much more attractive to overcome potential doubts or scrupulous feelings if a dubious kind of business will not only result in the possession of millions of U.S. dollars but will also be totally risk free. In this way, the letter-writers try to reduce the probability that emotions like fear and suspicion to be swindled might be stronger than greed. Sometimes, the guarantees that there will be no risk are accompanied by similar guarantees that the “business” will be conducted by legal means. Even if it is quite obvious that the story told in the letter implies illegal practices, the writers try to conceal or minimize this fact, pretending that the basically illegal act can be covered up by “legitimate” procedures, as in the following example (taken from Letter 9, written by Mr. Wisdom Kufour, regional manager of Barclays of Ghana, 25 August 2004):

On the course of the last year 2003 business report, I discovered that my branch in which I am the manager made two million eight hundred and fifty thousand United States dollars (\$2,850,000.00) which my head office is not aware of and will never be aware of I have placed this funds on what we call escrow call account with no beneficiary. As an officer of this bank I cannot be directly connected to this money, so my aim of contacting you is to assist me receive this money in your bank account and get 20% of the total funds as commission.

There are practically no risks involved, the transaction will be executed under a legitimate arrangement that will protect you from any breach of law . . .

Sometimes, however, the writers openly concede that they are committing a crime, but they justify this with the assumption that “everybody” in the banking business behaves like this if the financial outcome is as enormous as in the deal they propose to the addressee. Moreover, they try to prevent the following rather obvious inference *a minore* (cf. Kienpointner, 1992a, 1992b, p. 299ff.) drawn by the addressee: “If Mr. X is willing to betray his bank, he will be even more willing to betray me.” This is often achieved by appealing to the honesty of the addressee, mentioning the risk the writers run in telling foreigners these facts, that they have a family to take care of etc. Most of these additional strategies appear in the following example taken from a letter by Mr. Steve Kelly, member of staff at Smith & Williamson Private Banking (Letter 29, 13 October 2004), which is at the same time one of the longest and most carefully argued letters in my sample. He thus comes close the pragma-dialectical definition of fallacious maneuvering: “Echoing the “standard” definition of a fallacy, we can then say that the maneuvering pretends to

comply with the rules of critical discussion, but in fact does not" (van Eemeren & Houtlosser, 2003, p. 5). Kelly admits that his proposal to transfer the money of a deceased client without relatives (30,000,000 U.S. dollars) to the account of the addressee is illegal, but continues with persuasive strategies like those mentioned above:

I ask if you find no interest in this project that you should discard this mail. I ask that you do not be vindictive and destructive. If my offer is of no appeal to you, delete this message and forget I ever contacted you. Do not destroy my career because you do not approve of my proposal. You may not know this but people like myself who have made tidy sums out of comparable situations run the whole private banking sector.

I am not a criminal and what I do, I do not find against good conscience, but the dynamics of my industry dictates that I make this move. Such opportunities only come one's way once in a lifetime. I cannot let this chance pass me by, for once I find myself in total control of my destiny. These chances wont [sic!] pass me by. I ask you not to destroy my chance, if you will not work with me let me know and let me move on with my life but do not destroy me.

I am a family man and this is an opportunity to provide them with new opportunities.

Other writers legitimize their illegal suggestions by claiming that it would be a shame that the money of the deceased persons without family would go to the state instead of being of mutual benefit to the writer and the addressee. In the following example, Mr. Murphy Brown thus appeals to a widespread criticism of citizens, who are often afraid that the political authorities are wasting the tax revenues of the state anyway or are even corrupt (Letter 23, 21 September 2004). I reproduce all mistakes of spelling, punctuation and style:

... i contacted you with good faith hope you will not fail or cheat me or run away with the money when we must recieved this money in your custody to claim this money for us to share instead of the Nigeria government as the law stated that "at the expiration of 12 calenda months if no one apply for the claim, it will be diverted to nation treasury".

Sometimes, the appeal of greed is also made somewhat less obvious by not giving an exact amount of money which the addressee will get for his or her cooperation. In this case, the exact percentage is left to further negotiations (Letter 7, 14 August 2004: *Sharing ration [sic!] shall be discussed latter [sic!]*). However, the intensity of the appeal to greed can also be augmented by a variant of this strategy, where the addressee is asked to give a precise percentage him or herself (Letter 5, 4 August 2004: *If this is acceptable to you, let me know what percentage of the claims will be acceptable to you for assisting me*).

Some of the letters are borderline cases which cannot be judged as clear cases of fallacious argumentation because (a) they imply a legal business, that is, investments in companies abroad, and (b) they do not offer fees for the addressees. At least, this is what can be deduced from text-internal properties. These letters nevertheless create some suspicion because they use the same format and medium (e-mail letters) as the Nigerian scam letters.

**"I was Moved with Great Pity and Compassion"
(Letter 27, 8 October 2004)**

The letters arguing *ad misericordiam* at first sight have an easier task than the letters appealing to greed. After all, the writers do not exclusively start from an egoistic perspective and hence do not need to convince the addressees that the amount of money promised is so huge and so easily made that the ethical objections, the suspicious procedure, and the illegal aspects of the "business" can be ignored. Rather, the appeals to pity apparently primarily invoke altruistic motives or at least, a mixture of altruistic and egoistic interests (note that the addressees are offered either no fee at all or smaller percentages (5% to 10%) of the money than in the pure "greed appeals"). They claim that the writers possess the money, legitimately, are often either hopelessly ill persons who want to donate their fortune to charity organizations through the addressee, or are the victims of civil wars, often also orphans, who declare that they legally inherited the money from their killed parents. Subsequently, I will only deal with the "altruistic" letters of the alleged "fatally ill" persons.

The weak point of these appeals *ad misericordiam* lies in the fact that the writers have no reason to trust their addressees. Somewhat inconsistently, they often write that they do not trust their relatives and/or friends because they wasted the money instead of transferring it to charity organizations. At the same time, however, they write to a foreigner and thus pretend to trust a total stranger. This blatant inconsistency (cf. Kienpointner, 1992b, p. 315ff.) has to be overcome in order to reach the persuasive goals.

The strategies employed include the claim that the writers have lost their closest relatives in a car accident (Mrs. Sue Connors: *I was married with two children. Quite tragically, my husband and two children died in a car accident six years ago.* Letter 27, 8 October 2004) or a plane crash (Mrs. Ruth Makary: *I am married to Mr. Samy Makary who worked with Kuwait embassy in ABIDJAN IVORY COAST for nine years before he died in the plane crash of 31 october 1999 [. . .]. We were married for eleven years without a child.* Letter 36, 25 October 2004). This makes it somewhat more plausible that they have nobody to trust but an unknown person whose address they pretend to have found in the internet.

Moreover, the writers stress the fact that they have looked carefully for a reliable person. To make this claim even more persuasive, they additionally bring in religious convictions and prayers as "search strategies." Both in Letter 27 and in Letter 39, the writers in strangely similar words declare the following:

In my search for a reliable and God fearing person and having gotten your contact through prayers and painstaking effort I have decided to seek your help in carrying out my last wish (Letter 27); I am personally contacting you in my search for a reliable and God fearing person and having gotten your contact through prayers and painstaking efforts I have decided to seek your help in carrying out my last wish (Letter 39).

The religious dimension is also invoked by some writers who claim that they were rather selfish people earlier in life and are now, so to speak, repentant sinners. Facing their imminent death and wanting to save their soul, they declare they have distributed their property among family members, close friends and, last but not least, charitable organizations:

Mr. Saeed Ahmed: *I want God to be merciful to me and accept my soul so, I have decided to give also to charity organizations, as I want this to be one of the last good deeds I do on earth* (Letter 75, 13 January 2005).

Finally, in order to make their generous intentions more plausible, they claim to have donated money already earlier on, when they were still in a better condition of health.

**“You were Nominated to me through Divine Revelation from God”
(Letter 69, 9 December 2004)**

As the examples discussed above have shown, some of the appeals to pity also invoke the authority of God (cf. Kienpointner, 1992b, p. 362ff.). However, it might not have been by mere chance that only very few letters in my sample only or predominantly rely on the religious appeal *ad verecundiam*, namely, the assumption that God ordered the writers to send their message. This assumption can be plausible only for a very small group of people sharing a mixture of extreme naivety and strong religious beliefs.

This is the case, for example, with Letter 69, where Mr. Barrister Michael Chris, legal adviser to Mr. and Mrs. Brown, an American couple living in Nigeria for 30 years, informs the addressee that they died in a plane crash in 2002 (the by now familiar story). Furthermore, they had no children and were good Christians. In his last will, Mr. Brown asked Mr. Chris to sell all his property and to give it to a ministry *for the work of God*. Mr. Chris then confesses that he wanted to embezzle the money (13,800.000 USD), but later had an *encounter with Christ*, and, *as a born again Christian*, started to read the bible and now wants to fulfil the last will of Mr. Brown. Looking for a good Christian, Mr. Chris looked up a Christian site in the internet and experienced what could be called a miracle: [. . .] *after my fervent prayer over it, then you were nominated to me through divine revelation from God* (Letter 69, 9 December 2004).

CONCLUSION

The emotional arguments occurring in my sample of 97 Nigerian scam letters are clearly fallacious. However, a closer look at the persuasive strategies used to enhance the plausibility of the letters has shown that at least some of them manage to hide their *prima facie* suspicious nature considerably and quite effectively. Some of these strategies concern the ethos of the writer and create trust by confirming the apparent sincerity of the writer. Other strategies concern the pathos of the addressees. The emotions of the international

"audience" of the letters are stirred and augmented (greed, pity, religious awe) or minimized (fear, suspicion), respectively. In this way, the considerable impact of the letters and the incredible fact that many people have been successfully convinced to send some money to the writers and that, all in all, hundreds of millions of U.S. dollars were lost, can be better understood. The insight of recent fallacy theory that fallacies are unsound arguments looking like sound arguments is further confirmed by a close look at the rhetorical strategies used in these fraudulent letters (cf. van Eemeren & Houtlosser, 2003, p. 5).

REFERENCES

- Aristoteles (1976). *Rhetorik*. Ed. R. Kassel. Berlin: De Gruyter.
- Eemeren, F. H. van (Ed.) (2002). *Advances in pragma-dialectics*. Amsterdam: Sic Sat.
- Eemeren, F. H. van, & Houtlosser, P. (1999a). Delivering the goods in critical discussion. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.), *Proceedings of the Fourth International Conference of the International Society for the Study of Argumentation* (pp. 163-167). Amsterdam: Sic Sat.
- Eemeren, F. H. van, & Houtlosser, P. (1999b). William the Silent's argumentative discourse. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.), *Proceedings of the Fourth International Conference of the International Society for the Study of Argumentation* (pp. 168-171). Amsterdam: Sic Sat.
- Eemeren, F. H. van, & Houtlosser, P. (2002a). Strategic maneuvering with the burden of proof. In F. H. van Eemeren (Ed.), *Advances in pragma-Dialectics* (pp. 13-28). Amsterdam: Sic Sat.
- Eemeren, F. H. van, & Houtlosser, P. (2002b). Strategic maneuvering: Maintaining a delicate balance. In F. H. van Eemeren, & P. Houtlosser (Eds.), *Dialectic and rhetoric: The warp and woof of argumentation analysis* (pp. 131-159). Dordrecht: Kluwer.
- Eemeren, F. H. van, & Houtlosser, P. (2003). More about fallacies as derailments of strategic maneuvering: The case of *tu quoque*. In *The [CD-rom] Proceedings of the IL@25 Conference at the University of Windsor*. Windsor, Ontario: University of Windsor.
- Eemeren, F. H. van, & Houtlosser, P. (2005). More about an arranged marriage. In T. Goodnight (Ed.), *Critical problems in argumentation. Proceedings of the 13th NCA/AFA Conference in Alta, Utah, June 2003* (pp. 345-355). Washington, DC: NCA.
- Eemeren, F. H. van, Houtlosser, P., & Snoeck Henkemans, A. F. (2005). Dialectische profielen en indicatoren van argumentatieve zetten [Dialectical profiles and indicators of argumentative moves]. *Tijdschrift voor Taalbeheersing*, 27, 42-54.
- Gilbert, M. A. (2001). Emotional messages. *Argumentation*, 15, 239-249.
- Kienpointner, M. (1992a). How to classify arguments. In F. H. van Eemeren, R. Grootendorst, A. Blair, & C. A. Willard (Eds.), *Argumentation illuminated* (pp. 178-188). Amsterdam: Sic Sat.
- Kienpointner, M. (1992b). *Alltagslogik*. Stuttgart: Frommann-Holzboog.
- Plantin, C. (1998). Les raisons des emotions. In M. Bondi (Ed.), *Forms of argumentative discourse* (pp. 3-50). Bologna: Clueb.
- Walton, D. N. (1992). *The place of emotion in argument*. University Park: Pennsylvania State

University Press.

Walton, D. N. (1996). *Argumentation schemes for presumptive reasoning*. Mahwah, NJ: Erlbaum.

Walton, D. N. (1997a). *Appeal to expert opinion. Arguments from authority*. University Park: Pennsylvania State University Press.

Walton, D. N. (1997b). *Appeal to pity. Argumentum ad misericordiam*. New York: SUNY Press.

Walton, D. N. (1999). *Appeal to popular opinion*. University Park: Pennsylvania State University Press.

Woods, J. (2004). *The death of argument*. Dordrecht: Kluwer Academic Publishers.

This page intentionally left blank

Hidden Effects of Presumptive Arguments on Argument Assessment Strategies

László I. Komlósi

University of Pécs, Hungary

IMPLICIT ARGUMENTS IN REASONED ARGUMENTATION

With a background in *linguistic pragmatics* (see Komlósi 1997, 2003), I find contemporary developments in the theory of argumentation and rhetoric extremely crucial for realizing and exploiting a unique opportunity for the convergence of genuine attempts in understanding both the way we think and the way we use natural language in our everyday practices of reasoning, arguing, and conducting social interaction.

Investigations into the nature of information encoding and information structuring in the linguistic sign—be it manifested by lexical entries, phrases and phrasemes, utterances, speech acts, texts, narrative fragments, or stretches of discourse—seem to yield an increasingly consistent picture. There seems to be a growing consensus concerning the complementary role of contextual and pragmatic information in language processing, reasoning, and interpretation.

No doubt, linguistic pragmatics has witnessed both optimistic and pessimistic phases in its development every since the basic tenets of Speech Act Theory, the Gricean Conversational Logic, Relevance Theory, the Theory of Intentionality, Discourse Analysis, the Neo-Gricean Meaning Theories and, perhaps, the Cognitive Metaphor Theory were formulated. Although theories of argumentation and rhetoric have been most sensitive to the developments of formal and informal logics, philosophical logics, and speech communication, influences from the domain of pragmatic theories have also proved to be decisive. The beginning of the Amsterdam School of Argumentation, taking its roots with a doctoral thesis *Regels voor redelijke discussies* by Frans H. van Eemeren and Rob Grootendorst in 1982, not only acknowledges the heritage of Speech Act Theory (see van Eemeren & Grootendorst, 1984), but takes it as a foundation on which an argumentation

theoretical paradigm under the name Pragma-Dialectics has been established (van Eemeren, 2002; van Eemeren & Grootendorst, 1992, 1994).

The framework of Pragma-Dialectics has proven to be an open, but at the same time a well scrutinized bedrock for argumentation studies, among other alternative, existing or developing frameworks, such as the Rhetorical Framework of the New Rhetoric, Toulmin's Model of Argumentation, the Informal Logic and Critical Thinking Framework, the Dialogue Logic Framework, or the Language-Oriented Approaches (for details, see van Eemeren, Grootendorst, Snoek-Henkemans et al., 1996). Pragma-Dialectics, both as a theoretical framework and a working paradigm, has invited and fertilized research on argumentative discourse, argument schemes, argumentation structures, fallacies, unexpressed premises, strategic maneuvering, dispute resolution, and numerous domains of applied argumentation as well.

In this chapter, I confine my attention to a practical, everyday phenomenon characterizing our argumentative practices. I make an attempt to reconstruct the possible ways arguers interpret *implicit arguments* with the help of making bridges between implicit premises and inferred conclusions. I indicate, specifically, how and by what mechanisms arguers rely on the *force of presumptive arguments* for gaining certainty in underpinning the acceptance of standpoints. I claim that a certain subset of presumptive arguments shows characteristics of entrenchment. I also show that with the help of such types of implicit arguments everyday argumentative practice can exploit the effect of conventionalized persuasive power in argumentation. Toward this end, I make use of the concept of *argument schemes*.

Argument schemes reflect the internal organization of individual single arguments by specifying the principles on which the constituent arguments rely for defending the standpoint. Constituent arguments in an argumentation scheme are often implicit, the interpretation of which involves different degrees of *inferential mechanisms*.

Constituent arguments are taken to be propositions that may induce implicational consequences, depending on the intrinsic nature of the propositions: they may entail, presuppose, or implicate adjoining propositions.

Argument schemes are considered to be complex mental entities whose validity domains are enlarged by a set of potential adjoining propositions. It is due to these implicational and inferential mechanisms that *argument assessment strategies* are bound to take into consideration both formal validity between premises and conclusions and plausible inferences and the transmission of acceptance from premises to conclusions.

However, if we permit plausible inferences and the pragmatic influencing of transmission of acceptance from premises to conclusions, the question may arise: Can we still speak of a controlled system of critical discussion? How far does this permissiveness take us away from reasoned argument and critical argument assessment? The investigations to follow, together with the possible answers to the aforementioned dilemma, are meant to show a satisfactory way of understanding the compatibility of the requirements of formal validity and inferential reasonableness in reasoned argument and critical discussion. I advocate that one needs both a logical analysis and a pragmatic analysis to be able to define underlying implicit arguments more truthfully.

PRAGMATIC MODELS FOR CRITICAL DISCUSSION

I would like to remind the reader of a certain pragmatic condition or attitude that seems to permeate critical discussion. For a critical discussion to take place, it is inevitable to embed it in a wider context of communicative intentions which constitutes an external condition that directly effects argument assessment. Such an external pragmatic condition is comparable in effect to the Gricean Cooperation Principle underlying the logic of conversation.

In describing an initial, but unexplicated, or even tacit condition of reconstructing argumentative discourse, van Eemeren, Grootendorst, Jackson, and Jacobs (1993) admit that "the design of argumentation is assumed to be fundamentally instrumental in nature, that is, aimed toward the practical end of discovering the basis for collective action, agreement, or understanding" (p. 142). In other words, the pragma-dialectical model of critical discussion purports the understanding of the rhetorical situation as one in which discussants consciously and knowingly make a joint effort to reach a consensus or mutual accommodation of interests based on a critical assessment of the relative acceptability of competing standpoints. So far, the joint effort to mutually accommodate interests does not figure as a hindrance or a distorting effect in the course of critical discussion.

The critical assessment of relative acceptability of standpoints can, however, be made even more difficult by blurring the conditions for identifying implicit or unexpressed premises. Van Eemeren (2001) advocates *the pragmatic attitude* to determining what the commitments of an arguer are as follows: "The analyst must not only carry out a logical analysis, based on a formal validity criterion, but also a pragmatic analysis, based on standards for reasoned discourse. In the logical analysis, an attempt is made to reconstruct the argument as one that has a valid argument form; in the pragmatic analysis, the unexpressed premise is then more precisely defined on the basis of contextual information and background knowledge" (pp. 18-19).

It becomes obvious from the literature on argumentative discourse that argument schemes are among the concepts studied intensively by argumentation theorists. Analyzing the potential of argument schemes for argument assessment is a challenge to create a complementary alternative to the formal logical models and their validity norms.

In *The New Rhetoric* (Perelman and Olbrechts-Tyteca, 1969), argumentation schemes are considered as effective techniques for defending standpoints by seeking and establishing agreement among the audience regarding the soundness of the schemes (cf. Garssen, 2001). It is certainly not just a mere accident in intellectual history that it was in the same year that John Searle published his *Speech Acts*, proposing a detailed analysis of both indirect speech acts and, more interestingly for the comparison with the goals and spirit of the *New Rhetoric*, an analysis of perlocutionary effects in terms of hearer's responses to speaker's communicative intents that are to be identified by hearer as inherently hearer-related and hearer-oriented communicative intentions. Both speaker's intent and hearer's response are meant to work in tandem: These two acts are interdependent on the level of creating any relevant perlocutionary effect. Thus, it is constitutive for illocutionary

forces and perlocutionary effects that both speaker and hearer are bound to observe, and subsequently undertake, the ensued *discourse obligations*. Communicative intents oriented at prospective perlocutionary effects can work only if mutual awareness of this type of a “mental bondage directed at the Other” is established. Such a communicative directedness lies at the heart of the concept of intentionality.

The philosophical objective of the *New Rhetoric* was to create a framework for all nonanalytic thinking by offering a rhetorical concept of rationality. According to this view, the soundness of argumentation is to be measured by the degree of customer satisfaction: ensued Argumentation has to be well suited to the audience. Shortly, I discuss in somewhat more detail the question and the consequences of such an extreme relativization of meaningfulness and reasonableness.

Later analyses of argument schemes (e.g. van Eemeren & Grootendorst, 1992; van Eemeren, Grootendorst, Snoeck Henkemans et al., 1996; Walton 1996; Garssen, 2001) agree that argument schemes are conventionalized ways of displaying a relation between the statements in the explicit premise and the statements in the standpoint. In most cases, some interpretative effort is required to identify the argument scheme that is being employed. In this endeavor, *pragmatic and contextual knowledge* must be brought to bear.

An important feature of the pragmatic function of argument schemes is that they are more or less ready-made argumentative sequences with a high degree of conventionalization. If this is a relevant aspect that contributes to argument assessment, it is worth asking and pursuing the following questions: How do conventionalized forms of argumentation operate in carrying justificatory force or refutational force? How can one assess their acceptability? This chapter takes it as its second objective to investigate the uses and effects of some conventionalized forms in argumentative discourse.

PRESUMPTIVE ARGUMENTS AND ARGUMENT SCHEMES

The pragmatic condition underlying reasoned discourse and critical discussion is in close relation with the type of argument scheme chosen and employed for attaining certain goals in the argumentation process. A decisive pragmatic aim of a protagonist is to enhance the acceptability of their proposed standpoint. In such a view, a protagonist who puts forward an argument can be taken to attempt to favorably affect the transfer of acceptance from the premise to the standpoint. The act itself is that of convincing the opponent, the outcome of which should be the acceptance of the standpoint by the opponent.

In my analysis of the role of the choice of argument schemes, I argue that argument assessment strategies need to be sensitive to and, practically, must exploit the pragmatic information contained in the context of discourse. However, as indicated earlier, there must exist some guidelines and standards for giving credit to or withdrawing credit from available or inferred contextual information in reasoned discourse.

I am convinced that presumptive arguments represent a prime example in case. In what follows, I propose that through a better understanding of the interpretational

complexities of presumptive arguments as consequences of the status of presumptions and presuming in the reasoning process, together with the discursive obligations involved, we can hope for making an important step ahead in the analysis of certain, seemingly peripheral argument schemes.

As a starting point, we should recall that presumption is a special kind of inference that is based only in part on evidence related to the truth of the conclusion. To a substantial degree a presumption gets grounded on contextual and conversational considerations.

Presumptive inferences have not been studied widely. Among the few analyses, Walton (1996) observes the significance of presumptive reasoning in argumentation and analyzes presuming as a kind of speech act contributing in specific ways to certain kinds of argumentation schemes. I am quite content in adopting in my analysis the speech-act-oriented aspects of his approach to presumptive inferencing.

Other analyses, especially Kauffeld (2002), observe in presumptive inferencing the pragmatic force interacting with normative elements that is constitutive of verbal interaction. In Kauffeld's view, presumptive inferences are characterized by the unique strength or force of the inferred conclusion which is to be accepted unless and until it is rebutted by substantial reason and evidence, that is, until substantiated counterarguments are adduced against it (see Kauffeld, 2002, p. 603). Concerning the question of accepting or rejecting a conclusion, mainstream pragmatics also has something to say. According to the standard view in inferential pragmatics, there are cancelable implications (presuppositions) and noncancelable implications (entailments). In a similar fashion, presumptions can be rebuttable or nonrebuttable.

The special pragmatic force of a presumptive inference is warranted by a normative element: Presumptions are related to the distribution of responsibilities, rights, and obligations in conversations, dialogues, discourses, and other human interactions.

According to Kauffeld (2002), the presumption of veracity, for example, involves such an obligation. "If Jones says that the game will begin at seven, we may presume that he has made a responsible effort to speak the truth in view of the risk he runs of criticism for failing to do so. Here what is presumed is the proposition that Jones is speaking truthfully. Derivatively we may also presume that the game will start at seven" (p. 606).

Thus, presumptions are taken to be inferences made by interlocutors about each other's conduct. Ordinary presumptive inferences have a definite form, something of this fashion: "To presume that *p* is to take that *p* on the grounds that someone will have made that the case rather than risk criticism, painful regret, reprobation, loss of esteem, or some kind of punishment for failing to do so." (cf. Kauffeld, 2002, p. 606). In other words, the basis of a presumptive inference is that the conclusion is taken on the supposition that someone would guarantee or see to the truth of the inferred proposition rather than risk resentment for failing to do so.

Presumptions are suppositions with the initial pragmatic function of being, at the same time, propositions. These propositions can be made true by what someone does. If Jones says that the game will begin at seven, his assertive speech act with a concrete propositional content will license a presumption of veracity. The presumption is legitimate

as it is part of the discourse obligation to cause, build up and observe expectations concerning virtual acts based on general principles of human conduct. In this case, the virtual act is uttering a truthful assertion, thus confirming the validity of the propositional content.

The genesis of a presumption is comparable to that of a speech act. An utterance qualifies to be a speech act on grounds of similar mechanisms: In the process of an utterance-making endeavor a propositional act acquires the force of an illocutionary act (the speaker's identifiable communicative act) and a perlocutionary effect (the hearer's reaction to the speech act performed by the speaker). Without the pragmatic condition of jointly performing an illocutionary act and a perlocutionary act by performing a propositional act (i.e., by performing an assertive speech act) together with the discourse obligations, no speech act would come about as a real act of social interaction.

It is easy to see that for conversational agents the ordinary concept of presumption and the corresponding inferential practices constitute regulatory measures for conversation by distributing pertinent discursive and argumentatively significant obligations. A great deal of meaning creation in regulated argumentative discourse happens in implicit ways, through inferential practices.

An intriguing terrain of inferential practices is implicatures. Implicatures, just as presumptions, need to be licensed by contextual information. They need to be maintained and confirmed by the inferential mechanisms at work in communication. The Neo-Gricean analysis of conversational implicatures (see Levinson, 2000) shows that conversational agents deliberately generate coded presumptions in order to employ them as a means to carry generalized conversational implicatures. If presumptions get challenged by extra knowledge of a particular or local nature, the pragmatic force of a presumption is utilized as a particularized conversational implicature. A challenge of a presumption can have two pragmatic consequences: Either the presumption is rebutted, therefore rejected, or otherwise the presumption is modified by extra particular or local information. Consequently, the generalized conversational implicature is turned into a particularized conversational implicature. In the former case the presumption is lifted, in the latter case the presumption is modified.

This seems to support the idea of a fairly flexible architecture of our inferential mechanisms. This flexibility is traced in the way the *New Rhetoric* opted for an extremely relativistic audience-dependence in argumentative discourse. I draw some parallel here between the philosophy and techniques of the *New Rhetoric* and recent developments in research on mental operations in terms of conceptual integration.

The *New Rhetoric* envisages two principles in argumentation techniques: Association and dissociation. Association means the unification of separate elements into a single whole (bringing elements together), whereas dissociation disintegrates and separates elements that formed a unit before (disintegrating units; in other words—a concept is differentiated from a concept that it was part of before).

It is easy to see that both association and dissociation are types of recategorization. *Recategorization* requires the rearrangement of constituent elements in a designated unit. In association, one makes a new category by changing the constituents of a category with

the help of the notion *addition*. In dissociation, one makes a new category by changing the constituents of a category with the help of the notion *subtraction*. In addition to these types of constituent-rearrangement, there can yet be other ways of bringing about new categories. One can, for example, take certain constituents away, but add some new ones to the category at the same time. The constituency of the category would thus be substantially altered. It would, however, still carry some properties of the original category. In this way, one can talk about blending, compression, selection, substitution, and so forth. These mental operations are used in categorization understood in a broad sense, thus in concept structuring and in argument structuring alike.

Conceptual integration as a cover term for a variety of mental operations responsible for tangible constructs used in verbal interaction has become widely used in the conceptual and methodological framework of mental space operations (cf. especially Fauconnier & Turner, 2002). Metaphors, metonyms, and blends have been analyzed on the basis of mental operations discerned for and resulting in conceptual integration.

In the tradition of mental space operations and conceptual integration, many concepts are seen to have a flexible and even temporary nature since the way an entity is to be categorized on any specific occasion is very much a function of the concerns of the speaker, the purpose of the communication, and the conceptual model constructed and established by negotiation in prior linguistic acts. The contextually different uses of linguistic expressions activate different aspects of domain-based knowledge. The selective projection of constituent properties into the resulting mental spaces is determined by a multitude of actualized parameters.

If some concepts may have flexible and temporary interpretations that depend on the pragmatic parameters of use, linguistic forms representing these concepts should also be interpreted in flexible ways. Research on formulaic language and *entrenched linguistic constructions* suggest (see Komlósi & Knipf, 2005) that linguistic creativity underlies both our lexical and argumentative repertoires. Flexible interpretations closely link up with the concept of dynamic meaning construction. Linguistic creativity and our capacity for language greatly depend on our ability to use a relatively limited inventory of grammatical and lexical forms to prompt for virtually unlimited ranges of cognitive representations. While lexical listing of meaning properties makes use of entrenched storage of idiosyncratic meaning properties in long-term memory, conceptual integration makes use of the combinatorial potentials of lexical items prompting selective projections of mental contents into novel conceptual structures in short-term memory, such as mental spaces or cognitive schemes, argument schemes included.

CONCLUSIONS

In this chapter I have attempted to point out correlations between the way we think and the way we conduct reasoned argumentative discourse. As a starting point, I proposed to look at some types of argument schemes that accommodate the interpretation of implicit

premises with the help of some inferential mechanisms. The choice and use of argument schemes may prove to be far from being subject to conscious decisions, our argumentative practices based on the use of argument schemes, however, are shown to have basic guidelines for rational conduct and reasoned argument. I have investigated some general properties of argument schemes and have drawn a parallel with mental operations responsible for implicatures and conceptual integration. Presumptive arguments have deserved a special attention as they are shown to be sensitive to contextual and pragmatic information for their success as inferences. The chapter suggests that presumptive arguments can accommodate conventionalized, entrenched arguments in some argument schemes, especially when dynamic meaning construction is considered to be at work for presumptions as virtual speech acts.

I have focused my attention on an everyday phenomenon figuring in our argumentative practices: on the way we interpret implicit arguments as premises in order to arrive at the acceptance of conclusions, often with the help of inferencing. For this end I have proposed the reconstruction of the possible ways arguers interpret implicit arguments by making bridges between implicit premises and inferred conclusions. I have indicated how and by what mechanisms arguers rely on the force of presumptive arguments. I have observed that a certain subset of presumptive arguments shows characteristics of entrenchment that can exploit the effect of conventionalized persuasive power in argumentation.

Also, I have analyzed the pragmatic function of argument schemes and pointed out that they are more or less ready-made argumentative sequences with a high degree of conventionalization. In this respect, special attention has been paid to the status of presumptions and presuming in the reasoning process, together with the discursive obligations involved in reasoned argumentation.

In addition, I have called attention to the research on formulaic language and entrenched linguistic constructions which seem to challenge our understanding of the workings of argument schemes. Conventionalization results in the use of set lexical or textual forms, however, dynamic meaning construction provides for ample room for the inferential and selectional processes to secure context-sensitive and flexible interpretations still meeting the requirements of reasoned argumentation.

REFERENCES

- Eemeren, F. H. van (2001). The state of the art in argumentation theory. In F. H. van Eemeren (Ed. 2001), *Crucial concepts in argumentation theory* (pp. 11-26), Amsterdam: Sic Sat.
- Eemeren, F. H. van (Ed. 2002). *Advances in pragma-dialectics*. Amsterdam: Sic Sat.
- Eemeren, F. H. van, & Grootendorst, R. (1984). *Speech acts in argumentative discussions: A theoretical model for the analysis of discussions directed towards solving conflicts of opinion*. Dordrecht: Foris.
- Eemeren, F. H. van, & Grootendorst, R. (1992). *Argumentation, communication and fallacies: A pragma-dialectical perspective*. Hillsdale, NJ: Lawrence Erlbaum Associates.

- Eemeren, F. H. van, & Grootendorst, R. (Eds. 1994). *Studies in Pragma-Dialectics*. Amsterdam: Sic Sat.
- Eemeren, F. H. van, Grootendorst, R., Jackson, S., & Jacobs, S. (1993). *Reconstructing argumentative discourse*. Tuscaloosa: University of Alabama Press.
- Eemeren, F. H. van, Grootendorst, R. & Snoeck Henkemans, A. F. et al. (1996). *Fundamentals of argumentation theory: A handbook of historical backgrounds and contemporary contributions*. Mahwah, NJ: Lawrence Erlbaum Associates.
- Fauconnier, G., & Turner, M. (2002). *The way we think: Conceptual blending and the mind's hidden complexities*. New York: Basic Books.
- Garssen, B. (2001). Argument schemes. In F. H. van Eemeren (Ed. 2001), *Crucial concepts in argumentation theory* (pp. 81-99). Amsterdam: Sic Sat.
- Kauffeld, F. J. (2002). The ordinary practice of presuming and presumption with special attention to veracity and the burden of proof. In F. H. van Eemeren, J. A. Blair, C. A. Willard & A. F. Snoeck Henkemans (Eds.), *Proceedings of the Fifth Conference of the International Society for the Study of Argumentation* (pp. 603-609). Amsterdam: Sic Sat.
- Komlósi, L. I. (1997). *Inferential pragmatics and cognitive structures. Situated language use and cognitive linguistics* (Pécs Studies in Linguistics 3). Budapest: Nemzeti Tankönyvkiadó.
- Komlósi, L. I. (2003). In Quest of Cultural and Conceptual Universals for Situated Discursive Practice. In L. I., Komlósi, P. Houtlosser, & M. Leezenberg (Eds.), *Communication and culture: Argumentative, cognitive and linguistic perspectives* (pp. 159-176). Amsterdam: Sic Sat.
- Komlósi, L. I., & Knipf, E. (2005). A contrastive analysis of entrenchment and collocational force in variable-sized lexical units. In C. S. Butler, M. Á. Gómez-González, & S. M. Dovál-Suárez (Eds.), *The dynamics of language use: Functional and contrastive perspectives* (pp. 241-266). Amsterdam: John Benjamins.
- Levinson, S. C. (2000). *Presumptive meanings: The theory of generalized conversational implicature*. Cambridge: The MIT Press.
- Perelman, C., & Olbrechts-Tyteca, L. (1969). *The new rhetoric. A treatise on argumentation*. Notre Dame/London: University of Notre Dame Press.
- Walton, D. (1996). *Argumentation schemes for presumptive reasoning*. Mahwah, NJ: Lawrence Erlbaum Associates.

This page intentionally left blank

Logic and Games

Erik C. W. Krabbe*Groningen University*

In 1961, a PhD. ceremony took place in Kiel (Germany), where the new doctor defended a dissertation with a title that must have sounded a bit peculiar at the time: *Arithmetik und Logik als Spiele* [Arithmetic and Logic as Games]. The supervisor of this dissertation was Paul Lorenzen (1915-1994), who was known as a contributor to research into the foundations of mathematics. The new doctor was Kuno Lorenz. The innocent spectator was bound to wonder what certain games could have to do with serious sciences such as arithmetic and logic. And what games could that be? Glancing through the dissertation one would discover that these were *logical dialogue games*, systems for discussion in which assertions are attacked and defended according to meticulously formulated *rules of dialogue*. The dissertation expands on ideas and suggestions, then recently proposed by Paul Lorenzen, that were primarily motivated by certain problems in the foundation of mathematics.

The theory of logical dialogue games can be seen as a technical, and unexpectedly formal, elaboration of Wittgenstein's notion of 'language games.' After 1961, this theory, *dialogical logic* or *dialogue logic*, was further developed, both by Lorenzen and Lorenz as well as by other authors. Nowadays, the influence of dialogical logic is clearly traceable in the fields of theory of argumentation (including informal logic) and artificial intelligence.

Within the confines of this chapter no detailed survey of these developments can be presented. What I shall do is, first, briefly explore the ancient roots of the dialogical orientation of logic and compare this orientation with other orientations. I shall then present an example of a logical dialogue game and of a dialogue that follows the rules of this game. Finally, I shall briefly indicate the uses of dialogue games within argumentation theory and elsewhere.

THE AGONISTIC ROOTS OF LOGIC

The word 'agonistic' in the title of this section derives from the Greek *agon* (= game, contest). In what follows I hope to show that originally logic was concerned with a kind of verbal contest or game and that, therefore, contemporary dialogue logic has its roots in the oldest kind of logic.

Mainly because of his syllogistic, Aristotle (384-322 BC) is generally honored as the first logician. However, the first book of his *Prior Analytics*, in which this syllogistic is set out, is only a small part of his logical works, known as the *Organon* (= tool). It is likely that Aristotle's syllogistic was a late discovery and that other works of the *Organon*, foremost the *Topics* (eight books) and *On Sophistical Refutations*, constitute Aristotle's first logical theory and therefore the oldest theory of logic.

What were the *Topics* and *On Sophistical Refutations* about? They dealt with the art of disputation. So, originally logic was a theory of disputation or discussion. The *Topics* treat a great number of universal principles that can be used to present an argument in discussion. The work *On Sophistical Refutations* is sometimes listed as the ninth book of the *Topics*. It treats fallacies as they are used to trip up one's opponent as well as the opportunities for logical self-defense.

But what kind of discussion do these works refer to? This can only partially be surmised from the *Topics*, even though its eighth book gives quite some information about the course of events in these discussions. At any rate, the following features seem characteristic:

- (i) Discussions start with a problem that can be expressed by a question of the form: Is it the case that . . . , or is it not? For instance: Is the world finite, or is it not?
- (ii) There are two roles: the Questioner (*Q*) and the Answerer (*A*).
- (iii) *A* chooses as his initial thesis one of the two possible answers to the question that expresses the problem, *Q*'s initial thesis is the other possible answer. For instance, *A* holds that the world is infinite and *Q* holds that it is finite.
- (iv) *Q*'s aim is to successfully defend his thesis and thus to refute the Answerer. *A*'s aim is to uphold his thesis and thus to prevent the Questioner from achieving his aim.
- (v) To achieve his aim, *Q* puts questions to *A*. These questions take the form: Is it the case that . . . ? For instance: Is it the case that everything that has come into being has come into being from something? On the other hand, *A* does not put questions to *Q*. So there is an asymmetry in the roles.
- (vi) Possible replies to a question are: (1) to admit the point (*A* concedes), (2) not to admit the point, (3) to admit the point with certain qualifications (on the one hand . . . on the other hand . . .), (4) to request that the question be clarified, (5) to object to the question (see Rule (ix)).
- (vii) In principle, each point conceded by *A* offers an advantage to *Q*; nevertheless it is not the case that *A* can follow a simple strategy of refusing to concede anything. When *A* is asked to concede something that agrees with what is generally or sufficiently acceptable, he can not refuse the concession, unless granting it would

- amount to an immediate admission that Q 's thesis was right.
- (viii) A has a right to clarify or adjust an earlier concession whenever Q twists this concession in an undesirable direction.
 - (ix) A can protest against certain of Q 's questions or conclusions by formulating objections.
 - (x) Q wins whenever he refutes A by deducing Q 's thesis from the answers given, and also when A , to avoid this, produces answers that go against generally or sufficiently accepted opinions.
 - (xi) A wins whenever Q is unsuccessful. Perhaps there is a time set for discussion so that A wins whenever Q does not win within the preset time. Also, A certainly wins whenever he manages to raise an objection that unsettles his adversary.

One might agree that this set of rules looks quite a bit like a game, with discussion rules functioning as the rules of the game. Unfortunately, no manual survives to provide us with definite answers about the ins and outs of these rules, nor do we have any direct recordings of the discussions themselves as they occurred in Aristotle's time. But, though Aristotle created the first *theory* about this type of discussion, that does not imply that he designed the type himself. On the contrary, it is plausible that, generally, a particular cultural phenomenon precedes theorizing about that phenomenon. Indeed, in Aristotle's time the cultural phenomenon of a particular type of regimented discussion had existed for at least a century. Plato's early ('Socratic') dialogues may serve as examples that have a lot in common with those discussions to which Aristotle's theorizing pertains. A short fragment will suffice to show that these dialogues sometimes display a gamesome character.

- Dionysodorus: You will admit all this [*among other things that Ctesippus' father is a dog*], if you answer my questions. Tell me, have you got a dog?
- Ctesippus: Yes, and a brute of one too.
- D: And has he got puppies?
- C: Yes indeed, and they are just like him.
- D: And so the dog is their father?
- C: Yes, I saw him mounting the bitch myself.
- D: Well then, isn't the dog yours?
- C: Certainly.
- D: Then since he is a father and is yours, the dog turns out to be your father, and you are the brother of the puppies, aren't you? [*Quickly to keep the other from cutting in.*] Just answer me one more small question: Do you beat this dog of yours?
- C (*laughing*): Heavens yes, since I can't beat you!
- D: Then do you beat your own father?

(Adapted from: *Euthydemus* 298D-E (Plato, 1997).)

The crucial move in this fragment: *He is a father and is yours, so he is your father*, is alluded to by Aristotle in his *On Sophistical Refutations* (179a34-35) as an example of the so-called fallacy of accident.

The *asymmetry* in the roles—see Rule (v) above—is clearly illustrated by the next fragment that occurs a bit earlier in the same dialogue:

[Socrates just asked a question. Dionysodorus, who anticipates that he is going to be refuted, tries to avoid answering that question. After a brief interlude, there follows a straightforward attempt to have an illegitimate change of roles.]

- Dionysodorus: [. . .] so go ahead and answer.
 Socrates: Before you answer me, Dionysodorus?
 D: You refuse to answer then?
 S: Well, is it fair?
 D: Perfectly fair.
 S: On what principle? Or isn't it clearly on this one, that you have come here on the present occasion as a man who is completely skilled in arguments, and you know when an answer should be given and when it should not? So now you decline to give any answer whatsoever because you realize you ought not to?
 D: You are babbling instead of being concerned about answering. But, my good fellow, follow my instructions and answer, since you admit that I am wise.
 S: I must obey then, and it seems I am forced to do so, since you are in command, so ask away.

(*Euthydemus* 287C (Plato, 1997).)

In this fragment the participants interrupt their discussion in order to engage in a *metadiscussion* (i.e., a discussion about the rules of discussion for the original discussion). What they do is analogous to interrupting a game in order to resolve some conflict about the rules of the game. In his ironic way, Socrates depicts his adversary as an expert on matters of discussion and agrees to an—actually most unfair—exchange of roles.

We saw that each participant in a discussion has a particular aim, just as in most games. These *internal objectives*—one's objectives *within* the discussion—must be distinguished from the *external objective*, the goal of the discussion as a whole. This external goal may consist in the participants' common desire to exercise themselves in finding and expressing arguments or in their fondness of wrangling, but discussions can also constitute a method of teaching, or a method of inquiry, for instance by generating a survey of the pros and cons in a particular case. Clearly, the external goal of a discussion will (and ought to) influence the form of discussion (i.e., the way the discussion will proceed as determined by the rules).

There is a twofold task for logic here. First, logic should formulate and justify various

forms of discussion that are geared to different external goals. Second, it should give strategic advice to those that are going to participate in a discussion of a particular type. As we saw, Aristotle made a start, which was also the start of logic itself.

MONOLOGICAL VERSUS DIALOGICAL LOGIC

In 1958, when Paul Lorenzen read his paper *Logik und Agon* (which started the revival of the dialogical point of view in logic), he sharply contrasted the agonistic roots of logic with the solo-minded and monological points of view of our time:

If one compares this agonistic origin of logic with modern conceptions, according to which logic is the system of rules that, whenever they are applied to some arbitrary true sentences, will lead one to further truths, then it will be but too obvious that the Greek agon has come to be a dull game of solitaire. In the original two-person game only God, secularized: 'Nature', who is in possession of all true sentences, would still qualify as an opponent. Facing Him there is the human individual—or perhaps the individual as a representative of humanity—devoted to the game of patience: starting from sentences that were, so he believes, obtained from God before, or snatched away from Him, and following rules of logic, he is to gain more and more sentences.

(Paul Lorenzen, 'Logik und Agon' (Lorenzen & Lorenz, 1978, p. 1), translation ECWK)

Monological logic, the 'dull game of solitaire,' as it exists in our time appears in many different forms. There is not just one logic, there are many logics. First, one finds besides a derivational orientation (which focuses on axioms and rules of derivation) a semantic orientation (where 'true' and 'false' are central notions). Both orientations are monological. The dialogical orientation can be put up as a third one beside the others. Second, one finds within the compass of each of these three orientations a plurality of systems that are not always merely technical variants of one another, but sometimes display essential differences.

A central issue of logic is that of *logical validity*. Given that we reason from certain premises, that is, starting-points expressed by sentences, when can we say that a particular conclusion, also expressed by a sentence, *logically follows from* these premises? We shall briefly discuss how this issue can be approached in three different ways.

The derivationist tells us that a conclusion follows from certain premises if it can, through a number of intermediate steps, be derived (deduced) from these premises. Every intermediate step must, however, be justified by some *rule of derivation*. These rules of derivation constitute a system. But another derivationist may have another system. If, nevertheless, both systems have the same capabilities to derive conclusions from premises, they are called technical variants. Otherwise, the two systems are said to be essentially different. The problem remains how the derivationist can justify his rules of derivation. Perhaps a semantic orientation could be helpful?

The semanticist tells us that a conclusion follows from certain premises if it is impossible that the premises would be true whereas, under the same circumstances, the conclusion would be false. The notion of 'impossibility' is elucidated by a theory of 'possible worlds.' Semantic rules are postulated to enable calculations with 'true' and 'false.' Another semanticist may elaborate this project in a different way, and then one may ask whether his system is a mere technical variant of that of the first semanticist, or perhaps essentially different. The issue of how to justify semantic rules is the subject of a *metadiscussion* among semanticists. This leads us to the third orientation.

