

Logic and Argumentation

85
Studies
in Logic

Reason to Dissent

**Proceedings of the 3rd
European Conference on
Argumentation, Volume I**

Editors
Catarina Dutilh Novaes
Henrike Jansen
Jan Albert van Laar
Bart Verheij

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Reason to Dissent
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Conference on Argumentation
Volume I

Edited by
Catarina Dutilh Novaes,
Henrike Jansen,
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and
Bart Verheij

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Preface

After two successful editions held in Lisbon in 2015 and Fribourg in 2017, ECA was hosted in 2019 by the Faculty of Philosophy of the University of Groningen, on 24-27 June 2019. These three volumes contain the Proceedings of this third edition of the conference series, whose special theme was Reason to Dissent.

The European Conference on Argumentation (ECA) is a pan-European biennial initiative aiming to consolidate and advance various strands of research on argumentation and reasoning by gathering scholars from a range of disciplines. While based in Europe, ECA involves and encourages participation by argumentation scholars from all over the world; it welcomes submissions linked to argumentation studies in general, in addition to those tackling the conference theme. The 2019 Groningen edition focused on dissent. The goal was to inquire into the virtues and vices of dissent, criticism, disagreement, objections, and controversy in light of legitimizing policy decisions, justifying beliefs, proving theorems, defending standpoints, or strengthening informed consent. It is well known that dissent may hinder the cooperation and reciprocity required for reason-based deliberation and decision-making. But then again, dissent also produces the kind of scrutiny and criticism required for reliable and robust outcomes. How much dissent does an argumentative practice require? What kinds of dissent should we promote, or discourage? How to deal with dissent virtuously? How to exploit dissent in artificial arguers? How has dissent been conceptualized in the history of rhetoric, dialectic and logic? The papers in these three volumes discuss these and other questions pertaining to argumentation and dissent (among other themes).

ECA 2019 had 224 participants and 188 paper presentations, a clear indication that ECA continues to fulfill its role as a key platform of scholarly exchange in the field. These three volumes reflect the current state of the art in argumentation scholarship in general.

The proceedings contain papers that were accepted based on abstract submissions; each submission was thoroughly evaluated by three reviewers of our scientific board—for a full list of ECA committees, see www.ecargument.org. Volume I gathers 25 long papers and associated commentaries, together with 9 papers presented in the thematic panels that were held during ECA2019. Volumes II and III gather 69 regular papers that were presented during the conference.

Many people have contributed to the success of ECA 2019, and for the completion of the Proceedings. First of all, we must thank all members of our Scientific Panel and of our Programme Committee, thanks to whom we were able to select papers of the highest quality. In Groningen, thanks to those who provided organizational support, in particular the team of student assistants (especially Johan Rodenburg) who ensured that the conference was a pleasant experience to all participants. Our heartfelt thanks go to Jelmer van der Linde and Annet Onnes, who accomplished the gigantic task of putting all the papers together into these three volumes, and assisted us throughout in the process of producing the Proceedings. Thanks also to the European Research Council for generously supporting the production of the Proceedings by means of grant ERC-17-CoG 771074 for the project ‘The Social Epistemology of Argumentation’ (PI C. Dutilh Novaes).

The next edition of ECA will take place in Rome in 2021, and we look forward to seeing the ECA community gathering again for another successful event.

Catarina Dutilh Novaes, Henrike Jansen, Jan Albert van Laar, Bart Verheij

Keynote Speakers

Critical thinking as discourse

Deanna Kuhn – Columbia University

Less than it is an individual ability or skill, critical thinking is a dialogic practice people engage in and commit to, initially interactively and then in interiorized form with the other only implicit. An argument depends for its meaning on how others respond (Gergen, 2015). In advancing arguments, well-practiced thinkers anticipate their defeasibility as a consequence of others' objections, in addition envisioning their own potential rebuttals. Whether in external or interiorized form, the dialogic process creates something new, while itself undergoing development.

This perspective may be useful in sharpening definition of the construct of critical thinking and in so doing help to bring together the largely separate strands of work examining it as a theoretical construct, a measurable skill, and an educational objective. Implications for education follow. How might critical thinking as a shared practice be engaged in within educational settings in ways that will best support its development? One step is to privilege frequent practice of direct peer-to-peer discourse. A second is to take advantage of the leveraging power of dialog as a bridge to individual argument – one affording students' argumentative writing a well-envisioned audience and purpose. Illustrations of this bridging power are presented. Finally, implications for assessment of critical thinking are noted and a case made for the value of people's committing to a high standard of critical thinking as a shared and interactive practice.

Revisiting *Apologie de la polémique*: about some “felicity conditions” allowing for coexistence in dissent

Ruth Amossy – Tel-Aviv University

In my book entitled *Apologie de la polémique* (2014), I claimed that polemical discourse fulfils various social functions, among which “coexistence in dissensus” seems the most important. It means not only that disagreement is the basis of life in society, and the principle on which argumentation as a common, rational search for the reasonable, is built. It also signifies that agreement cannot always be reached in democratic societies recognizing the importance of diversity and difference, so that disagreement has to be managed through verbal confrontations, namely, agonistic discussions and polemical exchanges. It thus appears that the latter, though generally blamed for its radicalization and polarization, plays an important role in the public sphere. Among others, public polemics helps opposite parties to voice conflicting opinions and fight for antagonistic solutions without recurring to arms. To use Chantal Mouffe's words, it transforms “enemies” to be destroyed into “adversaries” who have a right to speak. Beside other social functions discussed in the book, polemics authorizes what the French call a “*vivre-ensemble*” – the possibility for people who do not share the same opinions, if not the same premises, to share the same national space and live together without outbursts of violence.

However, the emphasis on dissent and its polemical management is not without raising multiple questions concerning the conditions of possibility and the limits of the so-called coexistence in dissent. Obviously, the use of polemical discourse is not enough to prevent citizens from physically fighting each other and even, sometimes, to dispel the specter of civil war. Outbursts of violence against refugees regularly occur in Germany where the polemical discussion is vivid. In France, the polemical exchanges on Emmanuel Macrons' reforms and the authorized street demonstrations did not prevent urban violence. Even if polemical campaign discourse is tolerated, it did not prevent armed confrontations in certain African countries such as Ivory Coast. What, then, are the "felicity conditions" needed in order for public polemics to secure a peaceful "living together" in the framework of persistent and sometimes deep disagreements that can hardly be avoided in the democratic space? My contention is that to answer this question, it is necessary to explore polemical confrontations in their institutional framework, and to examine the functioning of polemical discourse in relation to the political, forensic and cultural factors that determine (at least partly) its degree of success. After synthesizing the finding of my first research into dissent and its polemical management, I will try – on the basis of a few case studies – to gather some of the "felicity conditions" necessary to make coexistence in dissent possible.

Dissent needed: argumentation for AI and law applications

Katie Atkinson – University of Liverpool

As technological advances in artificial intelligence are being turned into deployed products, societal questions are being raised about the need for AI tools to be able to explain their decisions to humans. This need becomes even more pressing when AI technologies are applied in domains where critical decisions are made that can result in a significant effect upon individuals or groups in society. One such domain is law, where there is a thriving market developing in support tools for assisting with a variety of legal tasks carried out within law firms and the wider legal sector. Law is a domain rich in argumentation and support tools that are used to aid legal decision making should similarly be able to explain why a particular outcome of a decision has been reached, and not an alternative outcome. Dissent needs to be captured and revealed within AI reasoners to ensure that the decision space is explored from different perspectives, if AI tools are to be deployed effectively to assist with legal reasoning tasks. In this talk I will discuss a body of work on computational models of argument for legal reasoning and show how dissent features within this work to promote scrutability of AI decision making.

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Part I

Long papers

Argumentative Design and Polylogue

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A key challenge for argumentation theory is to engage the immense capacity humans have developed to design contexts for communication across scale. Recent theoretical developments regarding argumentative polylogues have challenged prevailing dyadic presumptions by advancing the proposition that human communication is typically complex with regard to the status of its participants, the content at stake, and the definition of the situation. The design stance highlights the intentional interventions for augmenting human interaction and reasoning to manage differences and disagreement in complex communication. The ever-present possibility of designing for polylogue calls for scaling argumentation theory to attend to the arguments about argument in the design of products, devices, and services in the built environment for communication and activity. This point is developed here by incorporating the concept of infrastructure, and its institutionality, into argumentation analysis.

KEYWORDS: argument, design, polylogue, institution, infrastructure, platform, blockchain, social media

1. INTRODUCTION

All-around us, every day, choices are made about managing difference and disagreement in the conduct of activities. Argumentation studies typically attend to these choices in terms of individual actors making and criticizing the reasons of others, which is taken as the essence of argument. As such, much effort has gone towards means for describing, evaluating, and prescribing individual choices in making arguments and the arguments produced. These are not the only choices about argument, however, that argumentation theory ought to engage. Choices made in the design of our built environments for large-scale activity are responsive to, and consequential for, how difference and disagreement are managed in the conduct of activities.

The new realities of emerging technologies expand the scope of choices in designing communication. Consider the quantification of self and nudging that purportedly helps individuals make behavioral choices; the digital platforms that bring two or more sides together around an

economic or social transaction through the auspices of algorithms attuned to further tailoring the experience of the transaction; the Internet of Things that coordinates large scale activity through digitization of multiple human and non-human agents as a data-coordinated system; blockchains that seek to establish means for exchanging value not just information. These new technologies are not simply devices for individuals or applications for small groups but platforms and infrastructures that entangle people and the digital and natural world around them in ever new ways. Importantly, core to these services and environments that organize many actors, across many places, and over many matters is the management of difference and disagreement .

The general concern here is with scaling argumentation theory to engage the immense capacity humans have developed to design contexts for communication across scale (Aakhus, 2017). Argumentation theory can engage these choices by expanding its conception of design (Aakhus, 2013; Jackson, 2015). In particular, to recognize that much of contemporary communication experience is by design. Not just in the sense that, in order to communicate, humans adapt to others and situations, as documented in rhetorical and discourse studies, but that there is design for communicative and argumentative conduct that gives form, content, and direction to human activity (Aakhus, 2013; Aakhus and Jackson, 2005; Jackson, 2015). To continue expanding the conception of design in argumentation theory, it is here argued that emerging media should be seen as a contest of ideas about argumentation carried out in the design, development, and implementation of emerging media and the products and services these offer for communication in society. Like the transformations in other fields of design from the design of physical structures to actions and activities and then to the design of environments and experiences, argumentation theory must also expand its sense of what is designable in terms of argumentation. Toward this end, insights from the field of design theory about design-as-argument are introduced and then developed with concepts from information systems theory about infrastructure and institutions to better see emerging media products and services in society as *arguments about argument*.

2. SOME POINTS OF ORDER

With the ongoing transformations of communication, it might reasonably be asked, following Brockreide's (1975) classic question, *where is argument?* At the time, Brockreide was advocating a search for argument in walks of life other than law and policy, such as in interpersonal and group relations. The call distilled aspects of an emerging trend in argument studies to look for argument across a wide array of human activity where people were dealing with something problematic and

making decisions. The point was to overcome the bias of status quo approaches that only looked for logical forms in messages. The interest was to understand argument in context. The dizzying array of fora that have developed with emerging media invite more than just understanding arguments in context but to understanding the construction of context for argument.

The recent ferment over the role of social media platforms in society offers an important point of entry into the question. Consider, for instance, the May 2017 lament by Evan Williams, one of the founders of the social media platform *Twitter*, when reflecting on the role of the platform in societal discourse: "I thought once everybody could speak freely and exchange information and ideas, the world is automatically going to be a better place," And, significantly, he adds: "I was wrong about that" (Streitfeld, 2017). Williams apparently regrets his prior naive perspective that framed the choices about communication facilitated by the social media platform. More recently, as reported by Wiener (2019), the current CEO of *Twitter* Jack Dorsey was on a media tour promoting "healthy conversation" in response to the mounting complaints about the platform's role in society when he said:

"If I had to start the service again, I would not emphasize the follower count as much," he said. "I would not emphasize the 'like' count as much. I don't think I would even create 'like' in the first place, because it doesn't actually push what we believe now to be the most important thing, which is healthy contribution back to the network and conversation to the network, participation within conversation, learning something from the conversation."

Dorsey offers a general corrective orientation to the one lamented by Williams by highlighting specific choices about platform features for expressing attitudes and opinions. Interestingly, while Dorsey made his point at the media event, there were large screens behind him displaying a live stream of tweets with the hashtag #askJackatTED. The stream carried a series of questions from people watching the event that went unanswered such as (Wiener, 2019):

"Why haven't you banned white supremacists on this platform, despite legally having to hide them in Germany?"

"Why wasn't Trump suspended on Friday for inciting hate and violence against Rep. Ilhan Omar?"

"Are you willing to materially reduce the number of active users and engagement, the metrics that Wall Street uses to value the company, in order to 'improve the health of the conversation'?"

The *Twitter* scenes are emblematic of current communicative conditions. The laments and proclamations made in these *Twitter* scenes point to the

detailed design choices made in the social media platform's features that were laden with communicative assumptions, and ideas about argumentation. The complaints called-out yet deeper concerns about the collective communicative experience afforded by the platform for expressing opinions and managing differences. Interestingly, with regard to complaints about social media, there has been some attempt at redesign, or at least constructing a discourse about design, that counters prevailing ideas and assumptions about supporting communication and argumentation. One example is the work of Tristan Harris on "time well spent" and his argument that social media design is "downgrading" humanity by fostering shortened attention spans and heightened polarization, outrage, and vanity (Thompson, 2019). Another example is the work by Evan Williams to counter the short form contributions of the *Twitter* platform he originally championed by developing *Medium* as a platform that supports participation in long form contributions and deeper reading.

What we see in these responses are contemporary forms of raising a *point of order* directed not so much at the arguments made in a communicative context but at the construction of communicative context for argument. In particular, these points of order expose issues about design and polylogue.

First, there is a need to recognize that analysis misses something about argument when looking at argument as though it is only a verbal exchange (written or oral) of claims and premises. This reduction can miss or deliberately discount that argument happens through an ever evolving variety of techniques and practices embedded in, and tailored to, the communication that enables human activities (Aakhus, 2013; Jackson, 2015). There is considerable design in society organized around giving shape to and even disciplining argument with invented practices, techniques, and devices (Aakhus, 2002, 2013; Jackson, 2015). Attending to such designs, and the design work, for argument is not meant to diminish concern with evaluating individual arguments but instead recognizes and opens up the built environment as a focus of evaluation and invention in terms of argument. A design stance is concerned with how argument practices expand, scale, and adjust to the demands of human activity such that the inventions for managing differences and disagreement scaffold new possibilities for human activity that can advance or diminish human understanding and capacity for action.

Second, there is a need to recognize that analysis misses something about argument when looking at argument as though it is principally dyadic. Analytic moves to reduce circumstances, where differences, disagreements, and controversy are relevant, to a dyadic base of two parties taking up one side or another in one place misses or deliberately discounts the polylogical reality of many players, positions, and places in argument and communication (Aakhus and Lewinski, 2017;

Lewinski and Aakhus, 2014). The reduction seeks to see circumstances in a particular way: as a patient-doctor deciding about receiving treatment or not, the buyer-seller engaging over whether the buyer should buy or not, the leader and the audience over whether to follow or not, the advocate and the audience about accepting a proposal or not, and so on until it only seems natural that controversies are constituted as dyadic encounters of left-right, capital-labor, or pro-vaccine-anti-vaccine. It is always possible to reduce circumstances in this way and there is significant theoretical and methodological apparatus for doing so (Lewinski and Aakhus, 2014). While the dyadic reduction is not without merit, it is not inherently desirable to make this move to reduce differences, disagreements, and controversies for the sake of a particular, though predominant, understanding argument (Aakhus, 1999; Aakhus and Lewinski, 2017; Lewinski, 2014).

The *points of order* order highlight a risk in looking for argument primarily at the discursive surface of activity without concomitant attention to the choices about argument in the construction of communicative situations. Indeed, determining what counts as an argument made, and whether an argument is happening, is itself an indefinitely contestable matter (ie., O’Keefe, 1982). This subtle but important point is at the core of the sometimes nuanced and other times dramatic differences in the technical languages for describing and evaluating arguments found across argument theories. This theoretical problem is actually a practical puzzle in most any human activity including the environment for enabling large scale human activity. Built environments involve choices made (and not made) about managing differences such as illustrated in the *Twitter* scenes and the calling-out of the choices about the design and implementation of the platform. That design, as will be discussed, is an argument about argument.

3. DESIGN AS ARGUMENT

Rhetorical theorist Richard McKeon differentiates contemporary rhetoric from classical and renaissance rhetoric because it is a rhetoric of invention rather than expression. The commonplaces of contemporary rhetoric are found in technology not in fine arts and literature like the Humanists or in practical arts and jurisprudence like the Romans (McKeon, 1973/1987). Building on this, design theorist Richard Buchanan (1985, p. 6-7) argues that technology should be understood as “concerned with the probable rather than the necessary,” and once seen in this way, design is recognizable as “an art of thought directed to practical action through the persuasiveness of objects” where the objects are “competing ideas about social life.” The persuasion in design happens through “arguments presented in things rather than words” where ideas are presented in the “manipulation of the materials and processes of

nature, not language" (p. 7) involving technological reasoning to "solve practical problem[s] of human activity" (p. 9). Persuasion also involves ethos and pathos in the character of the design and the emotion it evokes.

Design is an art of communication that seeks to persuade on two levels: one about usefulness and the other about the appropriate attitude and values about practical life taken up with the design. "[T]he designed object declares it is fit for use" and, while linked to the past and suggestive of the future, that argument is concerned with the present and focused on the demonstrative, or epideictic, matters of praise and blame and judgments of value and worth are at stake (Buchanan, 1985, p. 19-20). Proof is demonstrated in the product. The product is, in this sense, a standpoint while the premises include the understanding of the natural-scientific principles, physical conditions, and human circumstances of use. Technological reasoning does not reduce to mechanical principles or deduction from scientific principles alone because it involves premises about audiences, human conditions, and the prospect of use in action. Design objects can range from "a city or town, a building, a vehicle, a tool or any other object, a book, an advertisement or a stage set," according to John Pile (Buchanan, 1985, p. 22). As products become more complex, it may not be possible for the user to fully participate in the technological reasoning and so the design of complex systems requires presenting features that enable users to appreciate the reasoning without seeing its details.

A rhetoric of technology invites attention to a "pluralistic expression of diverse and often conflicting ideas" in our product culture with a "turn to a closer examination of the variety and implications of such ideas" about what is useful and appropriate in practical life (Buchanan, 1985, p. 22). From this perspective, design is no mere result of a tension between economic conditions and technological advances since products make arguments and those very products participate in verbal rhetoric during the making and use of the product regarding its uptake, lack of uptake, or particular uptake. As Halstrøm (2016, p. 50) sums it up: "what designers are creating, then, is not merely a solution to a problem but an argument to the effect that this is how the human-made world is and should be, and this is the value to be celebrated in such situations." Design is thus an "art of deliberation essential for making in all phases of human activity" including the making of theories, policies, institutions, and objects (Buchanan, 2001, p. 46). As such, design "shap[es] arguments about the artificial or human-made world" that "may be carried forward in the concrete activities of production ... with objective results ultimately judged by individuals, groups, and society."

By attending to products-as-arguments, the rhetoric of technology highlight's design's focus on invention for action over expression in two ways. On one hand, invention involves the art and craft of making products for particular uses. Such *poetics* cultivates knowledge

of materials and occasions for well-crafted products. Design is also *architectonic* when 'those that organize the efforts of other arts and crafts, giv[e] order and purpose to production' (Buchanan, 1985, p. 21; see also McKeon, 1973). This type of invention, which focuses on the arrangement of multiple designs for action, is less technical and more about principles of organizing (McKeon, 1973). Buchanan (2001) highlights important transformations in the fields of design with shift from a focus on physical artifacts in industrial design to contemporary attention to actions and environments. Design problems have been increasingly defined in terms of the planning and execution of human activities. This includes the design of actions and activities, such as in the design of interaction, services, and strategic plans, but also in the design of environments, organizations, and systems that bring together many other productive activities.

4. DESIGN AS ARGUMENT ABOUT ARGUMENT

The design-as-argument position advanced by Buchanan is built on the assumption that design makes arguments with things not words but, with advanced information technology and digitization, this is no longer tenable. With advanced information technology and emerging media, the artifact is largely composed with words, specialized languages, and other signs and symbols. As Goldkuhl and Lyytinen (1982) astutely observed, information systems should be understood as linguistic systems technically realized. Their point is that information systems are typically built by taking the routine or professionalized language people use in conducting an activity and translating that into language machines understand so that some or all aspects of the activity can be automated or supported with computing. This language-action perspective on communication, cognition, and computing recognizes that technical systems are formalized, implemented language about practice and its conduct (Aakhus, Ageralk, Lyytinen, and Te'eni, 2014; Winograd and Flores, 1987). From this vantage point, the features of advanced information technology and emerging media are made possible and organized around particular design languages for communication (Aakhus and Jackson, 2005; see also Craig, 1999). The features of designed products, services, and systems intended to support interaction and communication, and their inner machinery are organized around ideas about communication and argument (Aakhus, 2013). How reflective and intentional designers are about the design language for argument in these systems varies of course but their design contributes to the determinations about what counts as an argument, the making of an argument, and even having an argument -- that is, the design is an argument about argument.

For instance, early applications to support argumentation were often developed by drawing heavily from extant argumentation theory for the design language. A recent review of research papers from 1945 to 2011 by Schneider, Groza, and Poissant (2013), for instance, identified 14 semantic web models of argumentation and 37 tools for representing argumentation on the web. For the most part, these argument technologies were developed for representing argument in discourse in terms logic and informal logic. The design language of these systems optimize the representation of argument as a dyadic phenomenon. Aakhus (2002) analyzed technologies to support group decision making from the perspective that the technologies are tools for reconstructing the disagreement space among parties. The analysis found that the design language of these products and services defined distinct design logics for orchestrating participation to manage differences. These logics included: funneling toward consensus, mapping an issue network, and orchestrating expert opinion by reputation. These tools were created for supporting how multiple parties could co-create particular representations of their differences that would in turn facilitate particular ways to conduct argumentative communication to manage disagreement in particular ways. The tools specified ways to form and sequence contributions to a discussion while offering particular capacities for the group to curate and use contributions in the aggregate. As such, the reconstruction tools stood in contrast to most of the tools identified by Schneider et al.

The applications reviewed by Schneider et al (2013) and Aakhus (2002) are oriented toward actions and activities of groups rather than organizing large-scale environments through an infrastructure. While these analysis help show the various design languages grounded in theories of argument and decision-making, such analysis has to be taken further to engage the contest of ideas about designing for argumentation at the scale of communicative environments not just applications. To articulate this scale of argumentative design involves seeing infrastructure for argumentation and design language as institutional design.

4.1 Infrastructure Design

The concept of infrastructure from information systems theory can help articulate the polylogical reality in the order of architectonic design. Infrastructure does not simply consider the hardware of pipes, roadways, and wires but highlights how infrastructure is relational because, as it sinks into the background, it ties together different parties and aspects of the world together but not always in the same way (Star and Ruhledher, 1996). For instance, when the cook at the restaurant makes use of the tap water in cooking, the city's waterworks are folded into the cook's practice

of cooking. By comparison, when the urban planner considers the waterworks that delivers tap water, the infrastructure becomes a variable in a complex equation about building up the city. Like the waterworks, infrastructure for argument puts people, positions, and places into relation with each other. Emerging media platforms, and blockchains, facilitate and mediate activities with many players, many positions, and many places that afford particular ways to manage differences. A review site, for instance, orchestrates how argument among many contributors who make evaluations of consumer products and services by providing a specified format for formulating a stance (e.g., typically a rating with numbers or stars) and the reasons for it (e.g., typically a text input box). Contributors are also given a way to criticize the reviews made by others and to respond to criticism of their reviews. As the platform's design sinks into the background, its solution to the practical puzzles of argument become part of an infrastructure for having and managing differences.

But infrastructure it is not equally in the background for all. Pushing the concept of infrastructure further, Hanseth and Lyytinen (2010, p. 2) explain that with information technology there is an evolving socio-technical system, or installed base, composed of "IT capabilities and their user, operations, and design communities." They add that IT capabilities are the rights, or possibility, for the user or community to perform some set of actions on a computational object that are designed into applications that make up platforms that are built on the installed base of legacy and emerging technology. So, for instance, the participants making and criticizing reasons via the platform are like the cooks with respect to the waterworks while the social media organization is like the urban planner. While it is interesting that individuals make and respond to arguments on review sites, what is crucial to see is how the platform orchestrates argumentative interaction into a particular kind of knowledge production. The consumers are one prime user community whose main application on such sites is for contributing reviews.

The primary design and operations communities are composed of members from the social media company, and its affiliates, running the platform. Theirs is the architectonic work that links together the variety of applications into a functioning platform. The platform is part of the Internet, which is also the installed information infrastructure base, on which the platform and its applications are built. Information infrastructure is never designed from scratch as there is always an installed base from which design and redesign must proceed, which includes the ideas that the operations and design communities value about the conduct of arguments and the use of argumentation. The format delimits argument with capabilities for giving a rating with supporting commentary. The content is aggregated to produce a body of knowledge and insight that can be used for a variety of additional applications such

as comparing providers, making reservations or ordering products, and serving advertising. In this way, the platform's applications bring together multiple kinds of parties (eg., consumers, service provider, advertisers) together over the primary argumentative relevant activity of reviewing.

Even so, platforms such as review sites are developed around particular design languages for argumentation. The IT capabilities define who can speak to the issue, what counts as a relevant contribution, and the methods of proof. The capabilities expressed in features, labels, and the rules associated with the features and labels are not simply descriptive or representative, they are prescriptive and constituting of communication and argumentative possibilities.

4.2 Institutional Design

The design language for argument carries a social ontology of argumentation that defines a range of obligations and commitments for all actors and agents assembled via the infrastructure (Aakhus, 2013). Moreover, the users of the infrastructure delegate some of the responsibility for governing the management of their differences to the collection of rules designed for the purpose of achieving action. Here the design for argument in blockchain technologies can be considered to see how an infrastructure provides a machinery for argumentation. It is a seemingly exotic environment in which to find argument but its uniqueness can help bring into relief the architectonic order of the design of environments.

Distributed ledgers enable an interacting system of participants, that may not know each other and may not trust each other, to mutually transact value (Nakamoto, 2008; Ethereum, 2016; Stratum, 2016). A blockchain is an infrastructure of users, miners, cryptographic technology, and distributed ledgers organized around open, collective verification of transactions using tokens. What those involved in developing distributed ledgers technologies are doing, from an argumentative point of view, is developing new ways to construct institutional facts in digital contexts -- that is, to produce something that is epistemologically objective but about ontologically subjective matters (i.e., Searle, 2010). Each blockchain offers a different method for generating institutional facts (coin, contracts, processes) with methods for constructing the proof necessary to accept the validity of transactions. The technologies of blockchain are means for producing an open consensus to attest that the transactions recorded in a distributed ledger actually occurred. In this way, the transaction becomes an immutable fact on which other transactions and joint actions among multiple parties can reliably take place.

In the case of Bitcoin, this arrangement is referred to as *proof-of-work* where miners win ongoing competitions to verify that a block of transactions are secure and that the bitcoin involved is thus genuine -- that is, the coin has not been double-spent. Bitcoins, for instance, exist because of the work that some actors (miners) do to verify that all transactions in a block of transactions using bitcoin have cleared - that is, any bitcoin used in a transaction is not also used in another transaction (Nakamoto, 2008). Bitcoin, and other kinds of blockchain tokens, mimic certain features of physical money but without the specific role of a central bank or credit agency clearing transactions.

Ethereum is a company building distributed ledger technology that provides common ground through *proof-of-stake* that establishes a kind of currency for exchange (e.g., ether). Ethereum focuses on enabling the digitization of the means and terms of a transaction by offering users a common way to script *smart contracts* and *digital autonomous agents* so that value (money, products, and services) can be exchanged with the blockchain. What Ethereum illustrates is a method for digitizing performances of orders, requests, promises and for a computational approach to working out the conditions of acceptability so that the relevant subsequent action is performed. Stratumn, another company, provides common ground through *proof-of-process*. The Stratumn approach combines several technologies that when combined validate that the parties to an activity performed their actions without requiring that the substance of any action is disclosed. The Stratumn blockchain makes visible that the what (data integrity), the who (non-repudiation of source), the when (a step in the process was performed), and the where (a step was performed at the right place in the process) are all valid (Stratumn, 2016). The full life cycle of activity can thus be verified to resolve (or prevent) any differences about the required conduct of the participants in an activity without necessarily disclosing identities or proprietary content.