The dialectician tells us that a conclusion follows from certain premises if and only if the defender of the conclusion (called *Proponent*) will, as soon as his adversary (called *Opponent*) admits these premises, be able in principle to win any discussion about that conclusion, irrespective of the objections or criticisms that the latter may choose to put forward. (In the dialectician's parlance the conclusion is called *thesis* and the premises are called *concessions*.) The ways in which the Opponent can challenge the thesis, and the ways in which the Proponent can defend the thesis, are laid down in a system of discussion rules, also called a *dialectic system*, or a (*logical*) *dialogue game*. Another dialectician may propose another dialogue game, and this game could again be either a merely technical or an essential alternative to the first one. Obviously, there will be a lot of discussion on the meta-level about the rules of the game. Sometimes even colleagues from the monological departments of logic may be called upon for assistance.

A DIALOGUE GAME

In the preceding sections a sketch was given of the historical and the systematic background of the concept of a *dialogue game*. It is now urgent to present an example of such a game. To save the reader the trouble of reading logical symbols and formulas, I shall refrain from completely formalizing the example. The language that is used in this dialogue game must minimally be capable of the construction of sentences of the following forms: *Every A is a B*, *No A is a B*, *At least one A is a B*, *x is an A* (here general terms are to be substituted for *A* and *B*, but singular terms for *x*). Examples of sentences that can be used in the dialogues are: *Every musician is a pacifist*, *Mary is a sociologist*. Further, new sentences may be constructed from those that we have got, by means of certain connectives, such as *and* and *if . . . then*. For instance, *If every musician is a pacifist then Mary is a sociologist*. Also, for every sentence the language contains the negation of that sentence: *It is not the case that if every musician is a pacifist then Mary is a sociologist*. Up till now there is nothing specifically dialectic about this language. However, in contrast to the languages of monological logic, our language does not contain only declarative sentences, but also interrogative and exclamatory sentences. For instance, *Why?*, *How about Mary?*, *You said so yourself!*, *Your position turns out to be untenable!*

A dialogue game is a system of dialogue rules (rules of the game). As in chess the

game can be played innumerable times. Every play of a dialogue game is a *dialogue* that develops according to the rules of that game. There are two parties (roles): a Proponent (*P*), who defends a thesis and an Opponent (*O*) who challenges the thesis. If one compares these roles with the ones in the Greek dialogues, the role of Proponent is seen to correspond to that of the Questioner, and the role of the Opponent to that of the Answerer, but as we shall see there are also points of difference.

In chess there is only one initial situation, but here there are many possible situations from which a dialogue may start. An initial situation is characterized by (i) the thesis and (ii) the set of initial concessions. The initial concessions are statements admitted by *O*; these are not put up for discussion, but *P* may use them in his defense of the thesis.

There are three types of move for *P*: (i) *direct defense moves*, in which *P* puts forward a new statement that (according to the rules of the game) one may go on to defend instead of further defending the statement that was challenged; (ii) *indirect defense moves* or *questions*, in which he attempts to obtain new concessions on the basis of those concessions that were already granted by *O*; (iii) *unconditional defense moves* or *winning remarks*, in which *P* ends and wins the dialogue. There are two types of move for *O*: (i) *challenging moves* or *challenges*, in which she challenges *P* to defend a statement (sometimes such moves imply that a particular concession is granted at the same time); (ii) *purely conceding moves* or *answers*, in which she complies with *P*'s request for a concession.

Our dialogue game is defined by rules of three kinds: *logical rules*, *structural rules*, and *rules for winning and losing*. The logical rules determine in what ways statements of a certain form (that were put forward by the Proponent) may be challenged and defended and also in what ways, on the basis of concessions of a particular form (that were put forward by the Opponent), questions may be asked that purport to obtain new concessions, and in what ways these questions may be answered. A few examples will suffice to illustrate what is meant:

- L1 A statement of the form *Every A is a B* is challenged by means of an interrogative sentence of the form *How about x?* In the associated direct defense move *P* puts forward a statement of the form *If x is an A then x is a B*. (Here the terms substituted for '*x*', '*A*', and '*B*' must of course be the same ones as before.) A question and an answer on the basis of a concession *Every A is a B* exhibit the same forms as a challenge and its associated direct defense move.
- L2 A statement of the form *At least one A is a B* is challenged by means of an utterance of *For instance?* In the associated direct defense move *P* puts forward a statement of the form *x is an A and x is a B*. Similarly for questions and an answers.
- L3 A statement of the form *S and T*, where both *S* and *T* are declarative sentences, is challenged, either by means of an utterance of *The first?*, or by means of an utterance of *The second?* In the first case what *P* should put forward in the associated direct defense move is the sentence *S*, in the second case it is the sentence *T*. Similarly for questions and an answers.

- L4 A statement of the form *If S then T*, where both *S* and *T* are declarative sentences, is challenged by means of an utterance of *(?)S* (henceforth the statement *S* will count as a concession). In the associated direct defense move *P* puts forward an utterance of *T*. On the basis of a concession *If S then T* the Proponent may ask whether the Opponent is prepared to concede *T*, or would rather challenge the statement *S*. The Proponent expresses this question by means of an utterance of *(?)S*. The associated answer is *T*. But *O* may also opt for a challenging move directed at *P*'s statement of *S*.
- L5 A statement of the form *x is an A* is challenged by means of an utterance of *Why?* There is no associated direct defense move. Questions on the basis of a concession of this form are not allowed.

We assume that the language used in this dialogue game also contains the following declarative sentence: *The Opponent's position is untenable*. (L5 will also apply to this statement.) We may then stipulate that in the dialogue game statements of the form *It is not the case that S* will be dealt with as if they read: *If S then the Opponent's position is untenable*. (Compare the sentence 'If she comes then I'll eat my hat', which expresses that it is not the case that she will come.) A separate logical rule for negation will then be superfluous. This stipulation implies that a Proponent who defends *It is not the case that S* must be prepared to defend that *O*'s position becomes untenable as soon as *O* adds *S* to her concessions. Further it is implied that that an Opponent who concedes *It is not the case that S* admits that her position will be untenable if it happens to be the case that *S*.

Further we may stipulate that in the dialogue game statements of the form *No A is a B* will be dealt with as if they read: *It is not the case that at least one A is a B* and therefore as if they read: *If at least one A is a B then the Opponent's position is untenable*.

Among the structural rules one finds the following:

- S1 The two parties move alternately. *O* moves first (challenging the initial thesis).
- S2 Each of *O*'s moves is either an challenge or an answer, in both cases in accordance with some logical rule.
- S3 Each of *P*'s moves is either a direct or an indirect defense move, in both cases in accordance with some logical rule, or else an unconditional defense move (a winning remark, i.e., the utterance of an exclamatory sentence *You said so yourself!* or of an exclamatory sentence *Your position turns out to be untenable!*).
- S4 The utterance of the exclamatory sentence *You said so yourself!* is permitted only if the statement of *P*'s that has been the latest to be challenged is also found among *O*'s concessions.
- S5 The utterance of the exclamatory sentence *Your position turns out to be untenable!* is permitted only if *O* did indeed concede that her position is untenable.
- S6 The statement of *P*'s that has been the latest to be challenged is the only statement that *P* may defend by means of a direct defense move (in accordance with some logical rule).

- S7 After the opening move, *O* must in all her further moves react to *P*'s immediately preceding move. Hence *O* must challenge the statement that *P* has just put forward, or grant a concession to answer the question *P* has just asked.

Other structural rules, that will not here be formulated, preclude senseless repetitions of moves on *P*'s side.

The rules for winning and losing are simple:

- W1 *P* wins by performing an unconditional defense move; in that case *O* loses.
- W2 *O* wins whenever it is *P*'s move, but there is no legal move for *P* to make; in that case *P* loses.

A DIALOGUE

In the following dialogue, Popeye is defending the thesis that no spinach-eating person is a donkey. Olive, his opponent in the dialogue, is prepared to grant some initial concessions. The record of the dialogue starts listing these concessions and the thesis. Moves have been numbered and comment has been enclosed in brackets.

- Concession 1: No muscleman is a donkey.
 Concession 2: Every spinach-eating person is a muscleman.
 Thesis: No spinach-eating person is a donkey

1. Olive: (?) At least one spinach-eating person is a donkey.
 [*O*'s opening move can only be a challenge directed at the thesis (see S1 and S2). According to the stipulations given above, the sentence *No spinach-eating person is a donkey* will be dealt with as if it read: *If at least one spinach-eater is a donkey then Olive's position is untenable*. The logical rule that tells us in what way this thesis must be challenged is therefore L4. This challenge entails that Olive grants a new concession.]
2. Popeye: For instance?
 [This is an indirect defense move, a question, in accordance with L2 and based on Olive's concession in her first move. Notice that this was not the only move *P* could have made at this stage. He could as well have asked a question on the basis of one of the initial concessions, or have opted for a direct defense move to meet the challenge.]
3. O: Popeye is a spinach-eating person and Popeye is a donkey.
 [An answer to the question in move 2, in accordance with L2. According to S7 *O* had to answer this question straightaway. But of course she was free to select another example.]

4. P: The second?
[A question in accordance with L3 and based on the concession granted in move 3.]
5. O: Popeye is a donkey.
[This answer, in accordance with L3, was compulsory.]
6. P: Your position is untenable.
[Only now *P* performs a direct defense move, in accordance with L4, to meet the challenge in move 1. Notice that this is a declarative sentence and *not* the winning remark *Your position turns out to be untenable!*]
7. O: Why?
[A challenge directed at the statement in move 6, in accordance with L5.]
8. P: The first?
[Another question, in accordance with L3, on the basis of the concession in move 3.]
9. O: Popeye is a spinach-eating person.
[The compulsory answer in accordance with L3]
10. P: (?) At least one muscleman is a donkey.
[This is a question, in accordance with L4, on the basis of the first initial concession. This concession is dealt with as if it read: *If at least one muscleman is a donkey then Olive's position is untenable*]
11. O: For instance?
[This is a challenge, in accordance with L2, directed at the statement in move 10. Another option for *O* was to answer the question in move 10 by admitting that her position is untenable. But, in that case, *P* would have got the opportunity to make a winning remark.]
12. P: Popeye is a muscleman and Popeye is a donkey.
[This direct defense move, in accordance with L2, is strategically strong. Popeye is to be admired for not having been distracted by the doubtful content of this statement. Notice that it is not the case that Popeye *admits* to be both a muscleman and a donkey, but rather that he assumes a burden of proof with respect to this statement relative to Olive and to the concessions she has granted up till now.]
13. O: The first?
[A challenge, in accordance with L3, directed at the statement in move 12. The other option for *O* was to utter the challenge *The second?*]
14. P: Popeye is a muscleman.
[A direct defense move, in accordance with L3, to meet the challenge in move 13.]
15. O: Why?
[A challenge, in accordance with L5, directed at the statement in move 14. This challenge is compulsory.]

16. P: How about Popeye?
[An indirect defense move (i.e., a question, in accordance with L1 and based on the second initial concession.)]
17. O: If Popeye is a spinach-eating person then Popeye is a muscleman.
[The compulsory answer in accordance with L1.]
18. P: (?) Popeye is a spinach-eating person.
[A statement and a question, in accordance with L4, on the basis of the concession in move 17.]
19. O: Popeye is a muscleman.
[O prefers this answer, in accordance with L4, to the other option, namely challenging the statement in move 18. Anyhow, such a challenge would only have given P the opportunity to make a winning remark (see move 9 and S4).]
20. P: You said so yourself!
[All the same, P makes a winning remark in accordance with S4 and based on both, the concession in move 19 and the last challenge performed by O, namely the one in move 15. According to W1 P wins and O loses the discussion.]

In this discussion Popeye was the winner. This result is, however, in no way determined by the initial situation. A discussion starting with the same thesis and the same concessions may also be won by O. For instance, if P were to waste his time with irrelevant questions on the basis of the second concession then he will (according to an S-rule not here formulated) get to a point where he reaches a preset limit of the number of moves he is allowed to make. Consequently, O will win the discussion according to W2. Nevertheless, whenever P plays the game with sufficient ingenuity, the initial situation guarantees that O will not be able to avoid her loss. She will not profit from any decisions she makes as to what moves to perform. For instance, for move 3 above, as well as for each alternative to that move, there is an adequate counterstrategy of which P may avail himself. In terms of mathematical game theory: there is a *winning strategy* for P. Earlier, we saw that in such a case the dialectician will say that the thesis follows logically from the concessions.

THE USES OF DIALOGUE GAMES

What are dialogue games meant to achieve? The answer has to be that various authors at various times had rather distinct applications in view. In his first publications on dialogue logic, Paul Lorenzen wanted to amend the foundations of mathematics. The goal was *to establish a constructive mathematics and to justify a constructive logic* (e.g., the intuitionistic logic of Arend Heyting), but to do so without absorbing the solipsistic (one mind) philosophy of Heyting's teacher, L. E. J. Brouwer. Soon it became evident that, by varying the rules of dialogue, a dialogical foundation could also be given for other logics

than Heyting's, including classical logic to which all constructivists were in some way opposed. This is not to say that the case for constructive (intuitionistic) logic was now lost, because one could still try to show that those rules of dialogue that yield a constructive logic are for some reason to be preferred.

In the years that followed, dialogue logic developed into an independent dialogical orientation toward logic that can compete with the semantic and with the derivational orientations as a means *to give a characterization of logical constants*—that is, to determine the meaning of words such as *and*, *or*, *not*—but doing so by means of rules that stipulate in what way these words are to be used in discussion (compare the L-rules above).

This dialogical orientation towards logic can also compete with the semantic and the derivational orientations as a means *to provide precise meanings for concepts of theoretical logic*, such as 'validity' or 'consistency.' Connections with other orientations were extensively investigated.

Lorenzen realized that the dialogical approach could further be deployed *to contribute to the foundation of other than mathematical uses of language*. Together with a number of German philosophers (known as the 'constructivists' or as the 'Erlangen School'), he worked for a considerable period towards a critical reconstruction of the *Bildungssprache* (the language of culture, i.e., the language of science and philosophy, and so on). Thus he hoped to put a check on the common phenomenon of undisciplined and uncommunicative talking and writing. Point of departure in this enterprise were those speech acts for which it is sufficiently clear how they should be executed and for what purpose (for instance simple orders). Every step in the further construction of language should be teachable and justifiable. This process of stepwise reintroduction of linguistic resources guarantees that, once we reach through many steps those terms that are presently giving us trouble, a clear and teachable way to use them may be stipulated. The language of culture that is reconstructed in this way is called *Orthosprache* (ortholanguage). The dialogical approach to logical constants has been incorporated in this project. See, for instance (Lorenzen, 1987).

Another objective of dialogue logic is *to provide models for argumentation theory*. This aim is not inconsistent with the ideal of an ortholanguage, but neither need it be restricted to that context. Let me briefly point out why argumentation theory, more specifically *dialectical* argumentation theory, needs models of dialogue. In the dialectical approach to argumentation it is assumed that in arguments there are always two roles in play, even when just one person is putting forward an argument so that the role of the Opponent remains implicit (monologues). The starting point for all arguments is found in differences of opinion. The goal of an argumentative process is to resolve a difference of opinion so as to reach a solid and well-founded agreement. It is not sufficient just to settle the difference by negotiation or to put an end to it in some ad hoc way. Therefore, the argumentative process must consist of a serious and critical discussion of the issues. The ideal format of this process is to be given by a model of discussion. Real life argumentative discussion may not be in accordance with this ideal format, but the theorist needs a model to analyze and evaluate what actually goes on.

Models of argumentative discussion can be more or less formal. Logical dialogue

games provide one kind of formal model (the Lorenzen-type model; Barth & Krabbe, 1982), but Hamblin's systems of formal dialectic provide another type (the Hamblin-type model; Hamblin, 1970). These two types of models are nowadays combined in one complex type (Walton & Krabbe, 1995). All these formal models belong to the approach to argumentation that is called 'formal dialectic.' In the approach to argumentation called Pragma-Dialectics rather more informal models, based on speech act theory, are used (van Eemeren & Grootendorst, 1984, 1992, 2004). In my view, these approaches supplement one another.

Formal dialogue games, and in general formal dialectic systems, of many different types constitute a kind of laboratory for the argumentation theorist, where small scale conceptual experiments are possible regarding concepts such as: making a claim, granting a concession, useless versus useful repetition, burden of proof, blunder, fallacy, relevance, being in the right versus being put in the right, and so forth. Further experiments concern different options for rules of dialogue as well as the interaction of rules of dialogue that seem separately plausible. Thus the study of dialogue games, together with other kinds of formal dialectic, may stepwise contribute to a comprehensive theory of argumentation, which is to include perspectives from Pragma-Dialectics and rhetoric.

Finally, it can be seen that dialogue logic, together with other dialectically oriented studies in logic and argumentation, continues *to relate with work in artificial intelligence and linguistics*. A recent issue of *Synthese*, edited by Shahid Rahman and Helge Rückert testifies of the influence of dialogue logic in several directions and of the continuing interest in dialogue logic itself (Rahman & Rückert, 2001).

ACKNOWLEDGMENT

This chapter consists of an adaptation and translation of an earlier Dutch publication (Krabbe, 1991). It is here for the first time published in English with gracious permission of Uitgeverij Boom, Amsterdam.

REFERENCES

- Barth, E. M., & Krabbe, E. C. W. (1982). *From axiom to dialogue: A philosophical study of logics and argumentation*. Berlin/New York: Walter de Gruyter.
- Eemeren, F. H. van, & Grootendorst, R. (1984). *Speech acts in argumentative discussions: A theoretical model for the analysis of discussions directed towards solving conflicts of opinion*. Dordrecht/Cinnaminson, NJ: Foris.
- Eemeren, F. H. van, & Grootendorst, R. (1992). *Argumentation, communication and fallacies: A pragma-dialectical perspective*. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Eemeren, F. H. van, & Grootendorst, R. (2004). *A systematic theory of argumentation: The pragma-dialectical approach*. Cambridge: Cambridge University Press.

- Hamblin, C. L. (1970). *Fallacies*. London: Methuen. Reprinted with a preface by John Plecnik and John Hoaglund, Newport News, VA: Vale Press, 1986.
- Krabbe, E. C. W. (1991). Logica en spel [Logic and games]. *Wijzgerig Perspectief op maatschappij en wetenschap*, 31, 102-111.
- Lorenz, K. (1961). *Arithmetik und Logik als Spiele*. Doctoral Dissertation, Christian-Albrechts-Universität, Kiel. Selections reprinted in Lorenzen and Lorenz 1978, pp. 17-95.
- Lorenzen, P. (1987). *Lehrbuch der konstruktiven Wissenschaftstheorie*. Mannheim: Bibliographisches Institut, Wissenschaftsverlag.
- Lorenzen, P., & Lorenz, K. (1978). *Dialogische Logik*, Darmstadt: Wissenschaftliche Buchgesellschaft.
- Plato (1997). *Euthydemus*, translated by Rosamond Kent Sprague. In Plato, *Complete Works*, edited by John M. Cooper and D. S. Hutchinson (pp. 708-745), Indianapolis, IN, and Cambridge: Hackett Publishing Company.
- Rahman, S., & Rückert, H. (Eds.). (2001). *New perspectives in dialogical logic*. *Synthese*, 127.
- Walton, D. N., & Krabbe, E. C. W. (1995). *Commitment in dialogue: Basic concepts of interpersonal reasoning*. Albany, NY: State University of New York Press.

Rhetoric, Dialectic, and the Functions of Argument

Michael Leff

University of Memphis

Just a little more than 50 years ago, in an essay entitled "Rhetoric and Dialectic at Dayton, Tennessee," Richard Weaver (1953) argued for an essential and categorical distinction between rhetoric and dialectic. Rhetoric, he maintained, should deal with prudential conduct in particular situations, while dialectic should deal exclusively with winning rational assent for abstract principles. From this perspective, dialectic was sealed within the domain of the intellect and, in and of itself, made no difference in respect to conduct. Any attempt to apply a dialectically secured position to the world of practice required that an arguer step outside the ambit of dialectic and enter the field of rhetoric. Rhetoric should have nothing to do with abstract deliberation, and aside from offering abstract possibilities for prudential use, dialectic should have nothing to do with rhetoric. This divergence, Weaver noted, was often confused in argumentative practice, but "no student of argumentation" could "doubt that some extraordinary confusions would be prevented by knowledge of the theory of this distinction" (p. 28).

Even at the time Weaver made this assertion, we might wonder whether it commanded unquestioned assent. But however it might have been received then, there is no doubt that nowadays few students of argumentation would endorse it. During the past two decades, while the relationship between rhetoric and dialectic has commanded dramatically increased attention, Weaver's once influential essay has disappeared from view or, at best, faded into the obscurity of footnotes itemizing discarded theories. As opposed to Weaver's effort to maintain compartmentalized purity, the recent scholarship has followed the fluid and overlapping lines sketched by Joseph Wenzel.

Wenzel regards rhetoric and dialectic as distinguishable but related perspectives on argumentation. Dialectic, in his conception, studies procedures for settling disputes through critical discussion; rhetoric studies argumentative processes as they actually occur in

persuasive encounters. This formulation indicates a significant difference in orientation between the two; dialectic generates norms for reasonable argument; rhetoric engages the sprawl of argumentative practice. But the relationship between norms and practices is considered interactive rather than exclusionary, and Wenzel (1990) insists that both perspectives can and should be applied to arguments of any type. Most recent scholars implicitly or explicitly support this view, and when van Eemeren and Houtlosser (2002) commit themselves to break down "the sharp and infertile" division between rhetoric and dialectic (p. 137), they express an attitude now generally accepted by students of argumentation.

An interactive conception of rhetoric and dialectic raises questions about how the two ought to interact. Should we place them in a hierarchal order, where one has precedence over the other? If so, which of them should have priority? Should they be regarded as parallel and equal? If so, how do we sort out their functions? These problems are greatly complicated by the ambiguity of the terms rhetoric and dialectic, since attempts to align the two must somehow manage terms whose meanings have shifted and changed over the long history of their use. Fortunately, however, much of the recent literature adopts, at least implicitly, Wenzel's distinction between dialectic as procedure for resolving disputes and rhetoric as study of processes that occur in argumentative disputes. And within this terminological frame, the main issue emerges with some degree of clarity and specificity: Either the norms for resolving disputes through critical discussion should take priority over argumentative practices as they appear in situated political and cultural contexts, or the contexts and practices of argument should be regarded as prior to and more basic than dialectically constituted norms. The two positions allow space for both rhetoric and dialectic, but the first, which I call a "rhetorical dialectic," subsumes rhetorical elements within a dialectical perspective. The second, which I call a "dialectical rhetoric," reverses the alignment and subsumes dialectical interests within a rhetorical perspective.

Both of these possibilities are well illustrated in the current literature by van Eemeren and Houtlosser (1998, 1999, 2000, 2002) on the one side, and by Christopher Tindale (1999), on the other. Working within the pragma-dialectical frame, van Eemeren and Houtlosser elaborate a "rhetorical dialectic," while Christopher Tindale adapts and extends Perelman's "new rhetoric" so that it becomes a "dialectical rhetoric." In the next few pages, I provide a brief overview of these approaches and then examine, in somewhat greater detail, an example that both use to illustrate their positions. Before doing so, however, I want to note that, whatever their differences in other respects, the two perspectives are similar in that they offer a general theory of argumentation (i.e., a theory that encompasses all contexts and types of argumentative discourse). This characteristic, as I try to demonstrate, makes it difficult to avoid a vertical, hierarchal placement of rhetoric and dialectic and tends to obscure views that situate the two in a parallel, horizontal configuration.

Van Eemeren and Houtlosser (2002) seek to extend and thicken Pragma-Dialectics by incorporating a rhetorical dimension within it. They associate rhetoric with "strategic maneuvering" designed to resolve differences in a way favorable to an arguer's position,

and they assign to it three components—the selection of “topic potential” (i.e., the framing of issues), audience adaptation, and the use of presentational devices. These rhetorical elements all involve choices that promote one’s own standpoint in a dispute rather than a dialectically balanced effort to settle differences between opposing standpoints. Nevertheless, a realistic conception of argumentation, they explain, needs to acknowledge that arguers tend to beat their own drum, and this concession to self-interested motives does not undermine the larger goal of achieving reasonable settlement of disputes: “It is generally not the arguers’ sole aim to win the discussion, but also to conduct the discussion in a way that is considered reasonable” (p. 135). Thus, van Eemeren and Houtlosser (2002) conclude that rhetoric and dialectic can and should operate in tandem, but there is no doubt about their relative priority or about where and how we determine the limits of the rhetorical: “We aim at integrating rhetorical insight into a dialectical framework, instead of the other way around, because our primary interest was and is the resolution of differences of opinion by putting standpoints to the critical test” (p. 135, fn. 14).

Opting for an “audience-oriented” rather than a “resolution-oriented” approach to argumentation, Christopher Tindale reverses the priorities of *Pragma-Dialectics*. For him, argumentation is always and inevitably rooted in a context that includes an arguer, an audience, a subject, and a time and place. Following Perelman, Tindale (1999) holds that these elements coalesce in respect to the relationship between the arguer and the audience, and hence adaptation to the audience is not merely a component of argumentation but its core requirement. The dialectical procedures for resolving disputes (as well as the logical principles of inference) are nested within a context of social interaction where an arguer seeks to gain the adherence of an audience, and consequently “the most appropriate synthesis of the main perspectives in argumentation theory is the one grounded in the rhetorical” (p. 6).

When he claims that audience adherence is the basis for understanding and assessing argumentation, Tindale opens himself to the charge of encouraging a vicious relativism that destabilizes the standards needed for reasonable deliberation and offers no protection against manipulation, deception, and pandering. Anticipating this objection, Tindale invokes Perelman’s conception of the universal audience—a construct that embodies general norms of reasonable argument and that functions as a check against purely opportunistic tactics. Tindale concedes that arguers often do not concern themselves with the universal audience and its principle of reason, but he insists that all arguments should be appraised “principally in terms of whether they would be acceptable to a universal audience” (p. 92). Thus, the universal audience becomes the touchstone for evaluating arguments, and it supercedes the systematic abstract rules used for that purpose in the *pragma-dialectical* system.

Tindale (1999) maintains that the universal audience differs from other referents for assessing arguments because it is not “introduced into the argumentative situation from the outside. It is developed out of the particular audience and so is essentially connected to it” (p. 117). The universal audience is invoked in relation to some particular argumentative encounter, and judgments based on it must remain mindful of the interests and foibles of

the particular audience and the need accommodate to it. But the arguer or the critic can distill features of the concrete audience and construct a universal audience relevant to the case; this is a construction that embodies reasonableness in a universal sense but that refers to "real people able to distance themselves and to see beyond their perspectives" (p. 118). The distinctive feature of this conception is the interaction between the actual and the ideal, and Tindale holds that it offers a standard of evaluation that is not only organically connected to argumentative practice but that also encompasses and includes other perspectives. Assessments based on the universal audience do not discard the inferential rules of logic or the procedural norms of dialectic but keep them in consideration and test their applicability to a case as the assessment proceeds.

The contrast I have just sketched between Tindale's rhetorical model of argumentation and the rhetorically expanded version of pragma-dialectics should not obscure the many affinities between the two approaches. Both regard argumentation as a reasonable (rather than a strictly rational or merely persuasive) means for settling disputes. Both attempt to develop a synthetic, general model of argumentation, and they incorporate many of the same elements and perspectives into their respective models. The great difference between them arises from the way that they order the relationship between rhetoric and dialectic, where the first term is associated with the social context of argument and the second with norms for resolving argumentative encounters. This dissimilarity has important philosophical implications, as it touches upon basic questions about what argumentation is and ought to be, and it also has a crucially important bearing on the internal structure of the theories, since the systematic taxonomies and methods of Pragma-Dialectic could hardly be sustained in a theory more concerned with social contexts rather than with procedural goals. These matters raise issues of greater breadth and complexity than I can engage in this chapter, but we should also expect to find a more easily recognized difference in the way that the two models evaluate arguments. On this issue, we can get down to cases, and as luck would have it, we have a case readily at hand for comparative purposes.

By sheer coincidence (to the best of my knowledge), the pragma-dialecticians and Tindale have both used the same short text as a vehicle for illustrating how they go about evaluating arguments. The text is an "advertorial" that the Shell corporation published in November 1995 in newspapers throughout the world.¹ The advertorial addresses Shell's presence in Nigeria, which had been sharply criticized in some circles, and it offers a defense of past actions and a justification of current policies.

On first inspection, the two critical essays seem strikingly different. Van Eemeren and Houtlosser provide only a very brief introduction before launching into the analysis of the text. Tindale, consistent with his rhetorical orientation and his focal interest in context and audience, devotes a full page to an account of the background of the controversy and then adds a rather detailed discussion of the advertorial's likely audience, stressing its complex and composite nature. The two commentaries are also organized along contrasting lines. Van Eemeren and Houtlosser rely upon the analytic categories of pragma-dialectic

¹ The full text is printed in van Eemeren and Houtlosser, 2002, pp. 143-144.

method, which divides arguments into four consecutive stages (confrontation, opening, argumentation, and concluding), and they follow this pattern first through an analysis of the text and then through an evaluation of it. Tindale proceeds through the order of the text itself from its opening to its ending, providing *seriatim* observations about each paragraph.

These differences in format and structure notwithstanding, the two essays demonstrate an equally well developed rhetorical sensibility. As we would expect, Tindale generates an expert and sophisticated reading of the rhetoric of the text. He carefully notes how the arguments relate to and build upon one another as the text unfolds, and he makes especially perceptive comments about how the author attempts to accommodate to different subgroups in the audience. Van Eemeren and Houtlosser also prove to be impressive critics. The ever present pragma-dialectic apparatus does not obscure their perception of the rhetoric of the text or impede their ability to follow its linguistic and strategic nuances, and they recognize rhetorical features that escape even Tindale's sharp eye. They make good use of rhetorical concepts such as genre, stasis, and stock issues, which do not have a prominent place in Perelman's repertoire. They skillfully explicate the shifting author-audience relationship constructed in the text, a relationship that moves from sympathetic inclusion, to neutrality, to parental lecturing. And most remarkably, in my judgment, they identify an unobtrusive but crucially important twist in the rhetorical structure of the advertorial.

This last point is so critical to van Eemeren and Houtlosser's reading of the text (and to my response to it) that I want to devote some attention to it. The pragma-dialecticians divide the advertorial into two major sections. The first they regard as an *apologia* intended to exonerate Shell from charges that it had failed to prevent the execution of a Nigerian dissident and that it had caused environment devastation. The second main section turns to policy matters, and the advertorial argues that Shell should not abandon its projects in Nigeria and leave the country.² According to van Eemeren and Houtlosser (and in this Tindale concurs), the key objection to the point about policy arises from the contention that Shell, by its continued presence in Nigeria, indirectly supports the brutal regime that was then in power. In the "policy section," the text does not immediately engage this issue, but instead claims that Shell should continue its work in Nigeria, because if it left, both the people of Nigeria and the environment would suffer disastrous consequences. Only in the final paragraph does the advertorial touch on the issue of

² Van Eemeren and Houtlosser (2002) regard the two main divisions of the text as *apologetic* (a subgenre of forensic rhetoric that focuses upon guilt or innocence in respect to past fact) and as "policy" discourse (i.e. the deliberative genre that focuses on recommendations for action in the future). I think the text might also be read as deliberative in its entirety with the two main sections viewed as dealing successively with the topic of the "honorable" and the "expedient," which some classical writers designate as the main issues of deliberative rhetoric. If read in this way, the text has special appeal for the "business community" (which Tindale identifies as one likely audience), since the whole text would then work to justify Shell's policies and reassure readers that the company will continue to pursue them. It is also possible to read the whole text as an *epideictic* exercise designed to defend Shell against attack and promote a positive image. Such a reading is supported by the fact that the second or "policy" section of the essay mainly praises Shell for aiding the people and the environment of Nigeria. Viewed from this angle, the advertorial has special appeal for another possible audience Tindale identifies – those who might boycott Shell products and who might be persuaded not to do so by the advertorial.

Shell's relationship to the government: "Some campaigning groups say we should intervene in the political process in Nigeria. But even if we could we must never do so. Politics is the business of governments and politicians. The world where companies use their economic influence to prop up or tear down governments would be a frightening and bleak one indeed" (cited in van Eemeren & Houtlosser, 2002, p. 144).

This final paragraph, van Eemeren and Houtlosser contend, rather artfully violates the principle of relevance. The issue is whether Shell has supported the Nigerian government, but the advertorial asserts only that it is undesirable for a company either to "prop up or tear down" governments, and while, in the context, this assertion might imply that Shell has not supported the regime, it does not touch directly on the factual question of whether it has actually done so. This strategic maneuver, then, "circumvents" the genuine issue at stake by deflecting the reader's attention. Moreover, van Eemeren and Houtlosser note that the circumvention gains credibility because it appears at a point in the text where, since the argument has shifted into a deliberative mode, it is natural "to read the last paragraph as another justification of Shell's policy. Nevertheless, Shell is back to its apologetic endeavor: the issue is no longer whether Shell should adopt a certain policy, but whether the company is, politically and morally, to blame, for its policy" (p. 146). In short, the text uses a number of linguistic and organizational devices to manipulate the issues in dispute and change their focus "by highlighting and addressing selectively only those issues that Shell can cope with and dealing then only indirectly with the main issue it is expected to address" (p. 156).

Tindale (1999) registers a similar reaction to the advertorial's conclusion when he comments that "there is a difference between having a political impact and interfering in politics. But the text does not even recognize objects based on the first of these distinctions" (p. 138). And in other respects his assessment of the text corresponds with the judgments of van Eemeren and Houtlosser. Like them, Tindale finds multiple violations of the relevance principle; like them, he notes the author commits an *ad verecundiam* fallacy by appealing to the authority of Shell in a dispute where Shell's trustworthiness is very much in question. Like them, he notes the use of false dichotomies and abusive *ad hominem* arguments that unfairly discredit Shell's critics. And Tindale's conclusion, refracted through the universal audience, is the same as van Eemeren and Houtlosser's dialectically motivated judgment—the advertorial does not survive critical scrutiny and does not pass the tests needed to qualify as reasonable argumentation. The two evaluations are so close in general tendency and in their treatment of specifics that the differences are only matters of detail and emphasis. And this is, I think, rather surprising. Tindale takes great pains to separate himself in theory from pragma- (as well as other kinds of) dialecticians, and he invokes the universal audience as the main point of separation. Yet, when he comes down to cases and puts the universal audience into action, it turns out to behave very like an ensemble of argumentation scholars from the Spuistraat.

I do not believe that this example is an isolated or special case where the characteristics of the text being studied attract the two approaches into the same evaluative frame. Instead I regard it as a representative anecdote that sheds considerable light on general

problems connected with recent efforts to settle relations between rhetoric and dialectic. Contemporary scholarship favors synthetic theories that posit a single function for argumentation (see Hitchcock, 2002). Within this theoretical environment, the effort to align rhetoric and dialectic virtually forces the subordination of one to the other, their relative position being determined by the function (e.g., audience adherence or dispute resolution) that holds the privileged position. Moreover, even in cases where rhetoric occupies the superior position, argumentation scholars almost instinctively attempt to domesticate it for academic purposes and to use a mechanism, such as the universal audience, to keep it under dialectical restraint.

The need for such restraint reflects the connection between rhetoric and the sprawling and often unruly practices of argument in the social/political world. Jacques Braunschwig (1996) makes this point colorfully when he writes that: "In spite of its possible use in 'encounters' with 'ordinary people,' dialectic is basically a greenhouse flower that grows and flourishes in the protected atmosphere of the schools. The philosopher is able to keep it under intellectual control . . . But rhetoric is a plant growing in the open air of the city and the public places. This is why it smashes abstract schemas into fragments; it offhandedly makes fun of the most respectable theoretical distinction" (p. 51). Little wonder, then, that argumentation theorists opt for a dialectically groomed version of rhetoric.

I have no objection to this effort, and I think the record shows that it has had productive consequences. As the pragma-dialecticians have demonstrated, an infusion of rhetorical concerns, however constrained by procedural mechanisms, helps make dialectic something less of a hothouse plant and somewhat better able to survive in the open air where it can help resolve public disputes. Moreover, both van Eemeren and Houtlosser's rhetorical dialectic and Tindale's dialectical rhetoric prove useful even to those who prefer to study rhetoric from a less constrained perspective. At the very least, these theories help clarify why and how rhetoric does its unruly business, for we now have a better way of identifying the schemas that rhetoric "smashes" and of the mechanisms it uses for this purpose.

Nevertheless, these restrained versions of rhetorical argument should not lead us to ignore the rhetoric of advocacy, which seeks neither to resolve disputes nor make reasonable arguments, but to persuade an audience. This agonistic form of argument is widely practiced, has a constructive role to play in certain contexts, and can be justified as promoting *one* of the legitimate functions of argument. With these thoughts in mind, we might reconsider the Shell advertorial. The critiques of this text note, quite accurately, that it maneuvers to highlight certain issues and to obscure others so that the arguer can present Shell's case in the most favorable light. From the pragma-dialectic perspective, this maneuver deflects attention from the charge made by Shell's critics, and thus it is fallacious because it impedes resolution of the dispute, and Tindale raises a similar objection based on his criterion of reasonable argument. But if we view the text as an act of advocacy, these criticisms have less force. The advertorial is not and need not be directed to resolve differences between Shell and its critics; its function is to defend and promote Shell's interest in the public arena, and in disputes of this kind, it is not always

clear which issues ought to be highlighted and which should be pushed into the background. The standards of responsible advocacy do not necessarily correspond to the rules of dispute resolution nor to criteria for reasonable argument as determined by a universal arbiter.

The issues involved here are rather complicated, and since the Shell advertorial is a thin exercise in advocacy (and one that I have no interest in defending), I need to abandon it and find a better case to explain my position. The literature of oratory contains many notable examples that might apply, but the one that comes first to my mind is a forensic speech of Cicero, the "Pro Murena," that was delivered in the year of his consulship (63 B.C.) and in the midst of Catiline's insurrection.³

The defense of Lucius Murena presented Cicero with a difficult legal and rhetorical problem. Murena had been elected consul in 63 B.C., but immediately after the election, one of the losing candidates (Servius Sulpitius) and Cato the Younger prosecuted Murena for bribery. The bribery law in question was one that Cicero himself had sponsored, and Murena seemed obviously guilty. By the time the trial was held, however, Rome faced an armed insurrection, and Cicero was convinced that the interests of the state mandated an acquittal so that Murena could assume the consulship at the end of the year.

As an advocate, Cicero's task was to highlight those aspects of the situation that favored his position and to obscure the legal and factual issues that worked against it. And this task involved manipulation of generic expectations, since Cicero needed to guide his audience into a deliberative frame, where future consequences and the good of state became paramount concerns while the legal issues faded into the background. The speech is masterfully designed to meet these requirements. It is also rife with the dialectical problems that we noted in the Shell advertorial, especially in respect to topic relevance.

Cicero uses a variety of strategies to focus matters on the political rather than the legal context, but perhaps the most important and certainly the most cunning is his use of the prosecutor Cato as a pivotal referent for building his case. Early in the speech and repeatedly afterward, Cicero argues that the greatest obstacle to a successful defense is the ethos of Cato, whose reputation for integrity carries enormous weight. So artfully and forcefully does Cicero express this claim that most readers, including some very sophisticated classical scholars, have accepted it at face value and have interpreted the text from that perspective. In reality, however, the greatest obstacle facing Cicero is his client's guilt. Cicero is very hard pressed to answer the relevant legal charges against Murena, but in respect to Cato's ethos, the orator opens a topic where he can work his verbal and argumentative magic.

As the speech proceeds, Cicero represents Cato's character and his role in the trial in a way that supports the larger strategy of shifting attention from legal to deliberative interests. Cato, Cicero reports, is a worthy and honorable man, so virtuous that his character is nearly perfect—but not quite. There is a flaw, and it results from his training

³ The Latin text and an English translation of the speech by C. MacDonald can be found in the Loeb Library Series, Cicero X (1976). For a more detailed rhetorical analysis of the text, see Leff (1998).

in the austere and coldly logical philosophy of Stoicism, which has made him somewhat literal-minded and harsh and rendered his judgment less flexible than is proper for a Roman statesman. And because of this flaw, Cato has acted imprudently in the case at hand. He is so concerned about absolute integrity that he mistakes Murena's generosity for bribery, and he is so obsessed by the technical provisions of the law that he fails to appreciate hazards caused by prosecuting the future head of state during a moment of crisis. And so if the real issue is Cato's character, then the case comes down to a question of judgment, and the very characteristics that make Cato such a paragon of virtue in one sense also render him inept when it comes to political judgment. In effect, the jury is invited to correct Cato's error and maintain political stability against a stubbornly inappropriate effort to enforce the letter of the law.

The speech contains a good many other maneuvers of this kind, but the Cato example is sufficient to illustrate how Cicero dodges the legal issues by focusing attention on other considerations. Can we say that his maneuvering violates the principle of topic relevance? True enough this is a legal speech, and the orator dances around the specific legal charges that define the case. But what if Cicero is right when he argues that it was a grave mistake to bring this case to trial? Isn't it possible that political interests really do outweigh the technical legalities? If so, we might conclude that Cicero is ethically and logically justified in prompting the jury to filter the case through political lenses. Moreover, he can hardly be faulted for relying upon verbal *legerdemain* to advance his purposes. The institutional constraints of the law court force this kind of rhetorical indirection, and Cicero's responsibility, both as an advocate and as a citizen, is to make the most persuasive case for his position.

The "Pro Murena" then can be viewed as an example of advocacy rhetoric that performs a legitimate argumentative function even though it violates dialectically grounded rules of relevance. A more extensive analysis of the text would bring to light a good many other, and often more blatant, examples of fallacious argument—appeals to authority, pity, and fear, equivocations, question-begging tactics and the like that have persuasive appeal but that would not win approval from the universal audience nor correspond to the felicity conditions of Pragma-Dialectics. Yet "Pro Murena" also does important argumentative work and advances legitimate public interests. Moreover, any student of traditional rhetoric could produce a long list of other legal and political texts that display similar dialectical shortcoming but still seem to function well in terms of their own justifiable purposes. If this is so, then advocacy must represent a legitimate function of argument that neither seeks to resolve a dispute nor to gain the adherence of the audience to theses through reasonable argument.

Advocacy nowadays is most closely associated with legal proceedings, where, especially in Anglo-American society, adversarial argument has become institutionalized and regulated by elaborate procedural rules. But this form of argument has an extensive history of application in other contexts where the exercise is less clearly directed to a decision about a particular case. For example, Cicero, following the New Academy, regarded the direct clash of pro and contra argument as the preferred mode of philosophical

inquiry. Medieval and Renaissance (and even some modern) clerics studied theology through a form of dialectic that entailed head-on confrontation between adversaries. An advocacy model, similar to Cicero's, informed much of Renaissance education and as Thomas Sloane (1997) has argued, it generally worked well both as vehicle for learning and as an exercise for developing mental agility, and in the Jewish tradition, Talmudic scholarship has long proceeded through agonistic debate.

At present, these forms of advocacy, except perhaps those in the legal arena, generally seem either archaic or quaintly unfashionable, and contemporary sensibilities find such agonistic exchanges uncomfortable. Most of us now prefer to talk about differences in deferential and polite tones and to avoid verbal combat. Moreover, the idea of arguing to win, rather than to discover truth or to produce willing assent, raises the specter of deception, fraud, and manipulation, and so is liable to be dismissed without much reflection. Nevertheless, the agonistic model does have a plausible justification as a legitimate and useful form of argument, and we ought to consider it before we bury advocacy under the weight of currently fashionable biases.

To begin with the more familiar rationale, advocacy can serve a constructive function when the parties directly involved hold strong, firmly entrenched views or have conflicting interests. In this situation, differences are often best settled by neutral third parties who decide in favor of one of the disputants or who can stipulate a compromise position. The law courts are the clearest example where argument proceeds on this basis, but it is also a model that can work in other situations when it proves difficult, as it often does, for the parties to maintain a reasonably well balanced perspective on the issue. It is a natural human tendency to regard our own beliefs and interests as fair and legitimate and to have great difficulty understanding contrary views. Sometimes (perhaps with the aid of pragma-dialectical protocols), we can overcome this tendency, but sometimes we can not. At least in some circumstances, then, it makes more sense for the parties to engage in straightforward competition than to sustain the fiction of balanced argument. In other words, whenever the arguers are not the judges, a frankly agonistic exchange has potential value.

Second, adversarial argument also plays a useful role in testing beliefs and ideas. When advocates are assigned opposing roles, they are free to pursue all possible reasons for supporting a position, and when different advocates present their partisan arguments, the polyphonic result may give a more comprehensive view of things than a single fair-minded, neutral inquiry. Thus, the paradox noted by Thomas Macauley, when he observed that the fairest decision may be achieved "when two men argue, as unfairly as possible, on opposite sides," since then "it is certain that no important consideration will escape notice" (quoted in Smith, 1996, p. 318).

Both of these justifications are open to objection and qualification, but I believe that they are sufficient to make a *prima facie* case for the legitimacy of advocacy and for reinstating it within the catalogue of legitimate argumentative functions. In making this plea, my aim is not to encroach on the domain of either Pragma-Dialectics or Tindale's dialectically tempered rhetoric. Both approaches identify important purposes for argumentation and both provide sophisticated means for evaluating arguments in light of

those purposes. But, in my judgment, they do not exhaust the range of authentic functions for argumentation, and the traditional rhetorical goal of winning a verbal contest is one of these functions.

REFERENCES

- Braunschwig, J. (1996). Aristotle's rhetoric as 'counterpart' to dialectic. In A. O. Rorty (Ed.), *Essays on Aristotle's rhetoric* (pp. 34-55). Berkeley: University of California Press.
- Eemeren, F. H. van, & Houtlosser, P. (1998). William the Silent's argumentative discourse. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. W. Willard (Eds.), *Proceedings of the fourth international conference of the international society for the study of argumentation* (pp. 163-67). Amsterdam: Sic Sat.
- Eemeren, F. H. van, & Houtlosser, P. (1999). Strategic maneuvering in argumentative discourse. *Discourse Studies*, 1, 479-497.
- Eemeren, F. H. van, & Houtlosser, P. (2000). Rhetorical analysis within a pragma-dialectical framework. *Argumentation*, 14, 293-305.
- Eemeren, F. H. van, & Houtlosser, P. (2002). Strategic maneuvering: Maintaining a delicate balance. In F. H. van Eemeren, & P. Houtlosser (Eds.), *Dialectic and rhetoric: The warp and woof of argumentation analysis* (pp. 131-160). Dordrecht: Kluwer Academic Publishers.
- Hitchcock, D. (2002). Aristotle's theory of argument. In K. Boudouris, & J. Poulakos (Eds.), *Greek philosophy of communication*, vol. 1 (pp. 73-91). Athens: International Center for Greek Philosophy and Culture.
- Leff, M. C. (1998). Cicero's Pro Murena and the strong case for rhetoric. *Rhetoric and Public Affairs*, 1, 61-87.
- Sloane, T. (1997). *On the contrary: The protocol of traditional rhetoric*. Washington, DC: Catholic University of America Press.
- Smith, P. R. (1996). 'A self-indulgent misuse of leisure and writing'? How not to write philosophy: Did Cicero get it right? In J. G. F. Powell (Ed.), *Cicero the philosopher* (pp. 301-24). Oxford: Clarendon Press.
- Tindale, C. W. (1999). *Acts of arguing: A rhetorical model of argument*. Albany: SUNY Press.
- Weaver, R. M. (1953). Rhetoric and dialectic in Dayton, Tennessee. In R. M. Weaver, *The ethics of rhetoric* (pp. 27-54). Chicago: Regnery.
- Wenzel, J. (1990). Three perspectives on argument. In R. Trapp, & J. Schuetz (Eds.), *Perspectives on argumentation: Essays in honor of Wayne Brockriede* (pp. 27-54). Denver: Waveland.

This page intentionally left blank

The Pragma-Dialectical Ideal of Reasonableness and an Education for Critical Thinking and for the Building of a Moral Community

Celso López

Pontificia Universidad Católica de Chile

Ana María Vicuña

Pontificia Universidad Católica de Chile

In this chapter we reflect on the influence that the pragma-dialectical concept of reasonableness has had in our work on education. It seems to us that the best way to show the important influence of this approach on our work is to relate it to the story of our search for a concept of reasonableness.

As this story unfolds, we reflect on: the concept of reasonableness that should underlie an education for democracy and for critical thinking; how the concept of reasonableness is understood in Philosophy for Children, especially in its conception of a "community of inquiry"; moral education and the necessity of building a moral community; and the pragma-dialectical ideal of reasonableness and its role in the building of a moral community.

The beginning of our search was motivated by practical reasons; it was marked by our experience with the military coup that overturned Allende's democratic government in Chile and installed a long lasting military dictatorship. When this dictatorship finally came to an end, after 17 years, and the country began to return to democracy, we decided that we wanted to contribute to an education for democracy. We realized that democratic institutions and a democratic way of life had to be rebuilt in order for our newly recovered democracy to flourish and to grow strong.

We started our research in 1990, under the government of Patricio Aylwin, the first democratic president following the long years of military rule. Our main concern was the fragility of our democracy. Strongly present in our minds was the image once used by Albert Gray Thompson (1989) about Latin America's "revolving door democracy-constitution-dictatorship." We realized that Chile was by no means free of this danger.

Our first objective was to develop the intellectual abilities that would enable our students to participate effectively in a democratic society. We thought that it was not enough for people to have free elections and to have their rights granted by a democratic

constitution, they must be able to make use of them, both for their own well being and for the building of a better society.

In order to participate effectively in a democratic society, citizens require some basic reasoning skills, so that they can understand what they read or hear in the newspapers and the media, judge it, and come to their own conclusions. They also need to develop the ability to express their opinions clearly, to defend their ideas and to work out agreements through dialogue. As importantly as these, the basic attitudes of mutual respect, tolerance, cooperation and responsibility are also required for a democratic way of life. Therefore, our second objective was to develop them in our students.

Our first challenge was to unify our different perspectives on the teaching of reasoning skills. We had the intuitive perception that we were both doing about the same, although in different environments. Ana Maria was working in Philosophy for Children and Celso was teaching informal logic to university students. Ana Maria's work stressed the building of a "community of inquiry" through philosophical dialogue. Celso's work stressed the analysis of everyday argumentation, mostly in the press, which would lead to an analysis of controversial issues that interested Chilean public opinion.

We tried to integrate both approaches in an experimental work at a school for deprived children in a poor area of Santiago. The idea was to do Philosophy for Children with the students, using the standard novels of the program, and to train the schoolteachers in the process by having them observe the classes with the children and discuss them with us later in a weekly seminar session. In this seminar, the teachers were also taught informal logic, especially fallacies, and were directed to apply this to public debate issues of the moment.

Thanks to a grant from the Chilean National Fund for the development of Science and Technology (Fondecyt),¹ we were able to continue this research for 3 more years and could hire six university students majoring in philosophy as our research assistants. They would observe classes and register all "democratic behavior" in the classroom to measure any improvement and would also apply tests to measure the progress in reading comprehension and reasoning skills. In addition, we held a permanent seminar on the foundations of democracy that was open to professors and students of the Philosophy Faculty at the Catholic University of Chile.²

During this time we were more concerned with democratic values and participation than with defining a concept of reasonableness. We took it for granted that philosophical dialogue and informal logic would contribute to improve the quality of our students' reasoning. We also considered that the Philosophy for Children approach, especially the concept of a "community of inquiry," represented the ideal of a democratic and "rational" way of understanding each other in society. But we still viewed the study of argumentation only as instrumental to help build such society.

¹ Fondecyt Project 0703-91: "El diálogo filosófico como instrumento eficaz para desarrollar y fortalecer conductas y actitudes democráticas" [Philosophical dialogue as an effective means to develop and strengthen democratic behavior and attitudes].

² A more detailed design of the research project is explained in Vicuña (1991); the results are expounded in Vicuña & López (1994).

At the same time, the Chilean Ministry of Education had begun an Educational Reform that explicitly required the development of "critical thinking" as one of the "transversal" objectives that all school disciplines must aim at through their specific objectives. The concept of critical thinking, however, was never defined in the documents issued by the Ministry of Education. This is understandable, since it is a concept difficult to define. In fact, not even people who specialize in the subject have reached an agreement about a general concept of critical thinking. Despite the absence of this general concept, there is a nucleus of reasoning skills that remains constant in the accounts of several authors: the ability to draw conclusions from a set of utterances in an oral or written piece of discourse. Closely connected with it, there are other abilities necessary for arguing correctly, such as identifying presuppositions, discriminating between fallacies and good reasoning, and clarifying ambiguities.

Thus, the ability for correct argumentation is a central point of reference that different authors use when they try to define critical thinking. Nevertheless, it is clear that most of them aim at a more comprehensive and complex ability. For instance, Ennis (1987, p. 1) defines critical thinking as "a reasonable and reflective thinking that centers around deciding what to believe and what not to believe, and McPeck (1981, p. 8) defines it as "the skill and propensity to commit to an activity with a reflective skepticism." As it seems, even if the concept of logical ability is expanded to include the notion of informal argumentation, this is not enough: The concept sought should include more than simply the ability to infer correctly or to develop reasonable arguments.

We did not see the problem clearly at that time. We were convinced that we were teaching "critical thinking" when doing philosophy with children and when teaching argumentation to college students and to schoolteachers in training in our research project. Yet, we began to realize, and to be puzzled by, the differences between the discussions with the children and those with the college students. Celso noticed that the teaching of argumentation, instead of developing critical persons, tended to reinforce individual beliefs and even intolerance. It was surprising that while the children engaged in philosophical discussions and analyzed the problems with great ease and spontaneity, the college students seemed to concentrate in becoming experts in techniques similar to the ones used for resolving puzzles or finding the way out of a labyrinth. And while the children tried to think cooperatively, contributing to each other's ideas, the college students tended to use their knowledge of fallacies to find errors in their opponents and to reinforce their own beliefs.

A possible explanation could be found in the way in which argumentation was taught. It was heavily centered in the individual's capabilities for identifying the argumentative structure and looking for fallacies. Most of the effort was put in "standardizing" the argumentative text, that is, identifying premises and conclusion, and then looking for fallacies, guided by a long list of names and examples from the so called "standard treatment" of the fallacies. The result was that, instead of becoming critical of their own beliefs, students tended to find fallacies in those texts that were against them, and so reinforced their own dogmatism.

This was quite different from what we observed in the discussions with the children,

who were open to examine new ideas and to correct their views in light of new evidence. They were more inclined to say things like: "I thought this way before, but I have changed my mind after this discussion," or "I no longer know what to think about this." This led us to center our reflection on Lipman's method and on getting a better understanding of "philosophical dialogue," trying to discover what made it so different from merely exercising argumentative skills.

According to Lipman et al. (1980), when we do philosophy with children "the classroom is converted into a community of inquiry, . . . committed to the procedures of inquiry, to responsible search techniques that presuppose an openness to evidence and to reason" (p. 45). In this community, the children and the teacher engage together in a common search for meaning, doing philosophy in a committed way, through dialogue, and using philosophy's traditional methods of questioning, arguing, examining, and the like. In Lipman's view, certain conditions are prerequisites for the construction of a community of inquiry: "The readiness to reason, mutual respect (of children toward one another, and of children and teachers toward one another), and an absence of indoctrination" (p. 45). These conditions, Lipman et al. say, are intrinsic to philosophy:

Since these conditions are intrinsic to philosophy itself, part of its very nature, as it were, it is not surprising that the classroom should become a community of inquiry whenever it serves as an arena for the effective encouragement of children's philosophical reflection. (p. 45)

In analyzing more closely our work with the children we noticed that one of the basic steps in Philosophy for Children was to develop the ability to question our own beliefs and the notions we usually take for granted. This is made possible through the creation of a protected intellectual atmosphere in which one feels free to suspend the usual beliefs and to expand the field for speculation and for the expression of conjectures offered as possible explanations for those problems that are farther removed from everyday concerns.

In this open environment of intellectual freedom it is possible to examine hypothetical situations and to analyze their possible consequences from different perspectives, reaching a comprehension that enlarges our usual understanding. The framework for the discussion is expanded, so that, when faced with conflicting opinions, we can suspend them momentarily and go into a deeper analysis about the presuppositions of each conflicting side. This may lead to find alternative ways of approaching the matter and eventually to hold opinions more reasonable than the previous ones. An important consequence is that the participants in the discussion are thinking freely and, at the same time, are in control of the discussion, not merely following the instructor's guidelines.

We noticed also that, in the Philosophy for Children perspective, the argumentation ability and the speculative exercise reinforce each other. Due to argumentation's demand for rigorous thinking, the inquiry can move from purely conjectural hypotheses to the formulation of alternative solutions, which otherwise would not have been found. The recourse to hypothetical or imaginary situations, in turn, offers an ample field for the argumentative ability to exercise its powers, looking for the consequences that can be

drawn from the different ways of approaching the problems.

This way of conducting inquiries is not infrequent in philosophy. Some remarkable examples are Descartes' "malicious demon," Plato's "ring of Gyges," and Rawls' "veil of ignorance." These are examples of typical philosophical hypotheses, which, when examined in light of the inferences that can be rigorously drawn from them, make it possible to call our everyday beliefs into question, and, in the end, help us appraise the quality of the existing foundations for thinking one way or another.

To sum up, in Philosophy for Children, critical thinking requires a close connection between argumentation and speculation or imagination, and this way of thinking is, in fact, characteristic of philosophical thinking.

A second aspect that enlarged our conception of argumentation is what Lipman et al. call "thinking for oneself." This means that knowledge has to relate to our experience, or better, knowledge has to be capable of shaping our personal experiences.

One of the main difficulties that we encountered in teaching argumentation at college level was that the examples used were short, fragmentary, and often disconnected from the controversy of which they were part. This approach was incompatible with our purposes of developing reflexivity, because it was inefficient to remove the students' prejudices, this sort of "internal discourse" that they have previously acquired about almost any subject and which they are unwilling to call into question.

This unwillingness is partly due to the way in which the educational system is organized. In order to become more efficient, it presents students with innumerable answers to questions that they have not formulated. In this way it is hoped that students will come to face, in the shortest time possible, the actual problems of science and knowledge in general, avoiding to waste their time in "what is already known" or "what has been demonstrated." Unfortunately, as all teachers know, if students lack the time to form their own ideas or to understand things for themselves, they will simply memorize what the teacher says and adopt it as their own. In this way, their capacity to question and to inquire for themselves is paralyzed and, at the same time, the authoritarian and indoctrinating character of the educational process is reinforced. Science education provides a clear example of the contradiction between goals and results that this approach produces. In relation to it, Lipman et al. point out:

... "facts" are often presented in the classroom as if they were final and absolute. Such an approach is contrary to the spirit of scientific inquiry, for which no fact can ever be called indubitable. To deny the student the right to doubt the outcome of a scientific inquiry is to forestall the continuation of that inquiry . . . Therefore, the benefit to scientific education of philosophy for children is that it encourages the critical temper of mind that all scientists rightly prize. (p. 109)

In his famous book *The Fear of Freedom*, Erich Fromm (1941) discusses what he terms "automatic conformity." He makes an illuminating distinction between two types of persons: Those who express their opinions based on their own experience and those who

express opinions as if they were their own, without realizing that they are merely repeating what someone else has said. Under the pressure of social environment, the latter feel forced to express their views, but although they imagine they are expressing personal opinions, they have in fact adopted, without noticing it, some authority's opinions. This is the first step that leads them to stop thinking for themselves.

According to Fromm's analysis, the pressure exercised on them by an authority figure leads to the suppression of their critical thinking. Other areas of a person's thinking can be affected in the same way. In Fromm's view, the parents' authoritarian behavior can suffocate a child's moral sense. For instance, a child whose mother speaks constantly about love and friendship, but acts coldly and selfishly, may notice her lack of sincerity. His (or her) sense of justice and truthfulness makes the child notice the inconsistency in her behavior, but, because the child depends on his mother, who would not permit criticism, he represses his critical ability. Very soon the child will abandon this ability as useless and dangerous, and later adopt as his own the opinion that his/her mother is loving and generous.

As stated before, an important motivation for our research had been the reconstruction of a democratic way of life in our country. One of the puzzling questions about the loss of democracy in Chile, and the terrible years that followed the military coup, had to do with the mutual intolerance of leftist and right wing partisans, their lack of ability to express disagreement and to try to come to agreements in a rational, civilized way. In our opinion, this intolerance had led to the coup. The obvious question of later generations was: How could it be that the only possible "solution" they saw for their mutual disagreements was the elimination of their opponents? And, once the military forces took power and the defeated side was powerless, imprisoned, and frightened, why did the winning side continue to oppress, exile, torture, and exterminate them?

It makes sense to interpret the Chilean case as a case of "automatic conformity," in Fromm's terms, on both sides of the disagreement. Each side was taught to think in line with a particular interpretation of history and social change, and was unwilling to suspend even momentarily this way of understanding the matter. Each side perceived themselves as possessing the absolute truth. The most outstanding cases are, of course, the violations of human rights committed under the military regime, especially torture and murder, and that special form of murder known as the "detenido desaparecido,"³ because they require from the wrongdoers to go against the most basic moral principles. Questions often asked by educators in this connection were: What kind of moral education had received the men that later tortured and murdered their fellow human beings? Why did this moral education not prevent them from committing those crimes? How could this forever be avoided in the future?

One possible answer would be that they had been educated in a way that did not prevent "automatic conformity," so that they were deprived of their capacity to think for themselves and did not dare to question authoritarian orders.

³ "Detenido desaparecido" [disappeared prisoner] is a person that had been apprehended by the regime's secret police and was then allegedly been released, but in fact was killed and caused to disappear.

While struggling with these and similar questions we met the philosopher Ernst Tugendhat who was living in Chile at that time. Through our work with him we came to the conviction that ethical education is a necessary component of an education for democracy. During the last year of our Fondecyt research project, we asked professor Tugendhat to present his views on contemporary ethical problems in our permanent seminar. This was the perfect instance for us to discuss the limits of democracy and the necessity of ethical education. We had naively assumed that education for democracy was the answer to the problems related to the loss of democracy in our country. We realized now that the problem was far more complex.

Democracy can be seen both as a form of government and as a way of life, but on what grounds can we impose upon other people this way of life, even if we think that it is the best? We had assumed that imposing democratic rules on the students was the right thing to do. Of course, we did not really "impose" them in an authoritarian way, but rather "invited" the students to accept them as part of the setting required for building the community of inquiry, and we even asked them to generate their own rules. We were confident that they would come up with sensible rules, like those that had been taught to them at school and those they had seen us model and defend: Rules of mutual respect and cooperation. And so they did, but they did not seem to discriminate between these "democratic" self-generated rules and the rules imposed by the school system. This became obvious in that they knew the rules by heart, but they were not always able to obey them or justify them.

We asked ourselves whether those rules were really self-generated or were merely imposed in a more subtle way by an authority figure, in this case the school and ourselves. Extrapolating this to society at large, we found ourselves again facing the problem of how to generate an education that can go beyond the surface: How can we help develop free people, who think for themselves and are not "automatic conformists?"

We realized that it was not enough to have suffered under the military dictatorship to be able to value democracy and to be willing to respect democratic rules. We now realized that it was necessary to advance further into the foundations of a way of life that values and respects all human beings: We had to find a justification for human rights.

Therefore, we applied again to Fondecyt and obtained the funds for our second research project,⁴ and, in addition to this, we were fortunate enough as to enlist Ernst Tugendhat as co-researcher.⁵ In this sense, the project could best be described as an educational application of Tugendhat's ethical theory.

Tugendhat (1988) had shown that it is imperative to find a foundation for ethical propositions, in order to avoid ethical relativism. Not addressing the question of the foundation would lead us to become ethical relativists in practice, because the idea of a

⁴ Fondecyt Project 194-0687: "La fundamentación ética de los derechos humanos y algunas proyecciones para una educación en el respeto a todos los hombres" [The Ethical Foundations of Human Rights and some Projections for an Education in Respect for All Human Beings].

⁵ For an explanation of the fundamentals of this research project and the role of Tugendhat's ethical theory in it, see Vicuña (1999a). For the results of the research project, see Vicuña, López, & Tugendhat (1999).

rational confrontation between the competing founding predicates would be illusory. (Tugendhat, 1988, p. 142). We cannot act as if we were released from modernity's search for foundation and, because this foundation can no longer rest on religious or traditional beliefs, and because ethical propositions cannot be founded empirically, the only alternative left is to found them in a personal decision: The decision to belong to a moral community determined by universal mutual respect. This implies accepting the rule of acting in accordance with Kant's categorical imperative, which in Tugendhat's view is equivalent to the impartial application of the golden rule. This foundation is weak, Tugendhat acknowledges, because it lacks the necessity of a foundation on "superior truths," but it is the only one possible in modernity (Tugendhat, 1994, p. 7).

An important consequence for ethical education is that it has to be approached in a dialogical way. Instead of appealing to religious or traditional beliefs, the educator has to appeal to the child's motives for making the decision in favor of morality. Helping children find good reasons for acting morally means to help them discover the kind of persons they want to be and the kind of society they want to live in. The ideal setting for achieving this is *Philosophy for Children*, and especially the community of inquiry.

Tugendhat's foundation of morality rests on the individual's best interest. As Tugendhat (1994) explains, when we understand our best interest well, we realize that we want to be treated with respect and that we have no reason to justify treating others differently from the way we want to be treated ourselves. Therefore, we grant them the same rights that we want for ourselves.

In order to help children realize this, the teacher has to provide ample opportunity for them to discuss different and varied examples that would permit them become aware of their moral feelings of guilt, indignation, and resentment, exercising their ability to put themselves in other persons' place and trying to understand how they would feel in a given situation. This will help them understand the golden rule as the desire to be treated with respect, which should be extended to all human beings.

This is precisely the setting that *Philosophy for Children* offers, through the community of inquiry and the numerous occasions that the novels provide to discuss ethical problems. Yet the teachers are often ill prepared to face this challenge. We think that a full discussion of the foundations of ethics, of the moral feelings and of their connection with the golden rule should be included in their training.⁶

Working with Ernst Tugendhat in this research project, we came to the conclusion that the rules for a democratic way of life could be derived from his ethics of universal equal respect, that this was the founding for an egalitarian society that we were looking for, and that *Philosophy for Children* was the ideal setting for this education.

The community of inquiry provides not only the opportunity to discuss ethical problems with philosophical rigor, in an open and tolerant environment, but also the opportunity to experience the life in a moral community, where members respect each other, respect the

⁶ In our workshops, we usually discuss with them sections of our novel on ethics (Tugendhat, López, & Vicuña, 1998, 2000) and advise them all to "do" this novel once in their training.

rules, cooperate with each other in finding meaning to their experience, and come to care for each other and for society.

Philosophy for Children distinguishes between three meanings of being logical: Formal logic, giving reasons, and acting rationally. The first "shows children that they can think in a structured, clear-headed way," the second, "that organized thinking has many day-to-day applications," and the third seeks to "encourage children to use reflective thinking actively in their lives." (Lipman et al., 1980, pp. 131, 146). On the other hand, one important theme in the novels is "caring," and sometimes the expression "caring thinking" is used. According to Lipman, this is more an implicit than explicit theme in the novels, which "reveals itself in the continuity of dialogue in which the children continually discuss issues of mutual importance while retaining respect for one another's points of view" (Lipman et al, 1980, p. 199).

This shows that the concept of reasonableness in Philosophy for Children also includes the affective and emotional ingredients that are part of the building of a community of inquiry, so that "acting rationally" would mean being reasonable, especially as to how we understand the relation of respect for one another. Thus, the building of a moral community is made possible through the willingness to be "reasonable" toward one another in this last sense of caring for and respecting each other. This implies universal mutual respect, as explained by Tugendhat (1988).

Our first contact with the pragma-dialectical approach to argumentation was through professor Michael Gilbert, who visited Chile in 1993, invited by University Andrés Bello to offer a seminar on Argumentation Theory. Professor Gilbert stimulated us to join the International Society for the Study of Argumentation and to attend the Third ISSA Conference on Argumentation in 1994, which we could do thanks to the generous help from ISSA. This is how we came to know professors Frans van Eemeren and Rob Grootendorst in person.

We were greatly impressed with the clarity of their theory and the usefulness of their analytic tools and we started to integrate them in our teaching and in our workshops. We saw remarkable coincidences between the philosophy for children concept of a community of inquiry and the pragma-dialectical concept of a critical discussion.⁷

It was not until we started to work on the Spanish translation of *Argumentation, Communication, and Fallacies. A Pragma-Dialectical Perspective* (van Eemeren & Grootendorst, 1992), that we paid closer attention to their concept of reasonableness.

As the authors explain, the study of argumentation requires an ideal of reasonableness in order to develop a theoretical model for acceptable argumentation, otherwise it would be impossible to determine whether an argumentation is valid or not and, consequently, which side of a dispute or controversy deserves our approval.

This ideal of reasonableness has to come from the philosophers, but their views are so divergent, that it is necessary to make a justified choice between them. The pragma-

⁷ For a discussion on how we introduced pragma-dialectical rules and concepts in our teacher training workshops in Philosophy for Children, see Vicuña (1999b).

dialectical ideal of reasonableness aims at overcoming the limitations of two extremes. In *A Systematic Theory of Argumentation* (2004), van Eemeren and Grootendorst distinguish, following Toulmin (1976), a "geometrical," an "anthropological," and a "critical" view of reasonableness. Of these views, they favor the critical one, because the anthropological, since it makes the validity of arguments dependent on the consensus of a particular community, cannot overcome relativism and the geometrical is unattainable in most contexts.

The authors characterized (van Eemeren & Grootendorst, 1992) their pragma-dialectical ideal of reasonableness as "critical-rationalistic," in opposition to an "anthropo-relativistic" ideal. As they explained, their aim was to overcome the limitations of an excessively relativistic and an excessively normative approach to argumentation. They rejected the rhetoricians' and favored the dialecticians' view, in considering that reasonableness cannot be exclusively "determined by the norm of intersubjective agreement, but also depends on the "external" norm that this agreement should be reached in a valid manner" (p. 6).

Their ideal of reasonableness departs from the geometrical and the anthropological ideals

by adopting the view of a critical rationalist who proceeds on the basis of the fundamental fallibility of all human thought. To critical rationalists, the idea of a systematic critical scrutiny of all fields of human thought and activity is the principle that serves as the starting point for the resolution of problems.

(van Eemeren & Grootendorst, 2004, p. 131)

They add that conducting a critical discussion is the point of departure for this conception of reasonableness. Therefore, they adopt a dialectical approach to argumentation: "All argumentation is regarded as part of a critical discussion between parties that are prepared to abide by an agreed discussion procedure" (van Eemeren & Grootendorst, 2004, p. 16).

The similarities between this conception of reasonableness and the Philosophy for Children conception of a community of inquiry are remarkable. In both conceptions the critical perspective is crucial, the differences of opinion are resolved by means of discussion, and the discussion is regulated by an agreed procedure.

As stated before, one of the crucial questions we faced in ethical education had been how to overcome ethical relativism and how to found human rights. We had found an illuminating answer in Tugendhat (1988): Ethical propositions can only be founded in a personal decision of willingly submitting oneself to the norms of a moral community determined by universal mutual respect. Consequently, ethical education required to be approached dialogically in order to help students make a decision in favor of morality. The building of a community of inquiry had seemed to us the most appropriate way of achieving this. Now, the pragma-dialectical ideal of reasonableness provided us the theoretical basis for understanding why this is so.

As human beings we need to resolve our conflicts reasonably and, since no one is the owner of truth, the only decent way of doing it is by a critical discussion. This is the kind of discussion that the children practice in the process of building a community of inquiry,

this is what the teachers try to foster when they imitate Socrates' style of inquiry, and also what we aim at in their training. This is also the way in which science and knowledge in general progress.

One of the most important contributions of Pragma-Dialectics is the formulation of the rules for a critical discussion. A brief analysis of the rules shows that, underlying them, there are certain principles that, as we have pointed out (López & Vicuña, 2003, p. 709), can be expressed as: Respect, honesty, consistency, and rationality. The contents of the rules show a concern for respecting freedom of speech, responsibility, consistency, truthfulness, and avoidance of manipulation. This adds an ethical component that goes beyond the requirement of rationality, contained in the rules that command relevance, using appropriate argumentation and using logically valid arguments.

This shows that the model of a critical discussion represents an exhortation to respect other human beings as such, to respect their right to think for themselves, their right to disagree responsibly, and their capacity to work out reasonable agreements through dialogue. This implies trusting human capacity for judging correctly and for reaching understanding.

It is not a naïve trust, however, but a critical one. The pragma-dialectical rules anticipate carefully the deception and manipulation mechanisms that are often used in disputes, and make it easier to unmask them. All traditional fallacies can be explained as violations of one or more pragma-dialectical rules. But, more importantly, these rules are an invitation to renounce the use of manipulative and deceptive mechanisms, and to make the commitment to respect our opponents in any discussion.

The educational consequences of learning to conduct discussions in this way are obvious. If by teaching argumentation along these lines we can help citizens become more reasonable persons, they will probably learn to resolve their differences about difficult issues in a better way, reach better agreements for society at large, and lead better lives.

The pragma-dialectical ideal of reasonableness not only coincides with our purpose of contributing to an education for democracy and for the building of a moral community in Chile, but also provides the most excellent tools for it.

REFERENCES

- Eemeren, F. H. van, & Grootendorst, R. (1992). *Argumentation, communication and fallacies: A pragma-dialectical perspective*. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Eemeren, F. H. van, & Grootendorst, R. (2004). *A systematic theory of argumentation: The pragma-dialectical approach*. Cambridge: Cambridge University Press.
- Ennis, R. H. (1987). A taxonomy of critical thinking dispositions and abilities. In J. B. Baron, & R. J. Sternberg (Eds.), *Teaching thinking skills: Theory and practice* (pp. 9-26). New York: Freeman.
- Fromm, E. (1941). *The fear of freedom*. Oxford, England: Routledge Classics.
- Lipman, M., Sharp, A. M., & Oscanyan, F. (1980). *Philosophy in the classroom*. Philadelphia: Temple University Press.
- López, C., & Vicuña, A. M. (2003). The interaction between critical discussion principles and the

- development of a pluralistic society. In F. H. van Eemeren, J. A. Blair, C. A. Willard, & A. F. Snoeck Henkemans (Eds.), *Proceedings of the Fifth Conference of the International Society for the Study of Argumentation* (pp. 705-709). Amsterdam: Sic Sat.
- McPeck, J. (1981). *Critical thinking and education*. New York: St. Martin's Press.
- Thompson, A. G. (1989). Philosophy for children in Latin America: A democratization initiative. *Analytic Teaching*, 1989.
- Toulmin, S. E. (1976). *Knowing and acting. An invitation to philosophy*. New York: Macmillan.
- Tugendhat, E. (1988). *Problemas de la ética*. Barcelona: Crítica. (Spanish translation of the German original *Probleme der Ethik*. Stuttgart: Reclam, 1984).
- Tugendhat, E. (1994). *El problema de una moral moderna*. [The problem of a modern morality]. Unpublished conference read at the Seminar "Ética y Justicia Social," held at Universidad Nacional Andrés Bello, Santiago, Chile.
- Tugendhat, E., López, C., & Vicuña, A. M. (1998). *Manuel y Camila se preguntan: "Cómo deberíamos vivir", Reflexiones sobre la moral*. Santiago: Planeta-UNAB.
- Tugendhat, E., López, C., & Vicuña, A. M. (2000). *Wie sollen wir handeln? Schülergespräche über Moral*. Stuttgart: Philipp Reclam.
- Vicuña, A. M. (1991). Filosofía para niños y educación para la democracia. *Revista de Educación*, 184, 41-44, and 185, 33-37.
- Vicuña, A. M., & López, C. (1994). *Informe final del Proyecto Fondecyt 0703-91* [Fondecyt 0703-91 Final Report]. (Unpublished final report).
- Vicuña, A. M. (1999a). Ethical education through philosophical discussion. *Thinking*, 14, 23-26.
- Vicuña, A. M. (1999b). The improvement of teacher training in philosophy for children through the pragma-dialectic approach. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.) *Proceedings of the Fourth International Conference of the International Society for the Study of Argumentation* (pp. 833-837). Amsterdam: Sic Sat.
- Vicuña, A. M., López, C., & Tugendhat, E. (1999). *Informe final del Proyecto Fondecyt 194-0687* [Fondecyt 194-0687 Final Report]. (Unpublished final report).

Gender Aspects Concerning the Concept of “Strategic Maneuvering”

Brigitte Mral

Orebro University, Sweden

The importance of the pragma-dialectical approach toward argumentation cannot be overestimated by anyone interested in persuasive discourse. With regard to analyzing discussions and debates and generating ideas and rules for a more rational public discourse pragma-dialectics supplies extremely valuable theoretical insights and methodological tools. For certain, the later development of the theory toward even more pragmatic aspects of communication, namely the introduction of the term *strategic maneuvering* in natural argumentative discourse (van Eemeren & Houtlosser, 2002a) is of great value for example for rhetoric scholars like myself. Pragma-dialectics and rhetoric focus, of course, on discourses in different ways, the former more concerned with dialectic rationality, whereas rhetoric is more interested in analyzing concrete, persuasive discourse, reasonable or not (i.e., language at work, so to speak). Anyway, the aim to find ways for “making the strongest possible case while at the same time avoiding any moves that are clearly unreasonable” (van Eemeren & Houtlosser, 2002b, p. 26) is common for both. Since Aristotle, dialectic and rhetoric have had a common goal in establishing a working, effective, and reasonable public discourse, the one in a more abstract, theoretical, the other in a more pragmatic way. Anybody entering the Agora should do so for the public good and discourses have been analyzed concerning both their degree of rationality and efficiency. In a democratic sense dialectics and rhetoric have been taught as if every agent has the same right to speak, only he follows the rules. From a gender point of view this has not always been the case. In this chapter, I discuss the concept of strategic maneuvering concerning some specific rhetorical situations or argumentative discourses in history and present times, namely the question of how to handle a situation where the one who wants to speak is not automatically allowed to do so, not invited to share the discursive community. How can a person make a strong case, in a reasonable way, when she more or less from the start is questioned as rhetorical agent?

Rhetoric, as I see it, views the “argumentative space” as an entity of content and form of the message, the character, and doxa of the audience and the predisposition of the speaker/author. According to Charles Willard (1996), “Rhetorical scholars use ‘argument’ to label a variety of processes—including creative invention, public reason-giving and influence, symbolic enactment, and the joint creation of situations and identities” (p. 17). Rhetoric has, as van Eemeren and Houtlosser (2002b) notice also, at least three areas of interest: “Topics, audience-orientation, and stylistics” and, as they continue, in rhetorical situations where there are differences of opinion, “speakers or writers will choose the material they can most appropriate deal with, make the moves that are most acceptable to the audience, and employ the most effective presentational means” (p. 16). My question here is, in a historical perspective, what means speakers have chosen when he/she as a person not a priori has been acceptable to the audience or the opponent, especially concerning the construction of *ethos*.

According to McCrosky (2001), each rhetorical agent who enters a discussion, a debate, or any other public speech situation carries with him an “initial ethos” (i.e., the receiver’s attitude to the speaker prior to a communicative act). During the act he gains a *derived ethos* and finally, at the completion of a communicative act he experiences a “terminal ethos” as an interaction between initial and derived ethos. Ethos thus is seen as a process, and a combination of the speakers credibility, prestige, and personal proof (p. 83). To be able to make the strongest possible case in any given discourse the speaker has to deal with the mechanisms of *pistis* (i.e., to become trustworthy). In this view argumentation becomes convincing only if the speaker himself is trustworthy, if his or her initial ethos is strong and corresponds to the derived and the terminal ethos, established in the speech situation—and here women’s situation differs in a fundamental way from men’s. Women’s initial ethos is, or at least has been, essentially weaker than men’s and the way to a strong derived and terminal ethos has been much longer and necessitated very carefully chosen rhetorical means.

In the course of history, women—and other groups finding themselves in under-privileged positions—have developed sophisticated strategies to assert themselves in the patriarchal rhetorical field. Rhetoric, and argumentation, simply mean different things to women and men. For an example, women’s *inventio* begins somewhere different than men’s, as pointed out by Ritchie and Ronald (2001): “The act of invention for women, then, begins in a different place from Aristotle’s conception of invention: Women must first invent a way to speak in the context of being silenced and rendered invisible as persons” (p. xvii).

Thus, women’s choice of *topoi* has also been governed by the female starting point. And it is easy to see that women’s establishment of *ethos* and handling of *logos* and *pathos* has been done on considerably different conditions and in different ways than men’s choice of rhetorical means. In times when public speaking was exclusively male, principles for the public word were developed, which, as Walter Ong (1981) pointed out, worked for a male communication culture: It was competitive, agonistic and formalized. One strategy used by women then was to adjust to this communication pattern. And

naturally women have, subject to circumstance, formulated rational and reasonable arguments as effective as the ones developed by men. But most often it was essential to support one's argumentation with considerably more than formal arguments. The task was first and foremost to create, in an offensive manner, a well-functioning *persona* i.e., a character that suited one's self as well as met the expectations of the audience. Expectations, that women had to face if they were to be accepted in the public sphere.

As one theoretical point of departure for this reflection on women's strategic maneuvering, I will use a concept which in recent years has gained in interest in Swedish linguistic and rhetorical discourse, namely the question of *status*. The basic idea here is that rhetorical practice always is dependent on the speaker's position in society's social and cultural power hierarchy—primarily in relation to whether the speaker enjoys high or low status, finds him or herself in a position of power or in a subordinate position (Adelswärd, 1988, 1999). Status is not inherent, but is assigned by society, or in the case of rhetoric, by the audience or the opponent. At the same time, status can be increased—or reduced—depending on how well the speaker manages to adapt to the prejudices and expectations of the audience. If a speaker's appearance matches the traditional expectations in society of a clergyman, politician, lawyer, or professor—that is, in terms of authority, volume of voice, thoughtfulness and stature—an already high status can be strengthened and offensive argumentation can thus be pursued. Women, who from the outset have (had) low status, have often been forced to develop other strategies in order to meet expectations and make themselves heard. This becomes evident when we look into history.

Going back only a few decades, the situation was considerably more complicated for a woman with political ambitions than it is today. There was no natural role for women politicians. We remember Margaret Thatcher and other women politicians of the older generation, who tried to adapt to a male role and who thereby met with massive antipathy—both with men and women. The male style was without a doubt a strategy used in order to assert themselves in the male world of politics, in which they were not naturally welcomed. This strategy was in many respects successful, but it evoked little support.

The door to the public sphere and its argumentative space has not until recently been opened to women. Traditionally and historically, rhetoric has been an art reserved for men. It has been a power tool used to pursue the interests of power and power has been a male sphere; in politics, in law, as well as in religion. Rhetoric has often been pursued and taught as agonistic art, focusing on the fighting elements, where the objective is to win over the opposition with any verbal and nonverbal means available, not just with rational arguments.

Women's argumentation has on the contrary often been a rhetoric of powerlessness. They have developed mostly defensive, indirect strategies to break through the mechanisms of exclusion, and they still do. Examples could, for instance, be taken from a time when a woman was essentially altogether prohibited from giving her opinion—the Middle Ages. Still, there were politically active women who exercised great influence. Women who come to mind are Hildegard of Bingen, Saint Teresa of Avila, Saint Birgitta of Sweden, and other mystics with rhetorical power (Mral, 1999a; Weber, 1990). They were

women of deep faith who certainly were convinced that their visions came from God. What was being taught at the time was that women should not be intellectually active, so the fact that they still devoted themselves to intellectual creativity could have appeared an inspiration from God, also in their own eyes. At the same time it is very clear that they were also using the visions as a rhetorically efficient genre. If a message is sanctioned by God, can anybody really object to it? One could call this a fallacy of evading the burden of proof, or maybe an argumentum ad verecundiam (i.e., abuse of authority), and evaluate it as an unreasonable strategic maneuver. Still, in a historical view one has to consider the maneuver as reasonable since it was an accepted question of belief, and therefore it often was a strong and "rational" argument. Of course it would seldom work today and not be reasonable anyway, but given the medieval religious doxa concerning women's place in society, it then could work as a very successful strategy to accomplish even political aims.

This way, both Hildegard and Birgitta, as well as many other women, made a strong case and won significant theological, but also social, power. In spite of them being prohibited to speak. Generally speaking, women have always had to have access to as many as possible of the following basic prerequisites in order to become rhetorically active: A high level of education, high social standing, as well as male protection. And God was of course the ultimate helping hand. With, for example, Saint Birgitta of Sweden, these three aspects merged in a perfect way. As the wife and mother of judges, and as the advisor of the king and the queen, she had achieved the highest position possible for a woman in the Swedish society of that day. However, in order to realize her political and church-political intentions, she also needed the voice of God. Some of her most central visions depict her as the Bride of Christ and thus a part of the Holy Family, as married into it so to speak. This made her essentially untouchable (Mral, 1999a).

When analyzing women speakers, it soon becomes very clear that they, in many respects, have developed more sophisticated and varied rhetorical strategies than speakers accepted in the dominating public sphere. Because women's voices have been suppressed for such a long time, and with so many barriers to break through, women have often developed very advanced techniques to enable efficiency.

In what way does one then argue if one is essentially not even allowed to speak? Analyzing women speakers who were actively pursuing speaking in public when it was not the thing for them to do, the following action patterns and attitudes can be detected:

1. Being something other than a woman, playing down gender to an abstraction, adopting the neuter form;
2. Using topics of humility, really wanting to be silent, not really possessing the ability to speak, but being forced to do so by circumstance;
3. Speaking for others, taking upon themselves the cause of others or serving a higher purpose;
4. Playing down obvious claims for authority by inviting to a discussion.

The basic idea was to by all means bring the attention away from one's own female self

and any authority, but also to use social limitations to one's own advantage. Women have often, as we know, been confronted with massive gynaphobia when they have transgressed the traditional gender boundaries, and presenting themselves as a neuter has thus been significant for credibility. This neutral positioning also included choices of respectable personae such as the virgin—the most obvious example being Elisabeth I, "the Virgin Queen." Also the mother and the woman teacher, as well as a generally nonaggressive basic attitude, were possible personae. A virgin was an exalted being, almost holy. A mother was someone to listen to, as was the woman teacher. By all means possible, the sexual attention of the audience had to be diverted. As we know, until as late as the end of the 19th century, a woman in the public eye was regarded as equal to a prostitute (Mral, 1999b).

From the large number of examples studied from history (Lunsford, 1995; Ritchie & Ronald, 2001; Sutherland & Sutcliffe, 1999; Wertheimer, 1997; etc.), we are able to draw an unambiguous conclusion in terms of women's attitude in rhetorical situations: The dialogic, indirect, low-key, and nonaggressive elements have always been suitable for a "female" low-status strategy. In other words, if you are the underdog you should avoid sticking out. Thus, we can also establish that women are more at home in dialogue, not because of some inherent automatic characteristics, but because it has been a wise strategy, a possible strategy, in accordance with the current expectations of female virtue. To assert that women would not be interested in, or worse still, not capable of battle-oriented argumentation is patently absurd. Take for example the women's liberation movement where aggressiveness at certain times has proved to be an efficient means (i.e., the women's vote activists, but also the young and angry women of today). The problem is that this particular form of classic, agonistic argumentation technique has often not been an option for women—unless the audience is accepting of an offensive femininity. This applied for example within the women's liberation movement, but also in certain situations of war (Joan of Arc) or in reference to hereditary royal titles where a woman had a position of power based on other criteria than femininity. To a certain extent, the same goes for today's political situation in which an increasing number of women can be found in actual positions of power, enjoying high status in management and policy making, and thus an accompanying high degree of credibility.

Be that as it may, in a low-status position one develops a special sensitivity to decorum. In any case, it is important to be highly sensitive to more or less subtle boundaries of the audience's or opponent's expectations if one wants to make one's voice heard. It is sometimes claimed that women have been more proficient in adjusting to the expectations of the audience, but as a matter of fact they have had no choice. Women's low status in public communication requires strategies of adjustment, which preserves women's dignity. If the speaker enjoys natural access to the public word, it is not necessary to be as sensitive to the expectations of the audience. In other words, a woman first has to conquer the negative expectations. A man is expected to lead.

Where men's general rhetorical attitude has had elements of fighting and competition, women's rhetorical attitude comprises negotiation, equality, and sympathy. This should hardly be interpreted as an indication that women on the whole have a higher degree of

democratic/deliberative sensitivity. The female attitude is rather a manifestation of the fact that whoever is in a low status position is more used to compromising, but also that fighting is "unfeminine." An agonistic course of action suits positions of power, but not subordinate positions. Low status requires compromise—vulnerability forces a speaker to find lines of argumentation that are indirect and coaxing. Anyway, what is especially notable in women rhetoricians sensitivity to the demands and expectations of the situation, is a virtuoso as well as an often very entertaining play with the prejudices of the audience (Mral, 1995; Weber, 1990).

A speaker must of course always in one way or another relate to the expectations he or she is faced with in the public eye. Women, however, have to do so to an even higher degree. Women's strategies cannot be studied in isolation from cultural patterns and structures. What is doxa in Sweden is not necessarily so in Germany or in the Netherlands. Doxa is an elusive concept, but it is still a basic one when assessing the choice of strategies.

My point here is that it is hard to understand women's rhetorical strategies unless one takes into account the particular cultural expectations put on women politicians, or on leaders and politicians in general. I will contrast my reflection on women's strategic maneuvering in history with a short view on modern Swedish women politicians adaptation to the current doxa concerning women in public. In Sweden, politicians are generally required to be ordinary, popular (without being populist), able to speak to people and not show off. An intellectual attitude is not appreciated. Competence and, of course, honesty are. The demand for simplicity is even more pronounced when it comes to women politicians. A coolly analyzing politician such as Laila Freivalds, who succeeded the assassinated Anna Lindh as the minister of foreign affairs, receives few sympathies, not least in the media.

Journalists have, in Sweden as well as elsewhere, gained increasing power in the construction of the politician's role. Likes and dislikes are to a great degree governed by the suitability of the different individuals as interpreted by the media. Journalists primarily reward media-friendly politicians (i.e., politicians who are able to communicate with journalists). And journalists of course express the prevailing doxa. So then, what is the general opinion of what women politicians should be like? Judging from what receives attention in the media, but also from comments made by voters, today's virtue for women politicians is that they should keep both feet firmly on the ground, be responsible, motherly, honest, and not show off (the art of being "just right").

As a result of media's biased attention on certain individuals, as well as the principle of voting based on personal qualities, the personal image of politicians—the persona they display—has become almost more important than their party-ideological standpoints and arguments. Success in the opinion polls can be directly linked to the way in which politicians are able to evoke sympathies, please and make an impression. It is essentially about the classic principles which constitute ethos: *Phronesis*, *arete*, and *eunoia*.

To conclude, I would like to discuss some aspects of the way in which modern women politicians have managed to become so evidently successful in the construction of their role. In my studies of women's rhetorical strategies today, the basic questions are: What

happens with political communication when women's public status is no longer naturally low? What means of persuasion do they use in order to gain acceptance both as women and as authority?

The standing of women in Sweden is in many aspects quite favorable, however the situation is far from ideal. For instance, the representation of women within trade and industry as well as within the higher education sector is lower than in a number of other countries. Still, it is evident that great efforts are being made in order to improve women's situation and status. As a result, women have increased their self-awareness and in addition, many men view equality between the sexes less as a threat and more as a positive opportunity. Politically, the equal opportunities initiatives have among other things resulted in women today making up almost 50% of the members of parliament and several of the senior posts in the political parties are also held by women. Nearly all parties, with the exception of the most conservative ones, claim to be "feminist." A claim which broadly speaking means that they are for equal opportunities.

What is more interesting than the statements of politicians is however the *doxa* (i.e., the public opinion, common values and even prejudices) concerning women's standing. The *doxa* can be traced by analyzing the way in which the media treat gender questions. I highlight this by using one example of an extremely popular and successful women politician, namely the earlier mentioned former minister of foreign affairs Anna Lindh, assassinated in the autumn of 2003.

At the beginning of 2004, in connection with the Social-Democratic Party Conference, much discussion revolved around who would eventually succeed the party chairman and Prime Minister Göran Persson. In a radio discussion between a conservative member of parliament, Gunilla Carlsson, and a Social-Democratic editor-in-chief, Olle Svenning, the question was raised what it would have been like if Anna Lindh had become the prime minister. Over the past few years, she had come to be viewed as the natural choice. The two debaters characterised her leadership skills in terms of:

- openness
- ability to listen
- more favourable conditions for discussion
- ability to pour oil on troubled waters
- keeping her word.

The conservative Gunilla Carlsson described the Social Democrat Anna Lindh as pragmatic, charming, intelligent (please note—not intellectual), and committed. Olle Svenning especially emphasised that Anna Lindh paid attention to language and was keen to express herself well and intelligibly. His view was that to Anna Lindh, politics was part of all stages in life, that she was not some political slot machine like many male politicians.

I would here like to discuss Anna Lindh as an example of a modern woman politician who managed to develop a persona altogether in harmony with the expectations and hopes of the voters. Part of her rhetorical effort was a palpably purposeful media strategy.