Whether services that realize these new digital practices come about as envisioned, what is noteworthy is how the services aim to provide methods for managing difference and disagreement. Importantly, the blockchain platforms involve something more than the exchange of information and opinions but technically enable actions like requests, promises, and orders that require uptake and carrying out by the other actors. For any of these new digital services to work, requires collective recognition of institutional facts, such as whether a digital transaction is valid and reliable. The work of these specialists is meta-argumentative as they construct a design language that draws people, symbols, words, technology, and activities into a particular relation that produces an output. This differs from the representational and reconstructive technologies discussed earlier. These blockchain services enable the realization of collective intentions into a framework of rights

and deontic power for producing institutional facts (i.e., Searle, 2005, 2010). Fundamental to distributed ledger technology are methods for managing differences and disagreements about what constitutes a valid transaction. These methods for producing institutional facts another contested domain of ideas about argument.

5. CONCLUSION

The general concern addressed here is focused on responding to the immense capacity humans have developed to design contexts for argumentation. It is increasingly important for argumentation studies to find its way into the design arenas that create various products and services for managing disagreement in society. This requires going past the discursive surface of making and criticizing reasons to examine the construction of contexts for argumentation. The main point developed here is that emerging media should be seen as a contest of ideas about argumentation carried out through the design, development, and implementation of emerging media and the role of argument in the design of these products and services for communication in society. This can be accomplished in part by incorporating infrastructure, and its institutionality, into argumentation analysis.

REFERENCES

- Aakhus, M. (2017). The Communicative Work of Organizations in Shaping Argumentative Realities. *Philosophy & Technology*, 30(2), 191–208. <https://doi.org/10.1007/s13347-016-0224-4>
- Aakhus, M. (2013). Deliberation digitized: Designing disagreement space through communication-information services. *Journal of Argumentation in Context*, 2(1), 101–126. <https://doi.org/10.1075/jaic.2.1.05aak>
- Aakhus, M. (2002). Modeling reconstruction in groupware technology. In F. H. van Eemeren (Ed.), *Advances in pragma-dialectics* (pp. 121–136). Newport News, VA: Vale Press.
- Aakhus, M. (1999). Science court: A case study in designing discourse to manage policy controversy. *Knowledge, Technology & Policy*, 12(2), 20–37. <https://doi.org/10.1007/s12130-999-1020-6>
- Aakhus, M., Ågerfalk, P. J., Lyytinen, K., & Te'Eni, D. (2014). Symbolic action research in information systems: Introduction to the special issue. *MIS Quarterly: Management Information Systems*, 38(4).
- Aakhus, M., & Jackson, S. (2005). Technology, Interaction and Design. In K. Fitch & B. Sanders (Eds.), *Handbook of Language and Social Interaction* (pp. 411–433). Mahwah, NJ: Lawrence Erlbaum.
- Lewiński, M., & Aakhus, M. (2014). Argumentative Polylogues in a Dialectical Framework: A Methodological Inquiry. *Argumentation*, 28(2), 1–25. <https://doi.org/10.1007/s10503-013-9307-x>
- Brockriede, W. (1975). Where Is Argument? *The Journal of the American Forensic Association*, 11(4), 179–182, DOI: [10.1080/00028533.1975.11951059](https://doi.org/10.1080/00028533.1975.11951059)

- Buchanan, R. (2001). Design and the New Rhetoric: Productive Arts in the Philosophy of Culture. *Philosophy and Rhetoric*, 34(3), 183–206. <https://doi.org/10.1353/par.2001.0012>
- Buchanan, R. (1985). Declaration by Design: Rhetoric, Argument, and Demonstration in Design Practice. *Design Issues*, 2(1), 4–22. <https://doi.org/10.2307/1511524>
- Craig, R. T. (1999). Communication Theory as a Field. *Communication Theory*, 9(2), 119–161.
- Ethereum. (2016). *Ether*. Retrieved: <https://www.ethereum.org/ether>
- Hanseth, O., & Lyytinen, K. (2010). Design theory for dynamic complexity in information infrastructures: The case of building internet. *Journal of Information Technology*, 25(1), 1–19. <https://doi.org/10.1057/jit.2009.19>
- Jackson, S. (2015). Design Thinking in Argumentation Theory and Practice. *Argumentation*. <https://doi.org/10.1007/s10503-015-9353-7>
- Lewinski, M., & Aakhus, M. (2014). Argumentative Polylogues in a Dialectical Framework: A Methodological Inquiry. *Argumentation*, 28(2), 1–25. <https://doi.org/10.1007/s10503-013-9307-x>
- Goldkuhl, G., & Lyytinen, K. J. (1982). A language action view of information systems. In M. Ginzberg & C. Ross (Eds.), *3rd International Conference on Information Systems* (pp. 13–30). Ann Arbor, MI: Association for Information Systems.
- McKeon, R. (1973/1987). The Uses of Rhetoric in a Technological Age: Architectonic Productive Arts. In M. Backman (Ed.), *Rhetoric: Essays in Invention and Discovery*. Woodbridge, CT: Ox Bow Press.
- Nakamoto, S. (2008). *Bitcoin: A Peer-to-Peer Electronic Cash System*. [www.Bitcoin.Org](http://www.bitcoin.org), 9. <https://doi.org/10.1007/s10838-008-9062-0>
- O'Keefe, D. J. (1982). The concepts of argument and arguing. In J. R. Cox, & C. A. Willard (Eds.), *Advances in argumentation theory and research* (pp. 3–23). Carbondale: Southern Illinois University Press.
- Schneider, J., Groza, T., & Passant, A. (2013). A review of argumentation for the Social Semantic Web. *Semantic Web*, 4, 159–218. <https://doi.org/10.3233/SW-2012-0073>
- Searle, J. R. (2005). What is an institution? *Journal of Institutional Economics*, 1(1), 1–22. <https://doi.org/10.1017/S1744137405000020>
- Searle, J. R. (2010). *Making the social world: The structure of human civilization*. Oxford: Oxford University Press.
- Star, S., & Ruhleder, K. (1996). Steps Toward an Ecology of Infrastructure: Design and Access for Large Information Spaces. *Information Systems Research*, 7(1), 111–134. <https://doi.org/10.1287/isre.7.1.111>
- Stratumn, 2016 Stratumn. (2016). *Proof of Process*. Retrieved: <https://stratumn.com/proof-of-process.html>
- Streitfeld, D. (2017, May 21). 'The Internet is broken.' New York Times, Section BU pp. 1.
- Thompson, N. (2019, April 23). 'Tristan Harris: Tech is 'downgrading humans.' It's time to fight back. Wired. Retrieved: <https://www.wired.com/story/tristan-harris-tech-is-downgrading-humans-time-to-fight-back/>.

- Wiener, A. (2019, April 27). Jack Dorsey's TED interview and the end of an era. The New Yorker, Retrieved: <https://www.newyorker.com/news/letter-from-silicon-valley/jack-dorseys-ted-interview-and-the-end-of-an-era>
- Winograd, T., & Flores, F. (1986). *Understanding computers and cognition: A new foundation for design*. New York: Intellect Books.

REVISITING APOLOGIE DE LA POLÉMIQUE: COEXISTENCE IN DISSENT AND ITS “FELICITY CONDITIONS”

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Although public polemics does not answer the rhetorical ideal of deliberation, it fulfils some important functions in the democratic space. Among others, it ensures coexistence in dissent in a society where diversity and differences are respected. Revisiting my book *Apologie de la polémique* (2014), I claim however that there are additional conditions that guarantee the possibility of living peacefully together in disagreement, which are linked to institutional and socio-political factors.

KEY WORDS: coexistence in dissent, discrediting the opponent, dichotomization, democracy, polarization, polemics.

1. INTRODUCTION

While preparing this paper, a heated controversy in the French media drew my attention. When the newly elected French President Emmanuel Macron decided to implement the reforms announced in his electoral promises, many voices vehemently claimed that he has no legitimacy to do so. In other words, part of the citizens did not recognize the right of their leader to rule according to his program. Their main arguments were that he had a weak score in the first round (18% of the registered citizens), and that the 66% he obtained in the second round were only 44% of the citizens registered on the lists – in short, he had no absolute majority. Moreover, the contention was that people voted for him only in order to prevent Marine Le Pen, namely the extreme-right, from winning the elections, and not because they adhered to his so-called neo-liberal program. The expression “the President of the rich” was immediately coined to emphasize that he was not the legitimate representative of the French people.

Here is a sample of the opponents’ discourse – in this case the founder and journalist of *Mediapart*, the Trotskyite Edwy Plenel: “Are

we not at the heart of a misunderstanding? You have not been elected by a majority adherence to your program. You have received, in the first round, 18% of the registered voters. And you are the product of an accidental, exceptional circumstance". (Interview with the President, Bourdin and Plenel on BFMTV, April 15, 2018)¹. And here is an echo of this stance in a talkback of the newspaper *Le Parisien*, after the TV interview:

You seem to be proud of this junk president (*de pacotille*). But I tell you again, this man is not legitimate. 18% is smoke and mirrors (*fumisterie*), totalitarianism and above all, it is no plebiscite. You might take advantage of his politics but do not neglect the people [...] Someday History will bounce back [...] beware of the guillotine (*my translation*).

At some point, rumours were even spread about the fact that France had no more constitution since a law voted in 2017, so that Macron was not legally elected and could not be a legitimate President. Thus, with the help of the social networks, polemical attacks were reinforced by fake news.

Now the arguments against the attacks on the President's legitimacy were that the sore losers (such as Jean-Luc Mélenchon, the leader of the leftist party Les Insoumis) were trying to question the results of the election instead of submitting to the democratic rule; that the opponents lacked understanding of the electoral system, or even deliberately refused to recognize it; and that such a denial of legitimacy of the President and of the constitutional system endangered French democracy. "Some people do not care anymore for the Republican order", Macron said in his TV interview with Plenel". "It is possible to change the constitutional laws but within the democratic framework".

No doubt a controversy on the legitimacy of the President elect is possible in a democratic space where freedom of speech is a superior value. It is clear however that such a verbal confrontation could not lead to any resolution of the conflict. The fake news on the unconstitutional nature of Macron's election were denounced and rejected; but the discussion on the legitimacy of the President to carry out his reforms did not lead to any agreement. The Opponent – a heterogeneous group made up of quite different and even antagonist parties, from the extreme left to the extreme right – went on challenging Macrons' right to implement his liberal politics and economic measures, whereas his

¹ <https://www.bfmtv.com/mediaplayer/video/revoir-l-integralite-de-l-interview-d-emmanuel-macron-sur-bfmtv-rmc-mediapart-1060113.html>

supporters went on repeating the claim that the President had the right to launch reforms.

What is then the point of such a polemical exchange? Does it perform any function in the public space? To what extent does it comfort, or disrupt, the democratic order? My contention is that it has a regulating function in the democratic system, but that this function can be fulfilled only when the institutional frameworks and principles of democracy are fully respected. To demonstrate it, I will divide my presentation into three parts: (1) the need for a rhetoric of dissent, and the problem it nevertheless raises (2) a brief exploration into the nature and functions of verbal polemics in the public sphere, and (3) the institutional conditions necessary to make the regulatory function of public polemics work.

2. TOWARDS A RHETORIC OF DISSENT: AN OVERVIEW OF SOME CURRENT ISSUES

In my book entitled *Apologie de la polémique* (2014), I claim that public controversy in its polemical form fulfils important functions in the democratic space. Obviously, the idea that sharpening disagreement can contribute to democracy contradicts the contemporary doxa as well as the main trends of academic research.² From the argumentative point of view, disagreement is an indispensable ingredient in a free society founded on diversity and difference; however, it is supposed to be eventually overcome in order to allow for some form of common decision. Otherwise, how could we act together and rule the *polis*?

It is well known that the search for agreement is precisely the task assigned to rhetorical argumentation. According to Chaim Perelman and Lucie Olbrechts-Tyteca (1969: 37-38), rhetoric consists of a communicational process leading to an agreement not on the Truth, but on the “reasonable” – namely, on a stance that any man and woman of reason can see as plausible and acceptable. It is because it does not fulfil this rhetorical ideal that polemical discourse is blamed. The New Rhetoric opposes what it calls “debate”, an eristic exchange where each participant defends his own convictions without considering the arguments that could undermine them, and “discussion”, a fertile dialogue where the participants look together for a solution to a controversial matter. This notion of discussion is also at the heart of pragma-dialectics which provides the rules any exchange should follow in order to achieve conflict resolution. In these conditions, why should any argumentation scholar undertake an apology of polemics?

² For interesting exceptions, see Kock’s « Constructive controversy: rhetoric as dissensus-oriented discourse » (2009), or Ivie (2015).

What I claim in *Apologie de la polémique* is that, among the various functions it fulfils in democracy, public polemics allows voicing conflicting opinions and fighting for antagonistic solutions, without recurring to brutal force. To clarify it, I coined the expression “coexistence in dissent”. To use Chantal Mouffe’s words (2000:102), polemical exchanges can transform “enemies” into “adversaries”: enemies to be destroyed are replaced by adversaries whose right to speak is recognized, even if their opinion is regarded as wrong, if not highly irritating. Polemics thus authorizes what is called in French a “vivre-ensemble”, a possibility of living together. It enables people who do not share the same opinions, or even the same premises, to share the same national space without destructive outbursts of violence. I will elaborate on this central point below.

Beyond the theses presented in my apology of public controversy in its polemical forms, I want to reflect on a point that has not been fully elaborated in the book. It should be emphasized that emphasis on dissent and its polemical management is not without raising some disturbing questions concerning the conditions of possibility, and the limits, of the so-called coexistence in dissent. Indeed, we can see that the use of polemical exchanges does not always suffice to prevent citizens from physically fighting each other. In the case of the discussion on Macron’s legitimacy to rule and implement his reforms, the verbal polemics was accompanied by huge and endless street demonstrations. No doubt, demonstrations are part of the democratic order since they express the counter-power, or as Rosanvallon (2006) puts it, the “counter-democracy”, meaning that some procedures are needed to check and restrain a power that always threaten to derail. But the demonstrations of the yellow vests also led to outbursts of violence verging on riots, as extremists broke store windows and deteriorated monuments; shops were looted, battles between the police and the demonstrators caused injuries among the civilians and the policemen, etc. We could hardly call it a successful coexistence in dissent.

The same can be said about a Western democracy such as Germany, where outbursts of violence against refugees regularly occur although the polemical discussion on the topic is vivid. Or about an emerging democracy such as Ivory Coast, where polemics was tolerated in the 2010 Presidential campaign but did not prevent the outbreak of civil war after the results of the vote were disputed by the defeated party of Gbagbo.

What, then, are the “felicity conditions” needed for public polemics to secure a peaceful living together in the framework of persistent and sometimes deep disagreements that can hardly be avoided in the democratic space? Clearly, I use the pragmatic notion of felicity conditions in a metaphorical sense. For a speech act (such as

promising, warning, etc.) to achieve its purpose, some conditions must be met; similarly, for a polemical exchange to ensure non-violent coexistence, some conditions must be fulfilled, in the absence of which public polemics cannot play any positive role. Looking into these conditions seems a necessary extension of my apology of polemics, and I will try here to provide some guiding lines for this new exploration. Thus, after rapidly revisiting the findings of my first research into dissent and its polemical management, I will try - on the basis of a few contemporary examples - to outline some of the “felicity conditions” necessary to ensure the contribution of public polemics to a peaceful coexistence in dissent.

3. REVISITING THE DEFINITION OF POLEMICAL DISCOURSE

3.1 *General considerations*

The main theses of my book published in 2014 in French concern the nature of polemical discourse and its functions in the democratic sphere. It is important to emphasize that I chose to base my study on the analysis of case studies, mainly in the French media. I thus examined more or less thoroughly a public controversy on the actor Gérard Depardieu who went into exile to avoid paying taxes in France (and globally on the phenomenon of going into exile to escape taxes); on the interdiction of the burqa or rather niqab (the full veil) in public places in France; on the question of bonuses and stock options in periods of crisis, etc. A close examination of the *corpora* showed that the three pillars on which public polemics is built are: dichotomization, polarization and attempt at discrediting the opponent.

However, before elaborating on these points, it is important to recall that polemics is an integral part of argumentation: it is not an erratic, violent exchange of blows between adversaries moved by passion, but an exchange of arguments between two parties who manage their disagreement in the framework of a radicalized confrontation. It thus appears as a clash of contradictory answers to the same question.

Thus, in polemical exchanges, the adversaries do not really care to persuade each other: they engage in a verbal duel where each one is committed to winning the case at all costs. Polemics as derived from *polemos*, war, is a struggle and its objective is to persuade not the opponent, but the third party, of the veracity of the speaker's stances as diametrically opposed to those of the adversary. This entails that it plays no role in conflict resolution and does not look for a reconciliation between the conflicting parties.

Moreover, the actors of a public controversy are not just two individuals engaging in an ordered dialogue, where each participant symmetrically answers the other. In public polemics, we are faced with two conflicting stances on a question judged of public interest, that is defended and justified in the media and the social networks at different moments, in different formulations, on different platforms – by different voices. Polemics takes place in the circulation of discourses that built up the public space. In this space, recurrent arguments gather into clusters, reservoirs of *topoi* on which everybody can draw. Of course, two individuals can engage in a polemical exchange of arguments in the framework of a formal dialogue (TV debate, or exchange of open letters, for example); but they do so on the background of a general circulation of discourses. Whether they are conscious of it or not, the interdiscourse with its ready-made arguments feeds their own reasoning and speech.

3.2 The three basic components of polemics

In a framework where the contradiction between opposite answers is exacerbated, there is no negotiation. Each side tries to discredit the thesis of the other, or to discredit the persons or the formal entity incarnating it or standing for it. To do so, all the rhetorical means at the disposal of the speaker are mobilized, including *ad hominem* attacks, irony and ridicule, hyperbolic statements, insulting formulations, verbal violence, etc. (Kerbrat-Orecchioni, 1980, p. 12) Discrediting the adversary is thus the first formal characteristic defining polemical discourse.

The second characteristic is dichotomization. A discourse is polemical when in a debate concerning public affairs opposite opinions are presented as contradictory to such a degree that they become irreconcilable. It is black or white – there are no intermediary shades. Dichotomization is not a static opposition between two given elements or notions, it is an act – the act of radicalizing oppositions so that they look exclusive of each other. Here is Dascal's definition:

DICHOTOMIZATION: radicalizing a polarity by emphasizing the incompatibility of the poles and the inexistence of intermediate alternatives, by stressing the obvious character of the dichotomy as well as of the pole that ought to be preferred. (Dascal, 2008, p. 34-35).

I would like to add a few words about the construction of dichotomies in public controversies. They do not only diametrically oppose two conflicting theses in a clear-cut pattern. They are often built on several layers where oppositions of different kinds are highlighted and

exacerbated. This structure reflects the complexity of public polemics when examined on the ground, in its socio-political framework.

Let us take an example. A controversy about the necessity of a law forbidding women to wear the full veil in the French public space opposed the defenders and the opponents of the bill. However, the justifications of each stance were deployed at different confrontational levels. On the one hand, the proponents (those who supported the bill) interpreted it as a protection of women's rights – in their eyes, the niqab or burqa violates their dignity of human beings; the opponents saw in the interdiction to wear the full veil a severe infringement on the freedom of expression (one can dress as she wants). Thus, for the first party, the law protects human rights, for the second party it violates them. It is an ethical if not forensic matter. However, another dichotomy was construed on another level, the level of culture. For the proponents, the bill protects the Western and moreover the French republican way of life; for the opponents it violates the principle of diversity and the right of all French citizens to their religious practices and habits. Thus, the defenders of the supremacy of French culture in France clashed with the defenders of diversity as well as the defenders of Islam in France. Dichotomization also emerged on the social level as it radically opposed the right of minorities to their difference (here the Muslim minority) to the imperative of integration if not assimilation in the French secular culture.

We can thus see that two conflicting stances on a bill (for/against the authorization of the full veil in the public space) were justified through a series of arguments borrowed from different domains (ethical, cultural, social, etc.), and promoted by a great diversity of actors. This multi-layered structure shows the complexity of dichotomizations in the public sphere. However, the basic principle of the polemical process remains the same – namely, the creation and radicalization of an opposition in a way that makes it look irreducible.

Dichotomization leads to polarization – the creation of antagonistic groups. According to Anderson & King (1971), "Polarization, as a rhetorical phenomenon, may be defined as the process by which an extremely diversified public is coalesced into two or more highly contrasting, mutually exclusive groups". The shared beliefs of each group construct a "we" as strongly opposed to a "they". Thus, whereas dichotomization is an abstract process of cognitive nature, polarization is not purely conceptual: it is social. The division is no more between black and white, it is between "we" and "them". Adherence to a common thesis and to common values creates homogeneity between quite different individuals (Anderson speaks of a "an extremely diversified public") who engage in controversy against all those who hold and defend opposite views.

As a social phenomenon, polarization is closely linked to identity building. The adherence to and the struggle for common values define us socially. If the fidelity to a set of values plays a crucial role in the perception of our self, we tend to stick to stances promoting these values; as a result, we are impermeable to arguments that do not comfort our preconceived views. As some aptly put it, it is no more a matter of persuasion, but of conversion.

Here too, I would like to add a remark about the complexity of polarization as it can be observed on the ground. In the framework of polemical exchanges, polarization divides the population into conflicting groups holding contradictory opinions and promoting different agendas. This divide may reproduce prior conflicts and lead to the confrontation of groups already existing on the socio-political map. But we can observe that polemical exchanges – in talkbacks or social networks, for example – also build groups that did not exist prior to the exchange. In the case of the bill on the prohibition of the burqa in the public space, the internet users of a talkback of the left-wing magazine *Marianne* met on the net where, in spite of their diversity, they created a united body – a transient unity that in part at least disintegrated after a decision had been reached (the bill was adopted). It is also interesting to observe that polemical exchanges can sometimes reconfigure social or political divisions. Thus, the radical left, the Communists, and the extreme right in France found themselves on the same side to fight the legitimacy of Macron in the controversy mentioned above.

As a result of these remarks, polarization should always be carefully examined in its cultural, ideological, social and political dimensions. No abstract schematization or ready-made pattern can account for its complexities. However, in all cases, we are faced with two conflicting groups divided into a “we” and a “they” along the lines of an essential dichotomy, where adherence to a thesis is part of identity construction.

3.3 The social functions of polemical discourse

Now what are the functions of a verbal confrontation that does not look for conflict resolution and promotes irreconcilable stances by a process of cognitive and social radicalization?

Its most obvious role has already been mentioned: it is to persuade the third party in a contest where the options are dichotomized so that the opposition between them appears as clear-cut. The second function is – paradoxically- the capacity to weave or strengthen social ties. Polemical discussions on the Net – mainly talkbacks and social networks - expose people to worldviews in complete contradiction with their own and occasionally create

interactions - be they agonistic - between individuals who do not normally interact. Moreover, they create virtual communities where people who do not know each other can express their adherence to the same thesis and fight for the same cause. The third function is linked to the possibility of voicing protest. The role of dissent in enabling protest and bringing about social change has been emphasized in the fifties by Lewis Coser (1964 [1956]) in his pioneering works on social conflicts. Dichotomization that radicalizes oppositions and stresses the pole to be preferred can be operational: it incites the audience to recognize the wrongs of the adversary, and vehemently attack his options. Polarizing groups around contradictory opinions and programs, public polemics can eventually lead to a social movement and accompany its development - as it happened in the case of the attacks on Macron's so-called illegitimate reforms.

However, the most important function of public polemics seems its capacity of providing a possibility of coexistence in dissent. This sounds paradoxical, since it implies that the main objective of argumentation - bringing about agreement - has not been and maybe cannot be achieved. The inability to reach a consensus can be considered a failure. Nonetheless, we have to admit that it happens in many cases, especially when we deal with deep disagreement - this is the expression the informal logician Fogelin (2005 [1985]) used not so much for violent verbal confrontations than for disagreements rooted in premises (values, beliefs, doxastic opinions) that cannot be reconciled, and thus impervious to reason. It leads to what Marc Angenot called "cognitive breaks (2002) or, in his magistral work on the question, the dialogue of the deaf (2008).

What are we to do in such cases? Fogelin suggests that other means than rational argumentation should be called for, but he does not point out concrete measures. My suggestion is that in a society where groups are polarized around contradictory worldviews and value systems, that is, a society based on diversity and conflicting objectives, not all disagreements can be solved - so that people have to learn how to live together within dissent without recurring to armed violence. In this situation, they need to voice their disagreements in a verbal confrontation where the expression of their point of view is both legitimate and legal, even if they remain minority opinions. They have the possibility of fighting the adversary and trying to advance their own cause. This is the function of public polemics in democracy - which tolerates violent verbal confrontations when the conflicting views fail to be solved in the framework of a debate looking for consensus. Thus, polemical exchanges as circulating in the public sphere are both the sign of an inability to achieve agreement, and a regulating tool that allows for disagreement to be part of a non-violent coexistence as a key to

democracy. This is a function that is linked not to the ideal of rational discussion, but to the needs of a democratic society endlessly torn between contradictory interests and competing worldviews.

4. SOME “FELICITY CONDITIONS” OF COEXISTENCE IN DISSENT

But what are the conditions required to make this kind of coexistence work? Why is polemical discourse effective in some cases while it fails to secure peaceful coexistence in others? Looking at case studies suggests that it only succeeds within the institutional frames that shape democracy. In other words, public polemics contributes to regulate the democratic space only if it is deployed within its borders and submitted to its basic rules. This is to say that when laws and democratic principles are not respected, polemical exchanges are deprived of their power and social functions.

Take one of the examples previously mentioned. The public polemics about the burqa (niqab) in France broke out when a group of deputies asked for a parliamentary commission to examine whether the “full veil” can be tolerated in the French public space. The harsh confrontations that took place to promote or attack the bill were concluded by a Court decision in September 14, 2010 and approved by the Senate one month later. The adopted law forbids people to dissimulate their face in the public space and imposes a fine on anyone who transgresses this prohibition. Although the matter seemed to be settled to the advantage of the side condemning the burqa, the disagreement remained. Even if the question did not make newspaper headlines anymore, the discussions emerged at different points of time under various guises. The court had given a final decision, but it could not ease all the tensions concerning the way women should dress in the public space, nor could it appease the confrontations on the status of Islamic culture in France. People who disagreed with the prohibition of the burqa continued to discuss its soundness and to protest at each opportunity. The inability to close the debate once and for all might appear as a weakness if not as a failure. This inability often characterized public polemics, especially when it is grounded in deep disagreement. However, the right to pursue the polemical exchange means that the minority is authorized to express itself, to vent its discontent and to continue fighting for its opinions. At the same time, no part of the French population tried to oppose the law by force; no acts of violence were committed. The public polemics worked insofar it was deployed in the institutional and forensic frameworks delimiting the democratic space.

Let us take another French example, where the regulation of public polemics did not work so smoothly. Marlène Schiappa is the

Secretary of State for Equality between men and women in Emmanuel Macrons' government. She is 36, very active in her defence of women's rights, and has moreover taken a strong stance against some of the demands and actions of the Gilets jaunes, the yellow vests who demonstrated every week against Macron's policy and took to the streets – sometimes exerting violence. Among others, she strongly condemned the online pool ("*cagnotte*") organized in favour of a yellow vest, a well-known boxer who had beaten a policeman fallen on the ground. This pool raised a vehement controversy in the media and the social networks, as it had received more than 100.000 € in one day. Schiappa thus declared on TV: "This pool is a shame, it would be good to know who contributed to it because it is a form of complicity", and also: "I wonder what degree of hatred we have reached to have people decide to finance gratuitous acts of violence against someone whose responsibility is to maintain the public order" (*my translation*). This was on January 9, 2019. As a result, the Minister received in the internet violent, vulgar and sexist insults and threats: "The whore of the Elysée", "the Jews' whore", "Macrons' female dog", "we are going to hang you", etc. Some internet pools were also put online to reduce Marlène Schiappa to silence – one of the initiators said that it is meant "to make MS et all those who kindle hatred against the yellow vests and that they should sometimes shut up or think before they speak"³ (*my translation*). Let us keep in mind that polemical discourse is based on pro and con arguments – contradictory answers to a question of general interest, that are radicalized and thus appear as irreconcilable. It is not a series of random insults and verbal abuses. Those might accompany a polemical exchange but cannot replace it.

In March 2019, Schiappa declared on a popular TV show entitled "On n'est pas couché":

What was really striking in my eyes is that during a few months, it was enough to put on a yellow vest to become the people [...]. The speech of a person wearing a yellow vest who thus became the people was sacred and could not be contradicted. Even when you had in front of you elected politicians endowed with democratic legitimacy, it was impossible to have a contradictory debate [...] The people is also the yellow vests but it is not only the yellow vests. Each of us is part of the people and I think the people and the crowd are not to be confused (*my translation*).

³<https://www.ouest-france.fr/pays-de-la-loire/le-mans-72000/le-mans-une-cagnotte-contre-marlene-schiappa-collecte-plus-de-1-400-eu-6165867>

Thus, Schiappa was pleading for an open debate, a confrontational exchange of views where everybody could defend her stance. Instead, the Minister was confronted not only with insults but also with physical violence. Some 40 yellow vests came to her private residence where she was sleeping with her husband and her children, on a Friday night, shouting insults ("Collabo!" "Schiappa demission!") and death threats ("On est venu te crever!"). They threw firecrackers and deteriorated the main entrance door. After an invasion of her privacy that terrorized her young children, Schiappa declared that a red line had been crossed and she filed a lawsuit.