Media strategies are of course, as are other rhetorical strategies, linked to the media structure of the respective country. In Sweden there are, by international comparison, an unusually high number of media channels suitable for appearances by politicians. There is a stable public service sector, including both TV and radio, which together with the commercial channel TV4 comprises serious broadcasting media which can be used for political representation. Add to that a number of government-subsidized daily newspapers, two relatively accepted tabloids, as well as a great variety of reasonably serious weekly magazines which can be used by politicians to get their messages across. There is a tendency that politicians increasingly use these channels in their efforts to establish an appealing ethos, by allowing semiprivate articles and interviews. What is interesting is that it was the women politicians who during the 1990s began to introduce themselves in this fashion also as private individuals. What we see here are active efforts in establishing a higher degree of credibility as a politician and as an individual.

The purpose of the politician's role, especially the party leader role, is that a clear ideological line should be promoted at any time. The dilemma for politicians is, however, that a one-sided individual acting in a propagandistic manner is regarded as lacking in credibility. At any rate, he or she would not receive any sympathies. The women's role construction is on the other hand often aimed at introducing themselves both as private individuals and as public authority. This is of course a risky undertaking, since an address which is far too personal can be interpreted as populist. Some women have, however, succeeded by answering to the general notion of modern femininity (which still contains very old gender stereotypes): Motherliness, humility, altruism, commonplaceness, concreteness, and so forth. Anna Lindh was an excellent example of this. She was never anything else than a professional politician, but she still managed to come across as a versatile personality, someone to trust.

Anna Lindh was possibly also the politician who spent most time in contact with the media, and being a good judge of character she had an eye for the needs of journalists. She gave them a sense of being important and needed, and she quite happily established an almost friendly relationship with them. A typical example of the way in which she prioritized her media contacts is an interview in a Saturday morning show on the commercial TV station TV4 on 24 March 2001. In the week leading up to the show she had been on eight different trips in Europe, one hour after the interview she was due to preside over an international summit in Stockholm and, in addition, she had a severe cold. But she sat in the TV studio, wide awake, cheerful and friendly, with a high degree of concentration on questions and answers. The questions were markedly critical regarding current and complicated factual matters as well as strikingly private: "How do your children feel about you not being at home very often?" To this she replied, without irritation but with a sense of humor, turning the implicit criticism of not being a good mother to an argument in her favor: "Of course they don't like it, which is a good thing. It would be unfortunate if they didn't miss me." She was also asked if she felt that she receives different treatment than a man would and she replies, with a smile: "Yes, a man would for instance not be asked these kinds of questions."

Anna Lindh had a flair for putting thoughts into words. She always replied quickly and quick-wittedly, without hesitation, and most often, but not always, with a smile. In the previously mentioned TV interview, the journalist asked her to state, briefly and concisely, what her driving force as a politician was. She answered without hesitation: "You have to enjoy yourself, believe in what you are doing, and see it as an emotional commitment. You have to put your heart into what you are doing, otherwise it doesn't work." She readily emphasized that her political work was not a career path for her, but a result of her personal commitment in political issues. Not wanting to strive for power, placing the cause before the individual, is one of the oldest strategies for women speakers used to refute the ever-present criticism against women in positions of power. Women and power are two components that still run into a lot of opposition, which in one culturally adjusted way or another have to be overcome if a foundation for successful rhetoric and politics is to be created.

Another tendency in women's rhetoric, which fittingly comes under this defense strategy, is to bring out the individual. One example taken from Anna Lindh is that she once agreed to write a "week-long diary" which was subsequently published in the tabloid *Expressen*. During this particular week at the start of 2001, she was almost constantly on the move, with six trips all over Europe as part of her schedule. This was at the time of Sweden's EU presidency and Anna Lindh describes, in a simple and plain way, a number of exceedingly important decisions and duties. At the same time as she is given the opportunity to describe herself as someone belonging to the absolute elite of European politics, she also takes the opportunity to describe her private self. She appears as a woman with most unusual assignments indeed, but who experiences the same problems as many other Swedish women in her attempts to combine family life with professional life.

Anna Lindh let the journalists get close, which was a way to meet their need for telling tales. At the same time it was a way for her to keep the initiative in terms of the construction of her as a public person. Friendliness and humor were her distinctive features, but charm, a form of *delectare*, may also present problems for a woman politician. In an interview I did with her a few years ago, she told me that her husband, another politician of high standing, gave her the advice not to smile so much. Consequently, she made sure she toned down her natural, sunny charisma in certain situations in order to gain more authority.

From the examples of women's political leadership that I have examined over the last decade one can draw the conclusion that the stereotypes of what a woman should be like have not changed to any appreciable extent. However, the rhetorical and media strategies used by women imply a considerable cunning on their part in using the stereotypical view of femininity to their advantage.

In times of gynaeophobia, strategies were by necessity indirect and defensive. In the current climate in Sweden of, shall we say, an amicable attitude toward women, the strategies are remarkably offensive, albeit still embedded in that which is regarded as suitable for a woman. The woman leader persona is today constructed out of categories of competence, communicative sensitivity, popularity, and motherliness. And motherliness

does seem to top the list. This was literally demonstrated in an issue of the woman's magazine *Tara* in spring 2004, in which eight leading women from different sectors in society were listed together with a short summary of their leadership features. Most highly ranked were social competence, commitment—and motherliness. So what is motherliness? It is the opposite of being aggressive; it is being caring, pedagogical, sympathetic, friendly, but also firm. Motherliness also goes well together with the more specifically Swedish calls for popularity and simplicity. The word mother does not conjure up images of being intellectual, or fashionable, nor too feminine. If one looks at Swedish women politicians today, there is not much elegance or sex appeal. So even if women enjoy a relatively high status in Sweden today, they meet with most credibility if they, in addition to being competent within their field, also answer well to the ancient woman stereotype of the good mother.

So, what's new? Concurrently with women entering the arena, there has indeed been a change in Swedish political communication. Linguistically, it is evident that the ordinary citizen's calls for a clear and rational address corresponds well to the type of language preferred by women—simple, straight-to-the-point, concrete, and ordinary. Already in the 1980s, a linguistic gender study was made of the language used in parliament. From that study, it was very clear that women's way of speaking and arguing was valued decidedly higher and more reasonable than men's. What can be regarded as the traditional, "male" politician's language—dry and circumstantial, abstract and pompous, and filled with fallacies—was already then deemed insufficient and is evidently on the decline in Sweden (Thelander, 1986). In that sense the "strategic maneuvering" of many of the women politicians has been very successful in order to "make the strongest possible case while at the same time avoiding any moves that are clearly unreasonable" (van Eemeren, & Houtlosser, 2002b, p. 16). But it becomes also clear, by studying women rhetoricians, that argumentative strategies are not merely about verbal choices. It seems as if a situation where the speaker has more or less low status, depending on a gendered or otherwise marginalized position, calls for very cautious rhetorical strategies to become efficient. Strategies that have to consider not only strictly argumentative steps but also the common attitudes and prejudices toward, in this case, women speakers. In terms of the concept of strategic maneuvering this has consequences for both the choices concerning the "topical potential," the sensibility for "audience demands," and a careful consideration of "presentational devices" (van Eemeren, & Houtlosser, 2002a, p. 139f). Those different choices and considerations have, as I see it, to start long before the actual rhetorical situation or the "opening stage" of an argumentative discourse, namely in the construction of a trustworthy *ethos* with regard to especially the second aspect, "audience demands." This includes even prejudices and stereotypes which the speaker has to take under consideration and decide whether to use to her own advantage or to reject and confront, depending on her strategic goal. I would thus, from a rhetorical point of view, suggest to extend the concept of strategic maneuvering to embrace the whole process of constituting a speakers credibility, as starting point for successful argumentative moves. Looking at

examples concerning the argumentational moves of women politicians one can see that this implies a high sensibility for the demands of the rhetorical situation, but at least in the Swedish case, hopefully, with the result of a more constructive and rational political discourse.

REFERENCES

- Adelswärd, V. (1988). *Styles of success. On impression management as collaborative action in job interviews*. Linköping: Linköping University Press.
- Adelswärd, V. (1999). *Kvinnospråk och fruntimmersprat. Forskning och fördomar under 100 år*. Huddinge: Bromberg.
- Eemeren, F. H. van, & Houtlosser, P. (2002a). *Dialectic and rhetoric. The warp and woof of argumentation analysis*. Dordrecht: Kluwer Academic Publications.
- Eemeren, F. H. van, & Houtlosser, P. (2002b). Strategic maneuvering with the burden of proof. In F. H. van Eemeren (Ed.), *Advances in pragma-dialectics* (pp. 13-28). Amsterdam/Newport News, VA: Sic Sat/Vale Press.
- Lunsford, A. A. (Ed.). (1995). *Reclaiming rhetorica. Women in the rhetorical tradition*. Pittsburgh: University of Pittsburgh Press.
- McCroskey, J. C. (2001). *An introduction to rhetorical communication*. (8th ed.) Boston: Allyn & Bacon.
- Mral, B. (1995). Kvinnors retorik. Konsten att välja rätt mask. In C. Åsberg (Ed.), *Retoriska frågor. Texter om tal och talare från Quintilianus till Clinton tillägnade Kurt Johannessson*. Stockholm: Norstedt.
- Mral, B. (1999a). *Talande kvinnor. Kvinnliga retoriker från Aspasia till Ellen Key*. Nora: Nya Doxa.
- Mral, B. (1999b). The public woman: Women speakers around the turn of the century in Sweden. In Ch. M. Sutherland, & R. Sutcliffe (1999), *The changing tradition: Women in the history of rhetoric*. Calgary: University of Calgary Press.
- Ong, W. J. (1981). *Fighting for life. Context, sexuality, and consciousness*. Ithaca/London: Cornell University Press.
- Ritchie, J., & Ronald, K. (Eds.). (2001). *Available means. An anthology of women's rhetoric(s)*. Pittsburgh: University of Pittsburgh Press.
- Sutherland, C. M., & Sutcliffe, R. (1999). *The changing tradition: Women in the history of rhetoric*. Calgary: University of Calgary Press.
- Thelander, K. (1986). *Politikerspråk i könsperspektiv*. Malmö: Liber.
- Weber, A. (1990). *Teresa of Avila and the rhetoric of femininity*. Princeton, NJ: Princeton University Press.
- Wertheimer, M.M. (Ed.). (1997). *Listening to their voices. The rhetorical activities of historical women*. Columbia, SC: University of South Carolina Press.
- Willard, C. A. (1996). *A theory of argumentation*. Tuscaloosa: University of Alabama Press.

This page intentionally left blank

Pragma-Dialectics and Persuasion Effects Research

Daniel J. O'Keefe

Northwestern University

A substantial body of social-scientific theory and research has accumulated concerning the effects that various factors have on persuasive outcomes. This work has considered the influence of communicator characteristics (such as credibility), message variations (aspects of the content and organization of persuasive messages), receiver characteristics (e.g., personality characteristics), and so on (for some general reviews and discussions, see Dillard & Pfau, 2002; O'Keefe, 2002a). I have for some time been interested in exploring connections between argumentation studies and this body of persuasion effects research (e.g., O'Keefe, 1995). This chapter discusses the distinctive contributions to this enterprise made by the pragma-dialectical approach of van Eemeren, Grootendorst, and their collaborators (e.g., van Eemeren & Grootendorst, 1984, 1992; van Eemeren, Grootendorst, Jackson, & Jacobs, 1993).

Broadly speaking, social-scientific persuasion effects research has descriptive and explanatory aims. The purpose is to understand how and why persuasive messages have the effects they do. By contrast, argumentation studies generally, and Pragma-Dialectics specifically, is at its base animated by normative concerns. The underlying interest is in articulating conceptions of normatively desirable argumentative practice, both in the abstract and in application to particular instances; this interest is often allied with pedagogical concerns focused on improving discourse practices. At first blush, then, these two areas of work might seem little connected, as one is dominated by descriptive concerns and the other by normative interests.

But in fact these two enterprises can be seen to be related in useful ways; each can benefit from the other's work. In this chapter I explore two particular connections, each grounded in pragma-dialectical work. One is a broad question concerning the relationship of normatively sound argumentative practice and persuasive success. The other is a rather

specific question concerning the persuasive effects of variations in argument quality. I believe that on both fronts, Pragma-Dialectics provides a useful framework that continues to offer insight and guidance.

As a preliminary observation, it should be acknowledged that the pragma-dialectical approach is a complex of ideas that has undergone continuing development and articulation. But for my purposes here, there is one recurring element of the pragma-dialectical approach that is of special interest, namely, its focus on articulating clear, explicit standards for normatively appropriate conduct in critical discussions. Readers will surely be aware that there are many different approaches to analyzing what makes for normatively sound argumentation. For instance, "true premises plus valid logical form" is a familiar general principle. We need not here review the shortcomings of such an approach for analyzing and improving real-world argumentative practice. The point to notice is simply that the pragma-dialectical approach, by virtue of focusing on the procedural obligations associated with normatively suitable argumentation, offers a distinctive and especially well-specified alternative.

NORMATIVELY SOUND ARGUMENTATIVE PRACTICE AND PERSUASIVE SUCCESS

Generally speaking, advocates may fear that they face a choice between being successful persuaders and being normatively proper. It seems easy to suppose that only underhanded tactics and argumentative deviousness will make for dependably successful persuasion; there is a natural appeal to the idea that if one conducts oneself in a normatively sound fashion, then one's advocacy will be less successful than it might have been. Of course, it is an empirical question whether normatively sound argumentative practice inevitably means impaired persuasive success. But pursuing this question requires (among other things) some well-articulated set of normative criteria for argumentative conduct.

Pragma-Dialectics provides precisely the sort of criteria needed. Its analysis of the procedural obligations associated with good argumentation specifies a number of conduct-focused normative principles. In principle, it should be possible to investigate the consequences (for persuasive success) of adherence to any particular normatively recommended practice.

Unfortunately, the empirical research evidence in hand does not articulate quite straightforwardly with the principles specified by Pragma-Dialectics. This is unsurprising, because those researchers who have studied factors influencing persuasive effectiveness have not had the goal of examining the empirical consequences of adherence to pragma-dialectical guidelines. Still, some research evidence does bear on the question of whether normatively sound practices of advocacy are incompatible with achieving practical persuasive success.

Specifically, there are three broad principles of normatively sound argumentative conduct that Pragma-Dialectics has identified as important and that have received attention in the research literature on persuasion effects. One is that advocates should

make clear their overall claim; a second is that advocates should clearly lay out their support for their claims; and a third is that advocates should defend their views against counterarguments.

Standpoint Explicitness

One standard for normatively good argumentative conduct is that the arguer should make clear the point of view being forwarded. The pragma-dialectical approach makes reference to this principle in a variety of ways. For instance, in van Eemeren and Grootendorst's (1992) nontechnical presentation of the pragma-dialectical rules for critical discussion, Rule 10 emphasizes that "A party must not use formulations that are insufficiently clear or confusingly ambiguous" (p. 209). In general, any argumentative ambiguity may be normatively dubious: "Evasion, concealment, and artful dodging . . . are and should be excluded from an ideal model of critical discussion" (van Eemeren et al., 1993, p. 173).

But advocates will sometimes resist giving a too-clear picture of their viewpoint. It may be that they fear offending the audience in some way, or it may be that they suppose that letting the audience reason its way to the conclusion will make the message more persuasive. That is, however normatively desirable it might be to explicitly describe one's overall position, advocates might naturally fear that to do so will threaten persuasive success.

The studies that are most directly relevant to the question of the persuasive effects of standpoint explicitness are experimental studies that compare the effectiveness of two messages, one of which has an explicit statement of the advocate's overall point and the other of which does not. A meta-analytic review of this research (O'Keefe, 2002b) identified 17 such studies. Across these investigations, there was a significant persuasive advantage for messages with an explicit statement of the overall conclusion. That is, normatively sound argumentative practices, far from being inconsistent with practical success, actually contributed to such success. Moreover, this effect seems quite general. For instance, it appears to obtain no matter what the audience's level of education is and no matter what the audience's initial position is (i.e., whether the audience initially opposes or favors the advocated view).

There is a second, related line of research that also speaks to the question of the practical consequences of the advocate's clearly articulating the desired conclusion. This research takes the form of experiments comparing the persuasiveness of messages that have explicit conclusions but that vary in the degree of detail or specificity in the rendition of the conclusion. O'Keefe's (2002b) review located 18 such experiments. Across these studies, there was a significant persuasive advantage for messages with better-articulated conclusions. That is, advocates whose conduct exemplified pragma-dialectical normative ideals enjoyed greater persuasive success as a result.

In sum, the research evidence indicates that, in general, advocates who articulate their overall standpoint in normatively sound argumentative ways do not suffer diminished practical success. On the contrary, these advocacy practices, identified by Pragma-Dialectics as normatively desirable, are associated with enhanced persuasion.

Justification Explicitness

A second standard for normatively good argumentative conduct is that arguers specify the reasons underlying the claims being advanced. This requirement is articulated by van Eemeren et al.'s (1996, p. 283) Rule 2: "A party that advances a standpoint is obliged to defend it if asked by the other party to do so" (similarly, see van Eemeren & Grootendorst, 1992, p. 208). This principle, combined with a general injunction against obscurity or deviousness, suggests that advocates should make their supporting arguments explicit.

Advocates might sometimes resist this practice, however, fearing that a too-explicit rendition of their reasoning might backfire—might invite unwanted scrutiny or criticism, might encourage negative reactions or counterargument. One way of expressing this fear is to say that advocates might recognize that argumentative explicitness enlarges the "disagreement space," by making more material available for critical discussion (on the idea of disagreement space, see van Eemeren et al., 1993, pp. 95-96; Jackson & Jacobs, 1980).

Two lines of research bear on the question of whether this concern is warranted. The first examines the persuasive effects of varying whether the arguer explicitly identifies the source(s) of information and opinion that are offered in the message. The experimental contrast thus is between messages in which the advocate's supporting information (the "evidence," one might say) is accompanied by information about the source of the evidence (the source's name, date of the information, and so forth) as opposed to messages containing similar evidence but without specification of the information source.

A meta-analytic review of 13 such studies found a significant persuasive advantage for messages that provided citations to their information sources (O'Keefe, 1998). This conclusion, however, must be tempered a bit, because the experimental messages in these studies commonly used high-quality information sources providing relevant evidence on the claims under discussion; one cannot be sure that the same persuasive advantage would obtain if poor-quality sources were to be used or if irrelevant evidence were to be offered. Still, the extant research does suggest that some persuasive advantage is to be gained by the normatively desirable practice of explicitly specifying one's information sources.

The second relevant line of research examines the persuasive effects of varying the completeness with which the advocate spells out supporting arguments—explicitly articulates premises, conclusions, supporting information, and the like. For instance, Munch, Boller, and Swasy (1993) experimentally examined the persuasiveness of advertisements varying in whether the Toulmin warrant was explicitly specified. A systematic quantitative review of 18 such studies found that messages providing a more complete rendition of their arguments enjoyed a significant persuasive advantage (O'Keefe, 1998).

In short, adhering to the pragma-dialectical normative principle of clearly articulating one's argumentative support is, to all appearances, not in conflict with practical persuasive success. In fact, explicitly identifying one's sources of information and explicitly specifying one's underlying arguments are advocacy practices that appear to generally enhance persuasion.

Dealing With Counterarguments

A third standard for normatively good argumentative conduct is that advocates must be willing to defend their standpoints against counterarguments. The obligation to defend (Rule 2 of van Eemeren et al., 1996, p. 283) requires that an advocate be willing to respond to objections (attacks, counterarguments) against the advocate's position. The normatively responsible advocate does not avoid counterarguments but engages them straightforwardly and attempts to defend the standpoint against them, most directly by refuting them.

In the persuasion effects research literature, the relevant experimental comparison is between what have commonly been labeled "one-sided" and "two-sided" messages. A one-sided message presents only supporting arguments and ignores opposing arguments; a two-sided message both presents supporting considerations and discusses counterarguments. The specific form of two-sided message of interest here is what is called a "refutational" two-sided message, in which refutation of opposing arguments is undertaken. (A "nonrefutational" two-sided message, which acknowledges but does not attempt to undermine counterarguments, does not represent a defense of the advocate's position.)

A meta-analytic review of the relative persuasive effectiveness of one-sided and refutational two-sided messages found that, across 42 experiments, there is a significant persuasive advantage for refutational two-sided messages (O'Keefe, 1999). That is, defending one's view against objections by directly undertaking refutation of those counterarguments—a procedural obligation specified by the pragma-dialectical approach—enhances persuasive success. Ignoring opposing considerations thus is not only normatively questionable, but also pragmatically contraindicated.

Notably, nonrefutational mention of opposing arguments makes messages dependably less persuasive than one-sided messages (across 65 such experimental comparisons; O'Keefe, 1999). Nonrefutational acknowledgment of counterarguments is of course not normatively questionable in the way that ignoring such counterarguments is, but such nonrefutational acknowledgment obviously does not discharge the advocate's responsibility to defend the advocated standpoint.

In any case, when an arguer mentions counterarguments without refuting them, the arguer's persuasive success is generally diminished (as one supposes it should be). By contrast, when an arguer addresses counterarguments by refuting them—thus attempting to discharge the obligation to defend—persuasion is thereby enhanced. Once again, argumentative conduct endorsed by the pragma-dialectical approach as normatively responsible turns out to not be in conflict with achieving practical persuasive success. Indeed, the practices here required by Pragma-Dialectics generally improve the advocate's chances for persuasion.

Summary

Advocates might naturally fear that normatively sound argumentative practices can interfere with persuasive success; they might easily suppose that only devious conduct

will make for practical effectiveness. Allaying such concerns requires having a well-specified set of principles of normatively sound argumentative conduct, because only then is it possible to take up the empirical question of the practical consequences of following such principles. Pragma-Dialectics has provided precisely the sort of principles needed—and, as it happens, the empirical evidence in hand plainly suggests that adherence to pragma-dialectical argumentative standards will, if anything, likely enhance rather than diminish persuasive success.

ILLUMINATING ARGUMENT QUALITY

There is a second general area of research where the pragma-dialectical approach may offer some important contributions to persuasion effects research, namely, in the analysis of argument quality variations.

Argument Quality and Persuasive Effects

One especially significant general theoretical development in persuasion effects research has been the articulation of “dual-process” models of persuasion (e.g., Chaiken, 1987; Todorov, Chaiken, & Henderson, 2002). The best-known and most widely studied dual-process model is Petty and Cacioppo's (1986) elaboration likelihood model (ELM). The ELM offers a broad distinction between two different general processes by which persuasion is accomplished. Which persuasion process is activated depends on the receiver's amount of issue-relevant thinking (“elaboration”).

When receivers engage in extensive elaboration (e.g., as when the topic is personally relevant), the “central route” to persuasion is said to be engaged. In central-route persuasion, the outcome of a persuasive effort depends on the results of the receiver's close scrutiny of, and thinking about, the message's arguments. Hence in central-route persuasion, one important determinant of persuasive outcomes is said to be the quality of the message's argumentation.

By contrast, when the receiver engages in relatively little issue-relevant thinking (as when the topic is not personally relevant, or the receiver is distracted and so prevented from engaging in close message scrutiny), the “peripheral route” to persuasion is said to be activated. In peripheral-route persuasion, the outcomes of persuasive efforts depends on the receiver's use of heuristics, simple decision principles that do not require much careful thinking. For instance, a receiver might be guided by the apparent credibility of the communicator, the likeability of the communicator, or the reactions that others have to the message. Because receivers are not carefully considering the message's arguments, these extrinsic considerations have greater influence.

Thus the general picture offered by the ELM is that as the receiver's issue-relevant thinking increases, the impact of peripheral considerations (such as the communicator's attractiveness) on persuasive outcomes will diminish and the impact of argument quality

will increase. Plainly, argument quality is a key variable in the ELM's conception of persuasion processes.

But the conceptual treatment of "argument quality" in this line of research falls rather short of what one might like. Typically, argument quality is defined empirically, on the basis of pre-experimental reactions to the arguments. High-quality ("strong") arguments are ones that engender favorable reactions under conditions of careful scrutiny; low-quality ("weak") arguments are ones that elicit unfavorable (or less-favorable) reactions under such conditions. That is to say, argument quality is not defined on the basis of some independent abstract characterization of argument quality, but rather on the observed effects of different arguments under conditions of high elaboration.

This way of proceeding leaves the composition of high-quality argumentation unanalyzed (for amplification of this point, see O'Keefe, 2003; O'Keefe & Jackson, 1995). The ELM's way of defining high- and low-quality arguments guarantees that high-quality arguments will be more persuasive than low-quality arguments under conditions of high elaboration—but the ELM cannot specify what it is about the high-quality arguments that makes them persuasive. Expressed somewhat differently, the ELM begs the question of argument quality's role in persuasion, because the ELM assumes (rather than shows) that argument quality is the key determinant of persuasion under conditions of high elaboration. In a sense, for all we know, the active ingredient that differentiates the "strong-argument" messages and "weak-argument" messages is something entirely different from the actual quality of the argumentation—because the ELM offers no independent analysis of argumentation quality.

Approaching Argument Quality in Pragma-Dialectical Terms

The potential contribution of a pragma-dialectical approach to this problem is perhaps easy to discern: To make progress in understanding the role that argument quality variations play in persuasion, some independently grounded analysis of argument quality is needed—and Pragma-Dialectics provides just the sort of framework needed. It specifies what counts as normatively high-quality argumentation through its identification of the principles for ideal critical discussion.

Indeed, as discussed earlier, there is already considerable research evidence that can be brought to bear on the question of the persuasive effects of normatively good argumentation as understood in pragma-dialectical terms. Clearly stating one's overall position, explicitly articulating one's supporting materials, and directly engaging and refuting counter-arguments—all these normatively desirable advocacy practices can be seen to generally engender greater persuasion.

The more particular matter that remains to be explored empirically is the degree to which the principles of the pragma-dialectical approach might be used to shed light specifically on the accumulated findings associated with the ELM research program. This is obviously too speculative a matter to permit many confident assertions about what such empirical work might show. But, for example, it might turn out to be the case that

even under conditions of low elaboration, some aspects of normatively good argumentation are still typically important determinants of persuasive outcomes. That is to say, in place of a general ELM-like gloss that suggests that "argument quality" influences persuasive outcomes comparatively little under conditions of low elaboration, we might find that a pragma-dialectical approach offers a more nuanced view—a view in which certain normatively relevant argumentative practices are consequential for persuasive outcomes under conditions of either high or low elaboration, while others are pragmatically consequential only when elaboration is high.

CONCLUSION

Pragma-Dialectics has contributed to our understanding of enduring questions about tensions between normatively sound and pragmatically effective argumentation, and offers the promise of further illumination of central unresolved issues in the most current theoretical analyses of persuasion. By conceiving of normatively sound argumentation not in terms of true-premises-and-valid-form but rather in terms of standards for arguers' conduct, and by offering a carefully articulated rendition of the specific procedural obligations of normatively defensible argumentation, Pragma-Dialectics offers a distinctive analysis—one that plainly has continuing vitality and utility.

REFERENCES

- Chaiken, S. (1987). The heuristic model of persuasion. In M. P. Zanna, J. M. Olson, & C. P. Herman (Eds.), *Social influence: The Ontario symposium. Vol. 5* (pp. 3-39). Hillsdale, NJ: Lawrence Erlbaum Associates.
- Dillard, J. P., & Pfau, M. (Eds.). (2002). *The persuasion handbook: Developments in theory and practice*. Thousand Oaks, CA: Sage.
- Eemeren, F. H. van, & Grootendorst, R. (1984). *Speech acts in argumentative discussions: A theoretical model for the analysis of discussions directed towards solving conflicts of opinion*. Dordrecht/Cinnaminson: Foris.
- Eemeren, F. H. van, & Grootendorst, R. (1992). *Argumentation, communication, and fallacies: A pragma-dialectical perspective*. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Eemeren, F. H. van, Grootendorst, R., Jackson, S., & Jacobs, S. (1993). *Reconstructing argumentative discourse*. Tuscaloosa, AL: University of Alabama Press.
- Eemeren, F. H. van, Grootendorst, R., Snoeck Henkemans, F., Blair, J. A., Johnson, R. H., Krabbe, E. C. W., Plantin, C., Walton, D. N., Willard, C. A., Woods, J., & Zarefsky, D. (1996). *Fundamentals of argumentation theory: A handbook of historical backgrounds and contemporary developments*. Mahwah, NJ: Lawrence Erlbaum Associates.
- Jackson, S., & Jacobs, S. (1980). Structure of conversational argument: Pragmatic bases for the enthymeme. *Quarterly Journal of Speech*, 66, 251-265.

- Munch, J. M., Boller, G. W., & Swasy, J. L. (1993). The effects of argument structure and affective tagging on product attitude formation. *Journal of Consumer Research*, 20, 294-302.
- O'Keefe, D. J. (1995). Argumentation studies and dual-process models of persuasion. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.), *Proceedings of the third ISSA conference on argumentation, vol. 1: Perspectives and approaches* (pp. 3-17). Amsterdam: Sic Sat.
- O'Keefe, D. J. (1998). Justification explicitness and persuasive effect: A meta-analytic review of the effects of varying support articulation in persuasive messages. *Argumentation and Advocacy*, 35, 61-75.
- O'Keefe, D. J. (1999). How to handle opposing arguments in persuasive messages: A meta-analytic review of the effects of one-sided and two-sided messages. *Communication Yearbook*, 22, 209-249.
- O'Keefe, D. J. (2002a). *Persuasion: Theory and research* (2nd ed.). Thousand Oaks, CA: Sage.
- O'Keefe, D. J. (2002b). The persuasive effects of variation in standpoint articulation. In F. H. van Eemeren (Ed.), *Advances in pragma-dialectics* (pp. 65-82). Amsterdam: Sic Sat.
- O'Keefe, D. J. (2003). Message properties, mediating states, and manipulation checks: Claims, evidence, and data analysis in experimental persuasive message effects research. *Communication Theory*, 13, 251-274.
- O'Keefe, D. J., & Jackson, S. (1995). Argument quality and persuasive effects: A review of current approaches. In S. Jackson (Ed.), *Argumentation and values: Proceedings of the ninth Alta conference on argumentation* (pp. 88-92). Annandale, VA: Speech Communication Association.
- Petty, R. E., & Cacioppo, J. T. (1986). *Communication and persuasion: Central and peripheral routes to attitude change*. New York: Springer-Verlag.
- Todorov, A., Chaiken, S., & Henderson, M. D. (2002). The heuristic-systematic model of social information processing. In J. P. Dillard & M. Pfau (Eds.), *The persuasion handbook: Developments in theory and practice* (pp. 195-211). Thousand Oaks, CA: Sage.

This page intentionally left blank

On Casting Doubt: The Dialectical Aspect of Normative Rules in Argumentation

Christian Plantin

CNRS - Lyon 2 University

One of the most stimulating ideas that we owe to the Amsterdam School in general and to Frans van Eemeren in particular, is that argumentative activity is basically a dialogal activity, and that a productive argumentative debate must follow a specific set of rules.¹ Such a debate is not a conversational exchange but rather a formal exchange which conforms to a certain number of conditions: There is a serious, persistent, and expressed difference of opinion; there is no preference for agreement; arguments and counter-arguments are more or less planned beforehand; the capacity to mirror one another, that is, the fine mechanisms of empathy fundamental for the understanding of the other, is suspended. On the other hand, argumentative debate is not a mere fight, although it might include highly polemical, *ad personam* episodes. It adheres to many collaborative principles of conversational exchange: Participants have equal rights to the floor, a balance is maintained between the alternation and volume of turns of speech, and it includes a range of diversified, heterogeneous arguments, taking into consideration the other's sayings at least to refute them.

The pragma-dialectic approach to argumentation re-defines preliminary agreements as an explicit set of rules on the interaction. This idea of a rule-based but nonetheless free dialogue defines argumentation as dialectical; pragma-dialectic is "a new dialectic." Following this concept of argumentation, I argue that the dialectical character of argumentation must be extended to the rules underlying even the best argumentation; in other words, I suggest that the dialectical character of argumentation gets the upper hand over its rule-based character.

¹ I would like to thank Dr. Gerald P. Nicolai for the correction of this manuscript and especially for his rendering of the students' dialogue.

In the "New dialectic" framework, van Eemeren and Grootendorst (1992) posit, as Rule 1, "Parties must not prevent each other from advancing standpoints or casting doubts on standpoints" (p. 209). This rule postulates both freedom of proposition and opposition, freedom of (verbal) invention and a right to skepticism. Is its transgression fallacious? The following observations and examples are intended to illustrate the usefulness of the rule and some subtleties of its applications.

Rule 1 expresses an interacting duty, and also an epistemic duty. It has a self-evident, conservative, implication: If arguing is to be significant, there is also a duty to counter-fight, that is, to stick to one's position; this the price to be asked of the co-arguer for revisiting one's standpoint, and a condition as well for personal identity and survival as for ordinary action.

DIALECTIZING RULE I

In order to show that this rule must be "dialectized" we will follow the Aristotelian method, that is by showing that the standpoint of our authorities is backed by some of the best men of the company and opposed by some others, equally honorable.

On the Pro-Side

Stuart Mill (1859/1987) ranks very high on the side of the pro. In *On Liberty*, he expresses the same position, first on the side of liberty of expression: "If all mankind minus one were of one opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind" (p. 76); and, second, on the side of liberty of contradiction: "Complete liberty of contradicting and disproving our opinion is the very condition which justifies us in assuming its truth for purposes of action" (pp. 76, 79).

If we consider that expressing a new standpoint is a way to contradict the older ones, predominant in the considered field, the right to cast doubt is fundamental for the whole process. The refusal to cast doubt on a standpoint can be a mere sociopsychological problem, a question of inhibition of speech. This corresponds to the Lockian definition of the *ad verecundiam* argument, considered fallacious: "The first [kind of argument] is, to allege the opinions of men, whose parts, learning, eminency, power, or some other cause has gained a name, and settled their reputation in the common esteem with some kind of authority. When men are established in any kind of dignity, it is thought to be a breach of modesty for others to derogate any way from it. This is apt to be censured, as carrying with it too much pride, when a man does not readily yield to the determination of approved authors, which is wont to be received with respect and submission by others: And it is looked upon as insolence, for a man to set up and adhere to his own opinion against the current stream of antiquity; or to put it in the balance against that of some learned doctors, or otherwise approved writer. Whoever backs his tenets with such

authorities thinks he ought thereby to carry the cause, and is ready to style it impudence in any one who shall stand out against them" (Locke, 1690/1959, vol. 1, p. 410).

The violation of Rule 1 might be dubbed "The Great Inquisitor's argument," according to one of its prototypical occurrence in Dostoevsky. Consider the dialogue between the Great Inquisitor and the Unknown—the Christ—who appears before him. The Great Inquisitor speaks: "'Is it Thou? Thou?' but receiving no answer, he adds at once. 'Don't answer, be silent. What canst Thou say, indeed? I know too well what Thou wouldst say. And Thou hast no right to add anything to what Thou hadst said of old. Why, then, art Thou come to hinder us? For Thou hast come to hinder us, and Thou knowest that'" (F. Dostoevsky, *The Brothers Karamazov*. Book V, chapter 5, as translated by Constance Garnett, <http://eserver.org/fiction/brothers-karamazov.txt>).

Expressing an unusual opinion is shocking, particularly when it affects faith. "Many believers have been shocked and completely disorientated by P. Duquesne's book on Jesus. They are completely disorientated to see that it calls into question what they considered (with the Church) as articles of faith, as testify the quantity of letters to the editor received both by *The Pilgrim* and *Catholic Life*:² 'Don't disrupt the serenity that millions of Christians still find in the Gospels' or 'J. Duquesne's assertions are a serious blow to the faith of millions of believers'" (*Télérama*, 2343, p. 24). The strategy "leave us in peace" (*ad quietem*) is an opening maneuver, the intention of which is to postpone a problem, to reject a problem, to extinguish a debate.

In *The Book of fallacies*, Bentham (1824/1962) considers that it is a "fallacy of delay," that is a sophistic maneuver used "to postpone discussion with a view of eluding it."

- The Quietist, or "No complaint" argument (*ad quietem*) Exposition.—A new law or measure being proposed in the character of a remedy for some incontestable abuse or evil, an objection is frequently started, to the following effect: "The measure is unnecessary; nobody complains of disorder . . ."
- Fallacy of false consolation (*ad quietem*). Exposition.—A measure having for its object the removal of some abuse . . . —this argument consists in pointing to the general conditions of the people in this or that other country, under the notion, that in that other country, either in the particular respect in question, or upon the whole, the condition of the people is not so felicitous as, notwithstanding the abuse, it is in the country in and for which the measure of reform is proposed. "What is the matter with you? 'What would you have? Look at these people there, and there: Think how much better off *you* are than *they* are."
- Procrastinator's argument—(*ad socordiam*) [. . .] "Wait a little, this is not the time."
- Snail's pace argument—(*ad socordiam*)—"One thing at a time! Not too fast! Slow and sure!"

A meta-discussion on the necessity of the discussion is substituted to the discussion simpliciter.

² Two catholic magazines. *Télérama* is a catholic TV Magazine.

The argument "Leave us in peace!" that opposes to the expression of a point of view is clearly a case of violation of the imperative of freedom and doubt. So says the principle.

Incidentally, note that Bentham's presentation doesn't refer to any logical form, which would be invalid. He imagines, or quotes, typical fragments of discourses which are digests of arguments. According to this vision, and contrary to the classical rhetorical lore on invention, arguing is a matter of memory and elocution, and genre-domain relative; one of these discursive forms is chosen as appropriate to the circumstances, then reformulated and expanded. In such cases, the *topoi* are very similar to discursive *clichés*. We return to this concept of *topos* in a later section .

On the Contra-Side

Leibniz casts a slight doubt on Locke's position, suggesting that sometimes, some inhibition of speech might be in order. *Philalète* summing up Locke's position, observes first that "everybody uses reason either within oneself or towards another;" *Théophile* agrees upon the fact that since "most of the truths can be upheld boldly, there is some prejudice against a position which must be dissimulated;" nonetheless, he stresses that "a difference must certainly be made between what is good to tell and what one must truly believe." This introduces a prudential, pragmatic perspective to the discussion. Truth has its social ingredient; in certain circumstances, it can be naive, not to mention risky, to contradict. Truth-oriented dialogue remains a dialogue, that is, it involves taking into consideration the micro- and macro-social context, as well as the other person. There is a strategic, social, and political development of truth. Even in reason-seeking dialogues, truth develops along strategic, social and political lines. Truth must prevail, and will, but in the end. The beginnings are subject to more strategic positioning.

A great pragmatist, Aristotle maintains strongly the position that rejecting some kinds of debate may be quite legitimate: "Not every problem, nor every thesis, should be examined, but only ones which might puzzle one of those who need argument, not punishment or perception. For people who are puzzled to know whether one ought to honor the gods and love one's parents or not need punishment, while those who are puzzled to know whether snow is white or not need perception" (*Topics*, I, 11).

The conditions are of two kinds: First, on the seriousness of the person who proposes the debate; she must "need argument," that is, be really willing to hear arguments; in other words, she must really be in a cognitive state of doubt about the topic proposed for investigation. Some topics exclude doubts; to create doubts on them is mere sophistry or stupidity. The three exemplary topics chosen by Aristotle, and, placed on the same level, are a sense datum ("Is snow white?"), a religious practice ("Must the gods be honored?"), and a social feeling ("Should we love our parents?"). These kinds of questions don't open genuine argumentative dialogues; their respective answers are nonargumentative: "Have a look!" in the first case; and a good nonverbal thrashing in the others.

Perelman and Olbrechts-Tyteca (1958/1976) don't consider the problem but the person: "There are people with whom all contact may seem superfluous or undesirable.

There are people whom one doesn't care to address; there are also with whom one doesn't want to argue, but content oneself with giving orders" (p. 20).

This suggests that there may be, so to say, "conditions of disputability" of a question. In other terms, this sums up to the problem of differentiating an argument and a fallacy. My position about this point is that this is not a question for the logician, but that, as Hamblin (1970) strongly stresses, it must be left to be decided, case by case, to the protagonists of the discussion (pp. 244-245).

SOME WAYS TO TURN DOWN A DEBATE

Conditions of Disputability

Three major ways to turn down the debate can be distinguished, *ad rem* ("I don't want to discuss that! You can't discuss that!"), *ad personam* ("I don't want to discuss this with you!"), and *ad circumstantiam* ("I don't want to discuss this with you now, with so little time, in such a place . . ."). The legitimacy of the argument is entirely domain-dependant.

These maneuvers are a special kind of specific topoi, meta-topoi so to say, because they don't bear on the topic itself but on its legitimacy, or on the conditions of the debate; they "question the question." They are "static" maneuvers, that is, they shift, they reposition the question ("the opponent isn't competent to discuss that, the time and the audience are not appropriate . . ."). Sometimes, the basic agreements necessary to have a fruitful discussion are present, other times they are, so to say, part of the problem.

The kind of exchanges under consideration occur during the confrontation stage of an argumentative debate, and aim to turning down the debate, that is, to torpedo the problem from the outset. This argumentative move is a strategy used by a reluctant participant who tries to evade the debate, or to gain an advantage on the issue, or, and that is the point, to improve the quality of the question. This is no sin. This opening stage, which can be very long, can take place weeks or months before the debate itself, for example, in diplomatic debates or in trade union-employer negotiations. The problem is to settle the "disputability conditions" or the preparatory conditions of a fruitful debate on a problem. The conditions are sociopragmatic.

Let us consider first an example taken from French political life. In the first round of the 2002 French presidential ballot, the socialist candidate, Lionel Jospin, came third, after Jacques Chirac, candidate of the center-right, and Jean-Marie Le Pen, candidate of the extreme right. In accordance with the French constitution, only two candidates can compete for the second round of the ballot, and Jospin was excluded from the second round. Normally, between the two rounds of the elections, there is a debate on TV, which is supposed to be the privileged moment when the two candidates publicly confront their programs. Le Pen demanded the debate; but Chirac refused to debate with him.

Chirac's camp brought in the following arguments (which sound like marching orders or slogans) to justify the refusal:

I've never discussed with them, I'll not begin now.
 We have nothing in common with Le Pen.
 I have never compromised with the National Front.
 There is nothing to negotiate.

These rebuttals are grounded in a common view of what are the rules defining "a true debate": A true debate takes place between people who are partners; some set of facts or principles are agreed upon by the participants; the participants are willing to compromise or at least to enter into a process of negotiation. This is certainly acceptable for a debate aiming at some pragmatic, concrete result, as in a diplomatic or a business negotiation, in a form of winning-winning game. Chirac re-formats a run-off election debate as a diplomatic or a business negotiation. Le Pen answered on quite different grounds:

This refusal to discuss with me amounts to the exclusion of all the people who voted for me from the national community.
 The reason that Chirac is refusing is that he knows that I'm going to ask him about his problems with the courts (Chirac was possibly facing impending difficulties with the courts at the moment).
 Chirac flees from confrontation, he is a coward, he has no sense of honor.

Whatever the appreciation of this kind of exchange might be, it remains that the legitimacy of a debate can itself be the focus of a vivid debate.

Two Reasonable Forms of *Ad Quietem*

The second case is a classroom discussion on immigration and French citizenship. At the time, these points were being debated in the French Parliament. Restrictive measures had been taken by the former government, and more liberal ones were proposed by the new government. Thus, a debate on these topics, which should be of importance to every citizen, had been organized as part of a University course devoted to oral expression.

The rhetorical models (or participative frames) associated with this situation are of two kinds. Speech can develop according to the classical models of a classroom exchange teacher/student, or expert/profane. Alternatively, the participants can turn to a frame more akin to a televised debate, with a host (the teacher) organizing the debate, giving the floor those who ask for it, principally to a few outstanding "leaders of opinions."

Classroom debates also have a specific feature in that the question to be debated is forced upon the students. This creates a duty to take a position, to expose one's point of view and one's correlative face on a topic, in this case on a topic for which politically incorrect positions are highly stigmatized. This kind of communication contracts and the resultant tension provides us with an excellent field to observe a variety of *ad quietem* maneuvers.

The sequence has been transcribed with the intention to maximize readability. For

clarity's sake, the teacher's interventions (Pr) are in italics, the student's (Student-1, St-1) in roman characters. '↓' punctuates an assertive sequence of words; '↑' a more interrogative one, or a quest for approval. (.) corresponds to a short silence, (x) to a x second long silence; '—' signals a truncated word or group of words; (. . .) signals a short inaudible passage. St-1 and St-2 stand for the student's first names.

Ad quietem and noninvolvement

Pr *well, you are all mute ↑ silent ↑ you have retained nothing in all that ↑
(.) nothing struck you ↑ (.) what are the points- we're going to begin
to make the list well can you list them yes ↑*

St-1 already there are two points of view (.)

Pr *there are two points of view you saw that there are--yes ↑*

St-1 I mean two sides which oppose each other those who want um
like the petition of all the artists filmmakers et cetera who want that
the—that the im—I mean that the immigration code be unlimited ↓
be for everybody ↓ and that that all illegal
aliens be regularized ↓ thus euh without limits ↓

Pr *hm hm hm hm*

St-1 and the second point of view is those who say that there must be-
for there to be personal rights there must state rights ↓
thus there needs clearly to have limits and that—
and also I mean generally these persons are those who say
that the government now has other priorities that are more important ↓
and that it was [not necessary to return to that ↓ (.)

Pr *OK OK ↓ so you relate this with what ↑
[. . .]*

After a first opening proposition framing her whole intervention (line 4), the student mentions the two positions around which the debate is organized; this is a description of an argumentative situation, but not a neutral one. The first position is reported (lines 7-11) with an orientation to the rejection of this position; this interpretation is based on two clues: First, the student stresses the radicalization of the mentioned position (lines 9-10), making it difficult to uphold; second, she mentions the kind the people who defend this position "artists, filmmakers," with a possible association of negative stereotypes to them as not the best qualified people to address the question; she won't categorize the other camp in the same way.

The second position (lines 14-16) is reported in a neutral, impersonal, way, which gives it an air of objectivity. And then, there occurs a complementary episode (lines 17-19) mentioning the existence of a third discourse, opening a meta-debate, with a wonderful reported argument for refusing the debate, never explaining her personal position:

the government now has other priorities that are more important ↓ and that it was not necessary to return to that ↑

Thus, this student shows a remarkable coherence in her two-levels argumentative strategy in favor of the existing state of affairs. Just after this intervention, another student defends the opposite point of view, with the same *ad quietem* strategy.

Ad quietem and ethical principles

Pr *we can begin [the debate] like that no □ so there are two points of view on- you have clearly seen two points of view on these immigration rules so who wants to take the floor about this □ today I'd like to let you have the floor [. . .] your classmates speak among yourselves so (9s) [St-2] no ↑*

St-2 I haven't even understood the topic of the debate yet ↓

Pr *you haven't understood what do you mean ↑*

St-2 well no ↓ I don't know ↓ I don't really see what we are debating

Pr *you don't see what we are speaking about ↓ OK your reading the text didn't ↑*

St-2 not really ↓ no

Pr *ahah not really ↓ you know what they—what they discuss at the moment in the Parliament ↑*

St-2 yeah about the laws on immigration

Pr *yes ↓ is it only about the laws on immigration □*

St-2 yeah about citizenship

Pro *both huh ↑ there are two debates on this point huh ↑ laws on French citizenship and then laws also on immigration and look - and our debate was about that ↓ and why don't you see there is a debate ↑*

St-2 because because somehow also there is something which disturbs me because because anyway euh there is nothing to debate in French nationality there are conditions under which it must be granted conditions under which it must not be granted

Pr *we could maybe discuss that because it seems that there is no agreement*

St-2 well there you go it is exactly that that bothers me

Pr *there we are eh □ then on the French nationality you say that there are conditions eh □ conditions in which it must be granted and also conditions*

St-2 no but really I've got the feeling that we're not taking on the responsibility for what was started actually there was a whole historical thing behind all that uh at one point we needed labor et cetera we made lots of people come then there were some wars and stuff like that we took in lots of people etcetera which seems quite normal to me and once we started that we take on the responsibility to the end and I don't see why now we we are trying to see if we must or not give citizenship or if—in any case yes it's quite clear you know that once one tells them to come well one gives them the citizenship one gives them the identity one gives them everything you know ↓

Pr *one gives them everything OK ↓ so you would be in favor of an opening at the same time on the citizenship laws right ↑ and on immigration too ↑*
[...]

This second episode can be divided in two subsequences, roughly lines 1-33 and lines 34-44. At first sight, the first one just illustrates an occurrence of the professor's nightmare, that is, the students don't want to speak (a 9-second silence is a very long silence). Even Student-2, usually one of the best speakers (and he will prove it later on), doesn't appear to be too willing to participate. His reiterated assertion:

I haven't even understood the topic of the debate yet

could be interpreted as the avowal of a cognitive failure, or as a tentative to make the teacher feel guilty for a lack of adequate explanations. Actually, his whole interactional behavior can be interpreted as a deliberate will not to participate in a debate of which he doesn't approve, that is, a kind of "*ad quietem* in action." His subsequent interventions will prove it amply and it is explicitly stated in his clear cut assertion (lines 24-27):

there is nothing to debate in French nationality there are conditions under which it must be granted conditions under which it must not be granted.

Subsequence 2 is more classical. St-2 begins his argumentation by a reproach:

we're not taking on the responsibility for what was started [Fr: *j'ai l'impression qu'on n'assume pas ce qu'on a commencé*].

This reproach is grounded on a deontic topos "When (if) one begins something, (then) one must end it". Such a rule explains that a "but" reversing the orientations of the first proposition is needed in the sentence, "you have begun, *but* you have not finished." This argumentative form is related with the slippery slope argument: "Don't begin; and if you begin, go to the end!" Topoi are not defined as abstract linking principles functioning at the deep structure level of argument, but as generic argumentative discourses, discursive forms, including both argument *and* conclusion. These forms are expanded, specified,

"filled in" according to the peculiarities of the case at hand, to constitute enthymemes. Topoi and enthymemes coexist in actual speech.

So, after a proposition organizing his discourse (line 35):
there was a whole historical thing behind all that,

St-2 fills in the argument part of the topos with two sub-arguments. The first one evokes labor immigration:

at one point we needed labor et cetera we made lots of people come

and the second one the recruitment of soldiers:

then there were some wars and stuff like that we took in lots of people.

This argument-construction sequence is then summed up (line 36):

we made lots of people come (Fr: *on a accueilli beaucoup de monde*).

The French word *accueilli* ("make come, receive, welcome") denotes a very positive attitude towards a "guest"; here, an immigrant is literally, as the Germans say, a "Gastarbeiter."

The syntactic construction of this sentence lines up with the argumentative purpose of the passage: Immigrants are in the passive position, "we" are in active position. This contrasts with later interventions by other students, in which immigrants are construed as active ("they came") and "we" as passive participants to the process. This intervention exhibits clearly the hologrammatic character of argumentative discourse (Plantin, 1995, chap. 11); not only the informative content of the assertion, but the very words and the syntactic organization of the intervention points towards the conclusion; this conclusion can already be read, or anticipated, from clues present at the lexical and syntactic levels.

Finally, after a brief evaluation stating explicitly the personal position of the speaker (line 38):

which seems quite normal to me,

the enthymeme is perfect, in its argument part, "once we started that," re-stated as "once one tells them to come," as well as in its conclusion part, first under its generic form "we take on the responsibility to the end," then under its specified, concluding form (lines 40-41):

one gives them the citizenship one gives them the identity one gives them everything;

and here comes the *ad quietem* appeal: This conclusion of this argument is simultaneously

constructed and used in favor of another conclusion *against the debate* (lines 39-40):

and I don't see why now we-- we are trying to see if we must or not give citizenship or if—

In the first subsequence, we have a kind of “enacted *ad quietem*,” in which the refusal to participate to the debate is expressed through a negative attitude, blocking up the interaction; in the second one, we have a “verbal *ad quietem*,” the same participant developing a meta-argumentation, aimed against the debate. The whole shows a clear example of coordination between verbal and interactional activities in argumentation.

There are many different ways to turn down the same debate. In the first case, St-1 used *ad quietem* in favor of the status quo. The second is more complex: Student-2 is clearly in favor of radical measures granting French nationality. But, as the status quo is actually very restrictive, some legal decision must be taken. In a democratic state, even if the Government is quite willing to implement the measures favored by St-2, some institutional deliberation must take place. Here the argument against the debate seems to have not a political but an ethical basis: There is no debate when the issue of the debate is of a kind Aristotle would classify under the same heading as loving one's parents and honoring the gods: Welcoming people who have worked and fought on our side.

CONCLUSION

Are these discourses fallacious or invalid? According to the dialectical principle, the diagnostic can't be made on one intervention but on a debate. The quality of the argument isn't the quality of an individual intervention but of the debate as a whole. These episodes occur at the very beginning of a rather long classroom exchange. What is needed here is neither any form of normative intervention from the teacher, nor any negative labeling or ruling from the analyst of the debate. The speech process must simply be allowed to continue, and the debate must be analyzed as a whole. A contradiction has emerged, and the stimulating power of this contradiction is such that it engenders deeper argumentative elaboration, as shown by the subsequent, rather long, developments of the debate.

This leads us to a minimalist approach of the conditions allowing a fruitful argument: The most basic agreement between the participants in a debate may be the convention to speak at audible and not deafening distance from the other. This supremacy of the dialectical principle over the rule principle could find applications in the field of radical opposition.

To conclude, paradoxically: Rules are necessary, and one characteristic of debates is to play with the rules; or, as Gabriel Garcia Marquez' hero, José Arcadio Buendía, puts it in a provocative way, what is the interest of a game if we agree on its rules?

On a certain occasion, in which Father Nicanor brought a chessboard to the chestnut tree to invite him to play, José Arcadio Buendía didn't accept, because, as he said, he had

never understood the sense of a fight [*contienda*] between two adversaries who would agree on the principles. Father Nicanor, who had never seen chess that way, could never play it again. (Gabriel Garcia Marquez, *Cien años de soledad*, Editorial Sudamericana, p. 79; my translation)

REFERENCES

Aristotle. *Topics*. Translated by W. A. Pickard-Cambridge.

<http://classics.mit.edu/Aristotle/topics.1.1.html>

Eemeren, F. H. van, & Grootendorst, R. (1992). *Argumentation, communication and fallacies*. Hillsdale, NJ: Lawrence Erlbaum Associates.

Locke, J. (1690/1959). *An essay concerning human understanding*. Collated and unabridged by A. C. Fraser (2 vols.). New York: Dover.

Mill, J. S. (1859/1987). *On liberty*. New York: Penguin Books.

Bentham, J. (1824/1962). *The book of fallacies*. In *The works of Jeremy Bentham*, published under the superintendence of his executor John Bowring. New York: Russell & Russell. Vol. 2. Originally printed in 1824.

Hamblin, C. L. (1970). *Fallacies*. London: Methuen.

Perelman, C., & Olbrechts-Tyteca, L. (1958/1976). *Traité de l'argumentation. La Nouvelle rhétorique* (3rd ed.). Bruxelles: Ed. de l'Université de Bruxelles.

Plantin, C. (1995). *L'argumentation*. Paris: Le Seuil.

The Semantics of Reasonableness

Eddo Rigotti

University of Lugano

Andrea Rocci

University of Lugano

Sara Greco

University of Lugano

To honor an illustrious friend on such an important occasion, it seems appropriate to present him a gift as worthy as possible—and useful, maybe: One that is meaningful for the givers themselves. Now, as our friend is one of the founders of modern argumentation theory, it seemed suitable to present him our modest contribution to the reflection on a major theoretical theme of his work,¹ by putting to good use our competence as semantic analysts in elucidating the semantics of the word *reasonable*.

This word represents quite a relevant conceptual tool for argumentation studies,²

¹ The concept of *reasonableness* constitutes the core of the Philosophical component of the program for the study of argumentation elaborated within the pragma-dialectical approach (see van Eemeren & Grootendorst, 1994, 2004). The model of *critical discussion* defines the implications of the arguers' commitment to reasonableness in the process of solving a difference of opinion: The discussants are committed together to the critical testing of the acceptability of standpoints they have advanced (van Eemeren & Houtlosser, 2003, p. 387).

² Van Eemeren and Houtlosser (2002, p. 3) claim that the definition of the notion of *reasonableness* "is probably the most general goal all argumentation theorists have in common," and a very systematic analysis has been devoted to the comprehension of this category within the pragma-dialectical approach (see van Eemeren & Grootendorst, 1994 and 2004, in particular). Numerous scholars identify, more or less explicitly, the problem of how to evaluate the reasonableness of a discourse as the crucial problem of argumentation. In particular, Walton (1987, pp. 95-96) observes that the evaluation of argumentative discourse entails the discovering of *informal fallacies*, which "have to do with rules and procedures of reasonable dialogue." On the same line of thought, Dascal (2005[1996], p. 13), quoting Leibniz, notices that the "judge of controversies" must employ "capabilities of evaluation and interpretation which are irreducible to formalization" in evaluating the reasons given by both parties (see also Dascal, 1998). Rigotti and Greco (in press) distinguish argumentation from the formal process of mathematical proof, where the commitment to criticism is limited to *rationality* (observing the requirement of logical consistency). In argumentation, "a more comprehensive and more articulated attitude of human reason" is required, which is embodied in the concept of *reasonableness*. Within this complex attitude of reason, emotions should be also included (Plantin, 1998). By the way, it is interesting to notice that a quite famous software for visualization of argumentative discourse, elaborated by van Gelder and Bulka with support from the University of Melbourne, has been given the name of *Reason!Able*. See <http://www.goreason.com> last visited 27.06.2005.

which, thanks, in particular, to Frans van Eemeren's contribution, have evolved into a systematic theory. But, at the same time, it is a term occurring with significant frequency in the argumentative moves of everyday discourse.³ And, thus, the present we offer to our esteemed colleague and friend on his 60th birthday will consist in expounding the content of a keyword of argumentative discourse in general, including as well the theoretical reflection on argumentation, as the argumentative practices of ordinary language. The comparison between these two contexts of use could be particularly interesting if, as it seems to appear, this term assumes in ordinary language a meta-discursive function. More precisely, the hypothesis appears to be worth verifying that *reasonable* is a key concept of argumentation theory because it represents a sort of cue signaling the emergence of an evaluative attitude towards the ongoing argumentative process.

A METHOD FOR SEMANTIC ANALYSIS

The method we adopt aims at being empirically founded, and ideally considering all types of use. Therefore, we have chosen a quite broad corpus.

The British National Corpus (henceforth BNC) is a 100 million-word corpus of current British English consisting of 3,261 written texts from a variety of genres (90 million words) and 863 transcribed oral samples (10 million words). It can be accessed online using a dedicated client called SARA which can carry out sophisticated queries, build concordances and perform standard relative frequency calculations. It can also exploit parts of speech tagging and other types of metadata included in the corpus.⁴

The present research cannot be considered a *corpus based*—let alone a *corpus-driven*⁵—investigation. Rather, our method is better reflected by the less demanding and agreeably ironic definition of *computer-aided armchair linguistics* proposed by Charles Fillmore (1992) for his own practices of analysis.⁶ Corpus evidence is here

³ It is interesting to notice that the need for a notion of *reasonableness* is perceived as urgent within communicative practices, such as legal decision-making, where human reason is confronted with practical decisions: "Certainty and reasonableness enter as a specific components of what constitutes correct reasoning in law and become the object of an enquiry into the forms and limits of such reasoning" (Bertea, 2004, p. 472). In her study on legal argumentation, Feteris (1999) points out how the word *rationality*, as applied to the legal justification of the judge's decisions, receives a richer and more comprehensive interpretation than it does in its ordinary language use (see among others Aarnio, Alexy, and Peczenick, *ibid.* *passim*).

⁴ The SGML-encoded metadata concern the segmentation of texts into orthographic sentence units, the assignment of words to parts of speech and various structural properties of texts (e.g., headings, paragraphs, lists). Word classification was carried out automatically by the stochastic part-of-speech tagger CLAWS, which is sufficiently accurate to be useful for trimming down searches.

⁵ See Stubbs (2001, in particular, p. 20) and Tognini-Bonelli (2001, pp. 157-164).

⁶ Fillmore (1992, p. 35) characterizes as follow the strengths and limitations of corpus evidence: "I have two main observations to make. The first is that I don't think there can be any corpora, however large, that contain information about all of the areas of English lexicon and grammar that I want to explore; all that I have seen are inadequate. The second observation is that every corpus that I've had a chance to examine, however small, has taught me facts that I couldn't imagine finding out about in any other way."

complemented by the recourse to semantic experimentation based on the manipulation of constructed examples tested against the intuitions of language users.

Our method will rely on the conception of meaning and the set of analytical tools developed by Congruity Theory⁷ within a broad tradition of linguistic semantics. According to Congruity Theory, doing a semantic analysis means to rewrite natural language utterances in terms of predicate-argument⁸ structures. In this perspective the semantic contribution of virtually every content word in a language can be represented in terms of a predicate. To analyze the meaning of a lexical item means, first of all, to establish what kinds of predicates it can manifest when it occurs in its different syntactic constructions.

Let us see how predicates can be characterized and differentiated one from the other. The predicate-argument structures that make up the “texture” of meaning are characterized by the requirement of *congruity* between the predicates and their arguments. Predicates impose conditions that the arguments must fulfil, or, in other words, they *predefine* the number and the semantic types of their possible arguments. Predicates are conceived ontologically as modes of being—static or dynamic—which involve one or more entities of certain types⁹ that are named *arguments*. Moreover, if a lexeme manifesting a predicate which presupposes a certain type of arguments is connected with a lexeme manifesting an argument of this type, an ontologically possible state of affairs is constructed; in the opposite case a non-sense arises. On the other hand, if two readings of a lexeme differ either in the semantic types of the entities which can appear in their argument frames or in the number of conceptually required arguments, they have to be considered as expressing different predicates.

The incompatibility of the requirements on the argument places can be established with the help of appropriate semantic tests. For example, the *zeugma test*¹⁰ allows us to see when different uses of a word depend on diverging incompatible ontological requirements—as opposed to general or vague requirements:

* Neither *Louis* nor *the word processor* were able to read the document.

The same applies, even more clearly, to readings involving a different number of entities. For instance we cannot combine (a) and (b) and obtain an ellipsed sentence like (c):

⁷ For a systematic presentation of Congruity Theory, see Rigotti (1993); Rigotti and Rocci (2001); and Rigotti (2005) where the relevance of Congruity Theory for argumentation studies is discussed. For further developments of this theoretical approach, see Rigotti and Rocci (2003), where it is applied to the analysis of cultural keywords and Rocci (2005), where, on the basis of Congruity Theory, the semantic and pragmatic properties of argumentative discourse in monologue and dialogue are analyzed.

⁸ The topic which is at issue in this chapter compels us to use the term *argument* in different passages both in its argumentative and in its semantic usage.

⁹ Predicates select their possible arguments by imposing conditions onto their argument places, which arguments must satisfy; in Congruity Theory, these conditions are treated as *presuppositions* of the predicate (see Rigotti & Rocci, 2001, p. 63).

¹⁰ This test is discussed in I. Ascarides, Copestake, and Briscoe (1990, pp. 43-44).

- (a) *The rock on the slope moved.*
- (b) *John moved the picnic table.*
- (c) **The rock on the slope moved, and John the picnic table.*

We cannot change the number or the ontological type of the argument places without changing the content proper of the predicate. In our first example, the meaning of the verb *to read*, insofar as its subject is a human being, manifests a semantic content, and hence a predicate, which is very different from the one expressed in occurrences with a nonhuman subject.¹¹ In the second example what is indicated by the impossibility of ellipsis is the fact that *to move* manifests two different predicates, the two-place predicate *TO MOVE*² (x_2, x_1) being the *causative* of the one-place predicate *TO MOVE*¹ (x_1).¹²

Semantic analysis presupposes, for different reasons, both syntactic and morpho-lexical analysis. First, even if syntactic structures and semantic structures do not coincide, syntactic organization is an indispensable clue for identifying predicate-argument relations. But other relevant aspects can be singled out through morpho-lexical analysis. Indeed, both morphological structure and word formation often “hide” semantically relevant contents, which need to be translated into predicate-argument structures. Consider for instance a form like “*was building a house*,” where a complex semantic determination is attached to the predicate “*to build*.” This determination consists of two predicates—the first one temporal (PAST) and the second one aspectual (PROGRESSIVE), which can be discovered through a morphological analysis.¹³ Both these predicates have as their scope the entire propositional structure dominated by *to build*.

The analysis of the word formation processes is also necessary, since it has decisive semantic implications for complex (compound or derived) lexical units. Thus, for instance, the process of word formation of the adjective *windy* (wind-y) compacts a complex predicate-argument structure like: “that abounds in wind.” In relation to flexional morphology, word formation shows, by the way, less systematicity. The semantic effect of word formation, thus, has to be controlled each time for every lexical unit, since, beyond standard semantic values (drinkable: “that can be drunk”), many cases of nonstandard values can be found.¹⁴

After having considered morphology, word formation, and the various syntactic constructions in which our lexeme occurs, the first step of the semantic analysis consists in the reconstruction of the predicate-argument frame of the lexical item. In this phase corpus analysis helps in the discovery of frames that would not emerge from the simple intuitions and memory of the investigator. Moreover, from the inspection of the actual

¹¹ In the former case, to read means “to reconstruct the phonetic form and retrieve the meaning of a written text;” while, in the case of the word processor, it means “to process symbols stored on a permanent storage device.”

¹² That John *MOVED*² the picnic table means that John performed an action which caused the table to *MOVE*¹.

¹³ From a semantic point of view, a particular type of morphemes called *intrinsic* or *semantic* should be singled out. See Rigotti and Rocci (2004), *Lexicon and Morphology*, Swissling eLearning module, www.swissling.ch

¹⁴ For instance, *sensible* means (1) “that can be sensed or perceived,” (2) “that can sense,” or (3) “behaving with good sense – reasonably.” It is worth noticing that, very often, *sensible* co-occurs as a quasi-synonym with *reasonable*.

arguments found in a corpus concordance we can formulate inductively a hypothesis on the semantic requirements of the argument places. What the corpus cannot do, however, is to test the correctness of our generalizations, since it does not tell us, in general, what are the limiting conditions for admissible arguments in a certain frame.

These limits have to be assessed by tests informed by semantic theory. At this step, the main test consists in the application of candidate arguments to the predicate in order to identify the conditions that the predicate imposes, both in negative and affirmative propositions,¹⁵ on its argument places.

The second step of our analysis consists in eliciting the content proper of the predicate, through its semantic entailments. Indeed, the presuppositions imposed by the predicate onto its argument places are conditions of meaningfulness (or, from another point of view, of ontological possibility), and concern both the situations in which the predicate is affirmed and those in which it is negated (and the correspondent mode of being takes place and does not take place, respectively). On the opposite, the semantic implications of the predicate disappear when the predicate is negated: In fact the mode of being corresponding to the predicate, as it is negated, does not take place.

At this stage we must exploit a wider variety of tests for verifying what we could call the *reactance*¹⁶ of the predicate in a variety of semantic contexts. A simple and reliable version of this strategy is the *conjunction test*, in which one tries to conjunct the predicate with the negation of an expected implication: The nonsense that hence arises shows that the negated feature belongs to the proper content of the predicate, as in a nonsensical text like the following:

** We have been walking for three hours in a forest in which there is no tree.*

Close to the conjunction test is the *but*-test that allows us to sort out essential entailments, and to distinguish them from simply expected implications:

He killed many people, but he was not punished.

** He killed many people, but they didn't die.*

The ways for eliciting the proper content of a predicate are numerous, and very often depend on the particular type of predicate concerned. For example, evaluative terms, which are a particular type of properties (i.e., of one-place static predicates) manifesting

¹⁵ Since presuppositions are the conditions imposed by the predicate onto its argument places in order to guarantee meaningfulness, they must be fulfilled irrespectively of whether the predicate is negated or asserted. In the *negation test*, the predicate of an assertive speech act is negated in order to identify presuppositions (i.e., those conditions that resist to negation (see Franck, 1972, pp. 27-30)).

¹⁶ The term *reactance* – borrowed from the physical sciences – was first used in a semantic sense by Benjamin Lee Whorf. See Halliday and Matthiessen (1999) for a discussion.

positive or negative judgments, are often linked to statements justifying their attribution. Many propositions introduced in these cases by "as," "because," or equivalent syntactic constructions play the discursive role of argumentative justifications. Now, such propositions bring to light, directly or indirectly, the content of the predicate.

The importance of integrating corpus research with semantic theory in order to obtain a reliable semantic analysis is illuminated by a particular type of false counterexamples. Let us consider the following dialogue passage:

Do stones laugh?

Stones do not laugh, children and their parents do.

Here, the answer in the second move of the dialogue is not a proper negation of the content of the predicate, but an informal way of signaling a nonsensical expression, and restoring a semantic rule.

FROM REASONING TO BEING REASONABLE

When tackling complex lexical units, before we face their semantic analysis, we have to fulfill their morpho-lexical analysis, as we have remarked earlier; and this is the case for our word *reasonable*. The English term *reasonable* is obtained through a lexical process analogous to that of the French *raisonnable*. Indeed, the suffix *-ble* is used quite systematically in English: Consider, among very numerous examples, *explainable*, *predictable*, *doable*, *lovable*, *decidable*, *readable*, *eatable*, *drinkable* . . . For many of these adjectives, the negative form is also possible: *Unreadable*, *undrinkable*, *unexplainable* . . . Generally, the value of this suffix, if it is applied to transitive verbs, presents the following semantic structure: "*That can be V-ed.*" Thus, "*a drinkable wine*" can be translated (is translatable!) into "*a wine that can be drunk.*" However, this interpretation does not fit for all adjectives in *-ble*. *Lovable* is not said of something that "can be loved," but rather of "something that is worth loving" or "that attracts our love." Cases with nontransitive verbs also occur frequently in English, such as *reliable*, which can nevertheless be interpreted analogously to the type *drinkable*: "*something that one can rely on.*" The case of *legible* is included in the type *drinkable*, although the verb at its origin only exists in Latin (*legere*).

Our adjective *reasonable* cannot be explained through the abovementioned interpretation, which is typical of derivatives in *-ble* of transitive verbs, even though *reasonable*, for its lexical formation, clearly refers to the verb *to reason*. Nonetheless, the verb *to reason* is worth analyzing, also in order to point out its semantic differences from *reasonable*. We examined the 239 occurrences of the verb *to reason* (the orthographic forms "reason," "reasoned," and "reasoning") in the BNC corpus. Concerning *to reason* (R), different predicate-argument frames can be identified, to which as many readings

turn out to correspond.¹⁷

Shortly, we characterize the arguments of the different frames, and describe the proper content of the correspondent predicates. The argument x_1 is, as a rule, presupposed to be a human being who, being endowed with reason, can apply it. Indeed, frames 2 and 5 constitute exceptions. In both cases, the meaning of our verb changes perceptively. Frames 3-11 include further argument places, whose semantic nature can change. x_2 in 3, and x_3 in 8 represent a topic or, more properly, if we are within an argumentative move, an *issue*. The argument places introduced by *from* and *on the basis of (starting from)* in 4, 5, and 9 are factual premises. In 6, x_2 is an ignored circumstance. When argument x_2 is introduced by *with* (see 7 and 8), another person is introduced who acts as a discussion partner. A particular instance of 7 (7b) refers to a very specific situation, where both argument places are occupied by the same person: It is the case of a *soliloquy* (i.e., an inner discourse of somebody to him/herself, which can take place in the process of individual decision making (see example 5b)).¹⁸ In 10, x_2 is a moment of personal experience; in both variants of 11 (see 11a, 11b, and 11c on the one hand, and 11d on the other hand), x_2 is covered by an inferential step (conclusion or premise) made by x_1 .

TABLE 22.1 *Predicate-Argument Frames of the Verb To Reason*

	Predicate-Argument Frame	Examples
1:	Rx_1 TO REASON (<i>Human</i>)	a) <i>You just need to try and reason logically and stay calm!</i> b) <i>It appeals to reason, but in order to reason we have got to take something for granted as a starting point.</i>
2:	Rx_1 TO REASON (<i>Non-Human</i>)	a) <i>Dogs do not reason, they learn mainly by association.</i> b) <i>How do you know that animals do not reason?</i>
3:	Rx_1 , about / concerning / on x_2 TO REASON ABOUT/ CONCERNING/ON (<i>Human, Topic</i>)	a) <i>So you cannot reason concerning colours if you have no natural sight</i> b) <i>The Club will be of particular interest to those who aspire to reason about the systems they are building.</i>
4:	Rx_1 , from x_2 TO REASON (<i>Human</i>), FROM (<i>Data</i>)	a) <i>Learning how to reason from prior experiences.</i>
5:	Rx_1 , from x_2 TO REASON (<i>Program</i>), FROM (<i>Data</i>)	a) <i>A program that can reason from visual diagrams.¹</i>
6:	R (out) x_1 , x_2 TO REASON OUT (<i>Human</i> , <i>Ignored circumstances</i>)	a) <i>A chill passed through me then and my mind raced to reason out what I was seeing.</i>

¹⁷ There are widely differing technical conceptions of reasonableness in the study of argumentation (van Eemeren & Grootendorst, 2004, pp. 123-131), and it would be surprising that the semantics should be able to exactly pick up one or the other. Semantics, however, can dissuade from illegitimate inferences based on naive and simplistic interpretations of language use.

¹⁸ The definition of *soliloquy*, in relation to the notions of *dialogue* and *monologue*, has been discussed in Rigotti (2005).

7:	R x_1 , with x_2 TO REASON (<i>Human</i>), WITH (<i>Human</i>)	a) <i>You're not going to try and reason with them?</i> b) <i>She tried to reason with herself.</i>
8:	R x_1 , with x_2 about x_3 TO REASON (<i>Human</i>), WITH (<i>Human</i>), ABOUT (Topic).	a) <i>We tried to reason with them about the bathroom.</i> b) <i>Palestinians who have tried to reason with the Israelis about the meaning of the Intifada . . .</i>
9:	R x_1 , on the basis of x_2 , to x_3 TO REASON (<i>Human</i>), ON THE BASIS OF (Premises), TO (Conclusion)	a) <i>On their basis we can reason to the hidden things which they 'indicate'.</i>
10:	R (away) x_1 , x_2 TO REASON (<i>Human</i>), AWAY (<i>Moments of personal experience</i>)	a) <i>The meeting whose dangers she tried to reason away by recourse to Freud . . .</i>
11:	R x_1 , that x_2 TO REASON (<i>Human</i>), THAT (<i>Inferential step</i>) OR TO REASON (<i>Human, Inferential step</i>)	a) <i>Portugal could reason by analogy that the conclusion of the Timor Gap Treaty is . . .</i> b) <i>The townspeople decide to write letters to the giant asking him to leave, reasoning that talking to him directly would be too dangerous.</i> c) <i>The instinct is too deep for such a creature to see or to reason that he is not getting the expected response.</i> d) <i>There was, Branson reasoned, more money to be made from the group's longevity.²</i>

1. This particular example is taken from Google, since no use of this frame is attested in the corpus.
2. There are many cases like this one, where *to reason* is used as an introductory predicate of mental soliloquial argumentation. On soliloquial argumentation see Rigotti (2005) and Rocci (2005).

In relation to the different frames, we have to distinguish different predicates:

1. To activate one's reason.¹⁹
2. To have the faculty of reason at one's disposal.²⁰
3. To exercise one's reason in relation to particular topics.
4. To develop inferences.
5. To perform inferential operations.²¹
6. To discover by inferencing.

¹⁹ Here, metaphors like "to use one's head" are particularly significant. Reason is not conceived as the ground for performing a certain action, or as an argumentative foundation, but rather as intellectual human faculty. Of course, we should define *reason* in this particular meaning. One of the authors has tried to provide a definition linking reason to language, together conceived as an organ, through which human beings manage their relationship with reality. See Rigotti and Cigada, 2004 (Chap. IV), in particular pages 77-92.

²⁰ Not by chance, this predicate is used for beings for which it can be questioned whether they have reason or not.

²¹ Who compares human minds with computers is prone to consider 4 and 5 as quasi-synonyms.

7. To apply reason in managing a discussion.²²
8. To apply reason in managing a discussion (about a certain issue).
9. To infer from premises to conclusions.
10. To repress moments of experience (in the psychological sense).
11. To perform an inferential step.

The analysis we have conducted has been unsystematic, and partial. Its main goal is to show, in the following, that *reasonable*, in many of its uses, does not semantically derive from *to reason*, although it derives from this verb from the point of view of morphology and lexicon.

WHAT CAN BE REASONABLE

Starting from the different contexts in which our adjective *reasonable* occurs in the BNC corpus, we worked out the list of predicate-argument frames presented in Table 22.2.

Table 22.2 presents in the left column the most frequently occurring predicate-argument frames of *reasonable*, all of them attested in our 100 occurrences. The column on the right represents the syntactic constructions that manifest these frames by bringing an example for each construction.²³ It is clear from the table how *reasonable* can occur with a wide variety of syntactic constructions: As an attributive (*reasonable* N) or predicative (N is *reasonable*) adjective with or without prepositional complements, or in impersonal constructions with finite *that* clauses (*It is reasonable that . . .*) or non-finite "*for . . . to*" constructions as complements (*It is reasonable for . . . to . . .*). It is also quite apparent that the semantic-ontological type of the entities involved as arguments can vary widely (actions, people, beliefs, conclusions, arguments, quantities, or degrees). Other less frequent syntactic constructions present arguments that are *prima facie* physical objects (a), (stative) states of affairs (b), circumstances (c), manners (d), means (e), human dispositions (f), and possibly other ontologically disparate argument types. We do not consider them not because they are not frequent, but because they can be shown to be semantically derived from more basic frames, as our analysis will show.²⁴

Contrary to what happens with the verb *to reason* the different syntactic constructions do not provide immediate help for distinguishing predicate-argument frames differing for the number and semantic type of their arguments. As shown in Table 22.2, often the same syntactic constructions occur with completely different semantic types and the same

²² In some cases, an analogous syntactic construction is used to denote the manifestation of one's thoughts and reflections to others: "In the hall of the castle Sir John was reasoning with a group of servants."

²³ The examples are taken both from the original 100 occurrences sample and from other samples extracted from the BNC. In fact, not all the constructions appear in the first sample as some of them are indeed quite rare.

²⁴ We limit ourselves to quote just one example: *Harvard radio-astronomer, Dr. John Ball, says: An invisible galaxy is reasonable but it is unreasonable that no mass can be seen.*

TABLE 22. 2 *Predicate-Argument Frames of the Adjective Reasonable*

	Predicate-Argument Frame	Examples from the BNC
R1	REASONABLE (x_1); x_1 = <i>Action</i>	<ol style="list-style-type: none"> 1. It was held that her refusal was reasonable. 2. So was it reasonable for the driver to step in and use his car to defend himself 3. As the retention represents deferred payment, it is reasonable for the vendor to be paid interest. 4. How reasonable of him to admit that Scotland is, as it always was, a separate and distinct nation. 5. - it seemed reasonable that my views should be made known to them.
R2	REASONABLE (x_1); x_1 = <i>Person</i>	<ol style="list-style-type: none"> 1. Come, be reasonable! 2. No reasonable person could have objected.
R3	REASONABLE (x_1), x_1 = <i>Belief</i>	<ol style="list-style-type: none"> 1. the defendant may be acquitted only if his belief is reasonable. 2. the reasonable expectation that what this involves will be meaningful. 3. it is reasonable to assume that they have a long-term policy for creating . . . 4. It is quite reasonable for a purchaser to assume that a vendor who sells land . . . <p>Some belief predicates that enter this scheme: to expect/expectation, to believe/belief, to hope, to doubt/doubt, to assume</p>
R4	REASONABLE (x_1), x_1 = <i>Conclusion</i>	<ol style="list-style-type: none"> 1. It seems to me a very reasonable conclusion. 2. It seems to me a reasonable conclusion that they were dedicated 3. It is reasonable to conclude that the situation is in this respect less focused 4. It is just as reasonable to argue that the Wilson government was able . . . 5. It seems reasonable to infer from the above that numerous corporate executives . . . <p>Other verbs occurring in the construction: conjecture, predict, guess</p>
R5	REASONABLE (x_1); x_1 = <i>Argument</i>	<ol style="list-style-type: none"> 1. This does seem a reasonable argument, . . . 2. It's a reasonable argument that only crumbles when you realize . . . 3. He has reasonable grounds for making the demand 4. We felt from this that there was, there was reasonable evidence to introduce this programme into our practice, 5. The constable has reasonable grounds for believing that arrest is necessary.

R6	REASONABLE (x_1); x_1 = <i>Quantity/Scale</i>	<ol style="list-style-type: none"> 1. <i>The prices are, are reasonable, you know what I mean?</i> 2. <i>okay so it, yeah it looks like quite a reasonable number of people possibly</i> 3. <i>I think today we would use a phrase like reasonable quality, satisfactory quality, or acceptable quality.</i> 4. <i>The law says the Los Angeles police used reasonable force to apprehend Rodney King.</i> 5. <i>What's a reasonable amount to claim per mile by the way?</i> 6. <i>A pack of four bottles costs a reasonable £3.49.</i>
----	--	--

1. Here a further refinement is needed in order to take into account the polysemy of *argument*. In the example cited above *argument* means *premise*, or, more generally, *statement*, or *set of statements put forth by a speaker in order to support a conclusion or standpoint*. We found also an occurrence where *argument* means *argumentative interaction*: *There can be no reasonable argument about migrants if one side takes the position that . . .* Here *reasonable argument* means something like a *critical discussion*.

semantic argument type can enter different syntactic constructions. The variety of the syntactic constructions in which *reasonable* occurs is not always semantically relevant. For example, as we see in Table 22.2, the examples associated with Reasonable (*Action*) frame, show several perceptively different syntactic organizations. In reality, the only proper argument of *reasonable* is a proposition manifesting an action, and the complements introduced by *for* and *of* are simply means of topicalization.²⁵ There are in fact cases in which the *for* complement does play a truly semantic function. This happens when *for* means *according to*, as in: "For John it is reasonable that Mary should study argumentation." This complement, however, is not an argument of *reasonable*, but a super-ordinate two-place epistemic predicate *for* (x, p), taking as arguments an epistemic subject (x) and the complex proposition (p) formed by *reasonable* and its propositional argument—let us call it q : *for* (x, p : *reasonable* (q)).²⁶

Let us move, now, to what is perhaps the most basic question we need to answer in order to elucidate the semantics of the adjective *reasonable*. That is the problem posed by the wide variety of ontological types that can occur as arguments of *reasonable*. Such a wide variety of contexts of occurrence may have three different causes:

Rarely, predicates impose extremely generic presuppositions on their arguments (but we shall see that is not the case of the predicate *reasonable*).

Often, we have different predicate-argument frames, imposing mutually exclusive

²⁵ The different prepositions – *for* and *of* – present, by the way, an important semantic and pragmatic distinction between actions that are yet to deliberate and already deliberated actions.

²⁶ Note, also, that in this way, we avoid the danger that, on the basis of these constructions, somebody should reason to a fundamentally subjective interpretation of *reasonableness*, where one cannot say if something is reasonable or not without specifying as an intrinsic component for whom it should be reasonable, just like we cannot say if John is a friend or not without specifying of whom it would be a friend.

presuppositions on their arguments. Some results of the zeugma test point in the direction of this solution (**John and his argument are very reasonable*).

But it also happens very often that an argument, while ostensibly belonging to a semantic type, has properly to be interpreted as belonging to a different type, so that it can satisfy the requirements of a given predicate-argument frame. One early insightful example of this analytical strategy is Vendler (1963), where the semantics of *good* is addressed—another adjective with a considerable variety of contexts of occurrence, which shares some semantic features with *reasonable*. Vendler pointed out how adjectives like *good*, *comfortable*, *fast* . . . and *reasonable*²⁷—contrary to natural property predicates like *red* or *round*—are not “attributed to a thing directly,” but only “with respect to an appropriate action involving that thing”: A *comfortable chair* is a chair “comfortable to sit on,” a *beautiful dancer* is one that *dances beautifully*, a *fast horse* is a horse that *runs fast*, a *good cook* is good *at cooking*, and so on.

The application of this latter strategy to *reasonable* allows us to reduce drastically the number of predicate-argument frames. In the surprising example of the *invisible galaxy* we have quoted above (see Table 22.2, footnote 1), saying that *an invisible galaxy is reasonable* can be explained in terms of *It is reasonable to hypothesize that an invisible galaxy exists*. In order to understand the meaning of *reasonable* applied to an *invisible galaxy* we need to infer a relevant action involving it. In this case it is an action closely related to argumentative activities. A *reasonable price*—and in general the uses taking a scalar dimension as argument—can be brought back to action as well: *A reasonable price* is usually a price that *is reasonable to pay* for something, which often invites the inference of a relatively low price.

If we take the *Reasonable (Action)* frame as basic we can reduce greatly the number of frames by bringing back circumstances (*time, place, weather, etc.*), *manner, means* into the fold. This move, however, requires us to look more closely to what it means for an action to be reasonable.

THE PROPER SCOPE OF REASONABLE WITH ACTION AND PERSON ARGUMENTS

In his essay on the grammar of *goodness* Zeno Vendler (1963) observes that there is a class of adjectives, including *good, clever, stupid, kind, nice, considerate* and *reasonable*, that accepts constructions such as:

It is good/stupid/reasonable/considerate (of John) to help/have helped his brother

and contrasts them with adjectives such as *slow* that cannot enter this construction, and,

²⁷ For the mention of *reasonable* see Vendler (1963, p. 458).

more generally cannot take a full, tensed, proposition as their argument but only a “nominalized verb that has lost its character as a verb” (p. 458):

* *It was slow (of John) to cook/having cooked the dinner*

* *John's having cooked the dinner was slow*

This difference seems connected to the fact that while *slow* refers to the speed, or the time in which the action is accomplished, *reasonable*, *considerate*, and *clever* can refer to the very fact of doing something, or, more precisely to the *decision* to do something. Similar distinctions can help us also in separating different ways in which *reasonable* can take actions as arguments. The syntactic reflections of this semantic distinction can be shown via a transformation test. Not all attributive occurrences of *reasonable* with action nominals accept the transposition to constructions with *to* complements with the appropriate verb. While from

It was held that her refusal was reasonable

we can obtain *It was reasonable of her/for her to refuse*, we cannot do the same with a BNC example like the following:

In the case of R v Hopley (1860) Chief Justice Cockburn said that punishment inflicted on a pupil must be reasonable and moderate not motivated by passion or rage, and must not be excessive in its nature or degree or protracted beyond the child's powers of endurance.

Here we cannot move to *It must be reasonable to punish*. Note also that the conjunct *moderate* will never accept this transformation. Here what must be *reasonable* is not the decision to punish, which is not at issue, but the *degree*, the *severity*, the *duration*, perhaps the *manner* of the punishment. Certain predicates, such as *intelligent* and *reasonable* when occurring with action argument can take two different semantic scopes: Either they take scope on the whole action—to the effect that they take the decision itself as their argument—or they take *scope*²⁸ on a certain aspect of the action: the *manner*, the *means*, the *degree*, etc. Compare also:

Intelligently, John answered

John answered intelligently

If we refer to a basic ontology of action,²⁹ however, we can see that the argument of *reasonable* cannot be but a *decision*—*reasonable* cannot take the physical causal chain

²⁸ Here we use a wider notion of *scope* than what is customary in logic and formal semantics, one which takes into account not only overt syntax but also the *internal* logical structure of semantic units.

²⁹ See Rigotti (2003).

as its argument—either it is the higher level decision to act, or one of the many subordinate decisions the agent has to take in carrying out his/her action.

Nouns referring to the *means*, *manners*, and *circumstances* of action serve to make explicit the precise scope of *reasonable* within the structure of an action. Interestingly, the reasonableness of many of these decisions is not directly connected to the goal of the action, with the desired outcome, but with the many “respects” that are to be observed in acting lest to cause more harm than the good sought. In other words, they are connected with the respect of a teleological hierarchy.³⁰

If we move, now, to the use of *reasonable* as attributed to *people*, rather than to *actions* we find nouns that play a similar function in making the scope explicit.

Again, *reasonable* does not refer to the physical, biological, properties of the human being, nor does it refer to cognitive abilities per se—except in quite limited and idiomatic instances like *reasonable being* as a synonym of *rational being*: It refers to attitudes or dispositions towards action.³¹ As a first approximation we can say that a *reasonable person* is one that acts—decides!—reasonably and is likely to listen to (good) *reasons* and to use (good) *reasons* in a discussion. *Reasonableness* in people is then a disposition toward action and, if permanent, a *habit* or—since it’s usually valued positively—a *virtue*. The permanence of the disposition can be made explicit by expressions like *reasonable character*, while its transitory and fluctuating nature by *reasonable mood*. Finally, a *reasonable attitude* signals that the disposition concerns actions pertaining to a certain matter or domain, one might perhaps have a reasonable attitude in business matters and be unreasonable attitude in what pertains to family life.

All these uses do not differ substantially from the *reasonable person* frame, as they make explicit the disposition that in any case is the scope of *reasonable* as applied to people, just like speaking of the *bright light of a bulb* does not fundamentally differ from speaking of a *bright bulb*—as the true scope of the predicate *bright* is, in both cases the light.³²

META-ARGUMENTATIVE USES: REASONABLE CONCLUSIONS AND REASONABLE ARGUMENTS

Having dealt with the *action* and *person* frames of *reasonable*, it is now time to move to uses more closely tied with argumentation, such as Reasonable (*Conclusion*), Reasonable (*Belief*) and Reasonable (*Argument*), to see how they relate to each other and to the ones discussed earlier.

³⁰ See Rigotti and Greco (in press).

³¹ From a survey of the definitions of *rational* and *reasonable* in dictionaries, van Eemeren and Grootendorst (1994, p. 12) notice that the term *rational* seem to refer to the cognitive activity of using one’s brain, whereas the term *reasonable*, more specifically, refers to “using one’s brain in a considered or well-thought-out manner. Rationality, thus, turns out to be “a necessary but not a sufficient condition for reasonableness.”

³² See Pustejovsky (1995, pp. 127-131) for a technical discussion of this type of phenomenon – which he calls *selective binding* – within his formal model of lexical semantics.

From the examination of the corpus it emerges that the first two uses have a high frequency and, in the case of the *reasonable (for) to* construction they make up the vast majority of occurrences.³³ Much less frequent is the occurrence of *reasonable* with words denoting an *argument*. Occurrences of *reasonable* with propositional complements featuring a predicate describing the act of concluding or advancing a standpoint (such as *to argue*, *to claim*, *to conclude*, *to conjecture*, *to infer*, *to predict*, *to presume*, *to suppose*, *to suggest*, which frequently occur in the corpus) are among the most semantically transparent. A conclusion is *reasonable* if it is based on (good) *reasons*.

A subtle point, however, arises concerning the relationship between *reasonable action* and *reasonable conclusion*. A conclusion is certainly an action, a cognitive one, and, in the case of interpersonal argumentation, also a speech act.³⁴ Both in the case of *action* and in the case of *conclusion*, *reasonable* is what is supported by good reasons. It is questioned if we should consider as primitive the reasons for action or the reasons for concluding.³⁵ The latter legitimate a *cognitive decision*—such as assent—leading to a state of belief, while the former invite a *practical decision* activating a change in the external world. It is difficult, however, not to see reasons for action as being at the same time reasons for believing and *practical decision* as presupposing a *cognitive decision*.³⁶ The frequent *reasonable belief* frame is very close to the *reasonable conclusion* frame, as it involves only a slight semantic shift. Belief verbs do not denote actions, but cognitive states, while conclusion verbs denote cognitive actions which result in belief states. If we assume that a belief is reasonable when supported by good reasons, its reasonableness is exactly the same reasonableness of the act of inference leading to the belief.³⁷

It is also worth noting that, at a pragmatic level, belief predicates can be used as indirect indicators of the act of advancing a standpoint in argumentation (see Houtlosser, 2002). Here is an example from the BNC, where *reasonable* with a belief complement is used performatively to introduce the conclusion of an argument:

If Philip Leapor's mother was indeed the woman who died in 1726, it is reasonable to believe that he took over a house which she had occupied.

The systematic study of such explicit marking of the commitment to reasonableness in argumentative discussions seems highly relevant for normative theories of argumentation and worth pursuing. Corpus data also show that the pattern *It is/seems reasonable to*

³³ This conclusion is based on the manual examination of a random sample of 100 occurrences of the pattern *reasonable to*: Complement phrases featuring a conclusion, standpoint, or belief verb sum up to 63 occurrences.

³⁴ On the relationship between intrapersonal – or monological – argumentation and interpersonal – or dialogical argumentation see Rocci (2005).

³⁵ Pinto (2002), for instance, tries to reduce, at least in part, the notion of reason for believing to the notion of reason to act.

³⁶ This is the classical philosophical theme of the ultimate practical judgement.

³⁷ We skip here the discussion of the reasonableness of beliefs based on perception, which are not based on inference in a psychological sense, which, though interesting, would lead us astray from the semantics of reasonableness.

conclude/believe that p is routinely used performatively as the indicator of an act of conclusion from evidence which is usually presented in the immediately following or preceding co-text. Similarly, we find in the BNC performative instances of *reasonable* taking as arguments various types of argumentatively relevant speech acts,³⁸ such as, for instance, *to question, to doubt, or to raise the possibility*.

The case of the Reasonable (*Argument*) frame deserves special consideration because it turns out to occupy a delicate place in the web of interrelated predicate-argument frames we are uncovering. The use of the noun *argument* itself as an argument of *reasonable* is attested but rare, more often we find the phrase *reasonable grounds*—which is common in the legal language—and other more specific nouns which refer or can refer to arguments: *evidence, excuse, explanation, cause*.