We can see what happens when the institutional and forensic rules that frame democracy are violated: polemical exchanges can no more fulfil their role. Even if they continue to be deployed in the public space, they are accompanied and eventually dominated by verbal and physical violence that leaves no room for contradictory debates. No doubt, this violence falls under the rule of law, and can be punished. But this procedure leads to a dynamic of transgression and punishment quite different from the dynamic of polemical interaction. When people do not respect any more the democratic mechanisms that regulate debate and public polemics, the latter can no more guarantee a peaceful coexistence in dissent. Eventually, its voice is stifled, and it is ejected from the stage.

That is why contemporary democracies draw a red line between the space where polemics can be deployed, and the space where violence predominates and stifles verbal confrontation. Angela Merkel's Germany is a good case in point. A heated polemical debate opposed (and still opposes) those who supported Angela Merkel's welcome culture - she declared in 2015 that Germany would open its borders to about a million migrants, claiming : "Wir schaffen das - we can do it" - and those who strongly opposed this liberal policy. Exacerbated debates raged in the media, and political pressures were made on the Chancellor even by her own party (the CSU, the Bavarian wing of the CDU). But in addition, there were outbursts of violence against the migrants - burning of the asylum seekers' centres, attacks in the streets, etc. These acts of violence were in large part initiated by Pegida (Patriotic Europeans Against the Islamization of the Occident), a nationalist far-right movement that organized demonstrations against the growing number of Muslims in Germany. They were not interested in dialogue and substituted acts to words.

Merkel very clearly distinguished between legitimate public discussions between fierce adversaries (polemics about the welcome culture, about the financial and practical measures to be adopted, about the limits to be respected, etc.), and acts of physical violence originating in xenophobia. At several occasions, the Chancellor asked the German

citizens not to follow those who tried to involve them in demonstrations calling for the elimination of the Other. She made clear that discourses of hatred leading to acts of violence against an Other defined as an enemy to be expelled or destroyed – discourses reminding Germany of its dark Nazi past - cannot be tolerated in a State grounded on the respect of human rights and dignity. In doing so, Merkel drew a line between the “us” including all Germans authorized to democratically express their conflicting opinions, and engage in public controversy, and the “they”, those who replaced verbal confrontation by physical violence and thus excluded themselves from the national body. Her criticism entails that when people do not respect any more the principles of the democratic regime, they exclude themselves from the public sphere where polemics plays its regulatory role.

5. CONCLUSION

Polemical exchanges cannot fulfil their constructive function when the participants do not recognize the democratic principles underlying the letter of the law, and do not consider them as the very core of their own identity. This is not necessarily the case in emerging democracies; but we can see that it is not always the case in well-established Western representative democracies, part of which seem to be undergoing today a severe crisis. Macron, in his answers to Plenel, pointed at this crisis when he complained that people do not care anymore for the republican order, disregard constitutional rules and transgress the law.

The controversy on the legitimacy of the French President mentioned at the beginning of this paper bears on the very principles that are supposed to make polemics possible and instrumental: although authorized, such a public controversy on the State’s authority puts into question the very frame that makes its regulatory function possible. Not only does it turn the constitutive principles of democratic regimes into a question that can be discussed and criticized, but it also draws the consequences of such a disruption. If the order on which democratic authority is built is illegitimate, it can easily be challenged and swept away by a wave of violence claiming legitimacy for itself.

Thus, the success of achieving a peaceful coexistence in dissent is not only based on verbal factors: it is linked to institutional and socio-political conditions. To make polemics work, namely, to allow it to accomplish its mission of regulation, an institutional framework rooted in a democratic constitution is needed, as well as a shared respect for its basic rules. Those seem to be the felicity conditions of public polemics. This seems to be the lesson of rhetorical argumentation understood as a rhetoric of dissent – a lesson to be remembered in our troubled times.

REFERENCES

- Amossy, R. (2014). *Apologie de la polémique*. Paris: PUF
- Angenot, M. (2002). « Doxa and cognitive breaks », *Poetics Today* 23 (3), 513-537
- Angenot, M. (2008). *Le dialogue de sourds. Traité de rhétorique antilogique*. Paris : Mille et une Nuits.
- Coser, L. A., 1964 [1956]. *The functions of social conflict*. New York: Free Press
- Dascal, M. (2008). "Dichotomies and types of debates". In Eemeren van, F.H & Garssen. B. (Eds.) *Controversy and Confrontation*. Amsterdam/ (Philadelphia: Benjamins, 27-49.
- Eemeren, F.H. van., Grootendorst, R., Snoek Hoekemans, F. (1996). *Fundamentals of Argumentation Theory* (N) & London: Lawrence Erlbaum).
- Fogelin, R. (2005 [1985]. « The logic of deep disagreements », *Informal Logic* 25 (1), 3-11
- Ivie, R.L. (2015). "Enabling democratic dissent", *Quarterly Journal of Speech* 101 (1), 46-59.
- Kerbrat-Orecchioni, C. (1980). « La polémique et ses définitions », In N. Gelas & C. Kerbrat-Orecchioni (Eds.), *Le discours polémique*. Lyon : Presses Universitaires de Lyon, 3-40
- King, A. & Anderson. F.D (1971). "Nixon, Agnew and the Silent majority: A case study in the rhetoric of polarization", *Western Speech*, 243-255
- Kock, Christian. 2009. « Constructive controversy: rhetoric as dissensus-oriented discourse », *Cogency* 1:1, 89-111
- Mouffe, C. (2000). *The Democratic Paradox*. London, NY : Verso
- Perelman, C. & Olbrechts-Tyteca, L. 1969 [1958]. *The New Rhetoric. A Treatise on Argumentation*. Notre Dame: University of Notre Dame Press.
- Rosanvallon, P. (2006) *La contre-démocratie, la politique à l'âge de la défiance*. Paris: Seuil.

What is wrong with deductivism?

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I indirectly show that evaluative deductivism is wrong by accepting that if it were true that all good argumentation is deductive, then we should take all inferences to be deductive. Then, I explain that deductivism involves a set of wrong assumptions and that its goals are better achieved by a pragmatic-linguistic account of argumentation like LNMA

KEYWORDS: evaluative deductivism, inferential normativity, interpretative deductivism, LNMA, types of inferences

1. INTRODUCTION

In “Deductivism as an Interpretative Strategy: A Reply to Groarke’s Recent Defense of Reconstructive Deductivism”, David Godden (2005) distinguished two notions of deductivism: as an *interpretative thesis*, deductivism is the view that all natural language argumentation must be interpreted as being deductive; in turn, as an *evaluative thesis*, deductivism is the view that for a conclusion to be justified, it has to follow of necessity from the premises —or in other words, that for a piece of argumentation to be good, it has to be deductive. In that paper, Godden argued that evaluative deductivism is wrong and that, for this reason, interpretative deductivism must be grounded on something other than the claim that deduction is the only adequate standard of argumentation goodness.

Despite Godden’s remarkable observations in that paper, evaluative deductivism has proven to be difficult to refute straightforwardly, for it involves not only a basic intuition about what good argumentation is, that is, an intuition that cannot be checked against independent or more basic criteria, but also a simple strategy for rendering deductive any piece of argumentation —namely, to assume that it involves an implicit conditional premise having as its antecedent the conjunction of the set of premises of the original

argumentation and, as the consequent, its conclusion (which, in turn, may be qualified as required with a ‘necessarily’, ‘probably’, etc.).

Thus, my first goal in this paper is to *indirectly show* that evaluative deductivism is wrong. In order to do this, in sections 2 and 3, I build the following *modus tollens*: as Godden has argued, “the correctness of deductivism as an evaluative thesis can be invoked as a reason for its acceptability as an interpretative strategy. Clearly, if [D1] were true—that is, if the only acceptable standard of evidence was that embodied in the rules of deduction— then [D2] would follow as a consequence.” (Godden, 2005: 5) Thus, by showing that interpretative deductivism is implausible, I indirectly demonstrate that evaluative deductivism is wrong. My argument here will be based on a distinction between reasoning, argumentation, inference and argument that helps to clear up some misunderstandings about deductivism—especially, the view that deductiveness is a sufficient condition for argumentation goodness and the view that deductiveness and validity are synonyms.

My second goal in this paper is to *explain* why evaluative deductivism, so understood, is wrong. Authors endorsing evaluative deductivism presume that the highest standard of inference is to require the conclusion not to be wrong if the premises are right. In section 4, I argue that the normative model of inference that I defend in this paper accommodates this standard in a certain way without implying that deductive inferences are the only inferences that can be taken to be good. As I will point out, this alternative version of the standard of inference springs from the very notion of inference: what makes an inference good is constitutive of what an inference is, not a matter of accomplishing standards that, according to some basic intuition, seem sound.

2. THE RELATIONSHIP BETWEEN VALUATIVE DEDUCTIVISM AND INTERPRETATIVE DEDUCTIVISM

As Godden pointed out:

D: if it is true that for a conclusion to be justified it has to follow of necessity from the premises (evaluative deductivism), then it is plausible that natural language argumentation must be interpreted as being deductive (interpretative deductivism).

D is the way in which this alleged standard of inference would take a toll on our methods to appraise natural language argumentation. Now, in order to build our *modus tollens* from D, we have to show that interpretative deductivism is implausible. To this end, we might try to question the very idea of an obligation to interpret natural language

argumentation one way or another, for on which grounds could we be obliged to such a thing? Since normative claims are so tricky, this might look like a promising strategy. However, merely questioning the grounds for such obligation would not work for our goal of showing that evaluative deductivism is wrong, since our *modus tollens* requires D to be correct. Therefore, let me try to show instead how it is that if evaluative deductivism is true then we have this obligation, and also to explain what having this obligation could mean.

In principle, as Godden observes, if evaluative deductivism were true, then we would have good reason to believe that individuals aim at making deductions —for, otherwise, they would not aim at making good argumentation, which is implausible if the practice of arguing is to make sense as it is. Consequently, in order to properly represent what they mean, we should render their inferences deductive.

As it happens, people do not always reason or argue in a way in which what they put forward as their conclusion cannot be false if what they put forward as their premises is true, nor do they put forward their conclusions as following necessarily from their premises. So, in order to render their inferences deductive, we have to reconstruct what they actually say or think. This is the common way of understanding interpretative deductivism: in it, ‘interpreting’ does not stand for ‘understanding’ but for ‘reconstructing’.

Yet, it is not only that if evaluative deductivism is correct, then it is plausible that we have to reconstruct natural language argumentation and reasoning as being deductive. Besides, evaluative deductivism requires that we have an obligation to reconstruct natural language argumentation and reasoning as deductive. The reason is that, since a good deal of everyday argumentation and reasoning looks good at first sight and yet does not look deductive at first sight, unless we really had to reconstruct natural language argumentation and reasoning as if it were deductive, there would be good argumentation that fails to be deductive. In this sense, as Groarke pointed out, the deductivist endorses the view that the meaning of words like ‘therefore’, ‘so’, ‘hence’, etc. announces the speaker’s intention of making a deductively valid inference (Groarke, 1992: 114). Consequently, mainstream deductivism also provides this conditional to operate:

D’: if it is true that for a conclusion to be justified it has to follow of necessity from the premises (evaluative deductivism), then it is true that natural language argumentation must be interpreted as being deductive (interpretative deductivism).

Importantly, D and D’ amount to acknowledge, on the one hand, that we build arguments as a means to represent natural language

argumentation and reasoning —that is, arguments would be reconstructions from real things such as reasonings and pieces of natural language argumentation, as they occur in everyday life, and on the other hand, D and D' imply that being a deductive inference cannot be the same as being a good inference: after all, the fact that people intend to infer well —which is the reason why (it is plausible or true that) we have to interpret them as making deductions— does not mean that they get to do it. Consequently, evaluative deductivism would not establish an identity between argumentation goodness and deductiveness (since deductivists admit that for a piece of argumentation to be good, it has to consist not only of good inferences, but also of good premises); but it would not establish an identity between deductiveness and validity either (because deductiveness would be a type of inference, which can be good or bad in turn). In this view, evaluative deductivism would be the thesis that deductiveness is a necessary but not sufficient condition of both argumentation goodness and inference goodness.

In a way, this was Copi's view (1978: 32) when he argued that deductiveness and validity are different notions. It is also the view of authors such as Berg (1987), Vorobej (1992) and Godden (2005), who maintain that whether an inference is deductive or not is a matter of the arguer's intentions: specifically, an inference would be deductive if its conclusion is meant to follow of necessity; and if it actually does follow of necessity, then the inference would be not only deductive but also valid.

Yet, authors such as Machina (1985) and Hitchcock (2013) disagree with this intentionalist notion of deductiveness. For example, Hitchcock says: "appeals to the intentions or claims or beliefs of reasoners and arguers are vacuous in many cases and are unnecessary for argument appraisal (...). As one can confirm for oneself by immediate retrospection, reasoners who draw a conclusion for themselves from information at their disposal are typically unaware of whether they are drawing it conclusively or non-conclusively. Reasoners just draw their conclusions, and it is only after that inferential act, if at all, that they determine whether their conclusion follows conclusively or non-conclusively. As for arguers, they sometimes claim a qualitative degree of support for their conclusion by qualifying it with terms like 'must' or 'probably' or 'presumably' or 'may.' But they do so in a minority of cases. If we cannot discover an arguer's intentions in this respect, we must construe the argument as ambiguous and test it against both deductive and inductive (and conductive) standards." (Hitchcock, 2013: 200)

On the contrary, I think that we can only appraise argumentation by considering the intentions of the arguers —not only

their communicative intentions in general, but also the way in which they mean their conclusions to follow from their premises. For instance, imagine someone saying “John’s car is in front of his home; so, he’s at home.” It is only by ascribing a certain epistemic force to her conclusion that we can say that her argumentation is good or bad: if we take her to mean that *necessarily* John is at home, we will say that her argumentation is bad; whereas if we take her to mean that presumably John is at home, we will say that her argumentation is good. At any rate, unless we attribute some intention in this respect to the speaker, we will not be in a position to appraise her argumentation.

Notice that, for the deductivist, the latter would also be a deductive inference whose conclusion is “presumably, John is at home”, which would follow necessarily from the premise “John’s car is in front of his home” and the implicit premise “if John’s car is in front of his home, then, presumably, he is at home.” (Groarke, 1992: 115) Amongst others, Govier (1992) and Godden (2005) have argued that we must not incorporate as a premise the conditional that makes explicit the inferential link between premises and conclusion of an inference, because, as Lewis Carroll (1895) would have shown, this conditional does not play the same role as the premises of the argument. However, as Castañeda (1960) and Botting (2015) have observed, that premises and associated conditionals play different roles does not imply that we cannot reconstruct inferences as deductive arguments, for, as pointed out, arguments are mere reconstructions of the inferences that we make, and we build them in order to appraise the semantic properties of these inferences: if the model actually helps to determine whether the inference is good or bad, whether it does it by rendering the inference deductive or not is irrelevant. Thus, if we think of interpretative deductivism as the thesis that we can reconstruct inferences as deductive in order to appraise them, then deductivism would be harmless. But, of course, this is not what interpretative deductivists contend: their claim is that (it is plausible/true that) we must reconstruct inferences as deductive in order to accurately represent what people mean when they infer.

So, my next step is to present a theory of argumentation able to make sense of the two intuitions behind D and D’ —namely, that we build arguments to represent the inferences that we make in arguing and reasoning, and that deductiveness and validity are not synonyms— and yet also able to relieve us from the obligation to reconstruct natural language argumentation and reasoning as deductive in order to properly represent what individuals aim at when they aim at making (good) inferences.

3. REASONING, ARGUMENTATION, INFERENCES AND ARGUMENTS. THE LINGUISTIC NORMATIVE MODEL OF ARGUMENTATION

Within the framework of formal logic, an argument is usually defined as a set of propositions, one of which —the conclusion— follows from the others —the premises. But the problem with this definition is: if the premises of an argument do not follow from the conclusion, isn't such set of propositions just a set of propositions? As Fohr (1979: 5) observed, the common usage of the term 'argument' —and the very business of appraising arguments— requires that there can be bad instances of it. This is why he recommends refraining from thinking of arguments as things that exist *in vacuo*, but rather to think of them as being person-related (Fohr, 1979: 5).

In Bermejo-Luque (2011), I proposed a linguistic normative model of argumentation (LNMA) that, in a way, captures Fohr's intuition that the best way of avoiding such problems is to adopt a pragmatic linguistic perspective able to give up Platonism altogether. LNMA follows Bach and Harnish's (1979) Speech-act Schema in order to characterize argumentation as a second order speech-act complex; that is, as a speech-act composed of a speech-act of adducing (the reason) and a speech-act of concluding (the conclusion or target-claim). Acts of adducing and acts of concluding are constatives —whether directly or indirectly performed, literal or non-literal; but they are second order because they can only be performed by means of first order constative speech-acts. According to this model, a performance of, for example, "I promise I'll take care, don't worry" —which, in principle, involves just two first order speech-acts, i.e., a promise and a request— turns into a speech-act complex of arguing because it turns into the constative speech-act of adducing that the arguer commits herself to take care and the constative speech-act of concluding that the addressee should not worry.

Two speech-acts become an act of adducing R and an act of concluding T because of their relationship to an implicit inference-claim whose propositional content is "if R, then T." To put it shortly, it is by attributing to the speaker the implicit inference-claim "if (it is true that) I commit myself to take care, then (it is true that) you should not worry" that we interpret her utterances of "I promise I'll take care" and "don't worry", as a single speech-act —namely, an act of arguing. Normally, the fact that the speaker has used some epistemic modal (like 'probably', 'necessarily', 'presumably', etc.) or an illative expression like 'so', 'therefore', 'since', 'consequently', etc. is what authorizes us to interpret the speaker's performance as a speech-act of arguing. Very roughly, the idea is that, illocutionarily, acts of arguing count as attempts at showing a target-claim to be correct. To the extent that they succeed in this —

which means that the target-claim has been correctly qualified by a certain epistemic modal (semantic conditions) and that the act of arguing is a good means of showing this (pragmatic conditions)— they will be deemed good argumentation.

In order to determine whether a target-claim has been correctly qualified, we have to build arguments. In LNMA, arguments are mere representations of the particular inferences that supervene on acts of arguing and on acts of reasoning (i.e., particular inferential processes that are the mental counterparts of acts of arguing). In contrast with acts of arguing and acts of reasoning, which are, so to speak, ‘objects’ of the world, arguments are constructions, not abstract eternal objects from a Platonic world. From this perspective, we would not use arguments, but produce them in order to represent the inferences that we make.

As such, arguments can be obtained by displaying a variety of models, such as those of the different formal systems or informal argumentative schemas. For its part, LNMA adopts Toulmin’s model of argument (Toulmin, 1958), because its underlying conception of material inference matches the analysis of argumentation that the SAS for the speech act of arguing provides (Bermejo-Luque, 2011: 60-68). Accordingly, LNMA follows Toulmin’s intuition that modal qualifiers are key to the semantic appraisal of argumentation. Yet, in contrast with Toulmin’s model, LNMA’s model of argument incorporates two types of modals: ontological and epistemic.

In everyday discourse, we can make explicit the variety of ways in which we can put forward a certain semantic content *p* in a first-order constative speech-act by saying, for instance: “*p* is true,” “*p* is (more or less) probable,” “*p* is (more or less) acceptable,” “*p* is (more or less) verisimilar,” “*p* is plausible,” “*p* is necessary,” “*p* is possible,” and so on. These ontological modals are terms that make explicit the type and degree of pragmatic force of the constatives comprising an act of arguing. They are ontological because they are meant to express the value of our propositions as representations of the actual state of the world. When we put forward a propositional content with the appropriate pragmatic force given the actual state of the world, we make first-order constatives that are semantically correct —like the correct assertions “(it is true that) snow is white,” “(it is necessary that) a bachelor is an unmarried man,” “(it is possible that) there is life in other planets,” and so on. Contrastingly, the modal that expresses the pragmatic force with which we draw a conclusion is an epistemic modal. This modal is meant to communicate what we take to be our credentials for concluding, i.e., the type and degree of support that our reasons are supposed to confer on our target-claims because of our inference-claims. For example, in saying that a claim holds truly, necessarily,

possibly, plausibly, (more or less) probably, etc. i.e., in saying things such as ‘certainly p’, ‘necessarily p’, ‘it might be the case that p’, ‘plausibly p’, ‘(more or less) probably p’, etc., we are expressing something about the status of this claim as knowledge, about the confidence that we may place in it. Thus, any second-order speech-act of concluding involves, either explicitly or implicitly, not only the ontological modal of the first-order constative that it is built on, but also the epistemic modal that indicates the force with which this first-order claim is concluded.

Thus, as representations of the inferences that supervene on acts of arguing and acts of reasoning, arguments in LNMA consist of the following elements: premises (corresponding either to the speech-act of adducing a reason, R, or to the cognitive input in the act of reasoning, CI), conclusion (corresponding either to the speech-act of concluding a target-claim, C, or to the cognitive output in the act of reasoning, CO), warrant (corresponding either to the inference-claim in the act of arguing, IC, or to its counterpart in the act of reasoning; i.e., the inference-motivation, IM) and the representations of the epistemic and ontological modals, em and om , of each of the speech-acts making up the act of arguing (corresponding to the type and degree of constative pragmatic force with which the speaker, either implicitly or explicitly, puts forward the propositional content of each constative) or of the judgments and beliefs constituting the act of reasoning (corresponding to the type and degree of assent to each propositional content constituting the act of reasoning). Thus, an ascription of both epistemic and ontological modals (ultimately, the ascription made by the arguer or the reasoner —which, in case she doesn’t make them explicit, is something that we will have to infer from the context) is part of the layout of arguments, and the semantic appraisal of an act of arguing or reasoning results in the process of determining the right ascription of modals to each represented claim or judgement/belief (i.e., the process of ascertaining whether or not the ascription made by the arguer or the reasoner is correct after all). This model of argument can then be outlined as follows:

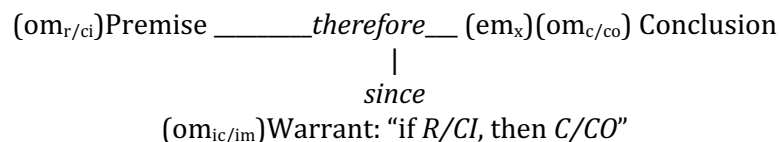


Figure 1 – LMNA’s Model of Argument

(The contents of the antecedent and the consequent of the warrant correspond to the whole first-order constatives R and C of the act of arguing, i.e., to their propositional contents in conjunction with their —implicit or explicit— ontological modals, or to the whole cognitive input and output, CI and CO of the act of reasoning, i.e., to their propositional contents and their corresponding type and degree of assent.)

Let φ represent the idiomatic function that, for each ontological modal of a conditional, assigns the epistemic modal needed to draw a conclusion having this conditional as its warrant —or, in other words, the term that is used in a certain language for expressing either the pragmatic force of any speech-act of concluding having a conditional so qualified as its inference-claim or the type and degree of assent to the cognitive output having a conditional so qualified as its inference-motivation.

$$\varphi(om_i) = em_i$$

On this account, an argument is valid (i.e., the inference is good, whatever its type) iff $em_i = em_x$ and om_i is correct —that is, if it is the ontological modal that actually corresponds to the inference-claim as a constative or to the inference-motivation as a belief or judgement, given the actual state of the world. In other words, an argument is valid if and only if the epistemic modal that the speaker (or reasoner) has used for concluding or coming to believe the cognitive output is the epistemic modal that φ assigns to the ontological modal of the speaker's implicit inference-claim or inference-motivation, and this ontological modal is appropriate for this inference claim or inference motivation given the actual state of the world.

In LNMA, deductive arguments are arguments representing acts of arguing or acts of reasoning whose inference-claims/inference-motivations are meant to be necessary truths (like “if this is red, then it is coloured.”) We know that an inference-claim or inference-motivation is meant to be necessary because the conclusion was drawn with such epistemic pragmatic force. In case this conditional is a necessary truth indeed, the argument will be valid, and the arguer will be entitled to epistemically qualify the conclusion with a ‘necessarily’. For example, pieces of argumentation such as “she is in the garden or in the living room, and she is not in the garden; so, necessarily she is in the living room” or “this may be red; so, necessarily, it may be coloured” are deductive and valid because their corresponding inference-claims are the necessary truths “if (it is true that) she is in the garden or in the living room, and (it is true that) she is not in the garden, then (it is true that) she is in the living room” and “if (it is possible that) this is red,

then (it is possible that) it is coloured.” Likewise, valid probabilistic arguments will be those representing acts of arguing, or acts of reasoning whose inference-claims/inference-motivations are meant to be (more or less) probable, so that they entitle us to epistemically qualify their conclusions with a ‘(more or less) probably/likely’. For instance, “our currency is losing value; so, very probably, the inflation rate will rise” has as its inference-claim “if (it is true that) our currency is losing value, then (it is true that) the inflation rate will rise”, which is very probable indeed (and makes the argumentation inductively valid).

Because LNMA deals with inferences as kinds of doings, it allows for an inference to be invalid and still be, for example, a deductive inference. Specifically, in LNMA, validity is not the same as deductiveness: ‘deductive’, ‘inductive’, ‘conductive’, ‘abductive’, ‘presumptive’, etc. are names for types of inferences (i.e., of forms of inferring), and any of them may be wrong.

4. EVALUATIVE DEDUCTIVISM

LNMA deals with arguments as reconstructions of the inferences that we make in arguing and reasoning. On the other hand, it characterizes deductiveness in terms of the way in which the speaker or reasoner epistemically qualifies her conclusion, and it characterizes validity as a matter of the correctness of the corresponding inference-claim or inference-motivation. Thus, LNMA also provides an account of the distinction between deductiveness and validity. As a consequence, LNMA is able to make sense of the two intuitions underlying conditionals D and D’, as pointed out in section 2. In turn, by means of LNMA’s particular account of deductiveness and the theory of interpretation and reconstruction that this model involves, we can have a fair representation of what individuals say when they reason or argue without rendering deductive all of their inferences. Consequently, I have shown that interpretative deductivism is wrong and, by *modus tollens*, I have also indirectly shown that evaluative deductivism is wrong.

Unfortunately, I think that this is the most we can do in terms of showing that evaluative deductivism is wrong, because, as pointed out in section 1, this thesis is but a basic intuition about what a good inference is. In the remaining sections of this paper I would like to explain, in turn, what is wrong with evaluative deductivism.

Evaluative deductivists endorse the intuition that for an inference to be good, its conclusion cannot be false if the conjunction of its premises is true. But how do we establish what the actual set of premises of an inference is if, as we have seen, interpretative deductivism requires that we add whatever premises are needed in order to precisely warrant this? No doubt, rendering inferences

deductive by including the associated conditional as a premise may be a functional strategy for evaluation: by doing so, we can “discover” where the eventual failure of the argument lies. As we have seen, there is no problem in reconstructing inferences as deductive in order to appraise them. The worse thing we can say about this kind of weak interpretative deductivism is that because it turns any inference into a good one —e.g., an instance of *modus ponens*— it does not seem like a good strategy to determine whether or not a certain inference is good after all. Actually, the deductivist strategy only works for assessing arguments as a whole: according to this strategy, bad arguments are bad because, despite being deductive, they include one or more unacceptable premises.

For its part, LNMA also deals with the evaluation of inferences in terms of the evaluation of the claims that inferences consist of. In LNMA, we reconstruct inferences by means of a theory of interpretation that does not require us to put in the speaker’s mouth anything else but the first order constatives that she made in her act of arguing, including the implicit inference-claim. An obvious advantage of this method is to avoid the dilemma of being either too strict or too charitable in our reconstructions: all that we need in order to represent an inference is to be able to understand the propositional content that has been adduced, the propositional content that has been drawn from it and their corresponding pragmatic forces as such constatives. Once we have these constatives, we also have the inference-claim, and all we have to do is check whether or not all of them have been correctly qualified, just as interpretative deductivism maintains. Yet, because LNMA distinguishes between premises and inference-claims, it is also able to provide an independent account of inference goodness.

Alternatively, we can understand evaluative deductivism as the view that for an argument to be good, the conclusion has to follow of necessity from the premises. As we have seen, in LNMA this amounts to require the conclusion to be advanced with a ‘necessarily’ and the corresponding inference-claim or inference-motivation to be a necessary truth. Yet, why should we require the conclusion to be advanced with a ‘necessarily’ and not with any other epistemic modal? As we have seen, LNMA allows us to epistemically qualify our conclusions in a variety of ways, which correspond to a variety of types of inferences different from deduction, and it explains what it means to say that such inferences are good. From this point of view, deductivism would simply look extravagant.