There is a slightly paradoxical quality in the Reasonable (*Argument*) frame that sets it apart from Reasonable (*Conclusion*) and its kin. Unlike *reasonable conclusions*—which appear to be conclusions supported by good arguments—*reasonable arguments*, apparently, are not arguments that are supported by good arguments! They simply **are** *good arguments*, arguments that support well a certain standpoint. Therefore *reasonable*, in this case, denotes the specific goodness of an argument.³⁹

ENVOY

We conclude here our investigation. Various aspects, which remain at the margins of this chapter, like the relationships between *reasonable* and *rational*, and between *reasonable* and *unreasonable*,⁴⁰ and the systematic study of constructions with *reasonable* as an indicator of advancing a standpoint and of other argumentatively relevant speech acts, could be further developed. Moreover, it would be worth comparing the use of the term *reasonable* in ordinary language and its definitions in theoretical reflection, as they emerge in the literature on argumentation. On this point, the studies of the pragma-dialectical school of

³⁸ For a table presenting the connections between argumentatively relevant speech acts and stages of critical discussion, see van Eemeren and Grootendorst (2004, p. 68).

³⁹ A similar, quasi-tautological reading applies when *reasonable* takes *argument* not in the sense of supporting premise or set of premises, but in the sense of argumentative discussion. Consider the following BNC occurrence: *There can be no reasonable argument about migrants if one side takes the position that (...)*. Here a *reasonable argument* is simply a *good argumentative discussion*, one that furthers well the aims of the discussion. Here what we need to dispel the looming sense of circularity is perhaps very close to a normative theory of argumentative discussion taking into account the proper goals of such a verbal interaction.

⁴⁰ The Amsterdam school of argumentation has devoted several studies to the empirical testing of the *unreasonableness* of some moves that, since they violate some rules of the critical discussion, are considered as *fallacies*. In particular, they have tested if such violations of critical discussion rules (see van Eemeren, Garssen, & Meuffels (2003a) for an analysis of fallacies bound to the violation of the *freedom rule*, and van Eemeren, Garssen, & Meuffels (2003b) for fallacies bound to the violation of the *burden-of-proof rule*) are actually perceived as *unreasonable* by ordinary arguers. What emerges from these researches is that those moves which are considered unsound in the pragma-dialectical normative model of critical discussion are also perceived as unreasonable by ordinary speakers, even in different cultural contexts.

argumentation on the different views on reasonableness (see in particular van Eemeren & Grootendorst, 1994 and 2004) turn out to be the fundamental point of departure.

The semantics of reasonableness turns out to be a deep ore whose riches we have just begun to mine. But, here, as many times before, we have run out of space and exhausted the patience of our readers. Let us, then, hurry to present our gift to our friend Frans and wish him a happy birthday.

REFERENCES

- Bertea, S. (2004). Certainty, reasonableness and argumentation in law. *Argumentation*, 18, 465-478.
- Dascal, M. (1996). The balance of reason. In O. Nudler (Ed.), *La racionalidad: Su poder y sus límites* (pp. 363-381). Buenos Aires/Barcelona/Mexico: Paidós. (English revised version in D. Vanderveken (Ed.). (2005). *Logic, thought and action* (pp. 27-47). Dordrecht: Springer.)
- Dascal, M. (1998). Types of polemics and types of polemical moves. In S. Cmejrkova, J. Hoffmannova, O. Mullerova, & J. Svetla (Eds.), *Dialogue Analysis VI*. Proceedings of the 6th Conference, Prague 1996, vol. 1 (pp. 15-33). Tübingen: Max Niemeyer.
- Eemeren, F. H. van, Garssen, B., & Meuffels, B. (2003a). The conventional validity of the pragma-dialectical freedom rule. In F. H. van Eemeren, J. A. Blair, C. A. Willard, & A. F. Snoeck Henkemans (Eds.), *Proceedings of the Fifth Conference of the International Society for the Study of Argumentation* (pp. 275-280). Amsterdam: Sic Sat.
- Eemeren, F. H. van, Garssen, B., & Meuffels, B. (2003b). A pragmatic view of the burden of proof. In F. H. van Eemeren, J. A. Blair, C. A. Willard, & A. F. Snoeck Henkemans (Eds.), *Proceedings of the Fifth Conference of the International Society for the Study of Argumentation* (pp. 281-284). Amsterdam: Sic Sat.
- Eemeren, F. H. van, & Grootendorst, R. (1994). Rationale for a pragma-dialectical perspective. In F. H. van Eemeren, & R. Grootendorst (Eds.), *Studies in pragma-dialectics* (pp. 11-28). Amsterdam: Sic Sat.
- Eemeren, F. H. van, & Grootendorst, R. (2004). *A systematic theory of argumentation*. Cambridge: Cambridge University Press.
- Eemeren, F. H. van, & Houtlosser, P. (2002). And always the twain shall meet. In F. H. van Eemeren, & P. Houtlosser (Eds.), *Dialectic and rhetoric: The warp and woof of argumentation analysis* (pp. 3-11). Dordrecht: Kluwer Academic Publishers.
- Eemeren, F. H. van, & Houtlosser, P. (2003). The development of the pragma-dialectical approach to argumentation. *Argumentation*, 17, 387-403.
- Feteris, E. T. (1999). *Fundamentals of legal argumentation*. Dordrecht: Kluwer Academic Publishers.
- Fillmore, C. J. (1992). "Corpus linguistics" or "Computer-aided armchair linguistics." In J. Svartvik (Ed.), *Directions in corpus linguistics* (pp. 35-60). Berlin/New York: Mouton-De Gruyter.
- Franck, D. (1972). Zur Problematik der Präsuppositionsdiskussion. In J. S. Petöfi, & D. Franck (Eds.), *Präsuppositionen in Philosophie und Linguistik/Presuppositions in philosophy and linguistics* (pp. 11-41). Frankfurt am Main: Athenäum Verlag.

- Halliday, M. A. K., & Matthiessen, C. (1999). *Construing experience through meaning*. London: Continuum.
- Houtlosser, P. (2002). Indicators of a point of view. In F. H. van Eemeren (Ed.), *Advances in pragma-dialectics* (pp. 170-184). Amsterdam/Newport (Virginia): Sic Sat/Vale Press.
- Lascarides, A., Copestake, A., & Briscoe, T. (1990). Ambiguity and Coherence. *Journal of Semantics*, 13, 41-65.
- Pinto, R. C. (2002). Reasons. In F. H. van Eemeren, J. A. Blair, C. A. Willard, & A. F. Snoeck Henkemans (Eds.), *Proceedings of the Fifth Conference of the International Society for the Study of Argumentation* (pp. 825-830). Amsterdam: Sic Sat.
- Plantin, C. (1998). Les raisons des émotions. In M. Bondi (Ed.), *Forms of argumentative discourse. Per un'analisi linguistica dell'argomentare* (pp. 3-50). Bologna: Clueb.
- Pustejovsky, J. (1995). *The generative lexicon*. Cambridge: MIT Press.
- Rigotti, E. (2003). La linguistica tra le scienze della comunicazione. In A. Giacalone Ramat, E. Rigotti, & A. Rocci (Eds.), *Linguistica e nuove professioni* (pp. 21-35). Milano: FrancoAngeli.
- Rigotti, E. (2005). Congruity theory and argumentation. In M. Dascal, F. H. van Eemeren, E. Rigotti, S., Stati, & A. Rocci (Eds.), *Argumentation in dialogic interaction*. Special Issue of *Studies in Communication Sciences*, 75-96.
- Rigotti, E., & Greco, S. (in press). Argumentation as object of interest and as social and cultural resource. In A.N. Perret-Clermont, & N. Müller (Eds.), *Argumentation in teaching and learning*.
- Rigotti, E., & Rocci, A. (2003). From argument analysis to cultural keywords (and Back Again). In F. H. van Eemeren, J. A. Blair, C. A. Willard, & A. F. Snoeck Henkemans (Eds.), *Proceedings of the Fifth Conference of the International Society for the Study of Argumentation* (pp. 903-908). Amsterdam: Sic Sat.
- Rigotti, E., & Rocci, A. (2001). Sens—non-sens—contresens. *Studies in Communication Sciences*, 1, 45-80.
- Rocci, A. (2005). Connective predicates in monologic and dialogic argumentation. In M. Dascal, F. H. van Eemeren, E. Rigotti, S., Stati, & A. Rocci (Eds.), *Argumentation in dialogic interaction*. Special Issue of *Studies in Communication Sciences*, 97-118.
- Stubbs, M. (2001). *Words and phrases. Corpus studies of lexical semantics*. Oxford, England: Blackwell.
- Tognini-Bonelli, E. (2001). *Corpus linguistics at work*. Amsterdam/Philadelphia: Benjamins.
- Vendler, Z. (1963). The grammar of goodness. *The Philosophical Review*, 72, 446-465.
- Ziff, P. (1960). *Semantic analysis*. Ithaca, NY: Cornell University Press.

Discourse Linguistics and Argumentation as Open Systems

Tatyana P. Tretyakova
St. Petersburg University

The key question in this chapter concerns the fact that discourse linguistics dealing with different text-genres nowadays has integrated argumentation reconstruction. The new tendencies in the linguistic approach to discourse analysis can be well seen if we apply the idea of open dynamic systems. This approach allows us to develop new integrated methods of dealing with texts. Our first concern is with major facts that are taken as a foundation for dynamic presentation of texts: the idea of the Noosphere, the preference of the term paradigm applied to dynamic analysis. Then, we define trends in discourse linguistics connected with the reconstruction of discourse configurations. Special emphasis is placed on “political linguistics” and the pragma-dialectical approach. Next, we examine some types of discursive text interpretations and, finally, a conclusion is drawn concerning research paradigms.

SUSTAINABLE DEVELOPMENT, OPEN SYSTEMS AND ARGUMENTATION

The term and concept *sustainable development* implies a global vision of nature and man by both sciences and the humanities. This term allows the old Prothagor’s formula “Man is a measure of all things” to be understood in a different way: Man, being the measure, should be concerned with reasonable attitudes to natural, and social spheres of his activity, so that man sustains his development. Anthropocentric and egocentric ideas of communication turn to Noocentric ideas founded on dialogue systems. Complex social and political configurations in modern society bring the problem of communication on a very specific level when the dialogue is considered to be not only an interactive means

of information exchange between people, but as a means of interactive activity between men, nature, and mind. This interaction is carried out through the language which becomes a liaison between man and different forms of life, including cyberspace. The language reflects changes in types and methods of communication.

The term Noosphere means the "the sphere of reason." It was suggested by Pierre Teilard de Chardin and Eduouard le Roy and later taken and developed by Vladimir Vernadsky. According to Vernadsky, the Noosphere is a new evolutionary condition of uniting humanity under the auspice of science. Despite the idealistic original interpretation of the concept, modern global upheavals give impetus to a closer study of this concept. It gives the idea of an integrated conception of development, and a reasonable attitude to social discourse. The analytical (dealing with reason) and pragmatic (dealing with the social aspect) constituents have become the core of modern research paradigms that can be regarded as open systems. These new paradigms are based on the principle of complex dynamic and open systems of a nonlinear type where time and space come as one integral part. With the development of cognitive studies there exists a strong tendency of matching natural and artificial intelligence studies which, together with the studies of self-organized systems, enrich discourse studies. The paradigm of sustainable development is connected with open functional systems, which are presently connected with discourse analysis and discourse linguistics as its types.

Rhetoric and Argumentation theory are now incorporated into linguistic research because they can provide the interpretation of social behavior that influences mentality. The interpretational aspect introduced a *cognitive-discourse paradigm* that deals with open systems and involves interpretation as a procedural work while the interpreter tries to combine diverse objectives and viewpoints. It is through the theory of argumentation that one can obviously achieve this goal, as the structure of argumentative discourse is closely connected with the changes in social environment.

The concept of discourse is used in many disciplines and approaches in linguistics and philosophy. Discourse theory deals with the analysis of speeches, writings, interviews, and conversations. Much attention was drawn to such aspects as opening and closings, the introduction of topics, and turntaking, and the analytical focus is restricted to small segments of speech and writing. Under the influence of the works of Michael Foucault a critical discourse analysis was developed. Discursive structures were looked upon as references to regular bodies of ideas and concepts which claim to produce knowledge about the world. Language users, according to this approach, are defined as "members of communities, groups, organizations and are supposed to speak, write and understand from a specific social position. Ideological analysis then examines what ideologies are typically associated with this or that position" (van Dijk, 1995, p. 136).

The core characteristic of discourse lies in the possibility of interpretation and reconstruction of the mental activity and advancing reconstruction and interpretation of arguments (van Eemeren, Grootendorst, Jackson & Jacobs, 1993; van Rees, 2001). The topic of the discourse is disclosed by the analyst through propositions which are construed into patterns, and further analysis might point out linguistic devices, logical or referential relations.

Argumentation theory as an integrated discipline is connected with the civilizing influence of discourse on the society. This process is defined in its turn by changing strategies and tactics of power, seen as a legitimate right to manipulate human behavior. This manipulation is carried through ideological discourse and a variety of discursive structures and strategies that can be used to define ideological beliefs and the social and personal opinions derived from them (van Dijk, 1995). This brings forth the idea of argumentation in the evolution of society. Nowadays we revise the view of ideological discourse as a closed system and start looking on it as an open one. There are different interpretational techniques that can be carried out through procedural semantics allowing disclosing potential meanings rather than direct ones.

Rhetorical and dialectical approaches are of great importance in disclosure of the problems of persuasion. Following Bakhtin's concept of dialogism any utterance could be looked upon as an argumentative text, and any utterance is not entirely an act of choice but is an answer to another utterance that precedes it. Dialogism does not envision an absolute separation of text producing and text perception, as both of them deal with the act of influencing other people. Rhetoric is more concerned with the sphere of winning the favorable position in some sort of confrontation. Although it seems contrary to the dialectical aim of dispute resolution it is this contradiction that brings dialogue system into movement.

POLITICAL DISCOURSE AND PRAGMA-DIALECTICS

Discourse linguistics is connected with different text genres. According to the rhetorical tradition, three genres can be distinguished which have a common characteristic to persuade an audience: forensic, deliberative and epideictic. The forensic genre relates to judicial situations, the epideictic to ceremonial situations, and the deliberative to political situations (van Eemeren & Grootendorst, 1994, p.145). It is the deliberative genre that underlies the modern tendency in shaping the study of the language of politics as an independent discipline. This discipline may be called "political linguistics." Unlike political discourse analysis that mostly deals with the political constituent and the interpretation of social practices, political linguistics is aimed at identifying typical language forms used as functional tools of communication within the political context. This verbal activity is connected with argumentation as a critical discussion. Argumentation theory and the pragma-dialectical approach (van Eemeren & Grootendorst, 1992, 2002) has been transgressing boundaries in linguistic analysis. Now one can speak of a complex approach to text/utterance analysis, reconstruction, or modeling with the emphasis laid either on logical, linguistic, social, or cognitive constituents. Argumentation theory as an integrated discipline is connected with the development of the philosophical and linguistic problems in respect of the civilizing influence of discourse in the society. This process is defined in turn by changing strategies and tactics of power, seen as a legitimate right to manipulate human behavior. It is very essential to political discourse within political or

social structures or institutions to find effective ways of persuasion overcoming diverse social stereotypes.

Political discourse differs from ordinary discourse in several aspects. Mainly, it refers to the specific use of "ordinary" words and a certain number of terms; the existence of special genres such as debates, interviews, meetings; negotiations; usage of diverse media forms as a way of influencing society. Political communication is normally connected with the struggle for power and establishing the dominant or more stable position in a social environment. Though discourse theory constitutes a relatively new approach to political analyses, attention has been drawn to the articulation in political practices (Howarth 1995, pp. 118, 124-127) including not only "collective actants" like political institutions and organizations (see Greimas, 1990) but also individuals. Having political communication genres as the domain of research, political linguistics uses a cognitive and discursive paradigm. This paradigm allows defining several trends in research: content and concept analysis, political doublespeak and hoax as deconstructions, functional interpretation and reconstruction from the vantage point of argumentation theory and Pragma-Dialectics.

Content analysis aims at finding influential and persuasive tools or those elements that lead to the fallacious communication. These tools can be defined in connection with institutionalized discourse or within personal speech programs. In the former type the analyst deals with all sorts of procedures preparing political moves, say making programs, participating in debates, making speeches, etc. Despite possible agonism (ceremonial combat) in communication, resolution of a dispute may lie in the expected political moves. In the latter case we deal with individual tactics of certain political figures that lead either to fallacious communication or to the successful achievement of a disputable object.

Political discourse has transplanted certain ideas and concepts into the social conscience. Such notions as freedom, democracy, and justice can imply a number of different and competing meanings. Each of these conceptions may have different interpretations and practices. Van Eemeren (1996), for example, writes: "The representative system of Anglo-Saxon-type democracy, with its technocratic style and ineffective way of policy making, may easily undermine popular support for democracy, especially in Eastern Europe where the newly-developed democracies need to carry out a stringent program of social and economic reforms" (p. 8). Indeed, by the end of the 1990s the term *democrat* became a derogatory one in Russia. In order to make the organizational system function well one should observe four different dimensions: *Rational* dimensions that refers to formal structural aspects of the system; the *social* dimension dealing with human resources; the *political* dimension that pertains to the power aspect, and the *symbolic* dimension pertaining to the ceremonial, ritual aspect of the system. "It is only if all these four dimensions are given their proper due that the organizational system is likely to appreciate the full depth and complexities of the real-life practices" (pp. 9-10). From this observation the interpretation of democracy as an organizational system is similar to the concept of sustainable development.

Nowadays the term *empire* has become ambiguous in its interpretation: "Today, the 'American empire' is a term of approval and optimism for some and disparagement and

danger for others. Neoconservatives celebrate the imperial exercise of US power which in a modern version of Rudyard Kipling's 'white man's burden' is a liberal force that promotes democracy and undercuts tyranny, terrorism, military aggression and weapons proliferation. Critics who identify an emerging American empire, meanwhile, worry about its unacceptable financial costs, its corrosive effect on democracy, and the threat it poses to the institutions and alliances that have secured US national interests since World War II" (*Foreign Affairs*, March/April 2004).

The transplantation of concepts through language is specifically evident in totalitarian regimes as it happened in Fascist Germany and Soviet Russia. At present, hegemony practices of introducing "dominant rules that structure the identities of discourses and social formations" are concealed under liberal and democratic rhetoric. It happened in the Conservative Party policy during Margaret Thatcher time (Howarth, 1995, pp.124-127) and is taking place in present U.S. foreign policy. An example showing the way hegemony is achieved can be drawn from Humpty Dumpty's conversation with Alice in Lewis Carroll's *Through the Looking Glass*:

"When I use a word," Humpty Dumpty said, in a rather scornful tone, "It means just what I choose it to mean. Neither more nor less."

"The question is," said Alice, "whether you can make words mean so many different things."

"The question is," said Humpty Dumpty, "who is the master. That is all." (p.124).

D.Howarth (1995) states that "the concept of hegemony centres on who is going to master. That is to say, it is about which political force will decide the dominant forms of conduct and meaning in a given social context" (p.124).

Another area of discursive analysis of political language is connected with the analysis of public speaking of political leaders, especially in samples that are known as Politically Correct language and sometimes in Political Doublespeak. Examples of that are Haig speak, Nuke speak, Falkland talk, Clinton speak, Gorbachev speak, etc. All of these political jargons are pretty close to what Orwell in 1984 called Newspeak and could be characterized by the overuse of clichés, euphemisms, references to the past. Many of these language issues are found in modern political discourse (Reznikov, 2002). The globalization process happening now due to the electronic ways of communication depends a lot on the use or overuse of clichés and stereotypes.

Political Doublespeak is particularly interesting for its ambiguities and fallacies. An example of this can be taken from the following Bush statement made in 1999 concerning Affirmative Action. "I support the spirit of no quotas and no preferences. But it's important to say it's not what you're against but what you're for. In our state, I am for increasing the pool of applicants, opening the door so that more people are eligible to go to the university system." This statement got two interpretations: *The Washington Post* thought that the President supported Affirmative Action and *New York Times* correspondent thought that he attacked it (Reznikov, 2002, pp. 77-78).

Some statements of political figures provide analysts with unique material for inter-

pretation Quite interesting or rather weird is Bill Clinton's comment on the meaning of the English verb *to be*: "It depends on what the meaning of the word 'is' is, and never has been, that's the one thing. If it means there is none, that was a completely true statement." The political figure uses this agrammatical interpretation of the tense use of the verbs in order to change the interpretation of the situation in the past and thus manipulating public opinion. This hoax of intentional misleading has become one distinctive feature of modern political discourse.

Another U.S. President's statement concerns such abstract categories as "the truth" and "time/tense" reconstruction: "So that anyone generally speaking in the present tense saying that was an improper relationship would be telling the truth if that person said there was not, in the present tense—the present tense encompassing many months." The concept of "truth" is tainted with the concept of "power," as the latter one establishes the norm for interpretation of the truth.

An example of Doublespeak is a statement made by President Bush during his visit to Europe in May 2005. Answering critics expressed by the Dutch on the U.S. invasion of Iraq President Bush said: "My comment was—I also heard there was some criticism about the comment that maybe I was being critical of Dutch society. Of course, I wasn't. What I was saying was—and I thank you for your question, because your question recognized the gist of my comment. My comment was, evil can strike anywhere. Killing innocent people is an evil act. And, therefore, we must work together to share information, to cut off money, to prevent people from killing innocent people in order to achieve a political gain. And that's really what I was referring to. And I was referring to the horror of the van Gogh murder." A content propositional analysis can show a number of gaps in logics and informational coherence. These newsspeaks of political figures provide analysts with a number of euphemisms that are of interest to the linguist. For example "Doublespeak Defined" (Lutz, 1999; Reznikov, 2002, p. 78-79) mentions the following typical expressions: *tax increase = revenue enhancement*; *used car = pre-owned car*; *pre-driven car*; *destroy = suppress the target*; *genocide = ethnic cleansing*; *to lie = to be economical with the truth*; *married = formerly single*; etc. More examples can be provided by politically correct English when ordinary words are replaced by politically correct ones. For example: *stewardess*, *secretary*, *fireman* are replaced by *flight attendant*, *office administrator*, *firefighter*. As a result we see a language change that has been purposefully done. We can speak of a certain "political diglossia" as we see differences between ordinary language and political language, ordinary language and propaganda language.

Thus, it is possible to conclude that political discourse may be looked upon as an example of argumentative discourse aimed at producing a change in political and social paradigm or a change in coverage of some old problems.

Along with political discourse we can speak of political linguistics which can be called an integrated discipline incorporating political discourse methods and the apparatus of communicative linguistics. In the study of political discourse and political linguistics rhetoric and argumentation theory are incorporated into linguistic research.

The pragma-dialectical approach has become very fruitful in this respect as it

includes philosophical, theoretical, empirical, analytical, and practical components. It is based on the assumption that a philosophical ideal of reasonableness must be developed from which a theoretical model for acceptable argumentative discourse can be derived (van Eemeren & Grootendorst, 1992). Ordinary dialogue provides us with lots of discrepancies which still can be encompassed by the pragma-dialectical approach. The study of argumentation is approached with four basic meta-theoretical premises, each of which represents a point of departure from other contemporary perspectives (i.e., externalization, socialization, functionalization and dialectification). These factors in the notion of argumentation are realized by making use of pragmatic insights from discourse analysis, conversational analysis and dialectical insights from critical rationalist philosophy and dialogical logic (van Eemeren & Grootendorst 1993, pp.15-17). From the philosophical point of view crucial in grounding the pragma-dialectical theory is the model of critical discussion that provides the procedure for establishing whether or not a standpoint is defensible. The model specifies various stages and rules of the resolution process, and the types of speech acts used at each particular stage. The rhetorical insight helps to define strategic maneuvering in resolving the differences of opinion. (van Eemeren & Houtlosser, 1999; Houtlosser, 2001). From the linguistic point of view there appears to be a certain symbiosis of pragmalinguistics, functional semantics, and dialectics.

The dialectical feature reflects the dynamics of communicative moves at the various stages of the resolution process. These verbal moves are integral parts of critical discussion in the confrontation, opening, argumentation, and concluding stages. Communicative situations connected with political discourse are modeled as a type of critical discussion and the elements of persuasion are identified and their rhetorical and language status is established.

Language status is reflected in the conventionalized ways of displaying discourse and syntactic structures. For example "unambiguous indications" of standpoints may be identified: *In my opinion, I think. If you ask me. That is why. The point is.* etc. Or doubt: *I am not at all sure . . . Might it not be . . . , Do you really think so? I don't know . . . , Actually, I still can't quite understand why . . .* (van Eemeren & Grootendorst, 1992, pp. 23-25), and other linguistic devices by which the opinion is indicated like all sorts of connectives and stereotype phrases (van Rees, 2001, pp.172-175; Tretyakova, 1995). The semantic potential of connectives lies in their ability to reflect typical schemes or cognitive structures of argumentative discourse.

Framing political discourse as a metaphorical battlefield allows looking at the language as a means of combat and communicative situations as strategies. Linguistic discursive analysis focuses on ritualized communication, political doublespeak, and the procedure of decision making and resolution of confrontations. We can conclude that political linguistics refers to the study of language of persuasion in the political sphere (including the language of mass media) and it is part of argumentation studies as it concerns pointing out various persuasion devices.

STEREOTYPES AND POLITICAL DISCOURSE GENRES

Discourse and cognitive paradigms as an open system deal with looking for types and schemes that reflect the way of processing information. The concept of the stereotype with a view to critical discussion deals with a standardized mental picture held in common by members of a group. Unlike a sociolinguistic interpretation of this concept there is no negative attitude expressed by stereotypical structures. Actually they can be considered as structural frames with the properties of a cognitive scheme reflecting diverse communicative patterns of human behavior. Apart from prejudiced (negative) stereotypes there can be neutral (positive) ones both reflecting behavioral patterns. There are several levels of stereotyping depending on the level of speech interpretation. There can be pragma-idiomatic expressions. They work as discourse markers and shifters as well as cumulative minidiscourse structures modeling the communicative situation proper. They cover the domain of ritual communication through conversational formulas, the prescriptive domain through imperatives, and the evaluating domain through commentary. These pragma-idioms belong to the cognitive symbolic sphere, the semiosphere, reflecting human behavioral habits and they are active communicative tools used for interaction (Tretyakova, 1999).

Another level of stereotyping relevant for critical discussion concerns types of arguments as patterns of reasoning that can be abstracted from any particular content. Examples of types of argument are inductive arguments from analogy, appeals to authority, generalizations of many kinds, causal arguments of various kinds, arguments from rules and principles, arguments from implications, from sequences, and from precedents (Blair, 1991, pp.333-335).

Argument scheme is one of the important concepts of pragma-dialectical argumentation theory. Van Eemeren and Grootendorst classify argument schemes in three categories according to the rationale criteria. These are the *symptomatic* scheme, for example with argument from authority, *comparison* scheme with the "resemblance" type of relations as in the argument of analogy, and the *instrumental* scheme. Argument schemes may be interpreted as certain stereotypes as long as they are forms of argument (structures or inferences) that enable one to identify and evaluate types of presumptive argumentation in everyday discourse (Walton, 1996, p.245).

Stereotype levels are connected with social and logical aspects of cognition. The interaction between both allows carrying out research in two directions. One could be connected with looking for types and schemes depending on social environment, whereas the other one would allow for research along the inherent structures dependent on the types and schemes of critical discussion. Both levels of stereotypes have their own indicators that allow the analyst to look at them as tokens of semantic structures.

In what follows, we show how the argumentative methodology could be applied in the linguistic analysis of political discourse. Most rewarding genres in political discourse for argumentative dialectics are political *Debates*, *Interviews*, and *Discussions*.

Debates are the most studied and analyzed type of political discourse in the United

States, especially presidential televised debates, which influence the results of the elections. The political debate may be defined as a ritualized face-to-face communication monitored by the Mediator. The official site of the Commission on Presidential Debates at <http://www.debate.org> gives data on Debating Manner dealing with the length of sentences the participants use and the number of interruptions and noncomplying with the rules of debate. Content analysis of the debates is done through defining typical communicative moves used by the participants. Here are the examples of some of them: Complimenting the opponent as a base for further criticism, complimenting as a base for complimenting oneself, credibility building, complimenting opponents genuinely. Humor, irony, and sarcasm are also studied as important tactics for the achieving victory over the opponent. Special attention is drawn to the fallacies of which Argumentum ad hominem (direct/indirect personal attack) is the most popular one. Among other fallacies we can mention Argumentum ad misericordium and Argumentum ad baculum and Pointing out opponent's fallacy.

Political *Interviews* are not that well studied from the perspective of critical discussion, as the result of this type of political dialogue does not influence the political career of the participant as it does in the debates. Interview is a face-to-face meeting between a representative of the press and someone from whom he wishes to obtain statements for publication. The genre of interview allows for an open battle of constituents since it is in the interview that the monologue and the dialogue are most obviously at odds with one another. The goal of the interviewee is to express his or her view on an issue, whereas the goal of the interviewer is to direct the communication in accordance with a certain scenario.

Interviews fall into three main categories depending on the types of prevailing communicative strategy. They are: (a) *the unison interview* characterized by coinciding pragmatic strategies of the participants, or, as it were, an interview in which questions do not create any problems for the interviewee and allow him to express his ideas and views in full. In this case the interviewee lives up to the interviewer's expectation; (b) *probing interviews* presuppose neutrality of the questions asked while the goal of these questions is to obtain an extensive reaction to the burning political issues of which the interviewer becomes the mouthpiece; (c) *aggressive interviews*, whereby the interviewer's goal is to reveal the negative aspects of the interviewee's views, position and even personality. In the extreme cases the journalist may have in mind damaging the reputation of or completely destroying the political actor he interviews. (Maslennikova & Tretyakova, 2003).

Dynamic moves of the interview maneuver typically (stereotypically) with an adaptation to *auditorial demand* and in the exploitation of *presentational devices*. One more type concerns *topical* maneuvering. As van Eemeren and Houtlosser (1999) write: "Rhetorical maneuvering can consist there is in making a choice from the options constituting the *topical potential* associated with a particular discussion stage, in deciding stage on a certain adaptation to *auditorial demand*, and in taking a policy in the exploitation of *presentational devices*. Given a certain difference of opinion, speakers or writers can choose the material they find easiest to handle; (...). On each of these three levels of maneuvering, they have a chance to influence the result of the discourse strategically."

(p.165) . . . "In general, adaptation to auditoria demand will consist in an attempt to create a 'communion'" (p. 167).

Political *Discussions* can also provide an example of such adaptation. The genre of the political discussion is a way of exercising power through political dialogue that can take place in different political institutions, for example, at the House of Representatives.¹

Four types of political discussions could be defined: Statements (oral or written), Considerations, Testimonies, and Discussions proper.

Statements concern the expression of opinions dealing with the main topic under discussion and they can be located in the Confrontation stage of a critical discussion (*The question is whether the new Soviet leadership can accomplish there unprecedented and wide-range reforms*) with expression of differences of opinion such as *I would say . . . , I mean . . . as I found out . . . , I think . . . , I truly believe . . . , I want to focus on . . .*

Testimonies correspond to the Argumentation stage in critical discussion. This stage is characterized by quick exchange of question-answers for the sake of getting more precise information. Specifying questions (*Why? . . . How many . . . ? Was that . . . ? Is that . . . ? Did you say . . . ?*) are followed by either explanations or agreement/ disagreement utterances.

Testimonies and Discussions are the most interesting for pragma-dialectical analysis as they are performed as dialogues with appealing (*Have you any idea...? , You mean...; you see*) and "author-centred" (*I think...; I mean...; I don't know*) utterances. The chairman may even remind the participants: *I will ask each of you to limit your remarks to five minutes or so, so we can move quickly to dialogue among panelists.*

It is possible to say that the interaction of text-type, argumentation scheme and stereotype utterances help the speaker in organizing persuasion.

More ways for a linguist to analyze political discourse, are connected with the juxtaposition of elements of pragma-dialectics and communicative semantics and with looking for types of argumentation. Here we are quite aware of the fact that pragma-dialectical analysis of the same examples would be different. Linguistically it is important to find tokens of introducing argumentation and to define them in terms of semantic and syntactic rules. Two types may be distinguished: informing and evaluating. Argumentation may take place in bringing forth information introduced by predicates of perception (*see, observe, demonstrate, show, etc.*), of empirical experience (*indicate, find, etc.*) or locutionary predicates (*say, tell, report, etc.*), and predicates of mental observation (*examine, investigate, characterize*).

Mr. Levin (1) What are the implications in your view, you offer us with regard to General Secretary Gorbachev's reform program in the Soviet Union?

Mr. Naylor. (2) I take a somewhat more optimistic view. (3) Soviet officials tell me that none

¹ We use here material from the U.S. Government Hearings before the Subcommittees on Europe and the Middle East, and on International Economic Policy and Trade of the Committee on Foreign Affairs. House of representatives. One hundredth Congress, (1)1988; One hundred first Congress, (2)1989.

of these laws are set concrete, they are open to negotiations, they are flexible. (4) The unfortunate thing is while American businessmen sit around and pick the laws to pieces, the choice deals will go to the West Germans, French, Swedes and Japanese (1:78).

The expression of the point of view (2) receives argumentation in (3) with a locutionary predicate "tell." "Evaluating" arguments mostly refer to the emotional sphere: the expression of joy, anger, compassion, or approval and disapproval:

Mr. Simons (1) In other words it will strike the Jackson- Vanik Amendment from the President's hands as a tool of foreign Policy and that has much larger implications than for Romania, and it seems to me that that is a consequence which is certain and that was the purpose of my remark.

Mr. Christopher. H. Smith (2) I would suggest that your perspective is a little fatalistic. (3) To say that it is impossible for MFN to be an incentive is awfully sweeping and broad. (4) The amendment itself calls for suspension and it would be resumed as long as it has been certified there has been some progress. (5). Again, we are not talking about revocation; we are talking about a suspension and that should not be lost. (6) I think the Soviet union and other Communist countries would see that the Jackson-Vanik amendment in the Congress does not just gather dust, that we use it, if we see that there are problems and take action (1: 44).

The dialogue starts by the "summing up" phrase as a reference to the argumentation in general and provokes evaluation, expressed in (2) and (3). Assertive (3) is an expressive denial of the protagonist's point of view. The antagonist's reaction is highly emotional and deals with the denial of a standpoint. In this case cognitive predicates (*think believe, seem, appear*) and modifiers (*possibly, surely*) are used as modal operators.

There are additional arguments that can be used in political dialogues. These may be examples, references, and citation that help to build in the text specific intertextual relations.

CONCLUSION

Argumentation theory and Pragma-Dialectics can provide the apparatus for a consistent linguistic analysis within discourse linguistics. It was shown that the changing social environment allows to devise new research paradigms to study open dynamic systems. A cognitive-discursive paradigm incorporating pragma-dialectical approach allowed to work out patterns of communication in political discourse and point out some trends in the linguistic research of political discourse.

REFERENCES

- Blair, A. (1991). What is the right amount of support for a conclusion. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.), *Proceedings of the Second International Conference on Argumentation* (pp. 330-337). Amsterdam: Sic Sat.
- Dijk, T. van (1995). Ideological discourse analysis. *The new Courante*, 4, 133-161. University of Helsinki, Department of English.
- Eemeren, F. H. van (1996). Argumentation and democracy. *Speech Communication and Argumentation*, 2, 4-19. St. Petersburg.
- Eemeren, F. H. van (Ed.). (2002). *Advances in pragma-dialectics*. Amsterdam: Sic Sat
- Eemeren F. H. van, & Grootendorst, R. (1992). *Argumentation communication, and fallacies. A pragma-dialectical perspective*. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Eemeren, F. H. van & Grootendorst, R. (1993). The pragma-dialectical approach to fallacies. *Speech Communication and Argumentation*, 1, 14-29. St. Petersburg.
- Eemeren, F. H. van, Grootendorst, R., Jackson S., & Jacobs S. (1993). *Reconstructing argumentative discourse*. Tuscaloosa: University of Alabama Press.
- Eemeren, F. H. van, & Houtlosser P. (1999). Delivering the goods in critical discussion. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.), *Proceedings of the Fourth International Conference of the International Society for the Study of Argumentation* (pp. 163-167). Amsterdam: Sic Sat.
- Greimas, A. J. (1990). *The social science: A semiotic view*. Minnesota: University of Minnesota Press.
- Houtlosser, P. (2001). Points of view. In Eemeren, F. H. van (Ed.), *Crucial concepts in argumentation theory* (pp. 27-50). Amsterdam: Sic Sat.
- Howarth, D. (1995). Discourse theory. In D. Marsh, & G. Stoker (Eds.), *Theory and methods in political science* (pp. 115-134). New York: Palgrave.
- Lutz, W. (1999). *Doublespeak defined*. New York: Harper Collins.
- Maslennikova, A. A., Tretyakova Tatyana P. (2003). The rhetorical shift in interviews: New features in Russian political discourse In F. H. van Eemeren, J. A. Blair, C. A. Willard, & A. F. Snoeck Henkemans (Eds.), *Proceedings of the Fifth Conference of the International Society for the Study of Argumentation* (pp. 741-746). Amsterdam: Sic Sat.
- Rees, M. A. van (2001). Argumentation, interpretation and reconstruction. In F. H. van Eemeren (Ed.), *Crucial concepts in argumentation theory* (pp. 165-199). Amsterdam: Sic Sat.
- Rznicov, A. (2002). *George Orwell's theory of language*. Petrozavodsk.
- Tretyakova, T. P. (1995). Levels of stereotype in political discussions from the perspective of argumentation theory. In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.), *Proceedings of the Second International Conference on Argumentation* (pp. 225-229). Amsterdam: Sic Sat.
- Tretyakova, T. P. (1999). Sustainable development: New paradigms in discourse linguistics In F. H. van Eemeren, R. Grootendorst, J. A. Blair, & C. A. Willard (Eds.), *Proceedings of the Fourth International Conference of the International Society for the Study of Argumentation* (pp. 804-806). Amsterdam: Sic Sat.
- Walton, D. (1996). *Argument structure: A pragmatic theory*. Toronto: University of Toronto Press.

The Impact of Argumentation on Artificial Intelligence

Douglas Walton

University of Winnipeg

David M. Godden

University of Windsor

The research of the Amsterdam School has spread outward across the discipline of argumentation studies like a new day, awakening us to new vistas, casting light on new opportunities, and offering a fresh look at our familiar surroundings. When it first appeared, the pragma-dialectical approach challenged so many existing assumptions that it seemed almost radical, and entirely disrupted the established view. Yet over the years this approach has proved so remarkably effective that many of its central tenets have begun to be widely recognized and accepted. These tenets are even becoming a part of science, as they are increasingly adopted into the standard model of argument used in computing. Along with Rob Grootendorst, Frans van Eemeren was the founding father of the Amsterdam School, and of the pragma-dialectical approach to the study of argumentation. This new approach found its inspiration in the critical rationalism of Popper (1972, 1974), Barth and Krabbe's (1982) theory of formal dialectic, and the speech act theory of Austin (1962), Searle (1969), and Grice (1975) (van Eemeren & Grootendorst, 2004, p. 51).

Argumentation, as a growing interdisciplinary field of research, was conducted mainly in logic, philosophy, and communication studies in the beginning. It has now branched out and become truly interdisciplinary as it has affected more and more fields, like cognitive science, where models of rational thinking are an essential part of the research program. At some point, argumentation methods and findings began to be imported into computing, especially in the area called artificial intelligence, or AI. Since that time, other researchers in argumentation began to use tools developed in AI.

In this chapter, we explore the development and importance of this connection between argumentation and artificial intelligence. Specifically, we show that the influence of argumentation on AI has occurred within a framework that is consistent with the basic approach of Pragma-Dialectics. While the pragma-dialectical approach is typically conceived

of as applying primarily to argumentation occurring between human agents, we show that the basic features of this approach can consistently be applied in a virtual context, whereby the goal-directed activities of, and exchanges of information between, artificial agents are regulated by procedural rules.

PRAGMA-DIALECTICS: BASIC FEATURES

Most readers will already be familiar with the pragma-dialectical (PD) approach to the study of argument. In this section we briefly review some of its characteristic features for the purpose of showing how they have been adopted in AI.

The observation that arguments are primarily communicative activities occurring between rational agents yields the central PD insight that the subject matter of argumentation can be conceived of as a complex speech act which is both constituted and regulated by pragmatic rules. The pragma-dialectical methodology unifies the normative and descriptive approach to the study of argumentation (van Eemeren *et al.* 1993). In contrast to *audience-oriented* rhetorical models, the pragma-dialectical model is *resolution-oriented* (van Eemeren, 1994, pp. 6-7) and reflects a *critical-rationalist* approach towards its subject matter (van Eemeren, 1994, p. 4). In contrast with epistemic models, pragmatic rules such as Grice's Cooperative Principle (1975, p. 45) and the conversational maxims of Quality, Quantity, Relation, and Manner provide both the format and the foundation of the norms governing argumentation.

Central to the pragma-dialectical conception is that argumentation is a verbal, social, and rational activity. Van Eemeren and Grootendorst (2004, p. 52ff) described the pragma-dialectical theory as being founded on the four meta-theoretical principles of externalization, functionalization, socialization, and dialectification. Externalization stresses the external and the explicit over the internal and the implicit. It involves focusing on the public commitments of arguers arising from their linguistic activity, rather than their unexpressed, private beliefs. Functionalization stresses the goal-oriented and procedural aspects of argumentation. It involves adopting a process-based, or functional, view of argument over a product-based, or structural, view. The linguistic activity of argumentation is treated pragmatically as a regulated sequence of purposive speech acts. Socialization highlights a picture of argumentation which is interactional and has multiple agents, rather than one which is individual and has a passive audience. It involves treating argumentation as a dialogue between two or more parties with distinguishable and opposing positions, each of whom actively participate in the argumentation process. Dialectification involves treating dialogue moves in a normative context, as attempts to resolve a difference of opinion in accordance with critical norms of reasonableness. This allows evaluative principles to be stated as procedural norms regulating the activity of argumentation, rather than as standards against which a product is later measured. Together these principles inform both the methodology of Pragma-Dialectics, and its ideal model of argumentation.

A central motivation of the Amsterdam School seems to be the rationalization of our

social institutions and the development of a more reasonable population. For example, van Eemeren (1995, p. 145) has noted the importance of argumentation to democracy, by ensuring that it is both a participatory and rational process. Indeed, the achievement of these noble goals has been remarkably successful, especially in Holland where the pragma-dialectical tools and perspective have received recognition and acceptance even beyond the halls of academia in fields like law and public policy. Less studied, though, is the application of the PD approach in virtual, or nonhuman contexts. Yet, if we are right, the usefulness of PD in fields such as AI could have an even greater impact.

While the full impact of PD on computing has yet to be made apparent, in this chapter we briefly describe some of the recent developments in AI that have led to its initial collaboration with argumentation. In studying this connection, we note that many of the basic argumentative principles adopted by AI are well fitted to the pragma-dialectical approach. Specifically, we argue that the approach to multi-agent systems and computational dialectics currently prevalent in AI is consistent with the basic meta-theoretical principles that inform the pragma-dialectical approach to argumentation. In doing so, we observe some of the existing developments in this collaborative field of research that could help to lay the groundwork for future advances.

AI AND ARGUMENTATION: A BRIEF INTRODUCTION

Most people know what artificial intelligence is, and why it is an important branch of computing. When research in AI first began, the problem seemed to be that in order to build useful, effective AI systems we had to try to understand how to automate a reasoning process that approximates (if not replicates) human thinking. This project turned out to be a lot harder than anyone thought. While it would appear that modern computers have more raw computational power than the human brain, this does not seem to be the limiting factor. Research has shown that common sense reasoning of the kind used to carry out the many mundane tasks we perform every day is based on a lot of implicit knowledge about how things work in our social and physical world. Supplying a computer with this seemingly ad-hoc list of common knowledge, gained through a lifetime of experience and learning, has proved a Sisyphean task. Another problem was that deductive formal logic, of the kind emphasized in science, philosophy, and especially mathematics, didn't seem to help as much as many thought it should. Although this led some AI researchers to abandon the project of modeling reasoning, it led others to look beyond the bounds of deductive logic. Deductive logic is based on quantifiers like 'for all x' that do not admit of exceptions, while the kind of reasoning needed for AI is defeasible, meaning it is based on rules that are subject to exceptions, producing inferences that sometimes default.

Argumentation was friendly to this notion of reasoning subject to default, based as it was on the notion that argumentation needs to be analyzed and evaluated in the framework of a critical discussion with two sides. The idea is that the purpose of argumentation

is to resolve a conflict of opinions, not exclusively by one side's producing arguments that are defeasible, but also by the other side's producing doubts, objections, and critical questions that probe into the weak points in the argument. This dialectical approach was helpful for dealing with inconclusive but nevertheless reasonable arguments like argument from expert opinion. This form of argument, although far from unconditionally trustworthy and even traditionally classified as a fallacy, can often be reasonable as a way of reaching a decision, inferring a tentative conclusion, or justifying a standpoint under conditions of uncertainty. After all, we can't all be experts on everything, and, in order to be reasonable, we sometimes have to depend on the opinion of an expert, even though we need to be critical of these arguments as well. For example, expert testimony is rightly treated as an important form of evidence in law, even though the acceptability of expert testimony involves its being subjected to cross-examination at trial.

FROM ARGUMENTATION TO AI

It is somewhat unusual that interdisciplinary research conducted mainly in subjects in the humanities and social sciences would become useful in a fundamental way in an important area of research in the natural sciences. But that is what has happened with argumentation. It started as an interdisciplinary effort converging around the meetings of ISSA (the International Society for the Study of Argumentation), the Summer Conferences on Argumentation in Alta, Utah (hosted by the National Communication Association and the American Forensic Association) and an informal logic group mainly centered in Canada. Many of the leading exponents were professors of philosophy or speech communication. In Europe, the research clustered around the impetus of the Amsterdam School, who had built up a pragma-dialectical theory of argumentation attracting a small but dedicated group of adherents. In 1987-88, a research group on fallacies worked together for a year at the Netherlands Institute for Advanced Studies in the Humanities and Social Sciences (NIAS).

As the ISSA Conference met every four years, and spin-off conferences in North America like the OSSA Conference built up momentum, a curious thing happened. A small group of researchers in computing began to pay attention to their results. The first early meeting was the June, 1996 International Conference on Formal and Applied Practical Reasoning held in Bonn, Germany. We share the opinion of Verheij that this conference was of unique importance. In his report of this conference, Verheij (1996) described its purpose, which made an explicit statement of the goals and advantages of cooperation between the two groups:

One of the problems of modern scientific research is that it almost inevitably requires a high level of specialization. The advantage is that the resulting ivory towers, in which most individual researchers spend their scientific lives, can more efficiently be built higher; the disadvantage is that these towers do not simply add up to an integrated scientific village.