However, evaluative deductivism undoubtedly has a significant appeal. As Johnson put it: “According to some, the strongest argument for deductivism is its solid theoretical development. (...) the desirability of having an objective evaluation of argument is, historically, one of the considerations that has led theorists to opt for it. It is not just that there

is the possibility of objective evaluation but as well the belief that arguments can settle (philosophical and other) issues once and for all ...conclusively." (Johnson, 2011: 23) As Johnson observes, theories of inductive strength do not get the consensus that theories of deductive support get. This is why deductivists such as Musgrave contended that "the only valid arguments are deductively valid arguments, and that deductive logic is the only logic that we have or need. The deductivist ploy regarding so-called non-deductive or inductive or ampliative arguments is to recast them as deductive enthymemes with unstated or missing premises of one kind or another." (Musgrave 2012: 125) So, what is so good about *modus ponens* and other types of deductively valid arguments? The obvious answer is that they set the highest epistemic standard for inference: after all, the requisite that the conclusion cannot be false if the conjunction of the premises is true makes inferring an utterly safe tool for getting new beliefs.

However, such requisite invites us to think about what 'cannot' actually means here. Consider this example of an alleged deductively valid argument, by Shecaira (2018: 477):

(1) During an election year, you cannot trust a politician who provides an optimistic prediction about a social problem that his party vowed to solve.
 Jones, a member of the labor party running for re-election this year, says that unemployment rates will go down.
 You cannot trust Jones on this.

Shecaira defends what he calls a methodological deductivism and offers this kind of examples in order to explain the benefits of supplying as much premises as needed for producing deductive argumentation whenever possible. He claims that, by doing so, speakers make their argumentation more easily scrutable, which I think is true. However, rendering deductive a piece of argumentation by adding more information is far from easy. Going back to Shecaira's own example: is it really impossible that the premises of this argument are true and yet the conclusion is false? What if Jones is under oath or is a close friend of the addressee, for example? Most of the times, non-monotonicity can only be redeemed by adding the associated conditional as a premise, not just by adding new information.

Consider also this example by Musgrave (2009: 224):

(2) [If a and b share property P, and a also has property Q, then it is reasonable to conjecture that b also has property Q.]
 a and b share property P.
 a also has property Q.

Therefore, it is reasonable to conjecture that b also has property Q.

Again: what if b also has property R, which is incompatible with Q? My point with these examples is to show that unless we render inferences formally valid, it is difficult to render them deductively valid.¹ This is why deductivism is typically associated with a defence of formal deductive logic (Johnson 2000: ch. 3): playing by the rules of formal deductive logic seems to warrant that if our premises are true, our conclusion cannot be false.

However, formal-logical deductivism needs to prescribe rules of inference that cannot be justified in turn. They are supposed to be self-evident. Yet, as van McGee (1985) pointed out, even *modus ponens* has counterexamples. Contrastingly, in LNMA, inferential normativity is a matter of the constitutive conditions of the very practice of inferring. That the normativity of inferring is constitutive of the practice of arguing explains why people are usually good at inferring and at distinguishing between good and bad inferences despite knowing nothing or very little about formal logic: learning to infer amounts to mastering the use of epistemic modals, and much in the same way in which learning to make assertions involves learning what counts as making a good assertion, learning to infer is *eo ipso* learning what counts as inferring well.

Certainly, the idea that, if things are as I say or believe, my conclusion also has to be as I say or believe is a high epistemic standard for a conclusion. However, in its own way, LNMA is able to incorporate this *desideratum*, for assessing an inference according to LNMA is a matter of determining whether or not the ontological modal that the speaker attributes to the inference-claim is the one that it actually deserves. Accordingly, in LNMA being good argumentation implies that if things are as the speaker adduces, the conclusion has to be as the speaker claims, and this standard holds not only for deductive inferences, but also for any type of inference.

There is still one last move for the deductivist to make: to renounce to defend interpretative deductivism and contend that it is only good natural language argumentation that we have to interpret as being deductive. That amounts to refusing D and D' altogether. However, this is a difficult move for him to make, for, in principle, the procedure to render deductive a piece of argumentation is the same

¹ LNMA explains this fact by pointing out that what makes an inference deductively valid is that its inference-claim or inference-motivation is a necessary truth; and only conceptual, mathematical and formal truths seem the kind of truths that can be necessary.

whether the argumentation or reasoning is good or bad. So, in order to contend that it is only good natural language argumentation that must be reconstructed as being deductive, the deductivist must offer a reason (basically, a theory of argumentation interpretation) to outlaw this procedure in the case of bad argumentation. Without this theory of argumentation interpretation, the prohibition to reconstruct bad argumentation as deductive can only be obeyed as long as we can intuitively recognize argumentation goodness without first recognizing deductiveness. Yet, this view would go against the main intuition behind evaluative deductivism, which is that the essence of argumentation goodness is deductiveness.

Lacking a theory of argumentation interpretation also poses a problem for the use of formal logic as a tool to determine inference goodness. This is so because the use of formal logic requires the formalization of natural language argumentation and reasoning in accordance with the definition of well-formed formula of the formal system to be used. That means that the selection of a particular formal system to appraise argumentation takes a toll on the verdict about its value: choosing two different formal systems may result in contradictory verdicts. This is not a problem when systems are compatible with each other, like classical propositional logic and classical predicate logic: in those cases, the right verdict is the one that renders the inference valid—even though, as Gerald Massey (1975) observed, if no system renders the inference valid, we will not be allowed to say that it is invalid. But what if we choose systems that involve different notions of validity, just like classical, intuitionistic or paraconsistent logical systems do? As I argued in Bermejo-Luque (2008), in view of this quandary, we should rather say that formal logic does not serve to determine inference validity, but only to show that a given inference is/isn't good according to one system or another.

Contrastingly, an additional advantage of LNMA is that it does not rely on brute intuitions to reconstruct and assess argumentation and reasoning, but on an independent theory of meaning such as the Speech Act Schema for the act of arguing. By interpreting—in the sense of ‘understanding’—what the arguer said, we get at an argument that allows us to determine the goodness of the inference and the argumentation without having to edit the speaker's meaning.

REFERENCES

- Bach, K. & R. Harnish (1979) *Linguistic communication and speech acts*. Cambridge, MA: MIT Press.
- Berg, J. (1987) “Interpreting arguments,” in *Informal Logic* 9: 13-21
- Bermejo-Luque, L. (2008) “Logic as (normative) inference theory,” in *Informal Logic* 4: 315-333

- (2011) *Giving Reasons: A linguistic-pragmatic approach to Argumentation Theory*. Dordrecht: Springer.
- Botting, D. (2016) "The Logical Evaluation of Arguments," in *Argumentation* 30/2: 167-180.
- Carroll, L. (1895) "What the Tortoise said to Achilles," in *Mind* 4: 278-80.
- Castañeda, H. N. (1960) "On a Proposed Revolution in Logic," in *Philosophy of Science* 27: 279-292
- Copi, I. (1978) *Contemporary Philosophical Logic*. Nueva York: St. Martin's Press
- Fohr, S. (1979) "The deductive-inductive distinction," in *Informal Logic Newsletter* 11/2: 5-8
- Godden, D. (2005) "Deductivism as an Interpretive Strategy: A Reply to Groarke's Recent Defense of Reconstructive Deductivism," in *Argumentation and Advocacy* 41/3: 168-183
- Govier, T. (1992) "What is a good argument?," in *Metaphilosophy*, 23/4: 393-409
- Groarke, L. (1992) "In defense of deductivism: Replying to Govier," in F.H. van Eemeren, R. Grootendorst, J. Blair & C. Willards (eds.) *Argumentation Illuminated*: 113-121.
- Hitchcock, D. (2013) "Appeals to considerations," in *Informal Logic* 33/2: 195-237
- Johnson, R (2011) "Informal Logic and Deductivism," in *Studies in Logic* 4/1: 17-37.
- (2000) *Manifest Rationality. A pragmatic theory of argument*. Mahwah NJ: Lawrence Earlbaum
- Machina, K. (1985) "Induction and deduction revisited," in *Nous* 19/4: 571-578.
- Massey, G. (1975) "Are There Good Arguments that Bad Arguments Are Bad." in *Philosophy in Context* 4: 61-77. Reprinted in H.V. Hansen & R.C Pinto (1995).
- McGee, V. (1985) "A counterexample to *modus ponens*," in *Journal of Philosophy* 82/9: 462-471.
- Musgrave, A. (2009) "Popper and hypothetico-deductivism," in D. Gabbay, J. Woods & A. Kanamori (eds.) *Handbook of the History of Logic*. Volume 10: Inductive Logic. Elsevier: 206-234.
- (2012) "Deductivism surpassed: Or, Foxing in its Margins?," in *Journal of General Philosophy of Science* 43: 125-132.
- Shecaira, F. (2018) "The Value of Methodological Deductivism in Argument Construction," in *Informal Logic* 38/4: 471-501.
- Toulmin, S. E. (1958) *The Uses of Argument*. Cambridge: Cambridge University Press.
- Vorobej, M. (1992) "Defining deduction," in *Informal Logic*, 14/2&3: 105-118.

Is there an informal logic approach to argument?

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I argue that there is on the face of it no theory of logic or argument denoted by 'informal logic'. I explore the possibility that there is an open-ended family of doctrines (not all consistent), various subsets of which intelligibly count as aspects of an informal logic theory of argument. It turns out that the doctrines can be arranged as the ingredients of a theory.

KEY WORDS: Argument, definition, informal logic, theory

1. INTRODUCTION

From time to time in the scholarly literature reference is made to informal logic and various properties are predicated of it. Groarke's account of it in the *Stanford Encyclopedia of Philosophy*, under the title, "Logic, informal" revised in January 2017 is an example; so is Blair's ISSA keynote speech in 2014, "What is informal logic?". And so is Walton and Gordon's "Formalizing informal logic" (2015). If they were going to formalize informal logic, what is it that the term 'informal logic' denotes that can (arguably) be formalized? If you are going to deliver a speech titled "What is informal logic?" there had better be some characterization of something that might be called 'informal logic' that you will argue is correct or isn't correct. Alas, Groarke seems to want anything to do with arguments to be part of informal logic, with the consequence that all sorts of things, from deductivism to visual argument, belong to an informal logic approach. He also allows for various approaches to the analysis of arguments, and for an array of argument assessment methods to count as informal, but he doesn't distinguish what identifies an informal logic perspective and from others. Blair is little better. He distinguishes different approaches to argument analysis and to its assessment, but he offers no reason for identifying any of them with informal logic other than that people who self-identify as informal logicians take those approaches.

Until we have set of doctrines that identify a distinct approach to the interpretation and assessment of arguments, and a basis for labeling that approach "informal logic", the answer to the question asked in the title of this essay is "No".

In this paper, I begin by looking for help to be provided by definitions of informal logic, reasoning that if these are accurate definitions they should set me on the path to my objective, namely and account of an informal logic approach to argument analysis and evaluation that distinguishes it from others. After that hope is dashed, I propose the hypothesis that informal logic is a cluster concept of a particular kind. Some of its properties are close to being necessary conditions; others, are distributed more vaguely, so while their presence helps to identify the activity as informal logic, the absence of many of them from a perspective on argument does not alone disqualify it from belonging to informal logic. Yet others are entirely optional. They can be shared with approaches that are not informal logical. An attempt to itemize the constitutive elements that any informal logic theory would possess, combined with the distribution of the items in the cluster concept to what seem to be their natural elements, produces the prospect of an informal logic theory of argument after all.

2. DEFINITIONS OF 'INFORMAL LOGIC'

One might hope that definitions of 'informal logic' would readily pave the way to characterizing an informal logic approach to argument. Alas, definitions are as scarce as hens' teeth. Some textbooks with "informal logic" in their titles, such as Robert Fogelin's (2001) *Understanding Arguments, An Introduction to Informal Logic*, or Irving Copi's (1986) *Informal Logic*, don't insult their readers with what is, apparently, so obvious as to go without saying: a definition of the content billed in their titles.

Walton's *Informal Logic, A Handbook for Critical Argumentation*, is an exception; or, at least a definition can be teased out of the following passage, where he writes that the purpose of the book, "is to furnish the reader with the basic methods of critical analysis of arguments as they occur in natural language in the real marketplace of persuasion on controversial issues in politics, law, science and all aspects of daily life" (Walton 1989, p. ix). I take it this means that, for Walton, informal logic consists of the basic methods of critical analysis of arguments as they occur in natural language in the marketplace of controversial issues in all aspects of daily life. Johnson and Blair offer several definitions, which in itself is some indication of the indeterminacy of this concept. Here is one by Johnson: "By informal logic I mean to designate a branch of logic whose task is to develop non-formal standards, criteria, procedures for the analysis, interpretation, evaluation, critique and construction of argumentation in everyday discourse" (Blair & Johnson, 1987, p. 147). Finocchiaro's (2005, p. 93) definition is similar: "... informal logic [is] ... the formulation, testing, systematization, and application of concepts and principles for the interpretation, evaluation, and practice of argument or reasoning".

The trouble with these definitions is that they are too broad. For instance, most of them would include Pragma-dialectics as a branch or version of informal logic. Although they are similar in objectives, the Pragma-dialectical approach to argument is not an informal logic approach to argument—whatever the latter may be. So, these definitions fail to provide us with the features of a distinctive informal logic approach to arguments and argumentation.

Moreover, what I am after in this paper is not an answer to the question, “What is informal logic?”, but instead an answer to the question. “What is an informal logic approach to argument?” By an “approach” I have in mind the basic assumptions made about the nature of an argument, the method of interpretation used.

3. A PROPOSAL

Consider the hypothesis that the term ‘informal logic’ serves as a shelter for an assortment of views or assumptions about arguments and arguings. Those who see themselves as “doing informal logic” can be so identified by virtue of their holding these views and making these assumptions. It is difficult to identify any single one that alone suffices to identify the approach it entails as an informal logic approach. Some are positive; others are negative. There are disagreements among informal logicians about how to characterize even the tenets that they would agree are central. Some theorists who declare themselves sympathetic, or somewhat sympathetic, to informal logic also maintain views about arguments and arguing that lie outside what one would call the traditional informal logic perspective (e.g., Tindale, 1999).

Accordingly, the hypothesis is that informal logic is a cluster concept like democracy. There is no set of necessary and sufficient conditions of an informal logic approach to argument. There is a bundle of features, various subsets of which their adherents would identify as informal logic. Something like Hansen’s characterization of it is appropriate:

The principal aim of informal logic is to develop methods for evaluating natural language arguments by non-formal means. It is also part of the spirit of informal logic that its methods should be as widely usable as possible and not demand any special technical skills of the users, as do formal logic and probability theory. The methods of informal logic thus aim to be user-adequate, meaning that they are suitable to the knowledge and abilities of the arguers. (Hansen, 2019, p. 12)

This characterization of the nature of informal logic explains why it is easy to criticize but difficult to refute. There is usually something to criticize about a theorist’s account of one or another of these views or

assumptions, but to refute informal logic as a whole requires refuting a large number of them.

4. THE VARIOUS TENETS OF INFORMAL LOGIC

Here, then, is a list of views each of which has been said or implied to be an element in the make-up of informal logic. For brevity I will often refer to what many proponents of informal logic want for it or believe about it by writing “informal logic wants” or “informal logic believes”, etc. When I use these expressions, I am not attributing wants or beliefs, etc., to informal logic.

4.1 Be primarily interested in arguments-1.

Informal logic endorses and uses D.J. O’Keefe’s (1977, 1982) argument-1/argument-2 distinction, holding that O’Keefe is right that the word ‘argument’ is ambiguous in that it references two distinct kinds of things. One is an abstract object consisting of premises and conclusions; the other is a kind of communication characterized essentially by expressions of disagreement between or among communicating interests. Arguments-1 may be used to try to resolve arguments-2.

Hereafter, unless I am referring to a distinction between the two, I will be talking about argument-1; so, I will drop the ungainly “-1” suffix.

4.2 Conceive arguments as “reason-allegedly supports-claim” complexes.

Informal logicians disagree about the particular characteristics of arguments that are assumed. In general, they take arguments to consist of reasons for claims and the claims that are backed by those reasons, but they tell different stories about the specifics. Consider a list of definitions or characterizations of an argument.

- “The argument consists of a set of premises which are said to ‘imply,’ that is, lead to,’ a conclusion or set of conclusions.” (Scriven, 1976, p. 36)
- “A simple argument, or piece of reasoning, consists of a conclusion and a premise or premises. The conclusion is that which is or seems to be supported, the premise or premises that which support.” (Weddle, 1978, p. 4)
- “... arguments are discourses containing some statements that are given to support or back up other statements,” (Thomas, 3rd ed., 1981, p. 10)
- “An **argument** ... may be defined as a sequence of declarative sentences, one of which, called the **conclusion**, is intended to be evidentially supported by the others, called **premises**.” (Nolt, 1984, p. 2)

- "...a message which attempts to establish a statement as true or worthy of belief on the basis of other statements." (Freeman, 1988, p. 20)
- "... a set of claims a person puts forward in an attempt to show that some further claim is rationally acceptable". (Govier, 5th ed, 2001, p. 3)
- "In the context of critical thinking the term 'argument' refers to a set of claims, some of which are presented as reasons for accepting some further claim—the conclusion. The reasons are presented with the aim of persuading the hearer or reader to accept the conclusion." (Fisher, 2001, p. 235)
- "The word 'argument' ... here ... is used in the ... sense of *giving reasons* for or against some claim." (Fogelin and Sinnott-Armstrong, 6th ed., 2001, p. 1)
- "... a set of reasons in support of a claim." (Groarke & Tindale, 3rd ed., 2004, p. 2)
- "An argument ... is a group of statements, one or more of which (the premises) support or provide evidence for another (the conclusion)." (Damer, 5th ed., 2005. P. 11)
- "... arguments in the broad sense are social exchanges between two or more parties in which premisses are offered in favour of a conclusion according to a given set of rules or standards." . . . "Arguments in the narrow sense are simply sequences of "propositions, one of which is the argument's conclusion and the rest of which are the argument's premisses." (Woods, Irvine & Walton, 2004, p. 2)
- "An argument is an instance of reasoning that attempts to justify a conclusion by supporting it with reasons or defending it against objections." (Finocchiaro, 2005, p. 15)
- "What someone makes or formulates (reasons or evidence) as grounds or support for an opinion (the basis for believing it)." (Johnson & Blair 2006, p. 7)
- "By an argument that is made, we mean the reasons that someone has collected which that person thinks show that another claim is true, or at least deserves consideration." (*ibid.*, p. 8) "... argument ... a set of claims.
- The purpose of an argument is to provide reasons to believe a claim. An *argument* is a set of claims, one of which, the *conclusion*, is supported by one or more other claims, called *premises*." (Bailin & Battersby, 1st ed. (2010), p. 41)
- "A simple argument consists of one or more of the types of expression that can function as reasons, a 'target' (any type of expression), and an indicator of whether the reasons count for or against the target. (Hitchcock, 2019, p. 122)

An examination of these definitions, or characterizations, of 'argument' reveals a general similarity. All of them make an argument out to have

three elements. (1) Something in the argument-function of *premises*: grammatical function (sentence), speech-act function (statement, claim, assertion), ontological function (proposition), indefinite (Hitchcock's "type of expression"). (2) Something in the argument function of *conclusion(s)*. And (3) an alleged or intended illative relation between the former and the latter, usually one of support for, evidence for, grounds for, back up for, the conclusion, but alternatively, support, evidence, or backup for the denial of the conclusion (see Table 1). Some texts use 'argument' as denoting just the premises; others use 'argument' to refer to the entire {reasons + illative + conclusion} complex.

| | 1 st term | con- nec- tion | 2 nd term |
|-----------------------------|---|-------------------------------------|-----------------------|
| Scriven | premises | imply, lead to | conclusion(s) |
| Weddle | premise(s) | support | conclusion(s) |
| Thomas | discourse, statements | support back up | discourse, statements |
| Nolt | declarative sentence | evidential support | declarative sentence |
| Govier | claims | show rational acceptability | claim |
| Fogelin & Sinnott-Armstrong | reasons | for or against | claim |
| Groare & Tindale | reasons | support | claim |
| Damer | Premises, statements | Supports, provide evidence for | conclusion |
| Johnson & Blair | reasons, evidence | ground, support, are basis for | opinion, belief |
| Bailin & Battersby | premises, reasons, claim | support, to believe | conclusion |
| Finocchiaro | reasons or defense, instance of reasoning | justify by supporting or defending | conclusion |
| Fisher | reasons, claim | for accepting to persuade to accept | conclusion, claim |

| | | | |
|---------------------------|---------------------------------|--|------------------------------|
| Freeman | message, statement | establish as true or worthy of belief | statement |
| Woods, Irvine & Walton | premisses, proposi- tions | conse- quences....,, in favour of | proposition, con- clusion |
| Hitchcock | reasons | for or against | target |

Table 1

Arguments are taken to be attempts to justify beliefs or other attitudes, or actions or policies—some X. They are expected when there is resistance to X, that is, to someone's holding that belief, adopting that attitude, doing or forbearing to do that action or endorse that policy. But they are also fitting when someone seeks to satisfy himself or herself, or someone else (such as a teacher), that he or she, or any group or everyone is justified in holding that belief, adopting that attitude, performing those actions or endorsing that policy. Whenever justificatory reasons are expected or wanted, arguments belong. Trying to resolve disagreements using reasons is one such context. But arguments are appropriate, or even called for, whenever reasons are expected or wanted—wherever justification is wanted.

Usually no distinction is made in the definition of 'argument' to mark the difference between arguments for or against beliefs (truth) and arguments for or against actions (rightness or goodness). Hitchcock builds this distinction into his definition. Also usual is a failure to distinguish arguments that directly support a claim from arguments that support it indirectly by having the denial of objections to the claim as their conclusion. Finocchiaro builds this distinction into his definition. Sometimes the definition implies only a successful supporting relationship, so that by definition there can be no arguments whose premises fail to support the target conclusion. This is usually a slip, and an examination of the details provided in the text surrounding the statement of the definition reveal that the author did not mean to imply that there can be no bad arguments.

4.3 Arguments-1 are conceptually independent of arguments-2.

The concept of *arguing* and the concept of *arguments* that are traded in arguings are independent. Some, such as the Pragma-dialecticians, seem to hold that there is no concept of argument apart from the moves that are made in the exchanges called argumentation. (van Eemeren & Grootendorst, \1984). Put another way, this is the view that if there were

no disagreements, there would be no arguments. The informal logic view is that this is false; argument can play other roles than disagreement expression or resolution. For instance, arguments often serve to explain why a belief is held or is thought to be justified, or why an action was performed. (See Walton 1989, Johnson 2000, Blair 2012.)

4.4 Arguments can have a variety of uses.

A corollary of 4.3 is that there is a variety of uses of arguments (though no universal agreement about what belongs on a list of these various uses): justification, persuasion, investigation, explanation, negotiation, etc. (See Walton 1998, Blair 2012, Ch. 14)

4.5 Informal logic has a pedagogical orientation.

Informal logic is a good approach to teaching people how to be reasonable users of arguments. It is conceptually straightforward. It can be taught without requiring extensive background knowledge of pragmatics or linguistics. It requires a minimum of technical vocabulary. Hansen sounds this note in his characterization of informal quoted above. (See also Scriven, 1976.)

4.6 Symbolic logic is neither necessary nor sufficient for argument analysis.

While it can be clarifying to analyze the expression of an argument by restating it in an ordered format, restating it in a symbolic logical form so that it can be assessed for its deductive validity according to the rules of some formal logical system is not necessary and normally not an efficient use of time and effort. It is not necessary to learn symbolic logic before being able to analyze and evaluate arguments. And it's not sufficient, for deductively invalid arguments can be good arguments—for instance, if they are inductively strong. I am not aware of any empirical evidence that learning symbolic logic improves reasoning or critical thinking skills. (This is not at all to suggest that learning symbolic logic is not useful for other purposes.)

4.7 "Soundness" is neither a necessary nor a sufficient criterion of argument merit.

If a "sound" argument is understood to be one with true premises and a deductively valid inference from the premises to the conclusion, soundness is neither a necessary nor a sufficient criterion of an argument's logical merit. Valid arguments with premises it is merely extremely reasonable to believe are good arguments; and question-begging arguments with true premises are sound but bad arguments (see Hamblin, 1960).

4.8 *The inductive/deductive distinction is problematic.*

This is so in two ways. (1) Inductive strength has been understood in a wide sense and in a narrow sense. Understood in a wide sense, inductive strength and deductive validity exhaust the acceptable kinds of premise-to-conclusion inference in arguments. Put another way, an argument is either deductively valid or inductively strong or else it is inferentially defective. If induction is understood in the wide sense, then such argument types as arguments from *a priori* analogy and balance-of-considerations arguments have to be included along with statistical generalizations and other types of inference traditionally taken to exemplify inductive inferences. Understanding inductive strength in a narrow sense, inductive and deductive validity do not exhaust the acceptable kinds of inference in arguments, for in that case, arguments from *a priori* analogy and conductive arguments, etc., can be acceptable without being deductively valid or inductively strong. (Govier n.d. [2018]) There is a third way arguments can succeed or fail.

(2) The view that these two terms name two types of argument—that there are deductive arguments and inductive arguments—is mistaken. Goddu calls it a “misapplication” of the concepts of deduction and induction (2019, pp. 401f.). These terms name qualities of support that reasons provide for conclusions, not types of argument. If the reasons entail the conclusion, the reasoning or argument is deductively valid; if they don’t entail it, but supply support at or above the level required for the context, the reasoning or argument is inductively strong. (Notice that Goddu here uses ‘inductive’ in the wide sense just described in (1) above.)

4.9 *Informal logic is a branch of epistemology, not of logic.*

Why? Logic is about necessary consequence relations between or among sets of propositions or sentences—what is a necessary consequence of what. That is not the subject matter of informal logic. Informal logic is about what warrants what, about what is plausible or believable, given what. It is about the conditions that arguments must satisfy in order to justify accepting their conclusions. Epistemology is the study of the conditions of knowledge and of justified belief. So informal logic is a branch of epistemology, not of logic. (See Battersby 1989, Pinto 2001, Ch. 3).

Other informal logicians, using a different definition of logic (viz., that logic is the study of the norms of good arguments and good reasoning), insist that informal logic is a branch of logic (see Johnson, 2000).

4.10 Informal logic sees an argument as dialectical.

Why? From an informal logic point of view, an argument is seen as, in its simplest form—at ground level—a set of alleged reasons responsive to doubt or question or other need for justification about the proposition at issue. Or else it is a set of reasons that answer a challenge to such ground-level arguments for the position. The arguments (if they are acceptable) that in the latter way indirectly support the proposition at issue are meta-reasons, or meta-meta-reasons (and so on), the credibility, bearing and force of which are in principle open to question (see Blair & Johnson 1987; see Finocchiaro 2013. for the “ground-level argument” vs. “meta-argument” distinction).

4.11 Informal logic sees arguments as essentially dialogical.

That is, arguments are, or are best modeled as, turns in a dialogue. Often the parties to an argumentative exchange are living people or the texts of formerly living people, and the arguments² that ensue are exchanges of challenges and responses, thus true dialogues. Even a “solo” argument can be modeled as a turn in a two-person conversational interchange. This seems to be Walton’s view. When reasoning about what to do or about what to believe without an interlocutor, a person serves as her or his own interlocutor. She or he challenges herself or himself to defend any contentions in the argument that she or he recognizes as problematic (i.e., likely to be questioned by others). Thus, an argument can be a turn in an “interior dialogue”, responsive to critical scrutiny by its own proponent even if it is not questioned by others. (Perelman and Olbrecht-Tyteca, 1969 and van Eemeren and Grootendorst, 1984, among others who are not informal logicians, also embrace such view of interior dialogues.)

4.12 Deductivism is false or wrong-headed.

Deductivism is sometimes defined as (a) the view that an argument is either deductively valid or it is a bad argument. *Sed contra*: Inductively strong arguments, such as appropriately qualified inferences that are generalizations about properties of populations inferred from the opinions of well-drawn (i.e., representative) samples of the population in question, are not bad arguments, although they are deductively invalid.

Deductivism can also be characterized as (b) the view that in making an argument, we are trying to make a deductively valid argument. *Sed contra*: Most people have no idea what a deductively valid argument is, so the alleged attempt must be unconscious. Postulating such motivation begs the question.

Yet another variant of *deductivism* is (c) the view that regardless of the author’s intentions (which, in any case, might be unknowable,

assuming that he or she had any), one should interpret his or her argument as if it were intended to be deductively valid. *Sed contra*: Such a policy, sometimes called “deductive reconstructionism”, risks attributing to an argument an unexpressed premise that is implausible, and so condemning it, when an alternative reconstruction yielding a defeasible yet highly plausible inference, is available.

4.13 Informal logic is the name for the theory of critical thinking.

This view is held by Scriven (personal communication) and Finocchiaro (2015). Its plausibility depends on understanding the domain of critical thinking to be restricted to the use of arguments. However, any theory about the use of arguments would qualify as informal logic if this characterization of it were adopted, including, for example, Pragma-dialectics. So, at best informal logic is the name for one particular theory of critical thinking, and such a characterization of it doesn't tell us very much.

4.14 Visual argument is impossible/exists.

Propositions have truth values. Pictures don't. But arguments are propositional (and so have truth values). So, pictures cannot be arguments. Or: Arguments are constituted by propositions, statements or sentences. If what can influence people's attitudes or conduct are such things as drawings or paintings, colours, odors, tactile sensations or sounds, then unless these can be expressed propositionally, they are not arguments. (See Johnson n.d.)

Broader concepts of argument, such as Hitchcock's (*supra*), allow “types of expression” in general to count as premises, and this wider door than the one restricting entry to propositions, permits pictures and other types of expression to be admitted as arguments.

4.15 Acceptability, relevance and sufficiency are criteria of logical merit in arguments.

According to this view (nicknamed “ARS” or “RAS”). The reasons adduced in an argument should satisfy three criteria. They ought to be *acceptable* to the target audience; or they must be worthy of acceptance by the target audience. They ought to have a bearing on the truth, reasonableness or acceptability of the conclusion; that is, their adduced premises must be individually or in conjunction, probatively *relevant*. And the premises together must be weighty enough to justify accepting the conclusion (as qualified) on their basis. In other words, the grounds offered ought to be *sufficient* to justify the conclusion. Johnson and I have promulgated this view, although speaking for myself, I would not characterize it as essential to an informal logic perspective. (Hansen contends [in conversation]

that this view is already found in Perelman, although I haven't yet located it there.)

4.16 Arguments rely on warrants.

Many informal logicians (e.g., Hitchcock 2017, Chs. 6 & 23) have been influenced by this view of Toulmin's. It is the position that any argument invokes, explicitly or implicitly, a general conditional proposition asserting that grounds of the sort and degree appealed to in the argument justify claims of the sort allegedly supported in the argument, the argument's conclusion. The warrant replaces the relevance requirement in the ARS criteria. The warrant of an argument is summarized by the illative indicator "therefore".

4.17 Satisfying the critical questions associated with an argument scheme is the (or "a") criterion of a logically good argument.

Studies of large samples of arguments-1 from wide range of subject matters reveals a large, but finite, number of patterns of reasoning, which have been called argument, or reasoning, "schemes" (see, e.g., Kienpointner 1992, or Walton, Reed & Macagno 2008). An argument's scheme is a generalization of its particulars. Instances of these schemes can be taken to be *pro tanto* logically good arguments if they are not refuted by one or more of the defeaters that are associated with that particular scheme. The defeaters are activated by the wrong answer to what are called the "critical questions" that can be raised about any instantiation of the scheme. They are the questions that a critical interlocutor would want answered affirmatively or negatively (depending on the question) in order to judge the argument exhibiting that scheme to be cogent. They test for the presumptions required if the argument is to be accepted.

Although great, long lists of argument schemes and families of schemes have been described and analyzed, and their associated critical questions formulated, no one has claimed his list to be complete. Accordingly, it is possible for an argument exhibiting none of the extant schemes to be discovered. That is not a problem for this view. Simply formulate the scheme that this novel argument instantiates, and formulate the questions that will test the use of that argument in the situation in which it occurs—and add it to the list.

4.18 An argument is logically good if its premises are true, or highly probable or plausible, and its inference or support stands up to counter-examples.

A counter-example to an argument is a fact or a probability or a reasonable possibility that is consistent with the given premises and that, if added

to them, would render the conclusion false or unlikely or implausible. Example: Mary and Joe love one another, and they are of age, so they should get married. Counterexample: Mary also loves Pete, to whom she is married. Testing arguments by seeing if no true, reasonable, likely or plausible counter-examples to them can be discovered relies on the critic's knowledge and imagination. Since in most cases proving a negative is impossible, this basis for argument assessment can fail to produce an open-and-shut case.

4.19 Theory of fallacy

A strong argument is a fallacy-free argument. Using a strong theory of fallacy, a fallacious argument is to be rejected as flawed beyond repair. This is Walton's (1987) view. Using a weak theory of fallacy, a fallacious argument, depending on the fallacy in question, will fall on a range between flawed beyond repair and easy to repair with the addition of a qualification or some easy to find supplementary information. This is Johnson & Blair's (2006) revisionist view.

It is useful to gather these 19 views about understanding and evaluating arguments-1 from an informal logic perspective in a list. Here it is:

- 4.1 Be primarily interested in arguments-1.*
- 4.2 Conceive arguments-1 as "reason-allegedly supports-claim" complexes.*
- 4.3 Arguments-1 are conceptually independent of arguments-2.*
- 4.4 Arguments-1 can have a variety of uses.*
- 4.5 Informal logic has a pedagogical orientation.*
- 4.6 Symbolic logic is neither necessary nor sufficient for argument analysis.*
- 4.7 "Soundness" is neither a necessary nor a sufficient criterion of argument merit.*
- 4.8 The inductive/deductive distinction is problematic.*
- 4.9 Informal logic is a branch of epistemology, not of logic.*
- 4.10 Informal logic sees an argument as dialectical.*
- 4.11 Informal logic sees arguments as essentially dialogical.*
- 4.12 Deductivism is false or wrong-headed.*
- 4.13 Informal logic is the name for the theory of critical thinking.*
- 4.14 Visual argument is impossible/exists.*
- 4.15 Acceptability, relevance and sufficiency are criteria of logical merit in arguments.*
- 4.16 Arguments rely on warrants.*
- 4.17 Satisfying the critical questions associated with an argument scheme is the (or "a") criterion of a logically good argument.*
- 4.18 An argument is logically good if its premises are true, or highly probable or plausible, and its inference or support stands up to counter-examples.*

4.19 Theory of fallacy

5. PUTTING ORDER INTO THE LIST

Is there any way to give some order to this list? I think so. Suppose there *were* a theory of natural language arguments that was user-friendly (i.e., not too technical). What would its ingredients be?

It would have to contain an account of an argument of the sort it will theorize: ordinary-language arguments of the kind everyone encounters on a daily basis. Call this *a conception of the argument type*. If this is but one among many, then as a corollary the theory might include an account of other sorts of arguments and how they differ.

Since this is imagined to be a theory about the sorts of ordinary-language arguments we encounter in daily life, our theory would need to offer an account of how to interpret everyday discourse in order to find in it and extract from it such arguments. In other words, our theory would have to contain (i.e., invent, or borrow and modify) *a hermeneutics for arguments in of everyday discourse*.

We know that our aim is to be able to distinguish among the everyday arguments we encounter the good from the bad, the strong from the weak, the compelling from the misleading. Accordingly, we will need *a theory of argument merit*, which will tell how to distinguish sound arguments that should influence our thinking, attitudes and behaviour from fallacious arguments that should not.

Since historically logic was considered to be the theory of argument, or the theory of good argument, we need to have an account of *how our theory of argument relates to logic*. Why do we need a new one; why not simply spell out a theory of logic for everyday arguments?

Since historically the domain of argument has been considered to consist of the provinces of logic, dialectic and rhetoric, our theory ought to contain an *account of how these three are to be distinguished and of how they are related in application to everyday arguments*.

It has been a feature of informal logic that it is user-friendly in the sense that it can be taught to ordinary people with relative ease. If our theory is to take that feature seriously, it will have to be *straightforward and readily accessible*. For instance, it shouldn't have to presuppose advanced mathematical skills.

This detour into meta-theory gives us the following short list of the ingredients of a theory of arguments in everyday discourse:

1. *a conception of the argument type,*
2. *a hermeneutics for arguments in of everyday discourse,*
3. *a theory of argument merit,*
4. *how our theory of argument relates to logic,*

5. *how logic, dialectic and rhetoric are related re. everyday arguments,*
6. *evidence that the theory is straightforward and accessible.*

Now let us see whether and if so, how our list of 19 features distributes itself over these six ingredients of a theory of everyday argument. (Supplementary ingredients are added in plain type.)

The ingredients of an informal logic theory of argument:

1. It includes a conception of the argument type informal logic focuses on.
 - 4.1 *Be primarily interested in arguments-1.*
 - 4.2 *Conceive arguments-1 as "reason-allegedly supports-claim" complexes.*
 - 4.3 *Arguments-1 are conceptually independent of arguments-2*
 - 4.4 *Arguments-1 can have a variety of uses*
 - 4.14 *Visual argument is impossible/exists*
2. It contains a hermeneutics for arguments in of everyday discourse.
 - 4.12 *Deductivism is false or wrong-headed.*

Add: Advice about interpreting arguments, supplying missing premises.

Add: Rhetorical views about argument interpretation
3. It includes a theory of argument merit or worth.
 - 4.15 *Acceptability, relevance and sufficiency are criteria of logical merit in arguments.*
 - 4.16 *Arguments rely on warrants.*
 - 4.17 *Satisfying the critical questions associated with an argument scheme is the (or "a") criterion of a logically good argument.*
 - 4.18 *An argument is logically good if its premises are true, or highly probable or plausible, and it's inference or support stands up to counter-examples.*
 - 4.19 *Theory of fallacy*
4. It offers an account how our theory of argument relates to logic
 - 4.6 *Symbolic logic is neither necessary nor sufficient for argument analysis.*
 - 4.7 *"Soundness" is neither a necessary nor a sufficient criterion of argument merit.*
 - 4.8 *The inductive/deductive distinction is problematic.*
 - 4.9 *Informal logic is a branch of epistemology, not of logic*
5. It explains how logic, dialectic and rhetoric are related re. everyday arguments.
 - 4.10 *Informal logic sees an argument as dialectical.*
 - 4.11 *Informal logic sees arguments as essentially dialogical*

Add: A rhetorical perspective on constructing audience-centred arguments

6. There is evidence that the theory can be learned and used by non-professionals.

4.5 Informal logic has a pedagogical orientation

4.13 Informal logic is the name for the theory of critical thinking.

In sum, by sorting the various research preoccupations of scholars who self-identify as working on, or within, informal logic into what seem, *a priori*, to be the elements of any theory of informal logic, we discover that a picture of informal logic takes shape as a theoretically coherent approach to arguments. The disagreements in the field—e.g., can there be visual arguments? is deductivism unjustified? how should we theorize different kinds of objection? how does rhetoric relate to informal logic?—are not due to incoherence in the approach, but to the normal process of developing consistent analyses of the various issues that informal logic addresses.

6. CONCLUSION

To conclude, I add a few observations about each of these components.

6.1 Informal logic's focus is on arguments-1. Arguments-1 are what deliver the goods in arguments-2. Arguments-2 may be the contexts for (many) arguments-1, and understanding how arguments-2 work is important. But arguments-1 are the arguments that people dispute over, and they are what in the end settles the disputes, if they get settled. The theory is interested in how such arguments may be critiqued and defended; how such arguments can be structured in ever more complex iterations; how they function to justify belief and action; how and to what extent their elements permit of different modes of expression and communication; what range of uses they may be put to.

6.2 Virtually every informal logic textbook has a section on how to identify the arguments-1 in a text, and how to "extract" them for examination. So does any textbook that tackles the understanding of ordinary-language discourse. But informal logic's hermeneutics are simple, not sophisticated, and this is deliberately so. Informal logic's emphasis on being user-friendly mitigates against working with elaborate theorizing in the fields of semantics, with the intricacies of anything more complex than basic speech-act theory. It is counterproductive to have a theory of interpretation that only trained experts can understand and use. Even to assume that every argument is intended to be deductively valid puts the cart before the horse.

6.3 The point of informal logic theory is to be able to judge what support is offered for a claim or proposal and for its denial or rejection. Several sub-theories about what norms are appropriate have been proposed and critiqued. Are these compatible or inconsistent? Have all the

possibilities been considered? The whole topic of the purposes, and the appropriate tools, of argument evaluation is under lively debate.

6.4 Informal logic's relation to logic is a vexed topic. The *Stanford Encyclopedia of Philosophy* lists its entry as "Logic, informal"—that is, it classifies informal logic as a branch of logic, a theory will take a stand on the question. Meantime, an argument of the form " p , therefore p " is both deductively valid and question-begging.

6.5 In my lifetime the ancient doctrine of dialectic has moved back in with logic and the ancient doctrine of rhetoric has elbowed its way forward, so that now any theory of argument has to accommodate all three. Informal logic, an upstart, has to do no less than find its footing with these three. It has been struggling with dialectic for about three decades (see Blair and Johnson, 1987; Walton, 1998; Johnson, 2000; Finocchiaro, 2005), and only in the last two decades have some of its theorists, led by Tindale (1999, 2004, 2015), broached the relation to rhetoric.

6.6 I have already indicated that the elementary hermeneutics of argument interpretation is evidence of informal logic's aim of being accessible. Some of the sub-theories of evaluation also illustrate this aspect of the theory. The ARS criteria are a case in point (although Kock 2017 has been lobbying to restrict their application to epistemic arguments and to keep them away from the assessment of practical argument). It should not be necessary to master modern hermeneutical theory or symbolic logic in order to make astute judgements about the editorial in today's newspaper.

In sum, it appears that informal logic theorists have been working away at different aspects of a distinctive theory of argument, without paying much attention to, or worrying too much about, where and how their labours fit into a broader picture. So my answer to the question posed at the outset of the paper, "Is there an informal logic approach to argument?" is, Yes and No. Yes, in that there is a moderately coherent theoretical menu identifiable as informal logic's. No, in that the details are still being worked out, and much of the theoretical work being done consists of settling disagreements over details of the items on that menu. There is no single doctrine to be reported in the end.

REFERENCES

- Bailin, S. & Battersby, M. (2010). *Reason in the Balance*, 1st ed. Toronto: McGraw-Hill Ryerson.
- Battersby, M. (1989). Critical thinking as applied epistemology: Relocating critical thinking in the philosophical landscape. *Informal Logic*, 11(2), 91-99.
- Black, M. (1954). The definition of scientific method. Definition, presupposition, and assertion. Both in Max Black (ed.), *Problems of Analysis: Philosophical essays* (pp. 3-23; pp. 24-45). Ithaca NY: Cornell University Press.

- Blair, J. A. (2012). *Groundwork in the Theory of Argumentation*. Dordrecht: Springer.
- Blair, J. A. & Johnson, R. H. (1987). The current state of informal logic. *Informal Logic*, 9(2&3), 147-R151.
- Blair, J. A. & Johnson, R. H. (1987). Argumentation as dialectical. *Argumentation*, 1(1), 41-56.
- Copi, I. M. (1986). *Informal Logic*. New York: Macmillan.
- Damer, T. E. (2005). *Attacking Faulty Reasoning*. Belmont, CA: Wadsworth.
- van Eemeren, F. H. & Grootendorst, R. (1984). *Speech Acts in Argumentative Discussions*. Dordrecht: Foris.
- Ennis, R. H. (2019). Definition. In J. A. Blair (Ed.), *Studies in Critical Thinking* (pp. 299-326). Windsor, ON: WSIA Vol. 8.
- Finocchiaro, M. A. (2005). *Arguments About Arguments*. Cambridge: Cambridge University Press.
- Finocchiaro, M. A. (2013). *Meta-argumentation*. London: College Publications.
- Fisher, A. (2001). *Critical Thinking, An Introduction*. Cambridge: Cambridge University Press.
- Fogelin, R. J. & Sinnott-Armstrong, W. (2001). *Understanding Arguments. An Introduction to Informal Logic*, 6th ed. Belmont, CA: Wadsworth.
- Goddu, G. C. (2019). Logic and critical thinking. In J. A. Blair (Ed.), *Studies in Critical Thinking*, (pp. 375-403). Windsor, ON: WSIA Vol. 8.
- Govier, T. n.d. [2018] *Problems in Argument Analysis and Evaluation*, 2nd ed. Windsor, ON: Windsor Studies In Argumentation.
- Groarke, L. & Tindale, C. W. (2004). *Good Reasoning Matters*, 3rd ed. Toronto: Oxford University Press.
- Hamblin, C. L. (1960). *Fallacies*. London: Methuen.
- Hitchcock, D. (2019). The concept of an argument, In J. A. Blair (Ed.), *Studies in Critical Thinking*, (pp. 117-130). Windsor, ON: WSIA Vol. 8.
- Hitchcock, D. (2017). *On Reasoning and Argument*. Cham, CH: Springer International.
- Johnson, R. H. n.d. Why “visual arguments” aren’t arguments.
<http://web2.uwindsor.ca/courses/philosophy/johnsoa/visarg-text.htm>
- Johnson, R. H. (2000). *Manifest Rationality*. Mahwah, NJ: Lawrence Erlbaum.
- Johnson, R. H. & Blair, J. A. (2006). *Logical Self-Defense*. New York: IDEA Press.
- Kock, C. (2017). *Deliberative Rhetoric*. Windsor, ON: Windsor Studies in Argumentation.
- Kienpointner, M. (1992). *Alltagslogik*. Stuttgart-Bad Cannstatt: Frommann Verlag- Holzboog.
- Nolt, J. E. (1984). *Informal Logic*. New York: McGraw-Hill.
- O’Keefe, D. J. (1977). Two concepts of argument. *Journal of the American Forensic Association*, 13(3), 121-128.
- O’Keefe, D. J. (1982). The concepts of argument and arguing. In J. R. Cox and C. A. Willard (Eds.), *Advances in Argumentation Theory and Research* (pp. 3-23). Carbondale, IL: Southern Illinois University Press.
- Perelman, C. (1982). *The Realm of Rhetoric*. Notre Dame, IN: University of Notre Dame Press.
- Perelman, C. & Olbrechts-Tyteca, L. (1969). *The New Rhetoric*. Notre Dame, IN: University of Notre Dame Press.

- Pinto, R. C. (2001). *Argument, Inference and Dialectic*. Dordrecht: Kluwer
- Scriven, M. (1976). *Reasoning*. New York: McGraw-Hill.
- Thomas, S. N. (1981). *Practical Reasoning in Natural Language*, 3rd ed. Englewood Cliffs, NJ: McGraw-Hill.
- Tindale, C. W. (1999). *Acts of Arguing, A Rhetorical Model of Argument*. Albany: SUNY Press.
- Tindale, C. W. (2004). *Rhetorical Argumentation, Principles of Theory and Practice*. Thousand Oaks, CA: Sage.
- Tindale, C. W. (2015). *The Philosophy of Argument and Audience Reception*. Cambridge: Cambridge University Press.
- Walton, D. N. (1987). *Informal Fallacies*. Amsterdam: John Benjamins.
- Walton, D. N. (1989). *Informal Logic*. Cambridge: Cambridge University Press.
- Walton, D. N. (1998). *The New Dialectic*. Toronto: University of Toronto Press.
- Walton, D. & Gordon, T. F. (2015). Formalizing Informal Logic, *Informal Logic*, 35(4), pp. 508-538.
- Walton, D., Reed, C. & Macagno, F. 2008. *Argumentation Schemes*. Cambridge: Cambridge University Press.
- Weddle, P. (1978). *Argument, A Guide to Critical Thinking*. New York: McGraw-Hill.
- Woods, J., Irvine, A. & Walton, D. (2004). *Argument, Critical Thinking, Logic and the Fallacies*, 2nd ed. Toronto: Pearson, Prentice-Hall

Commentary on Blair's Is there an informal logic approach to argument?

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In his paper, Prof. Blair revisits the topic of his keynote address at the ISSA Conference 2014. If the interrogative title was then "What is informal logic?" (Blair, 2015), now it is "Is there an informal logic approach to argument?" which he claims to be a different question. It is, I grant, a different way to approach what might be seen as the same question about the distinctiveness of informal logic within the broader field of argumentation theory as a research and discussion community. Because, as he claimed in his 2014 address:

[i]nformal logic does not aim to account for all the pragmatic and communicative properties of argument. Nor is it a theory of argumentation, understanding by such a theory an account of the dynamics of, and the norms for, various kinds of exchanges of arguments for various purposes (Blair, 2015, p. 39).

Tony Blair acknowledged then that, probably with their immersion in that broader community of discussion, many informal logicians had become aware of, for example, "the need to understand the rhetorical functions of communication in order to recognize and identify arguments" (Blair, 2015, p. 39). In the present paper, he consistently but reversely admits that many argumentation theorists who are sympathetic to informal logic, nevertheless "maintain views about argument and arguing that lie outside what one would call the traditional informal logic perspective".

So I would say that (in both papers) Blair, while trying to defend and delimit the characteristic space of informal logic, does so in a rather modest and cooperative way. In particular, nowhere does he claim that informal logic (or even the logical perspective on argumentation) would be the basis, the keystone or the indispensable foundation of an integrative theory of argumentation. On the contrary, what he distinctly attributed to informal logic in 2014 was the development of "practical guidelines for recognizing, identifying and displaying the reasoning expressed and invited in arguments" (Blair, 2015, p. 39) and now he

stresses that informal logic should be “user-friendly”, “pedagogical”, “straightforward and readily accessible” (Cf. Tenets 5 and 13).

The reading of both papers leaves me with the impression that Blair would admit, on the one hand, the philosophically intricate nature of argumentation and the necessarily sophisticated and multidimensional character of an ambitious, profound and comprehensive approach to it, while, at the same time, remarking that, *in practical terms*, we all understand each other when we refer to arguments as identifiable, analysable and assessable “objects”; even knowing all the time that when we objectify, isolate or abstract these objects we may be losing track of some of their features (e.g. ontological, cognitive, evolutionary, psychological, sociological, etc.) The features that remain may, nevertheless, constitute a suitable area of research in the form of a “theory of argument” (Johnson, 2000). If informal logic is able to construe a practical, useful and easy discourse on how we encounter and manage (and allegedly *should* manage) in everyday terms ours and others’ arguments, it seems this is enough for Blair.

In principle, I find the initial modesty of this approach, above all things, healthy, lucid and clever, but I’ll try to show that it is somewhat theoretically instable when one goes into the details. I’ll do it by examining and rearranging the different Tenets of Blair’s *cluster definition* of informal logic and especially by indicating links between them that I think are somewhat overlooked in his “putting order” and “conclusive” sections. Such links, I claim, restore a *not so modest* version of informal logic that may well contribute to an integrative approach to argumentation.

Blair’s modest version of informal logic as a “practical theory of argument” surfaces in Tenets 1 and 3. Tenet 3 is, I would say, theoretically previous to Tenet 1. Only when one admits that argument-1 (using O’Keefe’s distinction) is conceptually (or even *practically*) independent of argument-2, could it be plausible to focus on argument-1 (informal logic self-assumed task) disregarding argument-2.

Now even if, in its original form, argument-2 referred to the kind of communicative practice “characterized essentially by expressions of disagreement”, the variety of uses of argument mentioned in Tenet 4 (Cf. Blair, 2012 and 2019) could allow us to use the term “argument-2” as referring to argumentative practices in a more general way. That could leave us with a revised and better-ordered version of Tenets 3 and 1 in which pragma-dialectics wouldn’t need to be mentioned. Accordingly, Tenet 4 (a not anymore needed corollary) could be dropped as a discussion regarding the either unitary or varied nature of the term “argument-2” clearly remaining beyond the scope of a well-delimited informal logic, even if not beyond some informal logicians’

interests “flying other colours, such as, ‘ argumentation theorist’ “ in Blair’s own words (2015, p. 39).

Once argument-1 is chosen as the focus of the discipline, Tenet 2 with all its prudential empirical approach becomes central as the initial answer to the title’s question. A distinctly informal approach to argument would beg a distinct answer to: what is an argument-1 for informal logicians? Blair tends to think there is enough unity in the array of definitions he gathers and I won’t discuss that.

I agree, in any case, with his inclusive spirit regarding theoretical and practical arguments, for and against arguments¹ and of course good and bad (or better and worse) arguments. Blair summarizes Tenet 2 as upholding that arguments are “reasons-allegedly supports-claims” complexes. And he says they would have “three elements”, that is, in practice, there would be *three things* to characterize in philosophical terms: the reason, the claim and their illative relation. But a time-honored distinction between properties and relations should make us careful enough to talk instead about (*so far*) “two related elements”. I admit this is not really so important in Blair’s account and it does not lead him down any infinite regress of relations, but it is more important for the qualifications I’m about to introduce.

In his “putting order” (fifth) section, Blair locates Tenets 1, 2, 3, 4 and 14 (regarding discussions about the inclusion/exclusion of visual argument in view of the given characterizations) under the first “conception of argument” heading, while the second heading, “hermeneutics for argument in everyday use”, is left with just Tenet 12 (“deductivism is false or wrong-headed”). My impression is that Tenets 1, 3 and 4 could be gathered (as I have already discussed) under a heading defining the “scope of a theory of argument”, while the *hermeneutics* in the sense of identification and comprehension of arguments in everyday discourse would not only be construed thanks to Tenet 2 but needs something as Tenet 16 (arguments being based on warrants) in order to sustain Tenet 12: a negative tenet that’s really *developed in detail* in other negative tenets such as Tenets 6, 7, and 8.

I’ll make myself clear. I know that not all informal logicians use Toulmin’s warrants or Toulmin’s model but assuming their theoretical relevance is not, in my view, something just secondary or complementary. Toulmin’s warrants should not be considered just an alternative theory of argument’s appraisal (as those expressed in Tenets 15, 17, 18 and 19 with which Blair makes it correspond). Toulmin’s warrants are something as the “reification” by means of “verbalization”, *when and if needed be*, of the relational link between reason and claim,

¹ Finochiaro’s inclusive distinction, mentioned by Blair, is in fact more complicated and will be mentioned regarding Tenets 10, 11 and 17.

the third leg which, just by such a process, may become an expressed element with its own properties. So, if accepted, they are part of what is needed for the very conception of argument even if they are not present or yet verbalized in their first presentation.

Moreover it is their properties as elements, *once verbalized*:

- i) their general but typically not universal character (i.e. their not being universally quantified) and
- ii) the *substantive* as opposed to *formal* nature of the relation they express (so that they always mention a respect, a concept, containing the alleged kind of link between reason and claim that goes beyond formal derivation),

that determine that “deductivism be wrong-headed” (Tenet 12), that “symbolic logic be more or less useless” (Tenet 6), “soundness, as traditionally understood, not the right evaluative term” (Tenet 7) and the “inductive/deductive distinction, out of focus” (Tenet 8).

Only because this is so, we call this kind of enquiry “informal logic”. We keep “logic” because we conceive of it as a theory of reasonable reason-giving, but claim that reasons are not (at least not necessarily not centrally) founded on formal relations but on something as “substantive warrants”. Argument-1, in general terms, is not a question of what *follows from* what, of what *is implied* by what, but of something being presented/proposed as a reason for something else, and that means *a reason of some kind*, bearing an alleged relation to the something else that may be verbalized (*if needed be*) in the form of a substantive warrant.²

There are still two other topics I would like to review: argument appraisal and dialecticity. As Blair says, there have been several informal logic attempts to construe a theory of argument appraisal. These could be seen as alternative theories (Blair’s option) or as providing complementary tools and concepts. Tenet 15 mentions the well-known ARS or RAS criteria; Tenet 17, argument schemes and critical questions; Tenet 18, counter-examples to inference-types and Tenet 19, theories of fallacy. I think there’s hope for a more unified approach if we sum up certain assumptions.

My colleague Hubert Marraud’s proposal for an inquiry into kinds of counter-arguments (Marraud 2019) as the standard way to conduct argument appraisal by means of argument’s questioning (both for interlocutors and argumentation theorists/analysts) in fact does provide such unity. Once an argument is understood (or interpreted

² In this sense, the question presiding Tenet 9 “Is informal logic, logic or epistemology?” could just be a terminological question depending on the broad or restricted (to *formal*) definition of logic.

along a possible hermeneutic line, that is, its warrant or warrant-kind or argument scheme identified) the battery of relevant questions could be ordered as addressing:

- first, its premise/reason acceptability (and thus revise possible *objections*),
- second, the relevance of the proposed relation or link (revise possible *rebuttals*, including counter-examples in the form of counter-analogies) and,
- third, the extant status of its conclusion (revise possible refutations).

That's an integrative theory contemplating Tenets 15, 17 and 18. Maybe fallacy theory (Tenet 19) could only be incorporated in a revisionist version, as Blair seem to suggest.

But, of course this gets us along a line that places the *dialectical nature* of argument-1 right at the centre of its very conception (instead of being just an option or perspective on it). Fabio Paglieri once said something that I find extremely important in this respect:

[a]s soon as we see critical questions as validity conditions, the need to conceive abduction³ as inherently dialogical evaporates: we do not ask questions; we check conditions, so that our evaluation is certainly critical, defeasible, and subject to change over time, but not necessarily dialogical in any self-evident sense (Paglieri 2004, p. 277).

Inversely, as soon as we see critical questions as ways of *questioning* an argument and so as sources of possible counter-arguments, the dialectical nature of argument (and we are still referring to argument-1) becomes crucial.

Blair's Tenet 10 could be thus restated in the sense that not only arguments-1 appear in various (Tenets 3-4) communicative practices (i.e. various kinds of arguments-2) in which (justificatory) reasons "are expected or wanted" (Tenet 2) and so are intrinsically "*responsive* to doubt or question", but are also communicatively *offered for* appraisal in the manner of further questioning or discussion (along the lines of a refurbished Tenet 17).⁴

³ This was Paglieri's review of Walton's book *Abductive Reasoning*, but the indication is valid for any argument-type.