... Research on argumentation can have rather different aims, for instance:

- To describe and evaluate actual human argumentation by means of empirical investigation (e.g., in cognitive science or psychology).
- To apply an argumentation model in order to build intelligent computers and programs (e.g., in computer science and artificial intelligence).
- To investigate and enhance our conceptualizations of argumentation in order to better understand its nature (e.g., in philosophical and mathematical logic). (Verheij, 1996)

More recently, the impetus toward collaboration between the groups culminated in the Bonsel House Conference which took place in Pitlochry (Scotland) in 2000. At this conference, a selected group of researchers, some from computing and some from argumentation, met together in an isolated castle in the highlands, to try to find out how each field could benefit from the findings and methods of the other. Its stated objectives were the following:

1. Bringing together a small number of researchers from several different fields to encourage the exchange of new ideas and the establishment of new collaboration.
2. Producing a handbook authored jointly by all participants which will serve to disseminate to a wide audience the defining problems, issues, and avenues for future work.
3. Introducing a small number of high quality research students to collaborative ventures between computational sciences and argumentation, and to encourage them to pursue their own research interests with an awareness of the ties with areas of mathematics, philosophy and AI. (Norman, 2000)

The *modus operandi* of the conference was to divide up the participants into five small groups, working on the following topics: argument and computational societies, argument and practical reasoning, argument and legal reasoning, argument and computational linguistics, and computational models of argument. Each group had the rather formidable job of writing a chapter of a book over the course of the week. As a result of this feverish effort, the book *Argumentation Machines: New Frontiers in Argument and Computation* (Reed & Norman, 2004) was eventually produced.

COMPUTATIONAL DIALECTICS

As initial efforts to form partnerships and set out a common research agenda gained momentum, a new field of computing arose called computational dialectics. The need for a field like computational dialectics arises from the situation created by multi-agent systems, or distributed systems, in computing. Basically, multi-agent systems are composed of a number of autonomous agents interacting in a computerized environment in which there is no centralized control. Agents can be artificial (like computer programs or robots) or natural (like humans), and are characterized by certain features. Agents are purposive

and they are intelligent. That is, they can act and interact in the system, and have goals which can be individual or communal. Also, they can store limited amounts of information and 'sense' or receive information from their environment. Typically, agents do not initially have sufficient 'knowledge' to fulfil their goals, and so they must find ways of interacting with one another to do so by collecting the required knowledge.

Importantly, multi-agent systems have become ubiquitous in the computing world, and characterize many online environments such as expert systems, e-commerce, and legal-support systems. The development of multi-agent systems for communication on the web requires a framework in which intelligent agents can engage in various kinds of conversational interactions through speech acts. These include asking questions to get information from other agents, assessing the worth of that information as a basis for arriving at an intelligent decision, and generally, reasoning together to solve a problem or resolve a disagreement. Faced with the situation created by multi-agent systems, designers and engineers began work on computational dialectics as a means of regulating the operations of distributed systems and the interactions of the agents of which these systems are composed.

Thomas Gordon (1996) describes the field of computational dialectics in the following way:

The subject matter of this field [of computational dialectics] is the design and implementation of computer systems which mediate and regulate the flow of messages between agents in distributed systems, so as to facilitate the recognition and achievement of common goals in a rational, effective and fair way.

What is interesting about this new field of computing is that it is intrinsically dialectical, and is significantly informed by work in argumentation.

According to Lodder (2000, p. 255), the term *computational dialectics* first appeared when Ron Loui and Tom Gordon organized an American Association for Artificial Intelligence (AAAI) workshop with Johanna Moore and Katya Sycara under the name Computational Dialectics in Seattle in 1994. The call for papers for the workshop (Loui & Gordon, 1994) described the field of computational dialectics as the study of structured dialogues used in multi-agent communication systems in which agents reach agreement through rational interaction in order to achieve common goals in a fair and effective way. Such dialogues contain a blend of adversarial argumentation, so that each agent has an individual goal, and is an advocate, but at the same time the procedure is collaborative and works only because the agents also share a common goal. Thus the workshop invitation used the expression 'communal standards' when describing such computational models of deliberation, negotiation, and discussion.

The centrality of the use of structured dialogues as a means of regulating communication and of rationally achieving common goals in distributed systems indicates exactly how much the very idea of computational dialectics draws upon the dialectical conception of argumentation, and on the theoretical resources it has to offer. Consider the

description of the field as presented for the 1994 AAAI Workshop on computational dialectics, which is worth quoting at some length.

Dialectic is an idea that simply will not disappear. It is the idea of structured linguistic interactions proceeding according to a largely adversarial protocol. Beginning with the ancients, dialectic appears to many to be synonymous with rationality. Today, computation informs the study and use of such structured dialogues. Substantial contributions are now possible from artificial intelligence researchers.

The term "Computational Dialectics" is meant to describe an area of activity in AI, which considers the language and protocol of systems that mediate the flow of messages between agents constructing judgment, agreement, or other social choice, to recognize or achieve an outcome in a fair and effective way.

The study of communal standards for acquiring knowledge and making decisions has always been interesting as a basis for computational models of deliberation. The study of argument and negotiation in naturally occurring dialogues has been the focus of work in language processing and explanation generation. The study of analogy and case-based reasoning has produced dialectical models that have been successfully applied in the domain of conflict resolution, negotiation and legal argument. The implementation of non-monotonic reasoning systems and the semantics of logic programming has also converged on dialectic. Philosophers' formalization of defeasible reasoning has produced new understanding of why dialectic is not merely roundabout proof. Researchers of HCI [human computer interaction] and CSCW [computer supported cooperative work] have had occasion to study how the interplay of argument, counterargument, and rebuttal affects design, clarifies presentation, and improves interaction. (Loui & Gordon, 1994)

In addition to a sound appreciation of the dialectic approach as something more than 'roundabout proof' but as essentially involving rebuttal and counterargument, several other points are worthy of note in the foregoing account. First, it is interesting that one of the initial problems facing the field of AI has been overcome through the use of defeasible rather than deductive logics in these dialectical systems. Also interesting is the recognition of various kinds of dialogues such as deliberation and negotiation which become contexts of argumentation. But what about the speech acts of convincing and persuading which are so central to the pragma-dialectical framework?

The Intelligent Systems Group at the University of Utrecht explains how computational interactions on the web involve speech acts of convincing and persuading: "Many decisions are not made individually, but in interaction with others (for example in discussions, meetings, negotiations, and legal procedure). In such environments it is important to bring different opinions together and convince or persuade each other, instead of merely exchanging information" (University of Utrecht, 2005). Here one can see why argumentation has found such wide acceptance in computing, and why it fits there so naturally.

COMPUTATIONAL DIALECTICS AND PRAGMA-DIALECTICS: CONNECTIONS

While the foregoing has only been a brief survey of the historical developments and present status of research occurring at the intersection of argumentation and AI, it provides sufficient background to demonstrate the connections between this line of research and the pragma-dialectical approach. Having introduced some of the characteristic features of computational dialectics, it remains to show how these are in principle consistent with the fundamental principles of Pragma-Dialectics. It should be clear that the basic similarities of approach are overwhelming, or at least that they are sufficient to warrant a closer look. In this section, we explore the consistency of the four basic meta-theoretical principles of Pragma-Dialectics—socialization, functionalization, externalization, and dialectification—with the approach adopted in computational dialectics.

Socialization. Perhaps the most obvious point of connection between computational dialectics and the pragma-dialectical approach to argumentation is socialization. Socialization, in Pragma-Dialectics, involves conceiving of argumentation as a communicational activity that occurs between two or more active participants. It leads directly to the conception of argument as a dialogue, and to a dialectical approach to its study. Such a perspective clearly applies to multi-agent systems in AI. The communicative interaction of a number of intelligent, purposive agents forms the very basis of multi-agent systems.

Functionalization. Closely related to socialization is the idea of functionalization. Central to the functionalization of argumentation is adopting a processes-based view of it, whereby the activity of argumentation is seen as the result of a goal-oriented, communicative action. Together with the idea of socialization, functionalization leads to the idea that we can have a procedural rather than a structural approach to the regulation of argumentation. Given the earlier description of multi-agent systems, its consistency with the pragma-dialectical tenet of functionalization should be fairly clear. As mentioned, agents themselves are treated as purposive entities who can act to attain their own individual goals as well as well as shared goals. Furthermore, the communicative activities that occur within multi-agent systems occur in the context of this goal-fulfilling process.

Externalization. The basic idea of externalization is that argumentation theory must start with what is explicit (i.e., those commitments that can be publically attributed to an arguer, and to which the arguer can be held publically accountable). This basic principle of working with commitments as opposed to beliefs is a point that is shared by most dialogue-based approaches to argumentation (e.g., van Eemeren *et al.*, 1993, Walton & Krabbe, 1995; van Eemeren & Grootendorst, 2004), and is important not only from the point of view of the theorist, but from the perspective of the arguers also. Starting from publically-accessible commitments ensures that arguers 'have something to grab on to' when recognizing differences of opinion and in identifying the contents of opposing standpoints. It also ensures that there is a set of shared, or mutually agreed upon premises, which can be used as a common starting point by participants in argumentation. (Or at least, that arguers can check to see whether there is such a common starting point for further discussion.)

Importantly, this idea of commitment has contributed significantly to the prevailing conception of multi-agent systems in AI. Singh (1996, 1997) for instance, has suggested that multi-agent systems can usefully be conceived of as 'spheres of commitment.' And, the nature of commitments as they occur in AI bears a striking resemblance to the way commitments are conceived of in argumentation. Singh (1999) describes commitments as having the following properties: They are (a) attached to autonomous, rational agents, (b) inherently external and social, (c) revokable but binding upon those agents; and finally that they are (d) incurred and retracted through a process of social interaction which is (e) regulated by a set of procedural rules governing that interaction. Consequently, the principle of externalization is consistent with the typical operations of multi-agent systems in computing, and with computational dialectics.

Dialectification. Dialectification is the entry point for the normative dimension of Pragma-Dialectics, the essence of which involves using the ideal model of a critical discussion (van Eemeren & Grootendorst, 2004, chap. 3) in the practice and evaluation of argumentation. The normative status of this ideal model is justified by its problem validity (or problem-solving validity) and intersubjective validity (or conventional validity) (van Eemeren & Grootendorst, 2004, pp. 16-17, 57; cf. Barth & Krabbe, 1982, pp. 21-22). We show that similar standards are used to justify the models used in computational dialectics.

Intersubjective validity is an anthropological standard of reasonableness, and "has to do with the conformity between the [ideal] model's components and the values, standards, and objectives actual arguers find acceptable" (van Eemeren *et al.*, 1993, p. 14). Such a standard sounds reminiscent of the "communal standards for acquiring knowledge and making decisions" (Loui & Gordon, 1994) used in computational dialectics. Recall also the basic similarity of situation envisioned by both Pragma-Dialectics and computational dialectics whereby there is no 'external judge' in the situation of argumentation to impose a standard or decision. Rather, the actual participants to the discussion must come to determine, and agree upon, those standards on their own.

Problem validity is an instrumental standard of how successfully the rules of the ideal, or regulative model bring about the goals of the discussion. To see how this standard is implemented in computational dialectics, consider Prakken's (2000) statement concerning the proper design of dialogue systems.

In the present framework, the initial situation of a persuasion dialogue is a conflict of opinion between two rational agents about whether a certain claim is tenable, possibly on the basis of shared background knowledge. The goal of a persuasion dialogue is to resolve this conflict by rational verbal means. The dialogue systems [used to achieve this goal] should be designed such that they are likely to promote this goal.

Not only does Prakken adopt the standard of problem validity for dialogue systems, he also appears to have incorporated the basic fundamentals of a critical discussion into his framework. For example, his description of the initial situation closely matches the confrontation stage of a critical discussion.

A further consequence of the dialectification of argumentation is to analyze fallacious argumentation procedurally, as moves in a dialogue that impede the resolution of the dispute (van Eemeren & Grootendorst, 1987). This idea is easily reflected in computational dialectics, since the rules governing such systems are inherently procedural to begin with.

As of yet, and to the best of our knowledge, there has been no attempt to explicitly structure the regulatory procedures used in AI and computational dialectics into the four familiar stages of confrontation, opening, argumentation, and concluding (van Eemeren & Grootendorst, 1984, pp. 85-88), nor to implement the specific rules characteristic of the pragma-dialectical critical discussion (van Eemeren & Grootendorst, 1984, chap. 7; van Eemeren & Grootendorst, 2004, chap. 6). Yet, we see no reason, in principle, why such a normative structure could not be adapted to, and implemented in, distributed systems as a means of regulation and rationalization. Clearly, the project of doing so is well beyond the scope of this chapter.

What is important to note, though, is that similar systems already exist at various stages of development, and many of the crucial topics have already begun to be addressed. For example, Norman, Carbogim, Krabbe, and Walton (2004) have shown how many issues central to the dialectical approach to argumentation relate to multi-agent systems in computing. Hitchcock, McBurney, and Parsons (2001) have provided a set of procedural rules that could effectively regulate deliberation dialogues. Walton and Godden (forthcoming) have addressed the topic of embedding persuasion dialogues in negotiation dialogues. Bex, Prakken, Reed, and Walton (2003) and Reed and Walton (2005) have shown how argumentation schemes can be incorporated into such systems.

CONCLUSIONS

The impact of argumentation on AI has been considerable already, but shows great promise of increasing exponentially as new applications are found. Also notable has been the reverse process. New software tools for argument diagramming like *Aracuaría* (Reed & Rowe, 2001) are revolutionizing the field of argumentation by providing automated resources that are useful for the analysis and evaluation of argumentation. Not only are these tools useful for helping to teach critical thinking to students at all educational levels. They are also proving to be useful in many other areas, for example, as applied to legal argumentation (Bench-Capon, 1997, 2002; Bench-Capon & Sartor, 2003; Bex & Prakken, 2004). Who would have thought in those early days when researchers from all over the world were getting together at the early conferences more than two decades ago that things would have gone in this direction?

Indeed, one of the key motivating concerns shared by all in those early moments of our discipline, that of antiformalism, seems to be being challenged by the applicability of argumentation in AI. The implementation of the tools of argumentation in AI and other computerized models requires that they be formalized to the degree that they can be mechanically executable. Yet, this new formalism reflects many of the insights produced

by its anti-formalist contributors. In the first place, current artificial models allow for defeasible argumentation by working with non-monotonic logics that better reflect the actual conditions under which everyday inferences and arguments are normally made. Furthermore, contemporary approaches do not model the structure of argument as a proof, or a sequence of theorems derived from a set of axioms by a set of rules. Rather, this new formalism has a more pragmatic orientation; what is modeled is a sequence of moves, or actions, by rational agents, and the rules of the system govern these moves. Moreover, in the case of multi-agent systems, these rules regulate the interactions of several agents with one another. As such, these models use a procedural approach to the regulation and codification of argumentation as opposed to an epistemic approach, and inherently allow for a dialectical conception of argumentation. So, not only has argumentation contributed to the development of AI, but this liaison can help argumentation in its own development and self-conception. It would seem that as greater progress is made in the study of argumentation, the more precisely we are able to articulate the principles and standards of the discipline, and the closer we come to being able to formalize those principles.

Still, and for all that, argumentation and computational dialectics remain outside the mainstream in fields like philosophy, law, and computing. In the mainstream the models of rational thinking that still dominate are deductive logic, inductive reasoning (the Bayesian model especially), and the cost-benefit type of rational decision making that has been so central in economics in the past. With only very few exceptions like the University of Amsterdam, argumentation is not taught in graduate schools. Instead, in philosophy, formal deductive logic is what is thought to be exclusively necessary for graduate students to master, while informal logic is by and large relegated to the poor stipends who must teach the mass introductory lectures on critical thinking.

There has been talk lately, however, about a new paradigm of rational thinking in the social sciences. In economics, bounded rationality is now widely accepted as the model of reasoning that should be applied to economic phenomena like consumer decision making (O'Driscoll & Rizzo, 1985). To cite another example, in both computing and the social sciences, the importance of the argument from ignorance, or lack of evidence argument, has been recognized. These developments suggest that the impact of argumentation has been considerable, not only on AI, but on many fields that use AI as a model that can be applied to all kinds of cases of human decision making, deliberation, and rational thinking under conditions of less than perfect knowledge.

ACKNOWLEDGMENTS

Research for this paper was made possible by separate research grants from the Social Science and Humanities Research Council of Canada held by each of the two authors.

REFERENCES

- Austin, J. L. (1962). *How to do things with words*. Oxford, England: Clarendon Press.
- Barth, E. M., & Krabbe, E. C. W. (1982). *From axiom to dialogue*. Berlin: de Gruyter.
- Bench-Capon, T. (1997). Argument in artificial intelligence and law. *Artificial Intelligence and Law*, 5, 249-261.
- Bench-Capon, T. (2002). Agreeing to differ: Modelling persuasive dialogue between parties with different values. *Informal Logic*, 22, 231-245.
- Bench-Capon, T., & Sartor, G. (2003). A model of legal reasoning with cases incorporating theories and values. *Artificial Intelligence*, 150, 97-143.
- Bex, F., & Prakken, H. (2004). Reinterpreting arguments in dialogue: An application to evidential reasoning. In T. F. Gordon (Ed.), *Legal knowledge and information systems* (pp. 119-130). Amsterdam: IOS Press.
- Bex, F., Prakken, H., Reed, C., & Walton, D. (2003). Towards a formal account of reasoning about evidence: Argumentation schemes and generalizations. *Artificial Intelligence and Law*, 11, 125-165.
- Eemeren, F. H. van. (1994). The study of argumentation as normative pragmatics. In F. H. van Eemeren, & R. Grootendorst (Eds.), *Studies in Pragma-Dialectics* (pp. 3-8). Amsterdam: Sic Sat.
- Eemeren, F. H. van (1995). A world of difference: The rich state of argumentation theory. *Informal Logic*, 17, 144-158.
- Eemeren, F. H. van, & Grootendorst, R. (1984). *Speech acts in argumentative discussions: A theoretical model for the analysis of discussions directed towards solving conflicts of opinion*. Dordrecht: Foris.
- Eemeren, F. H. van, & Grootendorst, R. (1987). Fallacies in a pragma-dialectical perspective. *Argumentation*, 1, 283-301.
- Eemeren, F. H. van, Grootendorst, R., Jackson, S., & Jacobs, S. (1993). *Reconstructing Argumentative Discourse*. Tuscaloosa: University of Alabama Press.
- Eemeren, F. H. van, & Grootendorst, R. (2004). *A systematic theory of argumentation: The pragma-dialectical approach*. Cambridge: Cambridge University Press.
- Gordon, T. F. (1996). Computational dialectics. In P. Hoshka (Ed.), *Computers as assistants-A new generation of support systems* (pp. 186-203). Hillsdale, NJ: Lawrence Erlbaum Associates. Also can be retrieved (May 1, 2005) from www.tf-gordon.de/publications/Gordon1996a.pdf
- Grice, H. P. (1975). Logic and conversation. In P. Cole, & J. Morgan (Eds.), *Syntax and semantics*. Vol. 3: *Speech acts* (pp. 41-58). New York: Academic Press.
- Hitchcock, D., McBurney, P., & Parsons, S. (2001). A framework for deliberation dialogues. In H. V. Hansen, C. W. Tindale, J. A. Blair & R. H. Johnson (Eds.), *Argumentation and its Applications. Proceedings of the Fourth Biennial Conference of the Ontario Society for the Study of Argumentation*. Windsor: OSSA.
- Lodder, A. R. (2000). Book review of Gordon (1995). *Artificial Intelligence and Law*, 8, 255-264.
- Loui, R. P., & Gordon, T. F. (1994). *Call for papers for 1994 AAAI Seattle workshop on computational dialectics*. Retrieved May 1, 2005, from <http://www.cs.wustl.edu/~loui/comectics.text>
- Norman, T. (2000). *Symposium on argument and computation* [unpublished conference report].

- Retrieved May 1, 2005, from <http://www.csd.abdn.ac.uk/~tnorman/sac/>
- Norman, T. J., Carbogim, D. V., Krabbe, E. C. W., & Walton, D. (2004). Argument and multi-agent systems. In C. Reed, & T. J. Norman (Eds.), *Argumentation machines: New frontiers in argument and computation* (pp. 15-54). Dordrecht: Kluwer.
- O'Driscoll, G. P. Jr., & Rizzo, M. J. (1985). *The economics of time and ignorance*. London: Routledge.
- Popper, K. R. (1972). *Objective knowledge: An evolutionary approach*. Oxford: Clarendon Press.
- Popper, K. R. (1974). *Conjectures and refutations: The growth of scientific knowledge*. London: Routledge & Kegan Paul.
- Prakken, H. (2000). On dialogue systems with speech acts, arguments, and counterarguments. In M. Ojeda-Aciego, I. P. de Guzman, G. Brewka, & L. Moniz Pereria (Eds.), *Proceedings of JELIA'2000, The 7th European workshop on logic for artificial intelligence, Springer lecture notes in AI* (pp. 224-238). Berlin: Springer Verlag.
- Reed, C., & Norman, T. J. (Eds.). (2004). *Argumentation machines: New frontiers in argument and computation*. Dordrecht: Kluwer.
- Reed, C., & Rowe, G. (2001). *Araucaria*. Software. Retrieved May 1, 2005, from <http://www.copmputing.dundee.ac.uk/staff/creed/araucaria/>
- Reed, C., & Walton, D. (2005). Towards a formal and implemented model of argumentation schemes in agent communication. In I. Rahwan, P. Moraitis, & C. Reed (Eds.), *Argumentation in multi-agent systems* (pp. 19-30). Dordrecht: Springer.
- Scarle, J. R. (1969). *Speech acts: An essay in the philosophy of language*. Cambridge, England: Cambridge University Press.
- Singh, M. P. (1996). Multiagent systems as spheres of commitment. *International conference on multiagent systems (ICMAS), Workshop on norms, obligations, and conventions*. Kyoto, Japan. Retrieved May 1, 2005, from <http://www.csc.ncsu.edu/faculty/mpsingh/papers/mas/icmas-96-norms.pdf>
- Singh, M. P. (1997). Commitments among autonomous agents in information-rich environments. *8th European workshop on modelling autonomous agents in a multi-agent world*, Ronneby, Sweden. Retrieved May 1, 2005, from <http://www.csc.ncsu.edu/faculty/mpsingh/papers/databases/maamaw-97.pdf>
- Singh, M. P. (1999). An ontology for commitments in multiagent systems: Toward a unification of normative concepts. *Artificial Intelligence and Law*, 7, 97-113.
- University of Utrecht (2005). *Intelligent Systems Group, Institute for Information & Computing Sciences Homepage*. Retrieved May 1, 2005, from <http://www.cs.uu.nl/groups/IS/cd/cd.html>
- Verheij, B. (1996). *FAPR '96: The international conference on formal and applied practical reasoning* [unpublished conference report]. Retrieved May 1, 2005, from <http://www.ai.rug.nl/~verheij/publications/fapr96report/>
- Walton, D., & Krabbe, E. C. W. (1995). *Commitment in dialogue: Basic concepts of interpersonal reasoning*. Albany: State University of New York Press.
- Walton, D., & Godden, D. M. (forthcoming). Persuasion dialogue in online dispute resolution. *Artificial Intelligence and Law*.

This page intentionally left blank

Pragma-Dialectics: A Retrospective

John Woods

*University of British Columbia
and King's College, London*

Who gathers knowledge/gathers pain
(Ecclesiastes 1.18)

SETTING THE STAGE

In 1984, two Dutch researchers published a book, and launched a program, that would have a large influence on the evolution of modern argumentation theory. The book is *Speech Acts in Argumentative Discussions: A Theoretical Model for the Analysis of Discussions Directed Towards Solving Conflicts of Opinion*; its authors are Frans H. van Eemeren and Rob Grootendorst; and the research program is the Pragma-Dialectical Approach (PDA) to the analysis of argument. Twenty years later, there appeared *A Systematic Theory of Argumentation: The Pragma-Dialectical Approach* (van Eemeren & Grootendorst, 2004), which is both a re-statement of the basic theory and a retrospective of its place in the larger scheme of things. Now, two years after that, the rest of the research community has welcome occasion to engage in its own retrospective of the Amsterdam approach.

No one who works in argumentation theory can be unaware of the extensive influence of the PDA or of the regard in which it is widely held. This certainly is very much the opinion of J.A. Blair, in remarks printed on the back cover of (van Eemeren and Grootendorst, 2004).

[Pragma-Dialectics] is the most important argumentation theory in the world today. It is the only theory that attempts to be comprehensive—to be a “complete” theory of argumentation. It is the only theory that incorporates a developed underlying philosophical perspective with a complete elaboration of a theory and a full account of its practical applications. It is the only theory that integrates insights from the complete range of fields in which argumentation is studied (among others: linguistics, philosophy of language, logic, communications, rhetoric) . . . It has had simply a huge influence on argumentation studies around the world.

Professor Blair's assessment helps to box the compass of my own retrospective reflections. In what follows I shall run my own assessment of the PDA through the filter provided by Blair's remarks. I come to this task as a logician who never stopped thinking that one of my subject's highest priorities is to expose the logical structure of arguments as they actually occur in real life, of arguments "on the hoof." And I come to this task with the acknowledgment that logic's involvement with the analysis of such arguments has not always been a fruitful one, especially recently.

HOW LOGIC PUT ITSELF OUT OF THE ARGUMENTATION BUSINESS

Aristotle contrived the logic of syllogisms to serve as the theoretical core of a wholly general theory of argument. This gives us occasion to distinguish arguments in the narrow sense and arguments in the broad sense; and, correspondingly, to distinguish logic in the narrow sense and logic in the broad sense. It was Aristotle's view that arguments in the broad sense embed arguments in the narrow sense, whose correctness is a necessary condition of the adequacy of the larger embedding arguments. Aristotle dubbed this narrow kind of argument *sylogismos*; which translates ambiguously as either "deduction" or "reasoning." Aristotle's contributions to the theory of argument inherited an assumption from Greek psychology. It was widely believed that arguing and reasoning were intimately tied, having in effect a common structure. Solo reasoning was considered to be arguing with oneself. Arguing with an opponent was considered to be reasoning out loud. There is some evidence that Aristotle recognized exceptions to this concurrence. He allows that immediate inferences such as the subalternation of "Some A are B" from "All A are B" are cases of good reasoning. But he won't allow them as arguments in the broad sense or as syllogisms. For so used, they beg the question. Still, the presumed equivalence of arguing and reasoning remained in force for most of the long history of logic, and it has a faint echo even in modern proof theory.

Aristotle was the first theorist to systematize the idea that reasoning is a matter of *drawing consequences* from premisses or hypotheses (or, for generality, "sets of priors.") This leaves us with a fundamentally important distinction between the consequences a set of priors *has* and the consequences that a reasoner may *draw* from it. It is a distinction that corresponds closely to that between entailment and inference, an inequivalence on which Harman (1986) lays such emphasis.¹ If Harman's point is that truth-conditions on the entailment relation must not, just so, be considered rules of inference, it is part of the genius of the logic of the syllogisms that it manages to close this gap rather substantially. To this end, Aristotle introduces a new consequence relation, which we can call "syllogistic consequence." This is a consequence relation that is paraconsistent, nonmonotonic, relevant, and intuitionist (Woods, 2001). Moreover, it is structured in such a way that from *any* set of statements there is *at most one* proposition syllogistically implied by it. This makes it

¹ Harman (1970) made the same point years earlier. It also arises independently in Woods and Walton (1972).

much more plausible to propose that when some priors satisfy the conditions that qualify them as premisses of a syllogism, their sole syllogistic consequence is precisely what a reasoner should (and should be expected) to draw from them. So the conditions on what qualifies an argument as a *syllogism* do indeed make a reasonable claim on also having the status of rules of *reasoning*.

In a decidedly unfortunate turn of events, the history of logic has concentrated on arguments in the narrow sense. Logicians lost the habit of testing the connections of their narrow models with argument in the broad sense. But the *presumption* that the connection was there persisted. This was a mistake. In the period since Leibniz, the presumption began to collapse—for one thing, the syllogistic constraints fell into disfavor—and with the establishment of modern mathematical logic (a confederation of set theory, model theory, proof theory, and recursion theory) the link to arguments on the hoof vanished.

In the PDA the link between arguments in the broad sense and logic's preoccupation with the consequence relation is given only honorific attention. PDA imposes on arguers a validity rule, which sets conditions on what consequences a party may (or should) draw from a given set of priors. In earlier writings, it was more or less assumed that the consequence relation mandated by the validity rule is classical consequence, which ran the theory deeply onto the shoals of Harman's objection. Twenty years later, the authors lighten up. They write,

Of course, what is meant by valid in a logical sense can be interpreted in different ways, depending on the logical theory that is taken as the starting point. It is an interesting *academic* question as to what logical theory provides the best starting point, but we *cannot* deal with this question in the context of this discussion of a *practical* code of conduct. (van Eemeren & Grootendorst, 2004, p. 194, n. 19, Emphases added)

The passage calls for two comments. One is that the validity constraint is only a placeholder in the PD model, rather than a real condition. What this suggests is that to a certain extent the PD model is not an analysis of a given type of argument in the broad sense, but rather a *schema* of what such an account might (or should) look like. Accordingly, PD models are highly abstract structures, operating at a considerable distance from arguments on the hoof. A second observation is prompted by the italicized expressions in the quotation. There is an important distinction between rules of procedure for real-life participants in real-life discussions, and theoretical models of how those discussions are structured and transacted. The principal difference is that operating procedures must not be technically inaccessible to end-users, whereas the critical models can be as technical as one thinks necessary. There is every reason to think that PD theorists are disposed to recognize the existence and the import of this distinction. But on occasion they appear to think otherwise, namely, that the rules of engagement for parties on the ground *just are* the theoretical model. Precisely this is what appears to be conveyed in the passage under review. It is an unfortunate lapse. It aligns the PD theory to the Easy-Easy Principle, according to which if a kind of human practice is competently performable without technical tutelage, then the

theory of that practice must likewise be free of technical or theoretically abstruse content.²

Placeholder or not, the validity rule greatly limits the range of the PD model. In actual practice, the drawing of consequences is hardly ever a matter of deduction, whatever the interpretation one gives to this concept. Certainly a deductive consequence relation is mandated for special tasks such as theorem-proving and various modes of mathematical calculation. Critical discussions, especially in the technical sense invoked by the PDA, are argumentative contexts in which the validity standard has an extremely low profile in actual practice. In Woods (2005) I suggest that the validity standard is so seldom a standard appropriate to an arguer's target that one's *default position* should be that, except for particular cause, one should not appraise invalid arguments negatively. If this is right, then the PD model is virtually crippled by the validity rule. Better, then, that we take the rule not as a place-holder for some or other conception of logical validity, but rather as a place-holder for a suitably versatile set of consequence relations, as varied as are the kinds of consequence-drawing that crop up in real-life contexts. Thus: inductive consequence, probabilistic consequence, abductive consequence, plausible consequence, presumptive consequence, and, yes, deductive consequence.

COMPREHENSIVENESS

The pragma-dialectical approach (PDA) is part of an effort to re-connect logic to argument in the broad sense. (It is less clear as to what its connection to inference would or could be.) There is much to admire in the PDA. It rightly notes that arguments typically occur in stages and, that the stages satisfy a more or less natural ordering relation, that different stages lie open to different procedural requirements, and that a move in an argument can be an allowed move at one stage of the argument and a disallowed move at another state. The PDA models what its authors call "critical discussions." A critical discussion is triggered by a disagreement between two parties, a protagonist and an antagonist, and is *en large* a conflict resolution exercise. Since critical discussions are sequences of alternating speech acts, parties are expected to conform to the regulatory requirements of speech act theory in the manner of Searle (1969) and Grice (1989). Parties are also assumed to instantiate a Popperian notion of rationality typified by an openness to "rational criticizeability" (Popper, 1974). When these expectations are met, the parties bring to their dispute a certain state of mind, which I shall call a *psychology of decency*,³ as well as a disposition to

² And so goodbye to economics and linguistics, to name just two. The Easy-Easy Principle is discussed at somewhat greater length in (Woods 2004).

³ In fairness to its practitioners, the PDA hasn't the slightest interest in psychology. One might even say that the PD-models have been purpose-built to exclude psychological considerations. This is largely explained by the PDA's normative pretensions, and a bias against psychologism inherited (ironically) from mathematical logicians such as Frege. The fact remains, however, that the PD-rules of engagement go a long way toward defining a psychology of engagement. Since real-life arguers come with psychologies as standard equipment, it is no stretch at all to ascribe the requirements of sincerity, equality, fairness, openness, and cooperation to the players

produce arguments on what has been called the *Goody Two-Shoes* model (Gabbay & Woods, 2001). Parties to such arguments are required to be honest, sincere, straightforward, objectively-minded, equable, patient, and cooperative.

A Goody Two-Shoes is a person who is very good, good in ways that make her stand out as somewhat unusual. Goody Two-Shoes arguments have a like tendency to stand out. They are nice beyond the norms of actual niceness. They stand out against most of the forms of human argumentation, which is to say that most forms of argumentation cannot be reconciled to the PD model in any very direct way. Neither can most forms of actual argumentation be considered approximations of Goody Two-Shoes arguments. Thus legal argumentation—certainly as we find it in the common law tradition—is excluded; collective bargaining argumentation is excluded; political debates are excluded (indeed debates in general are excluded); diplomatic arguments are excluded; Socratic teaching is excluded; and so on. What these arguments have in common are both structural and normative features that preclude instantiation of, and approximation to, the PD model. To take just two examples, if a defense counsel at the criminal bar in a common law jurisdiction conducted his dispute with the Crown on the PD model he would (a) lose the case, and (b) be disbarred for misconduct. Similarly, if parties negotiated a collective bargaining contract at Ford or GM along *PDA* lines, they would be liable to prosecution.⁴

We may say, then, that Blair has overshot the mark on the score of comprehensiveness. The last thing that the *PDA* offers us is a general theory of argument. However, might it not still be the case that the *PDA* is the most comprehensive account of the type of argument they call critical discussions? Let us see.

I have attributed to the *PDA* the following claim. The psychology of decency is a disposition to handle one's disagreements in the manner of Goody Two-Shoes argumentation. Upon reflection however, it may strike us as necessary to add a qualification:

The psychology of decency provides that, when it is thought to be appropriate to respond to a disagreement *argumentatively*, parties are disposed to honour the kinds of constraints one sees in the Goody Two-Shoes model.

themselves. Thus agents who elect to play by the PD-rules elect to behave decently. Of course, in real-life a person might adopt this psychology for entirely strategic reasons. But there is no reason to think that this is so in the general case.

⁴ Even so, there is some evidence that PD-theorists see the core theory as extendable to some of these other argument-types. Certainly there are other types of argument which PD-theorists take an interest in, notably rhetorical arguments (van Eemeren & Houtlosser, 2000, 2002a, 2002b) and legal arguments (Feteris, 1999), (Plug, 1994), (Kloosterhuis, 1994) and (Jansen, 2003). Just as they come, these are not types of argument that conform all that closely to the requirements of critical discussion. This faces rhetoricians and legal theorists with an interesting pair of options. Either they can try to adapt the theory of critical discussions to the peculiarities of rhetorical and legal argumentation and risk either defacing the original theory or preserving it only at the cost of not quite connecting to the other argument-types. We can say this another way. The more we allow that PD-models are faithful to the real thing, the more difficult it will be to get the PD-apparatus to do heavy lifting in the rhetorical and legal models. The more they adapt to those models, the less their fidelity to Goody Two-Shoes arguments on the ground. One of the more interesting aspects of the present state of play in PD-research is the skill with which its practitioners seek to balance these options.

One could capture the spirit of the qualification with the observation, "Nice guys don't argue."

How does this bear on the issue before us? If I am not mistaken, it reveals a certain tension between the *wherewithal* for a critical discussion and the decision to *have* one. A critical discussion is a way of reacting to differences of opinion. But, as the empirical record attests, differences of opinion more often than not are not dealt with argumentatively in real life. For the most part, differences of opinion are either settled by new information or they are simply allowed to persist. In those cases in which they aren't settled by new information and aren't allowed to persist, they are very often settled by some external device—by the decision of a supervisor, or a jury, by drawing lots, by voting. Issues that are decided in these ways are usually of an importance that demands timely and conclusive resolution. This leaves us with differences of opinion that typically are not particularly urgent in either of these ways. They are issues that the two parties will take care of themselves, and they are issues of sufficient interest *to the parties* to make them think it worthwhile to deal with them argumentatively. But, again, as the empirical record clearly suggests, even issues in this comparatively small subclass, when submitted to the process of argument, very often are abandoned by the parties well before argumentative completion. Either they aren't important enough to press on with, or pressing on is discouraged by the requirements of decency. This does not for a moment suggest that beings like us aren't much given to argument. The reverse is true. We are a thorough-goingly argumentative bunch. We adopt the argumentative mode as naturally as we breathe. What we seem not to be, however, is beings with much of an appetite for full-bore Goody Two-Shoes argumentation.

We should also take note that the discussions that are prompted by our disagreements are not in the general case *argumentative* discussions. Parties who find themselves in a difference of opinion may take it to be of sufficient importance to call it into question. But more often than not what is wanted (and what is given) is an *explanation* rather than a PD defense. What the questioning party seeks is some *understanding* of why his vis-à-vis her's would hold such a view. And, on receiving it, she may respond with an explanation of what draws her to the opposite view.

One of the virtues of the PDA is the importance it attaches to empirical applications. (van Eemeren, de Glopper, Grootendorst, & Oostdam, 1994; Garssen, 1994; Jungslager, 1994; van Eemeren, Grootendorst, & Meuffels, 1994; and Oostdam, de Glopper, & Eiting, 1994). In these and other works, researchers have sought to find echoes of PD theory in empirical reality. If the observations of the preceding few paragraphs have merit, they suggest that the order of connection is doubtful. For PD theorists, the model comes first and its empirical applications follow upon it. It may be, however, that the better course would have been to reverse the order. This would have involved taking careful note of how differences of opinion are actually responded to by human agents on the ground. The answer would have been that

Responding to differences of opinion via the *regulae* of critical discussions (in the technical sense of the term) is a comparatively rare occurrence.

This would have left the would-be theorist with two good questions to grapple with. One is whether the rare cases are interesting enough or important enough to justify a generation's worth of research to get to the theoretical bottom of. The other, relatedly, is whether the fact recorded in the indented remark is overridden by the *normative* provisions of the theory. If the answer to that question were Yes, the first issue would also have been dealt with; and further erosion of the claim of completeness would be halted. So perhaps we can all agree that a question of crucial importance is:

Is it or is it not the case that conversations about differences of opinion proceed *as they should* when they comport with the requirement of PD argumentation?

There is reason to think that practitioners and admirers of the PDA are inclined to give an affirmative answer to this question. But nothing to date in the PDA secures such optimism as a principled finding of the theory itself. Perhaps this is not surprising. Establishing a theory's normative credentials is a task than which there is none harder (Woods, 1998, 2003, chap. 8; Gabbay & Woods, 2003). Suffice it to say that the PDA's normative credentials are still an open question. Pending its satisfactory answer, there is little to do but acknowledge that, given its comparatively modest role in modeling actual conversations about differences of opinion, Blair's attribution of comprehensiveness is at best premature.

INCORPORATION

As Blair sees it, one of the virtues of the PDA is that

It is the only theory that incorporates a developed underlying philosophical perspective . . .
It is the only theory that integrates insights from the complete range of fields in which argumentation is studied (among others: linguistics, philosophy of language, logic, communications, rhetoric).

As I see it, this would indeed be a virtue if it were true. Here is just one example to consider. As mentioned earlier, the PDA appropriates the regulatory canon of speech act theory and the logic of conversation. No doubt, this counts as incorporation in a *thin* sense. Readers familiar with speech act theory and the logic of conversation will, on that account, have a fuller understanding than those who haven't of what the parties are up to in a PD critical discussion. But those who read only the PD writings won't have much of a clue as to what is in those other theories. In contrast, one theory's incorporation of another would count as *thick* to the extent to which the respective theories make use of their borrowings in their own respective research programs. A clearer way of saying this is that thick incorporation demands that the borrowed theory demonstrably drive some of the central claims of the borrowing theory and that some of the claims of the borrowing theory reflect back into the borrowed theory in ways that influence new results there (See

Woods, 1994). Thus, in a rough and ready way, the distinction between thin and thick incorporation resembles the distinction between borrowing a theory's vocabulary and borrowing its technical machinery. As I read the PD corpus, there is little evidence of thick incorporation. This is not to belittle the thin. But perhaps it may be said that thin incorporation is less of a virtue than thick, and that Blair's enthusiasm is somewhat excessive.

THE VALUE OF THE PDA

Where does this leave us? If the forgoing remarks are allowed to stand, then the theory advanced by the PDA is a narrowly unrepresentative, normatively insecure, thinly incorporative, highly abstract and schematic approach to discussions of differences of opinion. Its prospects as a general theory are nonexistent, and its record of strict adaptability to arguments of different type is not yet particularly good. In a portion of the remarks that were not published in the blurb on the back cover of van Eemeren and Grootendorst (2004)—and which I reprint here with the author's permission—Blair writes:

To be sure, being the *only* such theory does not make it true or interesting . . .

He goes on to say,

. . . but in fact it has been found by many scholars who have no particular connection with the Amsterdam project to be highly plausible.

I find myself oddly positioned. In the discussion to date I have taken issue with Blair on every point. Blair praises the PDA for its comprehensiveness. I reply that it has a quite narrow orientation. Blair applauds its incorporation of an underlying philosophical perspective. I reply that it is a thin incorporation at best. Blair admires it for its full account of its practical applications. I counter-claim that the best we can say is that the jury is still out on the question of applicational success. Blair tips his hat to its integrations from all the fields in which argumentation is studied. This leaves me speechless. Even so—this is the oddity of my position—I share Blair's overall assessment of the PDA's importance and influence. On the face of it, this is madness. How can a theory that has none of the virtues Blair claims for it be the most important such theory in the world?

My answer is that it is premature to think of the PDA as a theory. What it is is a schema of a theory. It is a kind of map, a framework, *an approach*. A schema of a theory gives loose guidance as to the manner of its realization. Realization takes the form of replacing the schema's placeholders with more fully developed analyses. It also involves adjusting the schema's abstract regulae to the more nuanced requirements of direct engagement on the ground. The looseness of the schema's guidance is a principal attraction of it. It leaves it open that different researchers will produce different theoretical elaborations of the

basic structure—different and sometimes incompatible. As we saw, the validity rule is a placeholder for a stand-alone account of the varieties of consequence that enter into argument in all its variations. The sincerity requirement can be thought of in the same way. It is a placeholder for a comprehensive account of the considerably different roles played by sincerity presumptions in arguments that range from excited chats over sherry in the Senior Common Room to brutal cross-examinations at the criminal bar. The relevance rule rightly reminds us that a truly comprehensive theory must take note of the manner in which relevance is (or is not) a requirement of success across the varied sweep of argument-types. But the rule itself doesn't perform this task. It doesn't even tell us what relevance is. A further attraction is that a schema of a theory is eligible for partial appropriation. The PDA is not an all-or-nothing recipe for how to theorize about argument. Those interested in the PDA option are free to accept parts of it and to ignore others.

When one inspects the actual record to date, one sees a great deal of valuable and impressive work which, while prompted by the PDA schema, does not instantiate it in particularly strict ways. Consider a pair of examples. During the past 20 years or so, Douglas Walton has produced a large body of work that incorporates some of the PD precepts. But nothing in that work comes close to instantiating the schema. This, again, is the value of looseness. It is thin incorporation *on purpose*. A second—and more striking—case is the work produced by PD theorists themselves. One has only to look at the full record of van Eemeren and Grootendorst, and to the writings typical of their colleagues and former students to be made aware of how far-reaching the PD research program is, and how little of it tightly instantiates the schema.

The record of work in argumentation since 1984 convincingly shows that researchers from various disciplines and theoretical orientations have found the *PD* framework an attractive one to work within, even when, as often is the case, they deviate from it. They find its general orientation both plausible and theoretically tractable. Professor Blair is right to say that no current theory has had a greater influence on argumentation theory.

There is a final point to clear up. I have said that the PDA has no credibility as a general theory of argument. Suppose that this is right. Wouldn't that show that its influence on the general research program is aberrant? Wouldn't this mean that a weak theory is being accorded an importance far beyond its deserts? And, if so, what would *explain* its appeal? A cynical answer might be that the research community has fallen for the Easy-Easy Principle. A nicer answer is that, while it is far from a comprehensive account, the PDA succeeds in modeling a form of argument that *academics* often engage in and find professionally attractive. But the best answer is that arguments of all kinds come in stages. It may well be the case that very little in our real-life arguments answers to the PD model. But parts of them do. The same is true of argument types that more severely disconform to PD standards—criminal prosecutions and collective bargaining, for example. Here, too, there are stretches and interludes in which the PD regulae, or something like them, have a clear presence. So, while it remains true that *arguments* don't much conform to the PD requirements, there are argument-*parts* that tend to do so, and

do so in ways that cut across the grain of differences between arguments of quite different types. If this is right, it is centrally important for the importance of the PDA.⁵

REFERENCES

- Eemeren, F. H. van, & Grootendorst, R. (1984). *Speech acts in argumentative discussions: A theoretical model for the analysis of discussions directed towards solving conflicts of opinion*. Dordrecht/Berlin: Foris/Walter de Gruyter.
- Eemeren, F. H. van, de Glopper, K., Grootendorst, R., & Oostdam, R. (1994). Student performance in identifying unexpressed premisses and argumentation schemes: In F. H. van Eemeren, & R. Grootendorst (Eds.), *Studies in pragma-dialectics* (pp. 88-103). Amsterdam: Sic Sat.
- Eemeren, F. H. van, Grootendorst, R., & Meuffels, B. (1994). The skill of identifying argumentation. In F. H. van Eemeren, & R. Grootendorst (Eds.), *Studies in pragma-dialectics* (pp. 119-129). Amsterdam: Sic Sat.
- Eemeren, F. H. van, & Grootendorst, R. (2004). *A systematic theory of argumentation: The pragma-dialectical approach*. Cambridge: Cambridge University Press.
- Eemeren, F. H. van, & Houtlosser, P. (2000). Rhetorical analysis within a pragma-dialectical framework. *Argumentation*, 14, 293-305.
- Eemeren, F. H. van, & Houtlosser, P. (2002a). And always the twain shall meet. In F. H. van Eemeren, & P. Houtlosser (Eds.), *Dialectic and rhetoric: The warp and woof of argumentation analysis* (pp. 3-11). Dordrecht: Kluwer Academic Publishers.
- Eemeren, F. H. van, & Houtlosser, P. (2002b). Strategic maneuvering: Maintaining a delicate balance. In F. H. van Eemeren, & P. Houtlosser (Eds.), *Dialectic and rhetoric: The warp and woof of argumentation analysis* (pp. 131-159). Dordrecht: Kluwer Academic Publishers.
- Feteris, E. (1999). *Fundamentals of legal argumentation*. Dordrecht: Kluwer Academic Publishers.
- Gabbay, D., & Woods, J. (2001). Non-cooperation in Dialogue Logic: Getting beyond the goody two-shoes model of argument. *Synthese*, 127, 161-186.
- Gabbay, D., & Woods, J. (2003). Normative models of rational agency. *Logic Journal of the IGPL*, 11, 597-613.
- Garssen, B. (1994). Recognizing argumentation schemes. In F. H. van Eemeren, & R. Grootendorst (Eds.), *Studies in pragma-dialectics* (pp. 104-111). Amsterdam: Sic Sat.
- Grice, H. P. (1989). *Studies in the Way of Words*. Cambridge: Harvard University Press.
- Harman, G. (1970). Induction: A Discussion of the Relevance of The Theory of Knowledge to the Theory of Induction. In M. Swain (Ed.), *Induction, acceptance and rational belief*, Dordrecht: Reidel Publishing Company.
- Harman, G. (1986). *Change in view: Principles of reasoning*, Cambridge: MIT Press.