⁴ Finnochiaro's inclusive definition, distinguishing but encompassing arguments supporting a conclusion with reasons and arguments defending their conclusion against objections opens the door to an architectonic of argument-1 that would incorporate inter-argumentative, counter-argumentative and meta-argumentative structures.

Ultimately, Tenet 11 (argument modelling in dialogue form) could be seen as just a possible practical strategy of analysis or as a way to express a more profound awareness about the intrinsically communicative and interactive nature of argument; especially in what regards “solo argument” as a cognitive by-product along the line of Mercier and Sperber’s evolutionary theories (2017).

Blair’s conclusion is that “there’s no single doctrine to be reported in the end” but there is a (non-exhaustive) group of ideas that made up a “moderately coherent theoretical menu”. I’ve tried to show that at least some of the courses in that menu carry a more profound and structural load than others and could be the source of a *not so modest* version of informal logic.

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REFERENCES

- Blair, J.A. (2015). What is informal logic? In: F.H. van Eemeren & B. Garssen (Eds), *Reflections on Theoretical Issues in Argumentation Theory* (pp. 27-42). Dordrecht: Springer.
- Blair, J.A. (2012). *Groundwork in the theory of argumentation*. Dordrecht: Springer.
- Blair, J.A. (2019). Using arguments to advocate and to inquire. In B. Garssen, D. Godden, G.R. Mitchell & J.H.M. Wageman (Eds.), *Proceedings of the Ninth Conference of the International Society for the Study of Argumentation* (pp. 92-98). Amsterdam: Sic Sat
- Johnson, R. (2000). *Manifest rationality. A pragmatic theory of argument*. Mahwah, NJ: Lawrence Erlbaum.
- Marraud, H. (2019). On the logical ways to counter an argument: A typology and some theoretical consequences. In F.H. van Eemeren & B. Garssen (Eds.), *From argument schemes to argumentative relations in the wild* (chap. 10). Cham: Springer.
- Mercier, H. & D. Sperber (2017). *The Enigma of Reason*. Cambridge, MA: Harvard University Press.
- Paglieri, F. (2004). Review of ‘D. Walton, *Abductive Reasoning. Informal Logic*, 24(3), 271-277.

Structural differences between practical and cognitive presumptions

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The contextual differences between practical and cognitive presumptions are repeatedly stressed in the literature. I argue that the differences are even deeper. Practical and cognitive presumptions are different dialogical entities for four (additional) reasons: they belong to the different dialogical stages, perform different dialogical functions, have structurally different foundations, and, typically, can be defeated by different kinds of evidence. Thus, two classes of presumptions merit distinct treatment in argumentation theory.

KEYWORDS: Burden of proof, cognitive presumption, dialogical regress, evidential uncertainty, Nicholas Rescher, practical presumption, undercutting defeater.

1. INTRODUCTION

Suppose Anne and Jim are meeting a friend on a cloudy winter day. They are just about to leave the apartment and start to deliberate whether to take an umbrella. They are aware that their decision should partly depend on whether it will rain—if it is (significantly) more likely that it will rain, they should take the umbrella; if it is (significantly) more likely that it will *not* rain, they clearly should do the opposite. Anne quickly looks through the window and estimates that the chance of rain is, roughly, a half. Then she checks (usually reliable) weather forecast site only to learn that the likelihood of rain is indeed 50%. Anne ends up just where she started from—in a state of evidential uncertainty—but the pressure of making a decision, however, is forced upon her. Jim and herself need to decide whether to take an umbrella, and they need to do it immediately (otherwise they will be late).

Now suppose that Mark is an epistemically responsible agent who looks through the window and sees that his neighbor is fixing the

fence. Thus, he makes a public commitment by saying “The neighbor is fixing the fence.” However, Mark’s wife is a radical sceptic. She challenges Mark’s commitment and, in a good cartesian fashion, remarks that Mark cannot rule out the possibility of perceptual deception. From her sceptical perspective, “The neighbor is fixing the fence” is an evidentially uncertain proposition. Still, some (cognitive) pressure seems to remain. As an epistemically motivated agent, Mark needs to decide whether he, in principle, trusts his senses (and thus accepts “The neighbor is fixing the fence”). Perception is a rather fundamental source of information, and Mark can hardly postpone a decision whether to trust her senses for very long.

The previous examples (may) appear similar in two respects. First, they seem to begin with a similar problem: both Anne and Mark need to make decisions based on claims that are, in some sense, uncertain. However, the evidential uncertainty does not necessarily entail that they should choose their actions by flipping a coin—by following the policy of *avoiding costly errors* both Anne and Mark are entitled to continue deliberations by making non-random decisions. This appears to be a second similarity between the previous examples. Not only do Anne and Mark face similar kind of trouble, but they can also use a similar policy to get them out of trouble.

By following the policy of avoiding costly errors, Anne and Mark base their actions on *presumptions*—tentative propositions that are primarily accepted on pragmatic (instrumental) and normative grounds (Ullmann-Margalit, 1983; Godden & Walton, 2007). Of course, different kinds of goals and values may lie at the bottom of the pragmatic rationale. For instance, Anne will presume that it *will* rain based on non-epistemic goals and values (staying dry and healthy) and the policy of avoiding a costly error. By contrast, Mark will presume that the neighbor *is* fixing the fence based on the epistemic goals and values (e.g., acquiring justified beliefs) and the policy of avoiding a costly error. Following Nicholas Rescher (2006, p. 27), I shall call Anne’s “It will rain” a *practical presumption* and Mark’s “The neighbor is fixing the fence” a *cognitive presumption*.

Practical and cognitive presumptions are different in some respects. They belong to different contexts, involve different goals and values, and include qualitatively different foundations (Rescher, 2006; Godden & Walton, 2007). This is not a matter of dispute. But once we set the contextual and qualitative considerations aside, do practical and cognitive presumptions operate in the same way? Are they the same tool (or mechanism) applied for similar purposes in the different contexts or, rather, they represent different tools (mechanisms) altogether? Put simply, do cognitive presumptions follow “their own

logic” or are they, as Rescher (2006, p. 23) seems to suggest, “the epistemic analogue[s] of ‘innocent until proven guilty’”?

In this paper, I will explore how practical and cognitive presumptions operate in dialogical contexts. I will argue that they are, in fact, different dialogical entities for (at least) four reasons: practical and cognitive presumptions (1) perform different dialogical functions, (2) might belong to the different stages of the dialogue, (3) have structurally different foundations, and, typically, (4) can be defeated by different kinds of defeaters. Thus, two classes of presumptions merit distinct treatment in argumentation theory. Although at some level of theoretical abstraction, they may share enough features to jointly form the class of entities called “presumptions,” the analysis in this paper focuses on dialogical (pragmatic) differences rather than the conceptual (theoretical) similarities.

I first outline a standard dialogical approach to practical presumption (Sect. 2). After presenting its traditional features, I focus on the notion of cognitive presumption (Sect. 3) and discuss their difference along the way (Sect. 3.2—3.4). In Sect. 4, I provide a summary of the most relevant results.

2. PRACTICAL PRESUMPTIONS: THE STANDARD VIEW¹

Philosophical scholarship offers many incompatible accounts of the nature, function, justification, and the overall importance of presumptions. Nevertheless, the so-called practical characterization of presumptions, influenced mainly by legal traditions, is well established within this fragmented picture.² Let us, thus, begin with two legal examples.

The most famous example is the *presumption of innocence*. It is based on the rule of criminal law requiring that the accused should be treated as innocent until or unless she is proved guilty. This presumption serves to resolve what Ullmann-Margalit (1983) and Godden (2017) call a “deliberation problem”—when it is (a) evidentially uncertain whether the accused is innocent or guilty and (b) a legal decision needs to be made, we should “try to minimize the conviction of innocent persons, even at the cost of letting guilty persons go free [because] the former is judged the greater injustice” (Walton, 1988, p. 244). Another well-known example is the *presumption of death* where the person who has been absent (without any explanation) for more

¹ Paragraphs and sections of this paper, which present typical features of practical and cognitive presumptions are mostly based on Bodlović (2019).

² For the presentation of various approaches to the presumption in law see Gama (2017). For a similar presentation within the scope of argumentation theory see Godden & Walton (2007) and Lewiński (2017).

than x years is presumed dead until proven otherwise. Although this presumption has some epistemic support (unlike the presumption of innocence), it is primarily a means to achieve the non-epistemic end—typically, it enables the distribution of the missing person’s estate when there is no sufficient evidence indicating whether the person is dead or alive (Ullmann-Margalit, 1983, p. 146; Rescher, 2006, p. 27).

Paradigmatic examples are useful, but what, exactly, are presumptions? What are their central features? The standard approaches define presumptions as appropriately qualified claims—proposition p counts as a presumption if and only if p is introduced (explicitly or implicitly) with the modal operator (status, qualifier) “presumably” (see Ullmann-Margalit, 1983; Hansen, 2003; Rescher, 2006; Godden & Walton, 2007; Walton, 2014; Godden, 2017; cf. Bermejo-Luque, 2016). What does the operator “presumably” stand for?

The usual answer to the latter question places presumptions in a dialogical framework where parties exchange arguments in order to resolve a difference of opinion. Within this setting, the operator “presumably” has unique deontic implications. On the one hand, the presumptive status of p entitles the proponent to use p in an argument without providing reasons—when p gets challenged, she is *not* obliged to argue in favor of p . On the other hand, if the opponent is unwilling to accept p as the (shared) commitment, she is obliged to offer reasons which should be strong enough to defeat the presumptive status of p (see, e.g., Pinto, 2001; Rescher, 2006; Walton, 2014; Godden, 2017). The practical presumption of innocence nicely illustrates this asymmetrical distribution of dialogical obligations—the defense is (ultimately) *not* obliged to prove the defendant’s innocence, whereas the prosecutor is obliged to prove the defendant’s guilt. This asymmetry is supposed to apply to cognitive presumptions, as well (Rescher, 2006).

2.1 *The pragmatic function of the practical presumption*

With this characterization in place, what is the ultimate function of practical presumptions? By shifting the burden of proof, what do they do *for* the dialogue?

The typical function of practical presumptions is to enable dialogical progress.³ Suppose that the argumentative dialogue seeks to resolve an urgent issue before a particular deadline.⁴ Suppose that the deadline is approaching, that there is a pressure to resolve the issue and

³ The main advocates of this purpose of (practical) presumptions are Ullmann-Margalit (1983), Godden (2017) and, occasionally, Walton (1988, 2008, 2014).

⁴ Legal dialogues provide good examples. After all, they cannot last forever—at some point, a decision needs to be made. And, usually, it needs to be made even when the evidence is far from conclusive.

that the resolution depends on whether p is the case. Suppose further, however, that p is uncertain, i.e., that, in the present circumstances, there is no sufficient evidence to believe p . In these circumstances, we are facing the so-called “deliberation problem” (Ullmann-Margalit, 1983, p. 152; Godden, 2017, p. 505) and the obligation to provide sufficient reason for p will get the dialogue stuck. Since we cannot afford this due to the urgency of the matter, we need an effective means to “unlock” the dialogue. The presumptive status of p is just that—it shifts the burden of proof to the opponent and allows us to proceed tentatively as if p is the case.

2.2 Practical presumptions and presumptive reasoning

By shifting the burden of proof, practical presumptions enable the progress of deliberation. But on what grounds do they do this?

Inspired by legal tradition, argumentation scholars typically reconstruct practical presumptions (“presumed facts”) as conclusions of presumptive reasoning consisting of a “basic fact” and a “presumptive rule” (Ullmann-Margalit, 1983; Hansen, 2003; Rescher, 2006; Godden & Walton, 2007; Walton, 2014; Godden, 2017). The basic fact is an elementary or a complex statement that gives rise to the presumption and represents the first conjunct of the complex antecedent of the presumptive rule. The presumptive rule is a conditional that expresses a policy and *prescribes* the course of action (Ullmann-Margalit, 1983; Rescher, 2006). Defeasibility is the essential feature of a presumptive rule, and it is sometimes represented by the so-called “no-defeater clause.” The no-defeater clause is the second conjunct of the complex antecedent of a presumptive rule. It indicates that the rule is operative only in the absence of evidence which would suffice to defeat the presumptive status of a conclusion.⁵

Although this explains why practical presumptions are not stipulations, it still leaves presumptions somewhat arbitrary. It remains unclear why we should follow one presumptive rule rather than the other. For instance, in “umbrella case,” Anne reasons in the following way.

⁵ What I call the “no-defeater clause” has been labelled differently in the literature, for instance, “rebuttal clause” (Ullmann-Margalit, 1983, p. 149) and “default proviso” (Rescher, 2006, p. 33). For the sake of making different aspects of presumptive reasoning more apparent, I reconstruct a “no-defeater clause” as a premise that acts as a conjunct of the complex antecedent of a presumptive rule. I am aware that this reconstruction is theoretically controversial since it would, in fact, conceal the defeasible nature of presumptive reasoning.

1. If (basic fact) the weather forecast suggests that it might rain and (no-defeater clause) the deliberating agent is not aware of evidence that it will not rain (which is sufficiently strong to defeat the presumptive status of “It will rain”), then, all else being equal, the deliberative agent should act on “It will rain” [Presumptive rule].
2. (basic fact) The weather forecast suggests that it might rain and (no-defeater clause) Anne is not aware of evidence that it will not rain (which is sufficiently strong...) [Antecedent]
3. Therefore, Anne should act on “It will rain” (= “Presumably, it will rain”) [Consequent/Conclusion/Presumption].

But is there a reason why she should follow *this* presumptive rule? Why shouldn't she select an alternative no-defeater clause “There is no sufficient evidence that it *will* rain,” follow an alternative presumptive rule and draw the contrary conclusion?

We can answer this question by extending the previous, core structure of presumptive reasoning. In the complete formulation, the presumptive reasoning involves various considerations that (directly or indirectly) support the presumptive rule. Although no-defeater clauses represent “the epistemic conditions under which [presumptive rules] come into effect” (Godden, 2017, p. 506), presumptive rules are primarily supported by normative considerations. Thus, one can select the rule on the grounds of safety, by appealing to the “principle of tutorism” (Walton, 1988, p. 247) or the “principle of precaution” (2014, p. 214). Of course, safety is just one among many non-epistemic goals and values that can provide normative support for a presumptive rule. According to Bermejo-Luque (2016, p. 12), presumptive rules can also promote honesty and politeness, protect the value of human life or increase the efficiency of some process/procedure.

Crucially, when the ultimate normative goal is in place, one selects the presumptive rule in line with the policy of avoiding a costly error in deliberation. According to this policy, one shall presume p (act upon p , proceed on p) if proceeding on p is potentially less costly than proceeding on $\sim p$, i.e., if there is the “*expected utility imbalance* with respect to p ” (Aijaz et al. 2013, p. 270). Thus, among possible alternatives, Anne should follow the presumptive rule which safeguards her actions in the special circumstances of risk and uncertainty. Let us explain the reasoning in the “umbrella case” more systematically.

First, Anne realizes that two errors are possible—either she takes the umbrella and it does not rain or, otherwise, she does not take the umbrella and it rains. After identifying these errors, Anne estimates and compares potential costs. The first error will cause only a slight discomfort—Anne will carry around a cumbersome object without any

need. The second error, however, might cause greater harm—Anne will probably get wet and, in the worst-case scenario, she may even catch a cold. Thus, Anne *presumes* “It will rain” and proceeds by taking the umbrella. Given that Jim shares Anne’s values and has a similar take on the risks involved, he should either concede Anne’s presumption or provide (an additional) evidence that it will *not* rain.

Let us now present the complete scheme of presumptive practical reasoning.⁶ Here, *A* stands for the deliberating agent (Anne); *p* (“It will rain”) and $\sim p$ (“It will not rain”) stand for propositions that can be acted upon; *C1* (carrying an umbrella) and *C2* (getting wet/catching a cold) stand for the potential consequences of acting erroneously on either *p* or $\sim p$; and *G1* (health) and *G2* (comfort/pleasure) stand for basic goals (values) that underlie Anne’s deliberation.

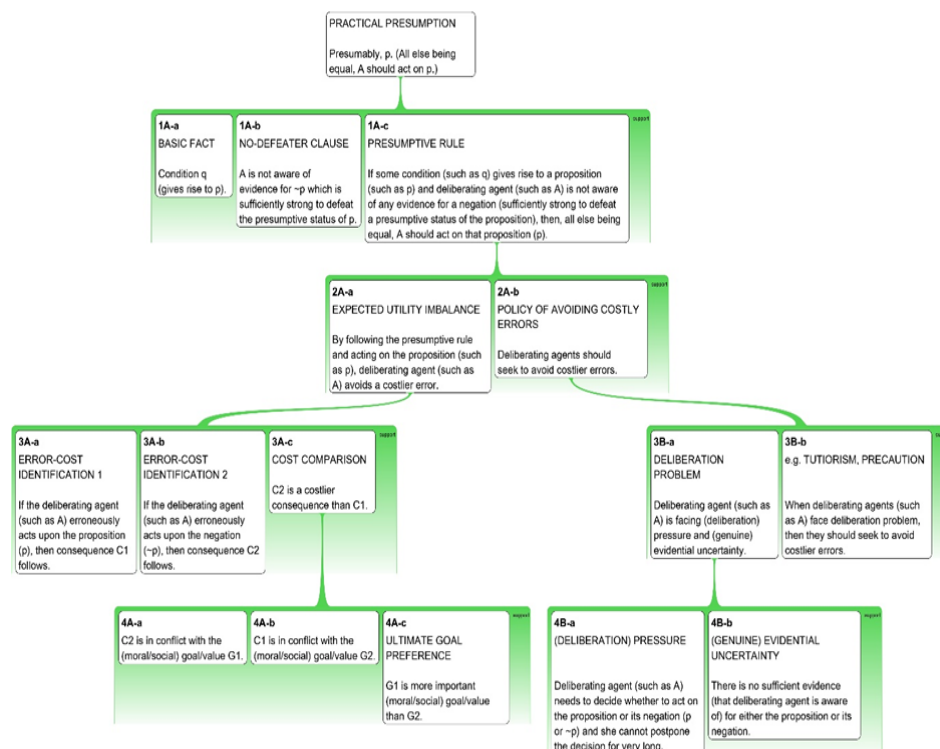


Figure 1 – The complete scheme of presumptive practical reasoning

⁶ The following scheme is an extended version of the “negative practical reasoning scheme,” proposed by Walton, Reed and Macagno (2008, p. 100). Authors characterize the scheme as “subspecies of the *ad ignorantiam* scheme” (p. 99). It was made by using the software *Rationale*, made by *Critical Thinking Skills BV*.

Admittedly, this scheme may render practical presumptions more complicated than they intuitively seem. However, it is necessary to explain in some detail both the circumstances where practical presumptions operate, as well as their normative foundations.

2.3 What can defeat practical presumptions?

We have just seen how practical presumptions come to life. But how are they put to rest? Godden (2017) identifies four general defeating strategies:

1. The opponent may criticize the *tenability* of any component that gives rise to a presumptive status (such as a basic fact or a presumptive rule);⁷
2. The opponent may *undermine* the presumptive reasoning (by showing that the presumptive rule is not correctly applied on a given occasion or by introducing the *undercutting defeater*);
3. The opponent may *override* presumptive reasoning (by questioning the proponent's goal preference and, usually, proposing an alternative course of action based on different axiological grounds);
4. Finally, the opponent can *rebut* the conclusion "Presumably, *p*" by showing that *p* is (or could be) false (see Godden, 2017, pp. 506-507).

For the most part, this provides an accurate picture of defeating strategies. But can the so-called undercutting defeater usually defeat a practical presumption? In my view, the undercutting defeater might (usually) be an entirely useless (irrelevant) tool for attacking a practical presumption. To see why we must briefly explain the notion of the undercutting defeater.

According to Pollock's (1987, p. 485) famous account, an undercutting defeater is a piece of evidence *u* that attacks the reliability of the connection between the premise *q* and a conclusion *p*. Although it significantly weakens the supporting force of the evidence *q* and, consequently, renders the belief *p* evidentially uncertain (unjustified), *u* is consistent with both the premise *q* and a conclusion *p*. Pollock's paradigmatic example might help: once it becomes known that red

⁷ Here, Godden talks about the rebuttal of "the inferential conditions giving rise to the presumption" (2017, p. 506). Although this is correct, I find it useful to make a terminological distinction between showing that the premise is false and showing that the "presumed fact" is false. Hence, following van Laar and Krabbe (2013), I shall use the "premise tenability criticism" for the former and, following Pollock (1987), "rebuttal" for the latter.

lights illuminate X (u), “X looks red to me” (q) ceases to be a reliable indication that X is, in fact, red (p). The undercutting defeater u renders the color of X evidentially uncertain, and this makes it reasonable to adopt an agnostic stance towards the belief “X is red.”

The reason to be reserved on whether undercutting defeaters can usually defeat practical presumptions is quite straightforward. Namely, practical presumptions are, by definition (!), tools for *overcoming* evidential uncertainty: by presuming p we already acknowledge that p is evidentially uncertain. So, by showing that the evidential connection between q (basic fact) and p is unreliable (and, consequently, that p is evidentially uncertain) undercutting defeaters seem to generate conditions that, typically, bring practical presumptions to life rather than generating conditions that put them to rest.⁸ If proposition p acquires a presumptive status precisely *because* it is evidentially uncertain, how can p lose the presumptive status for the very same reason? And if we presume p even though the connection between q and p is unreliable, how can p lose the presumptive status due to the connection’s unreliability?

“Umbrella case” illustrates that, usually, it is difficult to make sense of this. That weather forecast estimates the 50% chance of rain was not a reliable indicator that it *will* rain (practical presumption) to begin with—the evidential connection is not reliable from the very start. Since an undercutting defeater seeks to attack the reliability of the evidential connection, and there is no reliable evidential connection to be attacked, it becomes useless. It is a weapon without a target.

In summary, while Godden is right that “[practical] presumptions are defeasible in many of the usual ways,” there are some reasons to remain sceptical whether they can be usually defeated “through the discovery of undercutting defeaters” (2017, p. 506). Undercutting defeaters indicate that, as reasonable epistemic agents, we should suspend the *belief* in p (as well as the belief in $\sim p$) but admitting that p is evidentially uncertain belief is entirely compatible with proceeding on p in line with the policy of avoiding a costly error. After all, as practical tools for overcoming evidential uncertainty, practical presumptions would hardly be of any use if evidential uncertainty *were* sufficient to put them out of function.

As we will see, the (ir)relevance of an undercutting defeater is important for the primary purpose of this paper—exploring similarities

⁸ This is made transparent in our complete scheme of practical presumptive reasoning: *evidential uncertainty* (premise 4B-b) is one of the key conditions of presumptive reasoning and represents a constitutive element of the *deliberation problem* (premise 3B-a).

and differences between practical and cognitive presumptions. Let us now examine the latter class of presumptions.

3. COGNITIVE PRESUMPTIONS, AND HOW THEY RELATE TO PRACTICAL PRESUMPTIONS

Although presumptions originally belong to the context of practical deliberation, we can also find them in epistemic (cognitive) contexts. Freeman and Rescher have been leading the way to the epistemic study of presumptions.

Both scholars agree that (cognitive) presumptions arise from epistemic sources and provide tentative starting points in the dialogue. However, unlike Freeman, Rescher repeatedly stresses that presumptions are ultimately based on pragmatic policies of an epistemic nature (2006, p. xii; p. 38; p. 46; p. 48) that are, in turn, evaluated on “economic” grounds—in terms of their epistemic costs and epistemic benefits (p. 54). This renders Rescher’s account of cognitive presumption much closer to the concept of practical presumption and, thereby, a more suitable starting point of our investigations.

3.1 Rescher’s account of cognitive presumption

Rescher’s cognitive and practical presumptions (seemingly) share some essential features, but their ultimate goals are different. Whereas practical presumptions guide “our decisions regarding actions,” cognitive presumptions are “made for the sake of answering our questions and filling gaps in our information” (p. 27). Thus, two classes of presumptions belong to different contexts and serve different goals.

Starting from this explanation, one may come to believe that cognitive and practical presumptions are materially rather than formally different. Contextual differences, by themselves, hardly indicate any difference in the formal conditions of presumption’s justification, or, perhaps, defeat. I will argue against the latter intuition—namely, there are *also* significant structural differences. For the most part, cognitive presumptions are tools that operate differently and come with the different “instruction manual.”

How do cognitive presumptions look like? What cognitive policies do we have at our disposal? Here are two paradigmatic examples. First, we should trust our senses and memory. In the introductory “fence case,” Mark should proceed with his cognitive matters by taking “The neighbor is fixing the fence” as true until its presumptive status gets defeated by a sufficiently strong

counterargument.⁹ Second, our prospects of acquiring information are better if we trust other people. In the absence of definite proof, trusting people is simply a better cognitive policy than always doubting their competence, reliability, and honesty. So, if somebody asserts *p*, we should presume *p* and move forward with our cognitive matters unless we have good reasons to think that *p* is either false or unjustified. Trusting our senses, and trusting declarations of other people are, in the long run, economically rational policies—their cognitive benefits outweigh their cognitive costs (Rescher, 2006, pp. 48-52).

But what are cognitive presumptions? Rescher defines them as “truth-candidates, data that are no more certified *truths* than candidate-presidents are certified presidents” (2006, p. 37). However, the presumptions are not only truth-candidates but “the most plausible” truth-candidates.

Presumption favors the most *plausible* of rival alternatives—when indeed there is one. This alternative will always stand until set aside (by the entry of another, yet more plausible, presumption). (Rescher, 2006, p. 39).

Two things are especially important here. First, Rescher’s concept of presumption is “singular” (Freeman, 2005, p. 26). This means that different cognitive rules may operate simultaneously and generate different incompatible truth-candidates but, at each particular point, only the most plausible proposition becomes presumption. Second, cognitive presumptions are defined in terms of “plausibility.” This is a complex philosophical notion but, for the present purposes, it suffices to note that the degree of plausibility depends on the reliability of the source that vouches for a proposition (Rescher, 1976, pp. 10-11).

On the one hand, Rescher explains “reliability” in terms of “probative solidity,” “trustworthiness” and “authoritativeness” of the source (1976, pp. 6-7; 2006, p. 39). It is a broad construct which *cannot* be reduced to statistical considerations concerning the previous track record. On the other, he explains the concept of “source” by two different types of considerations: “evidentiation” and “principles” (2006, p. 40). To say that proposition is evidentiated is to claim that the proposition is *prima facie* supported by a standard epistemic source (in a narrow sense), such as sense-perception, memory, testimony, expert-testimony, or common knowledge. By contrast, “principles” render

⁹ By proceeding with the cognitive matters, I basically mean that Mark should feel free to derive (tentative epistemic) conclusions on the basis of this presumption. For instance, he should feel free to derive “(I know that) the neighbor is not watching the news at the moment” or “(I know that) the neighbor’s wife is not fixing the fence.”

propositions plausible on the grounds of simplicity, uniformity or normality. The most usual and paradigmatic cognitive presumptions, however, are based upon evidentiality. In the next sections, I focus exclusively on the paradigmatic evidential presumptions and call them *typical cognitive presumptions*.

3.2 What is the pragmatic function of cognitive presumptions?

How do cognitive presumptions distribute dialogical obligations? Do they reverse the burden of proof? Rescher seems to think so. In his view, “burden of proof and presumption represent correlative conceptions inevitably coordinate with one another throughout the context of rational dialectic” (2006, p. 25). They are “opposite sides of the same coin” (p. 14).

So why does Mark’s contention reverse the burden of proof? Intuitively, this is because we are naturally inclined to trust the visual perception, as well as the testimony of other people (given that the circumstances are usual and the epistemic situation is simple). In everyday argumentation, we rarely doubt the reliability of standard epistemic sources. By refusing to concede “The neighbor is fixing the fence” Mark’s wife is making an unusual move, both epistemically and dialogically—she is refusing to concede a highly plausible proposition apparently for no case-specific reason. There is a strong intuition that, in ordinary circumstances, she should not be allowed to do this and that her move requires justification.

But what do cognitive presumptions achieve by putting the dialogical pressure on the opponent? The function of cognitive presumptions is closely linked to the place they occupy in the structure of reasonable dialogue. That is, scholars usually interpret cognitive presumptions as dialogical starting points—a set of shared premises tentatively accepted by (reasonable) interlocutors. This interpretation is proposed by Rescher (1977, 2006), Freeman (2005), van Laar and Krabbe (2013), pragma-dialecticians (van Eemeren and Houtlosser 2002) and, occasionally, Walton (2014). All these scholars believe that presumptions are available to interlocutors from the very beginning of the argumentative exchange.

Practical presumptions are different in these respects. In Godden’s view, they are not “the inferential resources already at hand” but rather “additional inferential capital” or “new intellectual resources” used to “proceed with our undertakings” (2017, p. 487). This picture is fully compatible with the view that (some) practical presumptions are not dialogical starting points and, thereby, do not belong at the opening stage of deliberation. Practical presumptions may (also) come in handy during the later stages of dialogue (perhaps at the argumentation stage)

when the evidential resources cease to provide guidance for reasonable decision-making. Since two classes of presumption can belong to different dialogical stages, we can expect that they can also serve different dialogical functions.

Rescher occasionally claims that cognitive presumptions enable the progress of dialogue and one may come to believe that two classes of presumptions, then, have a comparable function. To see why this is hardly true, let us examine the following quote.

There must clearly be some class of claims that are allowed to be at least provisionally accepted within the framework of argumentation, because if everything were contested, the process of inquiry could not progress at all. (Rescher, 2006, p. 24)

What Rescher means by “enabling the dialogical progress” is preventing the famous problem of a *dialogical regress*. The problem of dialectical regress is based on the proponent’s inability to defend the standpoint in the face of the “persistent interlocutor.”¹⁰ The persistent interlocutor is the opponent who challenges every reason offered by the proponent (without offering anything in return). So, suppose that every proposition introduced in the dialogue can be challenged and, if challenged, needs to be defended by the proponent. This allows the persistent interlocutor to sabotage the proponent’s aim of rationally persuading her by challenging the proponent’s claims *ad infinitum*. In principle, this situation can happen although both parties are “playing by the dialectical rules.”

One natural solution is to change the rules. Rescher contends that the burden of proof rule can make sense only if there are exceptions to it, i.e., if some propositions do not require defence once they are challenged (see Rescher, 1977, p. 33; 2006, p. 30). This is where cognitive presumptions provide their assistance. By shifting the burden of proof, they make the proponent immune to the opponent’s unusual challenge and prevent the dialogue from collapsing into an endless chain of reasons and challenges.

This contribution to dialogue is in many respects different from the contribution of practical presumptions. Cognitive presumptions are often portrayed as dialogical tools for fighting scepticism (see Rescher, 2006; Rescorla, 2009) and they seek to resolve a problem that, in a stronger reading, does not arise in practice. As finite beings, we will hardly ever meet an interlocutor that challenges our reasons *ad infinitum*. However, in a weaker reading, the problem of dialogical regress may represent an extreme theoretical version of a usual

¹⁰ The term originally belongs to Adam Leite. I borrow it from Rescorla (2009, p. 47).

practical problem—a problem related to a type of dialogue where the interlocutor is too persistent for the circumstances at hand. In this type of dialogue, the opponent automatically requests additional reasons for every reason offered by the proponent, without offering anything in return.

Cognitive presumptions can prevent persistent interlocutors from winning the argument by using this annoying strategy. That is, once the proponent introduces a cognitive presumption, the opponent cannot request the reason without offering something in return. Thus, cognitive presumptions boost our immunity towards a persistent interlocutor. In addition to being an “active dialogical cure,” I believe that cognitive presumptions are *also* a normative “means of prevention”—by limiting the “winning potential” of the persistent interlocutor’s strategy, cognitive presumptions may discourage many interlocutors to become persistent in the first place, thereby stopping the dialogical regress before it even arises. By contrast, practical presumptions usually resolve the problem when it, in fact, arises. They do not spare us the trouble of making decisions under uncertainty but rather provide default solutions when we find ourselves in this kind of trouble. To stick with the metaphor, practical presumptions appear to be (only) an “active dialogical cure” for a usual deliberation problem.

Of course, cognitive presumptions have a more mundane function. They enable the dialogical progress by providing a set of mutually accepted (or reasonably acceptable) premises. However, this function is again different from one attributed to practical presumptions. To see this, let us remember that cognitive presumptions belong to the class of the available epistemic (dialogical) resources and that available resources cannot move the dialogue forward once it becomes stuck. By contrast, practical presumptions perform their function precisely when the available epistemic resources cannot provide sufficient guidance. So, “[i]f the dialogue became blocked despite the fact that *p* was [cognitively] presumed, then introducing *p* once again can hardly make the dialogue move forward” (Bodlović, 2017, p. 522). Cognitive and practical presumptions appear to have different dialogical potentials.

3.3 Cognitive presumption and presumptive reasoning

Just like practical presumptions, cognitive presumptions are tentative conclusions drawn from basic facts and defeasible presumptive rules (Rescher, 2006, p 33). Rescher emphasizes that the presumptive rule is precisely that—a rule, an imperative, an instruction on how to proceed with our (cognitive) matters. Once we establish the basic fact, the presumptive rule prescribes a particular action—acting, in a cognitive

domain, as if a particular claim is true. Cognitive and practical rules share the same kind of instrumentalist (pragmatic) justification (avoiding costly errors).

... an epistemic policy is closely analogous to the *prudential* principle of action—that of opting for the available alternative from which the least possible harm can result. (Rescher, 2006, p. 39)

So, in “fence case,” Mark takes the sceptical remark seriously and starts to deliberate whether to accept “The neighbor is fixing the fence.” He identifies two potential errors—either he will falsely accept “The neighbor is fixing the fence” or, otherwise, he will adopt a sceptical stance towards a true proposition. Mark realizes that the second error will generate more serious consequences. Adopting a sceptical stance toward this proposition, for no case-related reason (!), would mean that he no longer trusts his senses and, consequently, must suspend judgment on other empirical propositions. For a responsible epistemic agent, this is way too costly. Thus, Mark decides to err on the side of a lesser evil, presumes that the neighbor is (in fact) fixing the fence and, as a matter of cognitive policy, continues to trust his senses.

Are the “complete schemes” of practical and cognitive presumptive reasoning, then, identical? I think they are not. To see why let us reconstruct the complete scheme of presumptive cognitive reasoning. In the scheme below, *A* stands for the epistemic agent (Mark); *p* (“The neighbor is fixing the fence”) and $\sim p$ (“The neighbor is not fixing the fence”) stand for propositions that can be acted upon; *C1* (adopting some epistemically unjustified propositions) and *C2* (suspending judgment on many empirical propositions) stand for the potential consequences of acting erroneously on either *p* or $\sim p$; *q* stands for the condition that epistemically justifies *p* (“Mark sees that the neighbor is fixing the fence”); and *G1* (acquiring epistemically justified beliefs) and *G2* (avoiding epistemically unjustified beliefs) stand for basic goals (values) that underlie Mark’s deliberation.

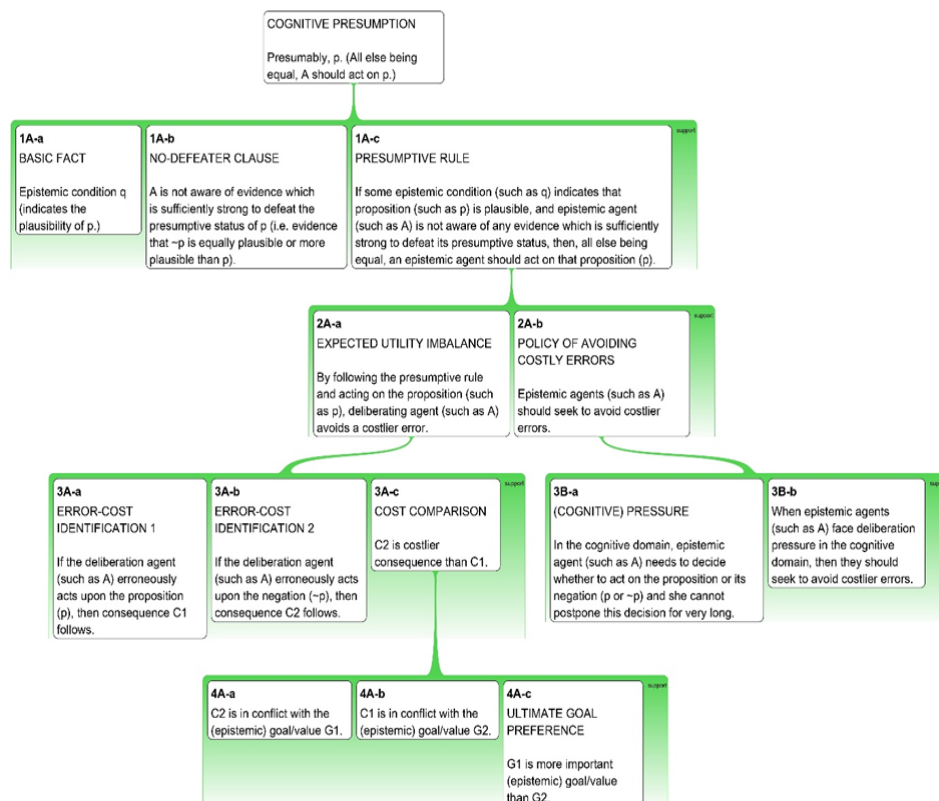


Figure 2 – The complete scheme of presumptive cognitive reasoning

The main difference between the practical and cognitive presumptive reasoning is the following: usually, cognitive presumptions are not triggered by the (genuine) evidential uncertainty. Although Rescher (2006) suggests that they arise in “situations of incomplete information” (p. 37) and operate “in the region of uncertainty” (p. 166), by this he only means that cognitive presumptions lack conclusive support.¹¹ By presupposing the conclusive standard of evaluation, Rescher renders cognitive presumptions uncertain, but this *academic uncertainty* is quite different from the *genuine evidential uncertainty* (associated with practical presumptions). This calls for the first, weaker conclusion: practical and cognitive presumptions are different because

¹¹ They are not “outright” (Rescher, 2006, p. 32) or “certified truths” (p. 28) that come with “categorical guarantees” (p. 31) or hold “with categorical assurance” (p. xi). They are not “absolutely certain or totally self-evidencing theses” (p. 20).

their foundations (usually) include different kinds of evidential uncertainty.

However, one may also draw a stronger conclusion. Namely, once we leave the academic heights and move towards ordinary contexts (where cognitive presumptions usually take place), the conclusive standard of evaluation becomes inadequate. Although a radical sceptic might find cognitive presumptions (academically) uncertain, Rescher defines them as the most evidenced truth candidates, and it is usually misleading to interpret the most evidenced truth candidates as evidentially uncertain (in the sense of genuine uncertainty). In fact, cognitive presumptions seem to call for the opposite epistemic evaluation: given that they belong to the non-deductive region of human cognition, usually, cognitive presumptions are usually *as certain as they can possibly be*.¹² This leads to the second, stronger conclusion: practical and cognitive presumptions are different because the foundations of typical cognitive presumptions, unlike the foundations of practical presumptions, do not include the premise concerning any evidential uncertainty.

What makes the academic standard of certainty inappropriate is not (only) that sceptical contexts are, for the most part, rare and theoretical but (also) that cognitive presumptions are, by definition, inconclusive. Hence, suggesting that they are epistemically deficient because they do not meet the academic standard of (conclusive) certainty comes very close to committing a categorical mistake. Of course, calling cognitive presumptions uncertain makes them look similar to practical presumptions. But we should not get deceived by the “looks” here—I believe that the apparent similarity rests on the somewhat counterintuitive and misleading choice of the evaluation standard. Once we evaluate cognitive presumptions by the appropriate (plausibilistic) standard, they typically cease to be evidentially uncertain.

The consequences of the stronger conclusion are straightforward. The complete schemes of practical and cognitive presumptive reasoning cannot be identical. On the one hand, the practical scheme (unlike the cognitive one) always includes premises concerning evidential uncertainty and a deliberation problem. On the other hand, the cognitive scheme (unlike the practical one) usually includes a basic fact (evidence or epistemic source) that indicates the epistemic plausibility of the presumption. Finally, two schemes of

¹² This interpretation, I believe, explains the fact that scholars describe cognitive presumptions as dialogical (epistemic) starting points more successfully than the alternative, “academic” interpretation.

presumptive reasoning have different no-defeater clauses which indicates that different kinds of evidence can defeat practical and cognitive presumptions. Let us explain this in some detail.

3.4 What can defeat cognitive presumptions?

Generally, the opponent can try to defeat a cognitive presumption in many of the usual ways. But should we allow the opponent to use an undercutting defeater as a reasonable defeating strategy? I believe we should.

In Sect. 2.3, I argued that, usually, undercutting defeaters cannot defeat practical presumptions. However, the suggested line of argument does not apply to typical cognitive presumptions for the obvious reason: since the function of cognitive presumptions is to gain information, justified belief or knowledge, a proposition should lose the presumptive status once it becomes evidentially uncertain. As a rule, typical cognitive presumptions, unlike practical ones, are and should be susceptible to undercutting defeaters. Rescher also recognizes this standard picture.

When, after a careful look, I am under the impression that there is a cat on the mat, I can (quite appropriately) base my acceptance of the contention “There is a cat on the mat” ... on my visual impression. The salient consideration is that there just is no good reason (in *this* case) that one should not indulge one’s inclinations to endorse a visually grounded belief of this kind as veridical. (*If there were such evidence—if, for example, I was aware of being in a wax museum or a magician’s studio—then the situation would, of course, be altered.*) (Rescher, 2006, p. 22, emphasis added)

Once we know that we are in a magician’s studio, our visual impression of a cat on the mat ceases to be a reliable indication that there is, indeed, a cat on the mat. Our visual appearance can be explained by an alternative, *equally plausible* explanation of a magician playing visual tricks with us. As a result, there are two equally plausible truth-candidates (“The cat is on the mat” and “It is not the case that the cat is on the mat”) and, thereby, by definition, there is no cognitive presumption.

It is crucial to appreciate the importance of this difference—it shows that different evidential circumstances can produce the structural differences in the burden of (dis)proof. Surely, presumptions (can) place the burden of proof to the opponent’s side, but the structure of this dialogical burden, usually, seems to depend on a type of a presumption. In many theories of presumption, the burden of proof is considered to be a central, defining notion. If this is indeed the case, it

could be worth exploring whether the difference above entails serious conceptual consequences for the notion of presumption.

4. CONCLUSION

In Rescher's view, practical and cognitive presumptions are very much alike. In this paper, I tried to show that, despite their apparent similarity, there are important structural differences in a way they operate in a dialogue.

1. Usually, two classes of presumptions occupy different positions in the structure of dialogue. Whereas cognitive presumptions belong to its opening (preparatory) stage, practical presumptions can also belong to some later (e.g., argumentation) stage of the dialogue.
2. Two classes of presumptions have different dialogical functions. On the one hand, in their attempt to stop the (infinite) dialogical regress, cognitive presumptions seek to *block* a particular type of dialogue. Their function is also to enable the dialogue to reach its *starting points*. On the other hand, in their attempt to overcome evidential uncertainty in deliberation, practical presumptions *unblock* the dialogue. Their function is to enable the dialogue to proceed towards its *conclusion*.
3. Usually, two classes of presumptions involve structurally different foundations. Unlike the scheme for presumptive practical reasoning, the complete scheme of presumptive cognitive reasoning does not include premises related to making decisions under (genuine) uncertainty.
4. Usually, two classes of presumptions are susceptible to different kinds of defeaters. Whereas we can hardly defeat practical presumptions by undercutting defeaters, we can easily defeat typical cognitive presumptions. As a result, two classes of presumptions usually entail the structurally different burdens of (dis)proof.

Practical and cognitive presumptions share many conceptual features and, taken together, these features might still be enough to separate presumptions from many other phenomena, such as presuppositions, suppositions, assumptions (stipulations), assertions (claims), or hypotheses (see Godden 2017). However, this paper is concerned with the questions of a dialogical application, and here practical and cognitive presumptions are different in many respects.

To use a metaphor, the proponent who would use the "Practical Presumption Instruction Manual" while operating with a cognitive

presumption might get in all sorts of trouble. Due to (1), she might get seriously disorientated in a dialogue. Due to (2), the proponent might forget what she was trying to achieve in the first place. Also, the proponent might misjudge her reasoning options, due to (3), and get the wrong picture of when her presumption gets defeated, due to (4)

This paper aims to get this imaginary proponent out of trouble—to provide some brief and provisional instructions on how to deal with practical and cognitive presumptions in ordinary dialogues.

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REFERENCES

- Aijaz, I., McKeown-Green, J. & A. Webster. (2013). Burdens of proof and the case for unevenness. *Argumentation* 27(3), 259–282.
- Bermejo-Luque, L. (2016). Being a correct presumption vs. being presumably the case. *Informal Logic* 36(1), 1–25.
- Bodlović, P. (2019). What determines the strength of practical and cognitive presumptions? In: B.J. Garssen et al. (Eds.), *Proceedings of the Ninth ISSA Conference* (pp. 106-117). Amsterdam: Sic Sat.
- Bodlović, P. (2017). Dialogical Features of Presumptions: Difficulties for Walton’s New Dialogical Theory. *Argumentation* 31(3), 513–534.
- Freeman, J. B. (2005). *Acceptable premises*. Cambridge: Cambridge UP.
- Gama, R. (2017). The Nature and the Place of Presumptions in Law and Legal Argumentation. *Argumentation* 31(3), 555–572.
- Godden, D. (2017). Presumption as a Modal Qualifier: Presumption, Inference, and Managing Epistemic Risk. *Argumentation* 31(3), 485–511.
- Godden, D. & Walton, D. (2007). A theory of presumption for everyday argumentation. *Pragmatics & Cognition* 15(2), 313–346.
- Hansen, H. V. (2003). Theories of presumption and burden of proof. In J. A. Blair, et al. (Eds.), *Proceedings of the Ontario Society for the Study of Argumentation (OSSA)* (pp. 1-12). Windsor, ON: Ontario Society for the Study of Argumentation (OSSA).
- Lewiński, M. (2017). Argumentation Theory Without Presumptions. *Argumentation* 31(3), 591-613.
- Macagno, F. & Walton, D. (2012). Presumptions in legal argumentation. *Ratio Juris* 25(3), 271-300.
- Pinto, R. C. (2001). *Argument, inference and dialectic: collected papers on*

- informal logic* (with an introduction by Hans V. Hansen). Dordrecht: Kluwer.
- Pollock, J. L. (1987). Defeasible reasoning. *Cognitive science* 11, 481-518.
- Rescher, N. (1976). *Plausible Reasoning*. Assen/Amsterdam: Van Gorcum.
- Rescher, N. (1977). *Dialectics: A controversy-oriented approach to the theory of knowledge*. Albany, NY: SUNY Press.
- Rescher, N. (2006). *Presumption and the practices of tentative cognition*. Cambridge: Cambridge UP.
- Rescorla, M. (2009). Epistemic and dialectical regress. *Australasian Journal of Philosophy* 87(1), 43-60.
- Ullmann-Margalit, E. (1983.) On presumption. *Journal of Philosophy* 80(3), 143-163.
- van Eemeren, F. H., and Houtlosser, P. (2002). Strategic Maneuvering with the burden of proof. In F. H. van Eemeren (Ed.), *Advances in Pragmatic Dialectics* (pp. 13-29). Sic Sat/Amsterdam.
- van Laar, J. A., and Krabbe, E. C. W. (2013). The Burden of Criticism: Consequences of Taking a Critical Stance. *Argumentation* 27(2), 201-224.
- Walton, D. (1988). Burden of Proof. *Argumentation* 2(2), 233-254.
- Walton, D. (2008). A dialogical theory of presumption. *Artificial Intelligence and Law* 16(2), 209-243.
- Walton, D. (2014). *Burden of proof, presumption and argumentation*. New York: Cambridge UP.
- Walton, D., C. Reed & F. Macagno. (2008). *Argumentation schemes*. New York: Cambridge UP.

Commentary on Bodlović Structural differences between practical and cognitive presumptions

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Bodlović has clearly motivated distinguishing practical from cognitive presumptions. One relies on practical presumptions when there is insufficient evidence to decide -a case either way. To use his example, the weather report indicates that there is a 50% chance of rain this afternoon. Should one take one's umbrella when going out to keep an appointment one must keep? There is no cognitive presumption either that it will rain or that it will not. If one goes out with one's umbrella and it does not rain, then one encounters the minor inconvenience of taking this unneeded object along. But if one does not take one's umbrella and it rains, one will get wet and maybe soaked, and this is clearly a worse inconvenience. The practical presumption for taking the umbrella is clear. In general, then, practical presumptions arise where there is sufficient evidence neither for p or $\sim p$ and no time to gather additional evidence. One must act as if p or $\sim p$ were true. Both may have consequences one may wish to avoid. The practical presumption resides with the statement whose consequences are less unacceptable.

Bodlović now argues that cognitive and practical presumptions are distinct. Whether there is a cognitive presumption for p is a matter of the sources vouching for it. If there is a cognitive presumption for the statement, the proponent may introduce p without giving evidence for it, and a dissenting challenger who questions p , must present evidence against p strong enough to defeat p 's presumptive status. A cognitive presumption may serve as a starting point in a dialogue. By contrast, a practical presumption for p will allow a dialogue in progress to go forward, provisionally, towards a resolution, using p as a premise, should the dialogue become stuck, with no cognitive presumption for p or $\sim p$. Bodlović now asks how does one recognize that there is a practical presumption for p . He points out that "Argumentation scholars typically reconstruct practical presumptions ... as conclusions of presumptive reasoning consisting of a 'basic fact' and a 'presumptive rule'." (p. 5) He adds that the presumptive rule is a conditional with a conjunctive antecedent and the claim that a statement is a presumption as the consequent. The first conjunct states the basic fact, while the second

conjunct expresses a “no defeater” clause, i.e. that all things *are* equal or that no fact defeats the inference from the basic fact to the practical presumptive claim. In a footnote, Bodlović admits that this reconstruction of presumptive reasoning conceals “the defeasible nature of presumptive reasoning,” and is hence “theoretically controversial.”

I believe that an alternative construal of the structure of presumptive reasoning may avoid the controversy. I find the characterization of the basic structure very reminiscent of Toulmin’s initial representation of his model: The basic fact is the data, the presumptive rule is the warrant, and the practical presumption is the claim.

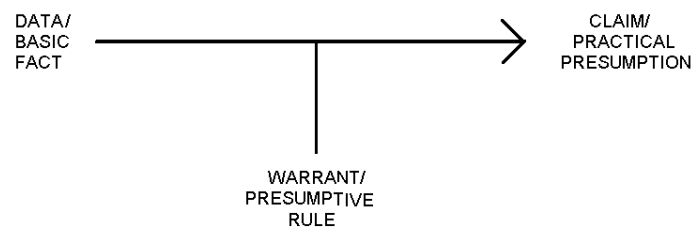


Figure 1 - Toulmin’s model initial stage

Toulmin allows that warrants may be taken as inference rules, and I have argued for that construal as their proper classification, rather than as a conditional statement. Taking the presumptive rule as an inference rule has the following advantage, if we keep the Toulmin model in mind. Just the basic fact may constitute the data on this representation and not the conjunction with the no-defeater clause. Defeaters, either rebutting or undercutting, will be represented as rebuttals, in accord with Toulmin’s layout. The arrow from data/basic fact to claim/practical presumption can be interrupted by a modal qualifier or modality. (This placement of the modality differs from Toulmin’s. The modality here modifies the move from basic fact to practical presumption, rather than the practical presumptive claim itself.) One may use the modality “presumably” to claim explicitly that the argument is defeasible, addressing Bodlović’s concern that the defeasible nature of the reasoning will be hidden. Also, the inference to the practical presumption is now represented as coming just from the basic fact and not also from the presumptive rule, a structure resembling *modus ponens*. Instead of a single no-defeater conjunct, Toulmin’s model allows representing defeaters, both rebutting and undercutting, as attached to the warrant arrow, taking the place Toulmin assigns to rebuttals. It is the move from basic fact to presumptive claim which is now modified by the rebuttal. This signals, perhaps more strongly than the placement of the modality, that the inference is

defeasible.

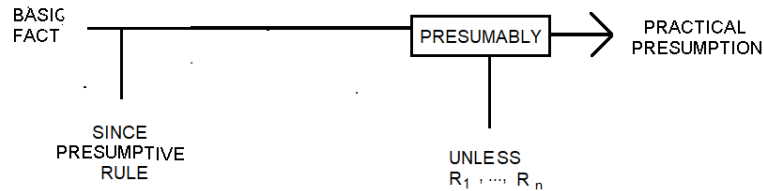


Figure 2 - Toulmin's model with modalities and rebuttals

We see this move as having a distinct advantage for evaluating presumptive reasoning. If reasoning is to be cogent, it must proceed from acceptable premises. Obviously, if a conjunction is to be acceptable, all premises must be acceptable. The no-defeater conjunct seems to be quite sweeping in its scope. Under what conditions will there be a presumption for the claim that there are no defeaters? By contrast, defeaters are questions or can be motivated by questions. If the proponent argues that from some basic fact we may take it (*ceteris paribus*) that a practical presumption holds, a challenger can question why some defeater does not render the claim questionable. The issue of a presumption for the question does not arise. One does not have to access their acceptability in assessing whether the presumptive reasoning is cogent. The Toulmin model also includes backing as an element, assuring that the warrant has "authority" and "currency." We may find backing also among Bodlović's considerations,

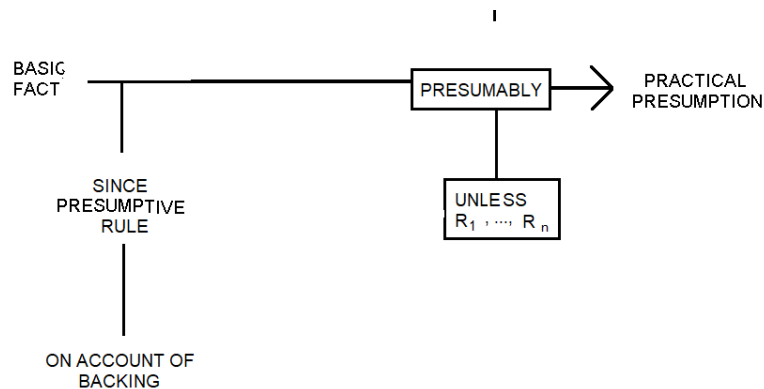


Figure 3 - Toulmin's model with backing

Does this representation facilitate answering Bodlović's question: What can defeat practical presumptions? If evaluating the basic fact is a question of basic premise acceptability, evaluating the presumptive rule requires first asking about its backing. According to Bodlović, this information concerns a hierarchy of values. What values are to be

conserved and what is the relative importance of those values? I claim that the ranking of these values involves a defeasible *a priori* judgment. We may recognize *a priori* that one value is more important than another, subject to exceptions.

Given that the presumption rule has been backed, the question of whether the practical presumption has been justified is a question of the defeaters which may rebut the inference from the basic fact to the practical presumption. In general, given a defeasible inference, there may be a number of conditions consistent with the premises, which would rebut the move to the conclusion. If one has made a promise, we may catalogue a number of conditions for why there is no obligation to keep it. Evidence that a potential rebutting defeater does not hold strengthens the presumptive argument. We call such evidence a counterrebuttal.

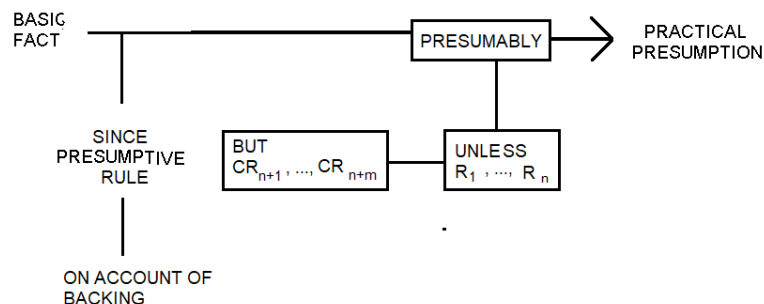


Figure 4 - Toulmin's model with counterrebuttals

What recommends this approach over Bodlović's is that instead of calling for a blanket no-defeater premise, specific potential defeaters may be recognized and ideally be countered.

Bodlović contrasts cognitive and practical presumptions on several further grounds. Cognitive presumptions may serve as starting points in a dialogue, elements in the opening stage. Practical presumptions arise in the course of a dialogue when cognitive resources are not available or sufficient to establish a point from which to reason. If the consequences of p are more in line with one's value preferences than those of $\sim p$, there is a practical presumption for p and one can reason forward from that presumption. Since one can reason from practical presumptions, they may be elements in the argumentation stage of a dialogue. A further contrast distinguishes cognitive from practical presumptions over undercutting defeaters. Both are subject to rebutting defeaters, but only cognitive presumptions are subject to undercutting defeaters. This is easily seen. Consider: There is a cognitive presumption

for personal testimony. So if Anne testifies that p , there is a presumption for p given this evidence. But if one learns from Jim that Anne, ordinarily reliable, is mistaken in this case and one is justified in regarding Jim here as more reliable, Anne's testimony no longer establishes a cognitive presumption for p . The inference from Anne testifies that p to p has met an undercutting defeater. By contrast, Bodlović is skeptical of the ability of undercutting defeaters to defeat a practical presumptive argument. Suppose the radio says there is a 50% chance of rain this afternoon. So rain is uncertain; I do not want to get wet; and therefore I presume that it will rain and I take my umbrella. Now suppose that just before going out, I find that the weather reports of the station are highly inaccurate. But that rain this afternoon is still uncertain. Bodlović sees these considerations showing that undercutting defeaters are irrelevant to practical presumptions.

To conclude, Bodlović has made an excellent case that practical and cognitive presumptions are different. We have reviewed his arguments for some of these differences. We have suggested that arguments for practical presumptions may be reconstructed in a structurally simpler way by using resources from the Toulmin model. It remains to test our suggestion.