⁵ A personal note: For a number of months at a time most years from 1987 to 2002, I enjoyed the professional hospitality and friendship of Frans van Eemeren and, until his untimely death in 2000, Rob Grootendorst, as well as their colleagues and students at the University of Amsterdam. I greatly prize this association and have been agreeably stimulated by it. My affectionate thanks to all.

- Jansen, H. (2003). *Van omgekeerde strekking: Een pragma-dialectische reconstructie van a contrario -argumentatie in het recht*. With a summary in English. Amsterdam: Thela Thesis.
- Jungslager, F. (1994). Identifying argumentation. In F. H. van Eemeren, & R. Grootendorst (Eds.), *Studies in pragma-dialectics* (pp. 112-118). Amsterdam: Sic Sat.
- Kloosterhuis, H. (1994). Analyzing analogy argumentation in juridical decisions. In F. H. van Eemeren, & R. Grootendorst (Eds.), *Studies in pragma-dialectics* (pp. 238-245). Amsterdam: Sic Sat.
- Oostam, R., De Glopper, K., & Eiting, M. (1994). Argumentation in written discourse: secondary school students' writing problems. In F. H. van Eemeren, & R. Grootendorst (Eds.), *Studies in pragma-dialectics* (pp. 130-141). Amsterdam: Sic Sat.
- Plug, J. (1994). Reconstructing complex argumentation in juridical decisions. In F. H. van Eemeren, & R. Grootendorst (Eds.), *Studies in pragma-dialectics* (pp. 246-254). Amsterdam: Sic Sat.
- Popper, K. R. (1974). *Conjectures and refutations. The growth of scientific knowledge*. London: Routledge, & Kegan Paul.
- Searle, J. (1969). *Speech acts. An essay in the philosophy of language*. Cambridge, England: Cambridge University Press.
- Woods, J. (1994). Sunny prospects for relevance? In R. H. Johnson, & J. A. Blair (Eds.), *New essays in informal logic* (pp. 82-92). Windsor ON: Informal Logic Press.
- Woods, J. (1998). The normative impotence of ideal Models. In H. V. Hansen, C. W. Tindale, & A. V. Colman (Eds.), *Argument and rhetoric* [CD-Rom], Brock University, St. Catharines, Ontario: OSSA.
- Woods, J. (2001). *Aristotle's earlier logic*. Oxford: Hermes Science Publications.
- Woods, J. (2003). *Paradox and paraconsistency: Conflict resolution in the abstract sciences*. Cambridge, England: Cambridge University Press.
- Woods, J. (2004). Is the theoretical unity of the fallacies possible? Reprinted in J. Woods, *The death of argument: Fallacies in agent-based reasoning*. Dordrecht: Kluwer Academic Publishers, 2005.
- Woods, J. (2005). Eight theses reflecting on Stephen Toulmin. In D. Hitchcock (Ed.), *The Uses of Argument*. Proceedings of Conference at McMaster University (pp. 495-504). Hamilton ON: OSSA.
- Woods, J., & Walton, D. (1972). On fallacies. *Journal of Critical Analysis*, 5, 103-111.

This page intentionally left blank

The Ten Rules of Pragma-Dialectics and Validity in Argumentation

David Zarefsky

Northwestern University

Frans van Eemeren and Rob Grootendorst developed the pragma-dialectical approach to argumentation in order to describe and evaluate argument practice in the context of a critical discussion. What they have accomplished is far more than this, however. Among the unanticipated contributions of their approach is the outline of a solution to a perplexing problem in rhetorical studies: Lacking a conception of validity like that of formal logic, what besides persuasive success can certify that an argument is not only effective but also sound?

THE PROBLEM OF RHETORICAL VALIDITY

Part of the appeal of formal logic lies in its strong normative dimension. It characterizes not what people necessarily *do* think is logical but what they *should*. This normative element makes formal logic a guide to sound reasoning and permits a clear conceptual distinction between logic and persuasion. Of course, formal logic *can* persuade, but that is not what makes it logical. It is logical by virtue of its form. The reasoning structure is such that if the premises are true, the conclusion must be true. This is so whether people believe it or not, but it is what people *should* believe.

What gives formal logic its normative quality is the concept of validity, which we may understand simply as correctness of form. Validity has nothing to do with the content of an argument—indeed, the content could consist of mathematical symbols or even nonsense syllables—but refers entirely to the relationship among the statements in the argument. Granting the truth of the premises, the conclusion must be true or else the argument would be self-contradictory. It is the logical necessity of the conclusion that makes the argument

valid. Consequently, we can evaluate arguments without being swayed by our views of the subject matter, our liking or disliking of the speaker, or any factor unrelated to the argument's form.

Of course, formal logic has its limitations. It cannot be used to make an inferential move from the known to the unknown; it cannot be used to support value judgments based on facts; it cannot authorize predictions; it cannot make judgments. For these reasons, as Toulmin (1958) and others have suggested, it is a special case of reasoning rather than a model for reasoning in general.

Once we leave formal logic, however, we are hard pressed for a concept that does the work of validity. We know that, outside formal logic, form and content cannot be neatly separated. Informal logic and dialectic rely on experience as well as form. The accumulated history of reasoning practices suggests that a given pattern is likely to produce results that arguers will find acceptable. Other patterns are more likely to lead people astray, and we identify these patterns with names like hasty generalization, false analogy, equivocation, and the *post hoc* fallacy.

Within the realm of rhetoric, the quality of an argument is related to its fit with the beliefs and values of the audience. Claims are not proven in the abstract; they are proven *to a person*—that is, to the audience. Listeners can be admonished to think critically, but ultimately the test of the argument is whether the claim is appealing. This comes dangerously close to equating sound argumentation with successful persuasion.

Scholars of informal logic and rhetoric, wishing to preserve the normative dimension of their subject, need a concept that does the work of validity—that produces a content-neutral criterion for the evaluation of argument. This need has been recognized for some time and scholars have tried to meet it in a variety of different ways.

Almost 30 years ago, Raymie McKerrow (1977) equated rhetorical validity and pragmatic justification. (McKerrow's analysis is also applicable to informal logic, since it too is dependent on an audience, even if the audience is a single interlocutor.) By pragmatic justification, McKerrow meant providing a specific audience with grounds for adopting a belief. There are two obvious differences between this construct and the idea of validity in formal logic. Validity is in no way related to any audience, whereas pragmatic justification depends on the acceptance of an audience. And validity establishes the truth of a conclusion, given the truth of premises, whereas pragmatic justification focuses not on the conclusion but on the audience: Does A have a justification for believing X? The former difference is embodied in the term *pragmatic* and the latter, in the term *justification*. McKerrow (1977) believes that pragmatic justification is the analogue of validity, applied to rhetorical arguments. "To say that an argument is 'valid,'" he writes, "is to indicate that it is capable of meeting certain tests" (p. 135), and these tests need not come from logic or science. The test of pragmatic justification is: Does this audience have good reasons to accept and to act on this belief?

The question raised by McKerrow's analysis is one of criteria. What counts as pragmatic justification? Granted that we know what rhetorical validity is, how do we know in any given case of argumentation when it is achieved? On this point, McKerrow relies on the

statement that criteria are relative to situations, a statement that is true but not very helpful. Each of the three rhetorical traditions on which McKerrow relies runs into the same difficulty.

For example, McKerrow cites Toulmin's (1958) analysis of argument fields. Toulmin acknowledges that arguments should not be expected to meet the analytic standards of formal logic, maintaining "that they shall achieve whatever sort of cogency or well-foundedness can relevantly be asked for in that field" (p. 248). But he never indicates how the boundaries of a field are determined, how arguers know what field they are in, or how one knows what any field's standards of cogency and well foundedness are. These lacunae gave rise, for a time, to extended discussion of the theory of argument fields (Zarefsky, 1982). With few exceptions, this line of scholarship has not been kept up in recent years—perhaps because the growing recognition of the pragma-dialectical perspective made it unnecessary.

McKerrow also cites an essay by Douglas Ehninger (1968) in which validity is seen as a matter of moral obligation. This standard is also grounded in the existence of an audience, for it is particular people in particular situations who experience a sense of moral obligation. That obligation, Ehninger theorizes, is the result of recognition that one is *impelled* to accept a certain position or else to abandon one's own personal commitments and sense of self. Here what triggers acceptance of the claim is a striving not for logical but for moral consistency. Like Toulmin, Ehninger offers a plausible account of what condition must be achieved to regard an argument as valid. But also like Toulmin, he fails to identify either the characteristics of the person or the features of the argument that engender this sense of moral obligation.

Finally, McKerrow cites Chaim Perelman's (1969) concept of the "universal audience" and paraphrases him to suggest that an argument that would attract the adherence of the universal audience should be considered valid. There has been extensive discussion in the literature about whether there is any such thing as the universal audience and how one would know who is in it. But Perelman is silent on the question of what characteristics an argument should have in order to merit the assent of the universal audience, and also on the question of how anyone—particularly a self-interested arguer—can know and interpret the disposition of the universal audience.

What McKerrow and the theorists he cites accomplish is to offer a conceptual definition of validity for rhetoric and informal logic. This offers the promise of reclaiming the idea of validity from the narrow constraints of formal logic. What is missing, however, is a set of criteria for achieving this standard and knowing in any given case that the criteria have been met. Although they were not writing primarily for this purpose, van Eemeren and Grootendorst's pragma-dialectical perspective offers the possibility of resolving this problem and articulating when an argument will count as valid.

PRAGMA-DIALECTICS AND THE TEN RULES

The normative ideal of pragma-dialectics is the critical discussion, an interpersonal exchange in which participants desire to resolve a difference of opinion. The difference is not about a matter on which any participant can merely demonstrate the truth of his position; nor would any participant wish to prevail by brute force. Rather, the goal is for all participants freely and voluntarily to come to the same understanding of the matter as a result of their discussion. The authors recognize that actual discussions often fall short of this ideal. Nevertheless, it is their normative model, against which van Eemeren and Grootendorst evaluate actual argument practice.

In a number of their writings, van Eemeren and his colleagues identify rules for the critical discussion (van Eemeren & Grootendorst, 2004; van Eemeren, Grootendorst, & Snoeck Henkemans, 2002). Although there are various iterations of the rules with slight differences in wording and number, a particularly accessible version is found in their 2002 textbook. There the authors identify 10 rules (referred to in the 2004 version as "ten commandments") of critical discussion. Five of the rules pertain to the presentation of standpoints and arguments:

1. Parties must not prevent each other from putting forward standpoints or casting doubt on standpoints—the freedom rule.
2. A party who puts forward a standpoint is obliged to defend it if asked to do so—the burden-of-proof rule.
3. A party's attack on a standpoint must relate to the standpoint that has indeed been advanced by the other party—the standpoint rule.
4. A party may defend his or her standpoint only by advancing argumentation relevant to that standpoint—the relevance rule.
5. A party may not falsely present something as a premise that has been left unexpressed by the other party or deny a premise that he or she has left implicit—the unexpressed premise rule.

The next three rules have to do with the argumentation stage of the dialogue and are intended to guide it on a proper course. These include the following:

6. No party may falsely present a premise as an accepted starting point, or deny a premise representing an accepted starting point—the starting-point rule.
7. A standpoint may not be regarded as conclusively defended if the defense does not take place by means of an appropriate argument scheme that is correctly applied—the argument scheme rule.
8. The reasoning in the argumentation must be logically valid or must be capable of being made valid by making explicit one or more unexpressed premises—the validity rule.

The concluding stage of a critical discussion is governed by Rule 9:

A failed defense of a standpoint must result in the protagonist retracting the standpoint, and a successful defense of a standpoint must result in the antagonist retracting his or her doubts—the closure rule.

And, finally, during all stages of the critical discussion parties should observe Rule 10:

Parties must not use any formulations that are insufficiently clear or confusingly ambiguous, and they must interpret the formulations of the other party as carefully and accurately as possible—the usage rule (van Eemeren, Grootendorst, & Snoeck Henkemans, 2002, pp. 182-183).

These 10 rules are not arbitrary. Formulated after considerable theorizing and research, they are justified because they are necessary to achieve the goals of a critical discussion. If someone pressures another person not to advance a particular standpoint, for example, then the best solution to the problem may not emerge, and the goal of the critical discussion will not have been achieved. Similarly, if a discussant felt no compulsion to abandon a position once it had been shown to be flawed, it is not likely that the critical discussion will reach its goal of yielding the best possible outcome. A similar analysis could be performed on each rule. They are all necessary conditions for resolving a disagreement in a way that will inspire confidence and conviction among all participants. The rules assume the character of pragmatic arguments: The parties want the discussion to be successful. To be successful, the discussion must follow the rules. Therefore, the participants should follow the rules. It is interesting that van Eemeren and his colleagues do not rely on any overt appeal to external values such as fairness, equity, and fair play. Their justification is purely internal: The rules are constitutive of and vital to the success of the discussion.

From this standpoint, it seems clear how van Eemeren and colleagues will characterize fallacies. They regard them as violations of the rules. This is an abnormal approach. In deduction, fallacious arguments contain errors in form that are not apparent. In informal logic and general argumentation, a different definition of “fallacy” is needed, since *most* informal reasoning, by definition, will not be perfectly correct with regard to form. One common approach is to regard fallacies as failures to heed the cumulative experience of a culture about what reasoning patterns over time generally have proved to be reliable. The difficulty is that this notion of accumulated experience is a reification. There is no such clearly recognized body of experience, so it is easy for the theorist or critic merely to express a personal value judgment and call it a logical standard.

Douglas Walton (1995) recognizes the arbitrariness of this notion of fallacies and instead proposes a context-specific standard. Whether or not the use of any particular reasoning pattern is valid depends on the context in which it is used. An extensive research program on the various *ad-* fallacies led Walton to the conclusion that the same inferential patterns can be either valid or fallacious, depending on circumstances. While this approach rehabilitates the *ad-* fallacies, it provides little guidance for evaluating any

particular use of argumentation, and it comes close to an extreme relativist view according to which virtually any use of virtually any argument scheme can be judged either valid or fallacious.

The approach of van Eemeren and his colleagues potentially offers a way through this problem. Given any specific argumentative practice, one would ask whether a reasonable person would find the practice conducive to the goals of a critical discussion, as they have been embodied in the 10 rules. If so, then the argument is valid—it does what it sets out to do. If not, then it is fallacious, regardless of whether one likes or agrees with the claim it advances. (The assumption is that critics will have a high level of agreement about what fulfills the purpose of a critical discussion, but given the normative clarity with which the purpose is expressed, this is reasonable.)

It becomes clear, then, that van Eemeren and Grootendorst regard *procedure* as the informal-logic analogue to form. Informal reasoning is valid if it conforms to the proper procedure, just as formal reasoning is valid if it follows the appropriate form. In both cases, there is a content-free check on the quality of the evidence, a standard beyond a listener's agreement with the claim.

Defining validity as procedural correctness has some clear advantages. It explains when and why the *ad-* fallacies are fallacious. So, for example, the *ad baculum* would be a fallacious argument if it threatens the interlocutor with painful consequences and thereby pressures him into not advancing his standpoint. This would violate the freedom rule. But it would be a valid argument, although it is a threat, when it made audience members aware of the consequences to society of pursuing a certain course of action, so that they might make a reasoned decision about whether to do so. Likewise, *ad verecundiam* is a fallacious argument if it appeals to authority not relevant to the case at hand, as when an entertainment celebrity is regarded as an authority on political matters or a theologian, on matters of science. The credentials of the authority do not validate claims that are relevant to the standpoint being advanced. So this would violate the relevance rule, van Eemeren and Grootendorst's fourth commandment. But *ad verecundiam* is a perfectly valid argument if the authority is pertinent and truly an expert source. A similar distinction can be made for each of the *ad-* fallacies. Van Eemeren and Grootendorst thereby build on Walton's advance by explaining *how* these patterns depend on context and by offering a general principle for adjudicating them. At the same time, this approach shares with Walton's the recognition that the universal standards of formal logic are not applicable to informal reasoning in which the validity of arguments must be determined case by case.

A second feature of van Eemeren and Grootendorst's definition of fallacies is that it preserves a significant aspect of fallacies in formal logic: The fact that they are not obvious. They derive much of their power from their seeming resemblance to valid forms of argument, and critical inspection often is needed to uncover their nature as fallacies. Similarly, an argumentative move in a critical discussion will require scrutiny and careful analysis in order to determine whether or not it violates the procedural rules.

Finally, thinking of validity as a procedural matter produces a somewhat different list of fallacies than do traditional category systems grounded in either form or context. The

linguistic fallacies (ambiguity, equivocation, etc.) are highlighted as barriers to the other party's accurate interpretation of one's position. Fallacies such as *ad misericordiam* and *ad baculum* are serious not because they appeal to an irrelevant factor, as in the traditional account, but because they put pressure on a discussant to inhibit him or her from freely offering and defending a position. And setting up a straw man involves not just an irrelevant appeal but a failure to clash with the standpoint actually advanced by the other party.

At the same time, van Eemeren and Grootendorst's system baptizes as fallacies certain moves that are not normally so categorized. For instance, they call making false claims to self-evidence a fallacy, not simply an error, because falsely claiming a standpoint to be self-evident is a means of reducing one's burden of proof or shifting the burden of proof to the adversary, either of which is a violation of the burden-of-proof rule. Oversimplifying a standpoint is not just a tactic but a fallacy, because it misrepresents the position of the opponent and thereby thwarts resolution of disagreement. Falsely treating a starting point as agreed to, or denying a commitment, prevent the discussion from being grounded in an agreement as to what the starting points are. Since disagreement must be grounded in agreement, misrepresenting what is agreed to makes it impossible for the critical discussion to proceed. There are other examples of newly identified fallacies, but the point is that the van Eemeren and Grootendorst account yields a richer understanding of resolving disagreement than does the more traditional account.

For all its benefits, however, there is one respect in which the pragma-dialectical system, as explained in the 2002 textbook, backslides toward the traditional account. Rule 8 requires that "the reasoning in the argumentation must be logically valid or must be capable of being made valid by making explicit one or more unexpressed premises" (van Eemeren, Grootendorst, & Snoeck Henkemans, 2002, p. 183). If "logically valid" refers to formal logic, it suggests that informal reasoning and everyday argument are ultimately dependent on the very formal standards that cannot be achieved. To be sure, there are elements of informal reasoning that resemble formal structures. Perelman and Olbrechts-Tyteca (1969) refer to these as "quasi-logical" arguments. Van Eemeren and Grootendorst offer as examples the *modus ponens* and *modus tollens* structures of hypothetical argument, and they warn against affirming the consequent, denying the antecedent, the fallacy of composition, and the fallacy of division. But the rule is stated too broadly. It would be more suitable to say that *if* an argument relies on logical form, then the validity rules of that form ought to be observed, without stating as a rule that *any* argument must be logically valid in order to serve the ends of critical discussion. The authors move toward this position in their 2004 statement that "the validity of the reasoning in the argumentation needs to be judged only if this reasoning is completely externalized and the protagonist can be regarded committed to the claim that the soundness of the argumentation depends on its *logical validity*" (van Eemeren & Grootendorst, 2004, p. 148). The eighth "commandment" is reworded accordingly. In any event, this is a minor matter. The point remains that the pragma-dialectical system offers a clear understanding of validity as procedural correctness and an improved catalog of factors that make an argument fallacious and explanations of why they do so.

APPLICATION TO RHETORICAL ARGUMENT

Can a system which presupposes the norm of a critical discussion be applied to rhetorical argumentation, where the goal is not necessarily resolving a disagreement but persuading an audience, where success rather than the quality of free assent is often the more important goal, and where appeals to the specific understandings and even prejudices of particular audiences are not necessarily out of line? The difference between dialectic and rhetoric is one of the grounds for criticizing the pragma-dialectical system, although in their most recent work van Eemeren and colleagues are moving to embrace rhetorical considerations as well.

Nevertheless, there are several respects in which the norm of a critical discussion can be applied to rhetorical argument. Perhaps the most obvious is to regard the rhetorical audience, collectively, as playing the part of the antagonist in a critical discussion. It may seem a stretch to imagine a heterogeneous audience as a single interlocutor, but rhetors deal with this problem all the time when they reconstitute a diverse collection of individuals into a composite which they imagine to have attitudes, predispositions, and commitments. Moreover, most contemporary theorists emphasize the active participation of the audience in the co-creation of meaning. And viewing the rhetorical audience as analogous to a participant in a critical discussion emphasizes the interactive nature of the exchange. On this reading, dialectic and rhetoric are far more alike than different, and both stand in opposition to formal demonstration.

A second way in which the pragma-dialectical system could be applied to rhetoric is to regard the critical discussion as the normative ideal toward which rhetorical transactions strive. This approach requires a less drastic rethinking of rhetorical action. It need not be viewed as cooperative or interactional; one could maintain the stereotype of the rhetor, motivated by the desire for successful persuasion, addressing a large, even anonymous audience in a one-way message, without reciprocal participation by the audience. Such a rhetor might be tempted to abandon any standard of proof or justification other than the empirical one of whether efforts are successful. For such a person, the norms of critical discussion serve as a kind of "moral compass" constraining choice. One seeks to persuade a particular audience, but only through such means and with such arguments as the participants in a critical discussion would be likely to accept. The critical discussion norm then functions in the same way as Perelman and Olbrecht-Tyteca's (1969) counterfactual norm of the universal audience. Using the critical discussion as a model would enable individual rhetorical transactions to approach, though not reaching, the "ideal speech situation" described by Habermas.

Finally, one could choose to focus on the "pragma" portion of the term "pragma-dialectical" and imagine an analogous "pragma-rhetorical" approach. On this view, just as in the critical discussion the rules are derived from conditions necessary to sustain the dialogue, so in a rhetorical transaction the norms would be derived from the purpose of preserving the rhetorical situation—the constitution of individual audiences who open themselves to the possibility of influence while also being the judges of its success. This

view is the broadest in scope and least drastic in the changes that would be required in how we think about rhetoric. It would seek to adopt not the particulars of pragma-dialectics but the belief that, as in dialectic, communication rules are derived from the pragmatic consideration of what will best promote the goals of the activity itself.

Whichever of these views one adopts (and, of course, it's possible for them to be combined), it is clear that van Eemeren and Grootendorst's work has wider applicability than they might have imagined. With only minor adjustments it can encompass rhetoric as well as dialectic.

This being so, it is easy to find applications of the pragma-dialectical perspective in my own work. I've recently been interested in definitions that contain incipient argument but are put forward as if they were stipulated and uncontroversial (Zarefsky, 1997). Calling the U.S. estate tax the "death tax" or calling the medical procedure of intact dilation and extraction "partial-birth abortion" are illustrative examples. They simultaneously invite and discourage argumentation. The ten commandments of pragma-dialectics make it possible to explain why this rhetorical move is fallacious. It violates the starting-point rule, because one party to the argument is falsely presenting a controversial position as if it were an accepted starting point.

I've also been concerned with a rhetorical form sometimes called "self-sealing arguments," of which the conspiracy argument is a prime example. These are arguments that, because they embrace all possibilities, ultimately are nonfalsifiable (and hence cannot be tested). For example, in the United States during the Cold War, the proposition that free nations *must* be strong and determined in the face of Communist challenges functioned as just this sort of argument. If things went well for Americans, they attributed the result to their posture of firmness and resolve and said that they had done the right thing. If things went badly, they interpreted them as proof that they were not strong and resolute enough and that they had to redouble their efforts (Zarefsky, 1983). Either way, Americans never saw any reason to question the basic premise or to scrutinize their action. The argument that "firmness works" was self-sealing; it was immune from attack. Although self-scaling arguments are like tautologies and hence are ironclad deductions, we sense that something is wrong with them. The rules of pragma-dialectics explain why that is so. The standpoint is defended by means other than argumentation, thereby violating the relevance rule.

In my work on the Lincoln-Douglas debates, which were far more like rhetorical encounters than critical discussions, I became sensitive to the skill of the candidates in jockeying for presumption and minimizing their burdens of proof (Zarefsky, 1990). These moves obviously can be explained in rhetorical terms. Each man was trying to exploit important audience beliefs and to position his opponent in a way that the audience would not like. One can describe these moves and speculate about their effects, but doing so leaves something missing. The pragma-dialectical rules provide a norm for evaluating what is taking place. Both candidates are violating the burden-of-proof rule by trying to shift their burden to the other party. The purpose of recognizing this normative violation is not to scold the candidates but to recognize how slavery had become such an all-consuming issue by the late 1850s. The issue was impossible to resolve through "normal"

deliberation and critical discussion, and the only way to discuss the question in search of the judgment of an audience was through the use of techniques to evade some of the responsibilities advocates normally would be expected to shoulder.

Finally, in the years since September 11, 2001, I have become interested in how the phenomenon of terrorism shapes public discourse. Terrorism is based in fear and stealth, not the open exchanges of a critical discussion, and this fact changes some of the conventions of public discourse. For example, the threshold required to sustain a causal link between terrorism and rogue states is lowered, as the arguments to justify war in Iraq illustrate. More credence was given to the argument from ignorance (normally regarded as a fallacy), since nations fighting terrorism could not afford to underestimate uncertain risks and come up short (Zarefsky, 2005). At the same time, certain arguments were out of bounds, especially arguments of self-criticism—whether about U.S. society, global capitalism, or regard for the human rights of prisoners and detainees—that could be viewed as encouraging further acts of terrorism (Zarefsky, 2004). These shifts in the conventions of discourse could be productively explained by saying that, under the threat of terrorism, van Eemeren and Grootendorst's freedom rule, burden-of-proof rule, and argument scheme rule operate with reduced force. Such an observation in turn would make us more aware of the importance of social and cultural context for our understanding of argumentation theory and practice.

CONCLUSION

The pragma-dialectical project initiated by van Eemeren and Grootendorst has been enormously influential on its own terms. It has yielded an impressive research program and a comprehensive theory of argumentation. It is probably the most robust approach to argumentation theory and practice among contemporary researchers. Yet it is sometimes thought limited in its reach because it is grounded in one specific type of argumentative exchange, the critical discussion. What I have tried to show is that this alleged limitation is largely illusory. The pragma-dialectical project can be applied to topics beyond the conception of its instigators, as its utility for addressing the problem of rhetorical validity illustrates. By contributing to working out the problem of rhetorical validity, it invigorates that concept, shows how dialectic and rhetoric are closely related, and provides a powerful sense of validity as procedure, to serve as the analogue for the logician's understanding of validity as form.

REFERENCES

- Eemeren, F. H. van, Grootendorst, R., & Snoeck Henkemans, A. F. (2002). *Argumentation: Analysis, evaluation, presentation*. Mahwah, NJ: Lawrence Erlbaum Associates.
- Eemeren, F. H. van, & Grootendorst, R. (2004). *A systematic theory of argumentation: The pragma-*

- dialectical approach*. New York: Cambridge University Press.
- Ehninger, D. (1968). Validity as moral obligation. *Southern Speech Journal*, 23, 215-222.
- McKerrow, R. E. (1977). Rhetorical validity: An analysis of three perspectives on the justification of rhetorical argument. *Argumentation and Advocacy*, 13, 133-141.
- Perelman, C., & Olbrechts-Tyteca, L. (1969). *The new rhetoric: A treatise on argumentation* (J. Wilkinson & P. Weaver, Trans.). Notre Dame: University of Notre Dame Press.
- Toulmin, S. E. (1958). *The uses of argument*. Cambridge, England: Cambridge University Press.
- Walton, D. N. (1995). *A pragmatic theory of fallacy*. Tuscaloosa: University of Alabama Press.
- Zarefsky, D. (1982). Persistent questions in the theory of argument fields. *Argumentation and Advocacy*, 18, 191-203.
- Zarefsky, D. (1983). Self-sealing rhetoric of John Foster Dulles. Paper presented at the convention of the Speech Communication Association, Washington, DC.
- Zarefsky, D. (1990). *Lincoln, Douglas, and slavery: In the crucible of public debate*. Chicago: University of Chicago Press.
- Zarefsky, D. (1997). Definitions. In J. F. Klumpp (Ed.), *Argument in a Time of Change. Proceedings of the 10th Biennial NCA/AFA Summer Conference on Argumentation* (pp. 1-11). Annandale, VA.: National Communication Association.
- Zarefsky, D. (2004). George W. Bush discovers rhetoric: September 20, 2001 and the U.S. response to terrorism. In M. J. Hyde (Ed.), *The ethos of rhetoric* (pp. 136-155). Columbia: University of South Carolina Press.
- Zarefsky, D. (2005). Terrorism and the argument from ignorance. Paper presented at the 14th Biennial NCA/AFA Summer Conference on Argumentation, Alta, Utah.

This page intentionally left blank

Author Index

A

Aakhus, M., 123, 132
Ainsworth-Vaughn, N., 24, 32
Aldrich, A., 123, 132
Anscombe, J.-C., 20, 21, 35, 47
Aristotle, 137, 161, 186-189, 209, 223-
224, 248, 255-256, 302, 311
Austin, J. L., 16, 136, 150-151, 153, 155,
159-160, 287, 298

B

Bach, K., 129, 131
Barth, E. M., 8, 56, 61, 121, 131, 137,
146, 197, 287, 295, 298
Beauchamp, T. L., 82, 85
Bench-Capon, T., 296, 298
Bernhardt, J. M., 25, 33
Bex, F., 296, 298
Biro, J., 2n4, 3n5-6, 5n7, 7n9, 10, 69-70, 74
Blair, J. A., vii-viii, 10, 17, 21-22, 34, 48,
52, 61, 74, 131-132, 135, 138, 140n6,
142, 146-147, 160, 172, 183, 209,

222, 243, 273-274, 282, 286, 301-302,
305, 307-309, 311

Brandom, R. B., 12, 21
Brashers, D. E., 24-28, 30, 32-34,
Braunschwig, J., 205, 209
Brinton, A., 112, 119
Broom, A., 25, 33
Brouwer, L. E. J., 64, 195
Brownfield, E. D., 25, 33

C

Cardillo, L. W., 30, 33
Carston, R., 129, 131
Cicero, M. T., 206-209
Cohen, C., 52, 61, 109-110, 114, 119
Cohen, L. J., 63, 74
Copi, I., 52, 61, 109-110, 114, 119, 138-
139
Cude, B. J., 25, 34

D

Danda, D. E., 127, 131

Davis, W. A., 16, 21
 Dobbs, L. K., 30, 33
 Ducrot, O., 20-21, 35, 37, 48

E

Eemeren, F. H. van, i, iii, vii, 1-8, 10-18,
 20-21, 23-24, 26, 33, 39-40, 48, 51,
 53-56, 61, 63-65, 67-68, 70, 72-76,
 80, 83, 85, 88, 94-95, 97, 103-105,
 107, 110-113, 115-119, 121-123, 130-
 131, 135-137, 139-141, 143-144, 146-
 147, 149-157, 159, 161, 163-164, 166,
 169, 172, 175-178, 182-183, 197,
 200-205, 209, 219-221, 223-224, 232-
 233, 235, 237-239, 242, 245-246,
 256-258, 263n17, 270n31, 272n38-
 273, 276-278, 281-283, 286-289, 294-
 296, 298, 301, 303, 305-306, 308-310,
 313, 315-322

Elster, J., 26, 33
 Epstein, R. M., 25, 34
 Epstein, S., 25, 33

F

Fabj, V., 25, 33
 Faden, R. R., 82, 85
 Fauconnier, G., 181, 183
 Feteris, E. T., 258n3, 273, 305n4, 310
 Fielding, S. L., 30, 33
 Finocchiaro, M. A., 53-54, 58-59, 61-62

G

Galileo, G., 54, 58-59, 61
 Garfinkel, H., 121, 131
 Garssen, B., 35, 48, 177-178, 183, 272-
 273, 306, 310
 Goldman, A. I., 16, 21, 52-53, 62
 Goldsmith, D. J., 24, 33-34
 Goodwin, J., 12, 17, 21, 127n1

Gordon, T., 292-293, 295, 298
 Govier, T., 16, 21, 41n7, 43, 87n1, 91n3,
 96, 138-139, 141-142, 147
 Grice, H. P., 16, 18, 21, 121, 125, 129,
 131, 136, 139, 150-151, 158-159, 175,
 177, 287-288, 298, 304, 310
 Grootendorst, R., vi-viii, 1-8, 10-18, 20-
 23, 26, 33-34, 48, 51, 53-56, 61, 63-
 65, 67-68, 70, 72-76, 80, 83, 85, 88,
 94-95, 97, 103-105, 107, 110-119,
 121-123, 130-132, 135-137, 139-141,
 143-144, 146-147, 149-157, 159-160,
 172, 175-178, 182-183, 197, 209,
 219-222, 235, 237-238, 242-243, 246,
 257n1-2, 263n17, 270n31, 272-273,
 276-277, 281-282, 286-288, 294-298,
 301, 303, 306, 308-310, 313, 315-319,
 321-322

H

Haas, S. M., 24-28, 30, 32-33
 Hall, B., 124, 132
 Hallmark, J., 132
 Hamblin, C. L., 35, 48, 58, 62, 111-112,
 119, 123, 131, 137, 144, 147, 197-
 198, 249, 256
 Hansen, H. V., 17, 21, 59, 61-62, 119,
 146, 311
 Heritage, J., 121, 131
 Heyting, A., 64, 74, 195-196
 Hitchcock, D. L., 22, 28, 34, 62, 142,
 147, 205, 209, 296, 311
 Houtlosser, P., viii, 18, 21, 23, 25-26, 33-
 34, 40, 48, 55-56, 61, 123, 131, 135,
 147, 161, 163-164, 166, 169, 172,
 183, 200-205, 209, 223-224, 232-233,
 257n1-2, 71, 273-274, 281, 283, 286,
 305n4, 310
 Howard, M. L., 80, 85
 Huh, J., 25, 34
 Hurley, P. J., 109-110, 119

I

Illes, J., 25, 34

J

Jackson, S., vii, 23-25, 33-34, 36, 48, 55,
61, 121-125, 130-132, 150, 159, 177,
183, 235, 238, 241-243, 276, 286
Jacobs, S., vii, 12, 19, 21-23, 26, 33-34,
55, 61, 121-125, 130-133, 150, 159,
177, 183, 235, 238, 242, 276, 286
Janoff-Bulman, R., 24, 34
Johnson, R. H., vii, 16-17, 19-22, 51-53,
61-64 69, 74, 107n3, 135-138, 140,
142, 146-147, 242, 311
Johnstone, H. W., Jr., 58, 62

K

Kahane, H., 139
Kauffeld, F. J., 150, 153, 158-160, 179, 183
Kepler, J., 54
Klingbe, R. S., 24, 32
Knipf, E., 181, 183
Kömlosi, L., 175, 181, 183
Krabbe, E. C. W., vii, 8, 22, 56, 61, 121,
131, 137, 146, 197-198, 242, 287,
294-296, 298-299
Krautz, R. L., 25, 34

L

Laar, J. A. van, 17, 22, 140n6, 147
Lashley, M., 84-85
Levinson, S. C., 36, 48, 129, 132, 180, 183
Lewis, L. S., 25, 34
Lipman, M., 214-215, 219, 221
Lodder, A., 292, 298
Lorenz, K., 121, 132, 137, 147, 185, 189, 198
Lorenzen, P., 121, 132, 137, 147, 185,
189, 195-198

Loui, R., 292-293, 295, 298

M

Macauley, T., 208
Macias, W., 25, 34
Maher, D., 123, 132
McLellan, F., 25, 34
Meuffels, B., 39n4, 48, 272-273, 306, 310
Meyers, R., 25, 34
Mill, J. S., 53 59-62, 97-107, 246, 256
Momeyer R. W., 76, 85

N

Neidig, J. L., 24-28, 30, 32-33
Newton, I., 40, 54
Norman, T., 291, 296, 298-299

O

Olbrechts-Tyteca, L., 4-5, 35, 48, 177,
183, 248, 256, 319, 323
Orange, W. of, 55-56

P

Parker, R. M., 25, 33
Perelman, C., 4, 35, 48-49, 177, 183, 200-
201, 203, 248, 256, 315, 319-320, 323
Phan, J. L., 25, 33
Pinto, R. C., 21, 107n3, 119, 142, 147,
271n35, 274
Plantin, C., vii, 36-37, 48-49, 162, 164,
172, 242, 254, 256-257, 274
Plantinga, A., 65, 74
Plato, 65, 90, 99, 187-188, 198, 215
Polcar, L., 123, 133
Popper, K., 14, 16, 105, 136, 143-144,
287, 299, 304, 311
Prakken, H., 295-296, 298-299

R

- Rahman, S., 197-198
 Ratzan, S. C., 29, 34
 Rawls, J., 76-77, 85, 215
 Recanati, F., 129, 133
 Reed, C., 53, 59, 62, 291, 296, 298-299
 Rees, M. A. van, 30, 34, 51-52, 62,
 107n3, 276, 281, 286
 Rescher, N., 139, 141
 Rintamaki, L. S., 24, 33
 Rowe, G., 296, 299
 Rückert, H., 197-198
 Russell, J. A., 30, 33

S

- Sacks, H., 121, 125, 129, 133
 Savulexcu, J., 85
 Schegloff, E. A., 125, 129, 133
 Searle, J. R., 16, 121, 133, 136, 151-152,
 154-155, 160, 177, 287, 299, 304, 311
 Siegel, H., 3n5-6, 5n7, 7n9, 10, 69-70, 74
 Singh, M., 295, 299
 Skorupski, J., 105, 107
 Sloane, T., 208-209
 Smith, P., 168, 208-209
 Snoeck Henkemans, A. F., vii, 21, 51, 55-
 56, 62, 88, 95, 135, 146-147, 166,
 172, 178, 183, 222, 242, 273-274,
 286, 316-317, 319, 322
 Sobnosky, M. J., 25, 33
 Socrates, 96, 99, 188, 221
 Sperber, D., 129, 133
 Stampe, D., 154, 158, 160
 Stearns, S. A., 124, 132
 Strawson, P. F., 158, 160

T

- Tiersma, P. 127-128, 133
 Tindale, C. W. 18, 21-22, 61-62, 200-205,

208-209, 311

- Toulmin, S. E., 4-5, 68, 71, 74, 139, 147,
 176, 220, 222, 238, 311, 314-315, 323
 Truch, N. J., 123, 133
 Tugendhat, E., 217-220, 222
 Turner, M., 181, 183

V

- Verheij, B., 290-291, 299

W

- Wade, M. B., 24, 34
 Walton, D. N., vii, 16, 18-19, 22, 109-
 110, 112, 119, 123, 133, 138, 147,
 162-164, 166, 172-173, 178-179, 183,
 197-198, 242, 257n2, 282, 286, 294,
 296, 298-299, 302n1, 309, 311, 317-
 318, 323
 Warnock, G. J., 158, 160
 Wear, S., 78, 80, 82, 85
 Weaver, R., 199, 209, 323
 Wenzel, J., 132, 135, 148, 199-200, 209
 Whately, R., 117-119
 White, B. C., 77, 80, 85
 Willard, C. A., vii, viii, 10, 19, 21-22, 34,
 48, 61, 74, 125, 131-133, 135, 147,
 160, 172, 183, 209, 222, 224, 233,
 242-243, 273-274, 286
 Williams, M. V., 25, 33
 Wilson, D., 129, 133
 Wittgenstein, L., 90-93, 95-96, 146, 148,
 185
 Woods, J., vii, 16 22, 163, 173, 242, 302,
 304-305, 307-308, 310-311

Z

- Zarefsky, D., vii, 242, 315, 321-323

Subject Index

A

Absolutism, 138-139, 143

Agon, 189

AIDS activism, 25, 28

Argument(ation)

asymmetry, 8, 186, 188

assessment, 176-178, 202

competence, 26, 37, 80, 228, 231

conventionalized, 176, 178, 182

counter-, 95, 238, 293

definition of, 13, 51, 53-61, 102

engineering of, 24

entrenched, 181-182

field, 76-78, 83

knock down, 144

on the hoof, 302

practices, 76-79, 83, 85

presumptive, 163, 176-179, 182, 281

quality, 5n7, 122-124, 137, 141, 212, 236, 240-242, 255, 314

scheme, 17-18, 37-40, 64n3, 112, 124, 176, 178, 282, 284, 316, 318, 322

self-sealing, 321

sequence, 254, 288, 297

symmetry, 56-57

stage, 17, 26, 54-55, 64, 66, 76, 80-83, 94-95, 111-117, 145, 232, 249, 281, 283-284, 295, 304, 316

technique, 227

Artificial intelligence, 185, 197, 276, 287, 289, 291-293

Association, 180

Audience

non-interactive, 139-140

particular, 201-202, 320

universal, 201-202-204-205, 207, 315, 320

B

Bias, 110, 114, 118, 125-126

Burden of proof, 23, 59, 66-67, 69, 79-81, 103, 117-118, 120, 163, 194, 197, 226, 272n40, 316, 319, 321-322

C

Collective bargaining, 305-309

Commitment, 117-118, 149, 158-159, 295, 319

Community of inquiry, 211-212, 214, 217-220

Computation, 293-294

Concession, 186-187, 191-195, 197

Conclusive, 47, 57, 76, 142-146, 306

Congruity theory, 259

Consistency, 15, 110, 196, 221, 257n2, 315

Convention, 155-157, 159, 255

Conversation(al)

 Analysis, 121-122, 125

 implicature, 121, 125, 129, 137, 151, 180

 repair, 121-122, 124

Cooperative Principle, 177

Critical rationalism, 15, 136, 287

Critical Thinking, 125, 176, 211, 213, 215-216, 297-297

Cross-examination, 127-130, 290

D

Debate, 103, 125-126, 208, 212, 224, 245, 247-255, 283

Deduction, 302, 304, 317

Deductivism, 16, 140-141

Design

 enterprise, 123, 130

 features, 126

 theory, 12

Dialectic(al)

 computational, 294

 formal, 111, 137, 197, 287

 hyper-, 51, 53-61

 system, 111

Dialectification, 14, 53, 281, 288, 294-296

Disagreement

 management, 122

 space, 122, 238

Dissociation, 180-181

E

Easy-Easy Principle, 303, 304n2, 309

Elaboration Likelihood Model, 240

Epistemic, 2-3, 5-10, 17, 19, 66-67, 70, 72-74, 100, 103-104, 135, 246, 267, 288, 297

Erlangen School, 137, 196

Ethos, 38, 112, 164, 167, 171, 206, 224, 228, 230, 232

Explicature, 129

Externalization, 14, 16, 53, 55, 281, 288, 294-295

F

Fallacy

 ad avaritiam, 164-167

 ad hominem, 39, 54, 109-119, 161, 204, 283

 ad misericordiam, 161, 166, 170, 319

 ad quietem, 250, 253

 ad verecundiam, 161, 166, 171, 204, 226, 246, 318

 emotional, 165-166

 of accident, 188

 tu quoque, 39, 109-110, 113, 115-118

Functionalization, 14, 53, 55, 281, 288, 294

G

Game

 dialogue, 185, 190-192, 195, 197

 mathematical, 195

 - theory, 195

Gender, 223, 226-227, 229-230, 232

Goody Two-Shoes model, 305-306

H

Higher order conditions, 23-24

I**Illative**

- component, 52-57
- core, 52-53
- tier, 52-53, 56

Illocution, 67, 115, 121, 150-155, 157-159, 177, 180**Implication(al)**

- cancelable, 179
- consequences, 176
- non-cancelable, 179

Impliciture, 129**Inference**

- conversational, 180, 182
- rule, 66, 68, 70, 73

Informed consent, 75-76, 78-84**Inventio**, 224, 246, 248**J****Justificationism**, 6, 105**Justificatory force**, 178**L****Legal argumentation**, 258n3, 296, 305**Logic**

- constructive, 195-196
- dialogical, 185, 281
- dialogue, 137, 176, 185-186, 195-197
- formal, 2, 122, 136, 177, 219, 289, 313-315, 318-319
- history of, 302-303
- informal, 66-74, 135-138, 140-142, 146, 175-176, 185, 212, 290, 297, 314-315, 317-318
- intuitionistic, 195-196
- monological, 189-190
- in the broad sense, 302
- in the narrow sense, 302
- mathematical, 291, 303, 304n3

- of conversation, 177, 304
- sylogistic logic, 137

Logical

- constant, 196
- structure, 269n28, 302

Logos, 224**M****Manifest rationality**, 69**Metadiscussion**, 188-190**Model**

- Hamblin-type-, 197
- Lorenzen-type-, 197
- of critical discussion, 4, 14-15, 17, 19, 23-24, 26, 28, 70, 75, 116, 124, 130, 237, 288, 295

Move

- challenging, 191-192
- conceding, 191
- direct defense-, 191-195
- indirect defense-, 191-193, 195
- unconditional defense-, 191-193

Multi-agent systems, 289, 291-292, 294-297**Münchhausen trilemma**, 105**N****Negation**, 143, 190, 192, 261-262**New Rhetoric**, 19, 135, 176-178, 180, 200**Normative pragmatics**, 12-13, 151-152, 159**O**

- Objection, 3, 52-53, 56-60, 69, 78, 84, 87n1, 95, 98-102, 104-106, 153-154, 158, 187, 190, 201, 203, 239, 247, 290
- Obligation, 23, 28, 52, 61, 69, 82, 88, 104, 114, 123, 125, 150-151, 155, 158-159, 178-180, 182, 236, 239, 242, 315

Ortholanguage, 196