Reliability of Argument Mapping

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This paper formulates a model to characterize the margin of interpretation in argument mapping in order to deal with hermeneutic underdetermination. Quantitative and qualitative content analysis provide their own strategy to meet the challenge of hermeneutic underdetermination, but also come with severe caveats. This paper combines the positive aspects of both strategies by introducing context dependent reliability thresholds for argument mapping. This allows generalizable results in spite of unavoidable hermeneutic underdetermination.

KEYWORDS: argument mapping, content analysis, diagramming, discourse analysis, reliability

1. OVERVIEW

The strategy followed in this paper proceeds along the following lines. I will, first, distinguish two argument mapping techniques, reconstructive argument analysis and surface analysis, and argue that both have to deal with hermeneutical underdetermination. The context provided by two related methods, Critical Discourse Analysis and Discourse Quality Index, will illustrate relevant ramifications of hermeneutical underdetermination for empirical research based on argument mapping. I will then provide a model to characterize the margin of interpretation when analysing the surface reasoning structure of a text. What will be explained is what kind of ambiguities prevail in persuasive texts and how they relate to each other. Due to combinatorial complexity it is not possible to specify the interpretational margin by an enumeration of all adequate interpretations. Instead, I will provide an alternative way of describing it that is expressive enough. Using simple graph distance metrics, it is even possible to describe the margin quantitatively in order to specify its size. Finally, a simple example will be used to illustrate how the characterization of the interpretational margin can be applied to assess such margins empirically and how context-dependent reliability

measures can be introduced to enable generalizable empirical findings with argument mapping techniques.

2. ARGUMENT MAPPING

The technique of argument mapping is a method that is used to represent the reasoning structures of single arguments or whole argumentations. Argument mapping has its origins in informal logic, argumentation theory and legal reasoning, and is nowadays widely used in artificial intelligence, especially in the context of automatically extracting the reasoning structure in texts (see Reed, Walton, and Macagno 2007 for a historical overview and Lippi and Torroni (2016) for an overview of argument mining). Additionally, the abundance of argument-mapping tools (Scheuer et al. 2010) and their use in contexts of teaching critical thinking skills has recently attracted the attention of empirical researchers. Several findings suggest that the use of argument mapping improves students' critical thinking skills (e.g. Cullen et al. 2018, Eftekhari and Sotoudehnama (2018)).

But what exactly is an argument map? Though different mapping techniques differ in their detail, some features are shared by most. Reasoning structures are modelled as directed graphs. In contrast to concept maps and mind-maps, the vertices and edges of argument maps have a more precise meaning, tailored to analyse the reasoning structure of given texts (see Davies (2011)). The vertices of an argument map represent propositional-like entities such as arguments, reasons, claims and premises and the edges represent the inferential relationships between these vertices. Techniques differ, for instance, in terms of what exactly the vertices and edges may represent, whether the graph is confined to tree-like structures and how they visualize the internal structure of arguments. If an analysis is confined to single arguments or the argumentation for one major claim, tree structures will suffice despite their limitations (see Freeman 1991, p. 16). If, however, an analysis is supposed to cover multiple claims and inferential relationships between arguments, tree structures are often too constrained (see Betz and Cacean 2012, Cacean (2012) for examples of complex argument maps).

The mapping method on which this paper is based is simple, but expressive enough to represent complex argumentations and not constrained to tree structures (for a methodological background see Betz (2010) and Betz (2013)). Nodes can represent claims, i.e. single propositions, or whole arguments, which have a complex inner premise-conclusion structure. In simple cases, an argument node can be interpreted as a set of propositions or one single proposition (the premises), which are supposed to justify another proposition. There are

two types of edges, visualizing support and attack relations. A support relation from a node *A* to another node *B* represents a vindictory relation. In the case that *A* is an argument node and *B* is a claim, *B* can be interpreted as the conclusion of the argument represented by *A*. In the case that both *A* and *B* are argument nodes, *A* can be interpreted as justifying one of the premises of *B*. Attack relations represent objections, i.e. justifying the falsehood of claims or, in the case of arguments, justifying that one of the premises is false.

What can be distinguished are different depths of argumentative analysis. For the purpose of this paper, the distinction between what might be called *surface analysis* and *reconstructive analysis* of argumentation is important. A surface analysis aims at identifying the reasoning structure in a given text as it is intended by the author only (see Fisher (2004) for an overview). Text segments have to be categorized into those that the author presents as claims, conclusions, and assumptions and those that are presented as supporting reasons for or objections to claims and arguments. This identification of vindictory relationships can be understood as a mere annotation of a text. In particular, it is not to be understood as evaluating the mentioned reasons and their relations to claims or other reasons. Whether an argument is considered to be good by certain standards is not part of this surface analysis, which is confined to the identification of intended relations only. Such a surface analysis can, however, be used as a starting point for the more exegetical technique of reconstructive analysis. Often arguments are stated incompletely: premises or even conclusions are not mentioned explicitly. A reconstructive analysis aims at making these implicit parts of an argument explicit by inferring them from the surrounding text-context with the help of hermeneutic principles, such as accuracy and charity (Brun and Hadorn 2009, chapt. 8; Betz and Brun 2016; Fisher 2004, p. 17).

It seems uncontroversial that reconstructive analysis is hermeneutically underdetermined in most cases since there are often different possibilities of adding implicit premises and conclusions. Although the mere surface analysis does not aim at identifying implicit premises, it is often hermeneutically underdetermined as well, because the understanding of the author's intended meaning will depend on the background knowledge of the person interpreting the text (Fisher 2004, p. 22). Ideally, explicit reasoning indicators point uniquely to relevant text segments and reveal their vindictory role. However, often these linguistic cues are ambiguous. For instance, phrases using the word '*because*' might indicate a reason-relation, but also a mere explanatory relation. Often, there are not even any explicit indicators and the intended meaning has to be inferred from the text-context alone (Fisher 2004, p.

16). As a consequence, even the surface analysis is a hermeneutic process and is always tentative in its results.

3. POLITICAL DISCOURSE ANALYSIS & DISCOURSE QUALITY INDEX

Hermeneutical underdetermination is not necessarily an obstacle and is dealt with constantly within empirical research designs. It is instructive to have a look at *Political Discourse Analysis (PDA)* as representative of a qualitative paradigm and the *Discourse Quality Index (DQI)* as representative of a quantitative paradigm in order to see how they deal with hermeneutic underdetermination.

The argumentative turn in policy analysis, a term coined by Fischer and Forester (1993), introduced the use of methods from philosophy and argument analysis to understand political discourse first and foremost as practical reasoning (see Hansson and Hirsch Hadorn (2016) for an overview). According to this account, political decision-making is primarily a deliberation over different possibilities for political action. Non-argumentative elements such as narratives and explanations can be understood inasmuch as they are embedded within practical reasoning as premises of practical arguments (I. Fairclough and Fairclough 2012, p. 13). The approach of Political Discourse Analysis of (I. Fairclough and Fairclough 2012) provides an account of the structure of practical argumentation and demonstrates the feasibility of that method by analysing the political discourse surrounding the financial and economic crisis that began in 2007 (I. Fairclough and Fairclough 2012, pp. 1–2). PDA is not limited to a mere descriptive analysis of argumentation but strives to enable a critical evaluation of practical argumentation (I. Fairclough and Fairclough 2012, p. 11). By using argumentation theoretic methods, which are heavily influenced by Walton Schemes (e.g. as described in Walton (1996) and D. N. Walton (2006)), PDA proceeds along the following lines: First, the premises and conclusions of arguments have to be identified in a text or have to be construed from the text-context. Having made the reasoning structure of the practical argument explicit, arguments can then be critically examined, by either questioning the acceptability of premises and conclusions or by questioning the vindicatory relation between the premises and their conclusions (I. Fairclough and Fairclough 2012, p. 12). PDA expands and refines the approach of Critical Discourse Analysis and, in consequence, shares its main features (I. Fairclough and Fairclough 2012, p. 10). Discourses are understood as historical and embedded in cultural contexts. Consequently, discourse analysis must consider this context-dependence and is always an open-ended hermeneutic process of interpretation (Titscher et al. 2000, p. 146 and p. 167). This is mirrored in the quality criteria for critical discourse analysis. Since the results of

such analysis remain relative to a specific interpretation, the strong quality criteria of quantitative research methods such as reproducibility or validity do not play an important role in PDA. Rather, the results of discourse analysis should be transparent and recognizable and the interpretations must be intelligible (Titscher et al. 2000, p. 164).

Similar to PDA the Discourse Quality Index is used to analyse political discourse. The DQI is methodologically based on content analysis (see Krippendorff (2012) and Neuendorf (2002) for an overview) and intended as a quantitative measure to assess the quality of discourse. The DQI uses seven different coding categories to classify text segments, which are based on Habermas' discourse ethics (Steenbergen et al. 2003, p. 21). In a first step, relevant text segments, so-called coding units, have to be identified according to some relevance criteria. In analysing parliamentary debates, coding units of DQI are speech acts containing "*proposal[s] on what decisions should or should not be made*" (Steenbergen et al. 2003, p. 27). In a second step, these relevant text segments have to be categorized. For instance, the subcategory 'level of justification' has four values: 'no justification', 'inferior justification', 'qualified justification' and 'sophisticated justification' and is used to identify formulated reasons and to assess their quality (Steenbergen et al. 2003, p. 28). The DQI enables empirical research of discourse for a diverse spectrum of questions. For instance, Baccaro, Bächtiger, and Deville (2016) investigated how different procedural ways of structuring deliberation relate to the discourse quality, Caluwaerts and Deschouwer (2014) investigated in a deliberative experiment how group-compositions and the applied decision-making rule are related to the discourse quality and Caluwaerts Didier and Min (2014) scrutinized the effects of discourse quality on attitude change. In other words, the DQI-approach helps to understand under which conditions deliberation works and which ends can be achieved by deliberation. Such insights can be considered to restructure deliberative politics and to estimate the limitations of deliberation. Admittedly, this is only possible if the results of such research are in some sense general statements about the relationship between the discourse quality and other factors. To that end, the quality criteria for DQI are much stronger than those for PDA. The results of applying DQI must at least be reliable. That is, the measurements must be reproducible and lead to sufficiently similar results if repeated under the same conditions. Reliability amounts to an agreement in the categorization of text segments. That is, if one coding unit is categorized independently by different coders who were instructed in the same way, the coding should yield the same results. There are different quantitative measures for the assessment of this intercoder reliability, which usually take the possibility of agreement by

mere chance into account (see Artstein and Poesio (2008) for an overview).

I introduced DPA and DQI as different approaches analysing argumentation to exemplify two different ways of handling interpretational leeway. DPA is already a reconstructive analysis of argumentation and just accepts that it is a hermeneutical approach with a non-diminishing margin of interpretation. Different analysts with different background knowledge and possibly different opinions as to what context should be considered may come two different results. Given the focus on specific case studies, this is not necessarily a drawback. DQI, on the other hand, attempts to provide general empirical insights about what drives different forms of deliberation. Reliability, in this context, is necessary and can be achieved if the coding instructions are precise enough. The strategy of reliability driven content analysis is to diminish the margin of interpretation in the application of the categories by providing precise coding instructions.

4. HERMENEUTICAL UNDERDETERMINATION IN ARGUMENT MAPPING

The question addressed in this paper is whether an argument mapping in the form of the described surface analysis can be applied as a social-empirical research method to generate interesting results. There are numerous interesting research questions. For instance, Betz (2013) simulates complex multi-agent debates to investigate the effects of different argumentation strategies on reaching a consensus. The question is whether the findings are mirrored in reality and under which conditions. A corresponding argument mapping of real debates could answer these kinds of questions. However, such empirical research designs face a hermeneutical challenge: In order to provide generalizable results, the corresponding argument mappings of texts must be reliable. That is, the argument mappings of one text by different coders should result in sufficiently similar argument maps. As hinted at above, the described argument mapping approach often allows for different interpretations. As a consequence, coders can choose between different interpretations and we should not expect high reliabilities even if the coding results are adequate.

The basic idea to meet this challenge is that an unavoidable hermeneutic underdetermination in the case of argument mapping does not necessarily lead to a purely qualitative analysis. An important point is that even in the face of underdetermination one can often distinguish adequate from inadequate interpretations. This allows for capturing the margin of interpretation in a specific context. Instead of dispensing with reliability measures altogether, I suggest using context-dependent reliability constraints. The margin of interpretation can vary even from

one text to another. Having captured the margin quantitatively for, say, a specific text type, one can define reliability thresholds that an adequate argument mapping has to fulfil.

5. CAPTURING INTERPRETATIONAL MARGINS

An apparently simple way to describe the margin of interpretation of a given text is an explicit listing of all of the valid argument maps. Often, however, the number of valid argument maps is vast due to combinatorial complexity.¹ Therefore, such an extensional way of describing the margin of interpretation is at the very least impractical and often even impossible since computational and human capacities are limited. An alternative way of describing the margin of interpretation uses the concept of a maximum argument map, which in some way contains all valid argument maps as subgraphs. This basic idea will be elaborated by explicating the concept of a maximum argument map and by formulating validity criteria without referring to sets of all valid argument maps.

This approach, in some way, provides an explication of the concept of valid argument maps, which can, however, be easily misunderstood. Namely, I do not intend to elaborate criteria to evaluate the validity of an argument map with respect to a given text. Such an account would represent a systematic theory of text-interpretation, which would rely on hermeneutic principles since validity cannot be evaluated by formal text-characteristics alone. What I intend is much more modest and assumes that there are such criteria in a systematic or informal way. What I address is merely the described combinatorial challenge by providing an alternative representation of the margin of interpretation. This alternative representation can then be used to check a given argument map for its validity.

Figure 1 provides an illustration: This paper presupposes that there are criteria that can be used to assess whether an argument map A constitutes a valid interpretation of the reasoning structure of a given text T ($Val_1(T, A)$). I do not provide an explication of Val_1 but of another concept Val_2 . In order to enable validity checks, the margin of interpretation has to be described by a maximum argument map A_{max} . Then the validity of a given map A can be evaluated with the help of a validity concept Val_2 , which relies on the concept of a maximum argument map alone ($Val_2(A, A_{max})$). A_{max} can be understood as the result of a mapping $MoI(T)$ from the given text T . Needless to say, the

¹ This is, of course, an empirical claim, which cannot be justified here rigorously and depends heavily on the given text.

description of the margin of interpretation via A_{max} has to be obtained with the help of a content analysis itself.

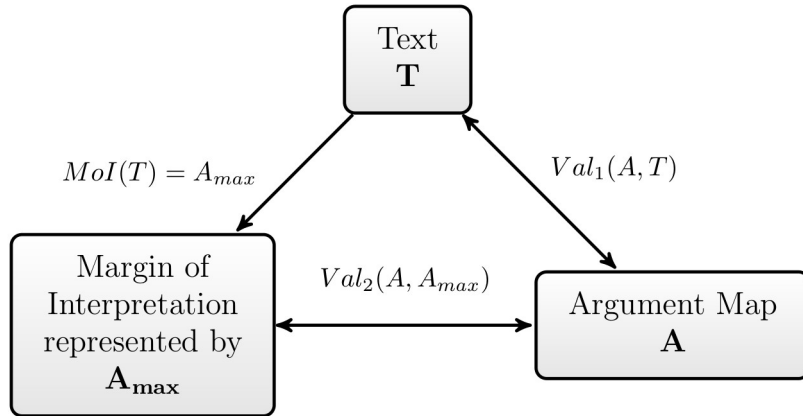


Figure 1 – Relationship of both validity concepts

6. MINIMUM & MAXIMUM ARGUMENT MAPS

The basic idea of characterising the interpretational margin is to restrict it from two sides by specifying those elements that have to be represented in every valid map and those that should not be represented. Most persuasive texts have a non-vanishing interpretational margin, which can be explained by the existence of text segments for which it is unclear whether any vindictory function is intended. Sometimes, for instance, it is unclear whether a text segment is formulated as an additional argument or, say, a mere explanation or illustration of a point already made. The elements of an argument map can be divided into those that represent text segments that unambiguously have a vindictory function and those that can be interpreted as having one but also allow for other interpretations. Minimum argument maps are maps that are not further reducible: Any further removal of an element results in an invalid map. Maximum argument maps contain all these unambiguous elements but additionally all the ambiguous ones. If a text segment might be interpreted as having a vindictory function it should be represented in a maximum argument map. Maximum argument maps cannot be enlarged without jeopardizing their validity. In sum, the minimum and maximum argument maps represent the lower and upper bounds for the valid argument maps. Any valid argument map should contain all elements of a minimum argument map, but should not contain more elements than a maximum argument map. Often, the interpretational margin of a given text must be represented by more than one minimum argument map. Fortunately, often one maximum map will

do to represent the interpretational margin. For simplicity and brevity, I will assume in the remaining description that there is exactly one maximum argument map. In this case, the set of all valid argument maps has a tree-structure as illustrated in figure 2. The edges represent a subgraph-relation: The argument maps $A_1 - A_9$ have fewer elements than the maximum and more elements than the minimum argument maps $A_{10} - A_{15}$.

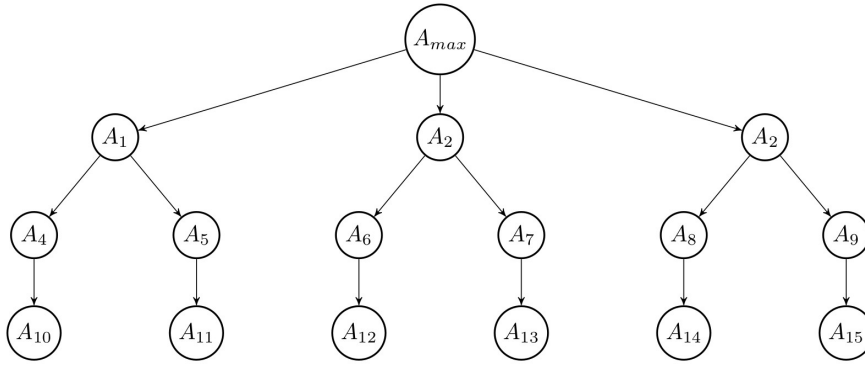


Figure 2 – Tree structure of valid argument maps.

An argument map contains nodes, which represent propositions or sets thereof and directed edges, representing attack and support relations. To elaborate on the described idea of minimum and maximum maps it is crucial to understand in what way ambiguities of the given text relate to elements in the argument map. There are two principal different kinds of ambiguities when it comes to the reasoning structure of a given text. The first kind concerns the question of whether a specific text segment has an intended vindicatory function. That translates into the question of whether this text segment should be represented in the argument map. In the case that a text segment is interpreted as having an intended vindicatory function another kind of ambiguity can occur. It might be ambiguous which vindicatory function is intended by the author. For instance, it might be unclear what exactly is intended to be justified by the text segment.

Given the structure of argument maps the following ambiguities can be distinguished:

- *Node-ambiguity*: Whether a given text segment has some intended vindicatory function can be ambiguous. Even in the case of explicit indicator words, such ambiguities might prevail. For instance, phrases like "... because" can indicate causal and vindicatory relationships. Sometimes the whole text context does not determine uniquely which one is intended.

- *Relation-ambiguity*: Similarly as with nodes, relations between nodes are often hinted at by linguistic cues in the text. A relation is called unique if the text context and/or explicit indicators unambiguously point to a relation between nodes.

The latter two ambiguities concern the question of whether a text segment has a vindicatory function. The following concern the exact type of the vindicatory function:

- *Ambiguity of edge-type*: It might be unclear whether an identified relation is supposed to be intended as a support or an attack.
- *Ambiguity of direction*: The edges of argument maps are directed. That is, they have a source and a target. Similarly as with the edge type, the direction of an edge might be formulated in the text ambiguously.

Both, the type and the direction of an edge are usually stated in an unambiguous way in texts. What occurs more often is that either the source or the target is ambiguous, for which the following technical termini are introduced:

- *Source-unique relations*: If the source of a relation is stated unambiguously in a given text, the relation is called source-unique. That is, the text states clearly from which node the relation comes.
- *Sink-unique relations*: If the target of a relation is stated unambiguously in a given text, the relation is called sink-unique. That is, the text states clearly to which node the relation aims.

The question of whether a relation is source- or sink-unique is independent of the relation-ambiguity. Relation-ambiguity concerns the existence of a vindicatory relation. Source- and sink-uniqueness, on the other hand, are related to ambiguities with respect to the source and target of a relation. That is, there might be ambiguous source-/sink-unique relations and there might be unique source-/sink-ambiguous relations. With respect to sink- and source-uniqueness there are four combinatorial possibilities.

Having introduced the relevant types of ambiguities, the construction of a maximum argument map can be outlined. A maximum argument map is an argument map complemented with additional information about the ambiguities found in the text.

1. *Nodes*: Text segments that have a vindicatory function, which are either being used to justify something or are being justified,

should be represented in the maximum argument map by an ambiguous or unambiguous node.

As illustrated above, there might be unambiguous relations for which there are different valid interpretations of their target. The question is how to represent the different interpretations in the maximum argument map. An unambiguous relation, which lacks sink-uniqueness, has to be represented by not only one edge but different edges, each representing one possible interpretation. The suggestion is then to represent a relation by an equivalence class of edges, which are called representatives of the relation. The construction of edges in the maximum argument map is in consequence as follows:

2. *Relations*: Text segments indicating the existence of a vindictory relation in an ambiguous or unambiguous way have to be represented by equivalence classes of edges. Relations that are not sink-unique and/or not source-unique or exhibit some other type of ambiguity have a corresponding edge for each valid interpretation in the equivalence class.

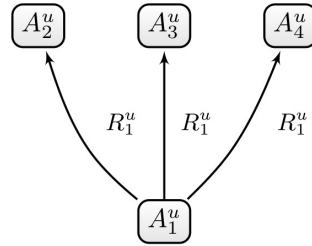


Figure 3 – Example of one unique relation with three representatives

Figure 3 provides an illustration. The given maximum argument map can be read as follows: There are four text segments that are identified as arguments in a unique way ($A_1 - A_4$) and one unique relation, represented by the equivalence class R_1 .² That is, the text uniquely indicates that the text segment represented by A_1 is being used to justify something. However, it is not clear what exactly the author intends to justify with it: A_2 , A_3 or A_4 or all of it. This abstract example already hints at why the margin of interpretation might be combinatorically complex. If, as the example is constructed, every combination of the

² The illustrations use u -indices as superscripts to indicate uniqueness and ' $\sim u$ ' to indicate ambiguity respectively.

representations of that relation represents a valid interpretation, there are already $3!$, i.e. 6 valid argument maps. This illustrates that the amount of valid argument maps is roughly in the magnitude of $n!$ with n being the number of ambiguities.

The properties of relations being sink-unique or source-unique do not have to be encoded or visualized separately since they can be defined as follows:

- A vindicatory relation is *source-unique* if and only if all representatives of that relation have the same source.
- A vindicatory relation is *sink-unique* if and only if all representatives of that relation have the same target.

As a consequence, relations that are unique in every way have exactly one edge as representative in their equivalence class.

There are cases of simple maximum argument maps that allow for exactly one minimum argument by a stepwise reduction of the maximum map. Consider the example of figure 4: There are two unambiguous main claims (C_1 and C_2), one ambiguous node (A_1) and two ambiguous relations (R_1 and R_2), each of which have one edge as representative. If you remove all ambiguous elements, the resulting minimum argument includes only the main claims.

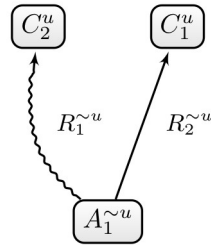
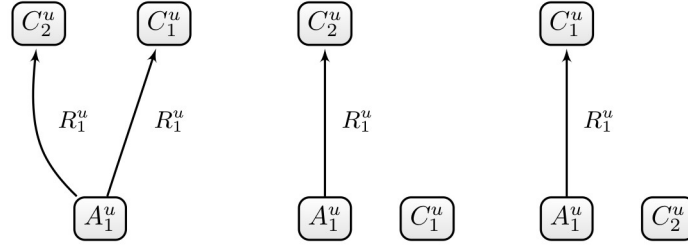


Figure 4 – Maximum map

However, often there is more than just one minimum argument map as exemplified by the following example.

In figure 5 every node is unique. Additionally, there is a unique relation (R_1), which has two representatives. The relation is source unique, but lacks sink uniqueness. The question is now, what elements can be removed from the maximum argument map without jeopardizing validity. Given the terminology introduced, it is required that there is at least one edge representing a relation in the case that the relation is unambiguous. That is, a valid argument map should provide at least one interpretation of a unique relation, even if the relation is not sink unique or not source unique. Consequently, both edges cannot be removed

simultaneously in figure 5. However, each one can be removed separately, resulting in two different argument maps (figure 6 and 7) which cannot be reduced any further.



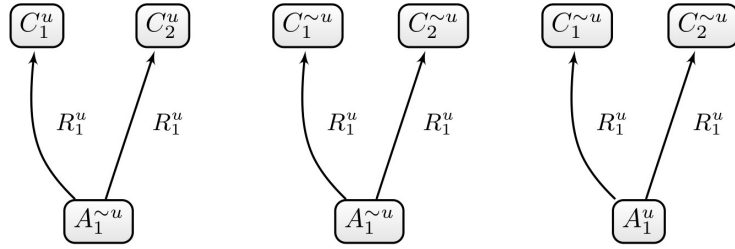
Figures 5-7

7. THE VALIDITY CONCEPT

The concepts elaborated so far can now be used to formulate the conditions that a valid argument map has to fulfil. Although the concept of a minimum argument map is helpful to understand the basic idea, it is possible to formulate the validity criteria without reference to minimum argument maps. The following intuitions seem to be a good starting point:

- A valid argument map should contain all unique nodes.
- A valid argument map does not have to contain ambiguous nodes.
- For every unique relation there has to be at least one representative in a valid argument map.
- A valid argument map should not contain elements that are not in the maximum argument map.
- Every edge should have a source and a target.

Condition (e) merely ensures that the argument map is really a directed graph, that is, that the edges do not point into the void or come from the void. The intuitions (b) and (c) are, however, in some tension with each other, because the existence of representatives of a relation depends on the existence of corresponding source and target nodes. Consider the cases of figures 8-10.



Figures 8-10

According to the intuition that ambiguous nodes do not have to be in a valid argument map *(b)* the argument node A_1 could be removed in figure 8. That would, in turn, lead to the removal of all edges according to condition *(e)*. As a consequence, the relation R_1 would not have any representatives, which violates the intuition *(c)* that all unique relations should have a least one representative. A similar consideration applies to figure 9 with respect to all nodes and to figure 10 with respect to the removal of C_1 and C_2 . There are three possibilities to resolve the tension between the intuitions *(b)* and *(c)*:

1. A *precedence over unique relations* suggests demanding that every unique relation must have at least one representative. All of the cases discussed would be handled in the same way with the consequence that sometimes ambiguous nodes could not be removed.
2. A *precedence over the removal of ambiguous nodes* suggest that ambiguous nodes can be removed, even if that implies the removal of the last representatives of unique relations. According to this approach, the discussed maps could be reduced until no representative of R_1 is in the map. The map in figure 9 could even be reduced to an empty map.
3. A *mixed approach* suggests handling the cases discussed differently. To take precedence over unique relations in some cases and precedence over the possibility of removing ambiguous nodes on other.

The second option is advantageous if one prioritizes a principle of charity with regard to the analysis of the reasoning structure. It simply allows more valid interpretations of the given maximum maps. Whereas according to the first option no node in figure 8 and only one node in figures 9 and 10 could be removed, the second option allows the removal of more nodes (one in figure 8, two in figure 10 and even three in figure 9).

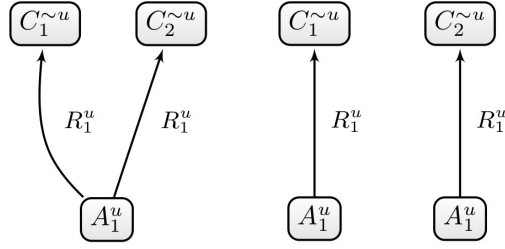
Although the principle of charity might favour the second option, the precedence over unique relations has a pressing appeal especially with respect to figure 10). Let's consider the interpretational situation of this case in an abstract way. Suppose there is an explicit argument indicator that unambiguously points to a text segment that is used to justify something. That motivates the representation of that text segment by node A_1 and the unique support relation R_1 . However, the linguistic cue does not single out the target of that node, i.e. what is supposed to be justified. Two other text segments might be interpreted as main claims, which are represented by C_1 and C_2 respectively. The fact that A_1 and R_1 are uniquely pointed at by a linguistic cue demands some interpretation of what is supposed to be justified by A_1 . In other words: The given text provides a text segment as a justification. However, it is unclear what exactly is being justified - either C_1 or C_2 . A valid interpretation has to provide at least one answer to the question of what is being justified.

Instead of choosing either option one or two, I opt for using a mixed approach that handles the cases of figures 8-10 differently. In particular, I suggest that the ambiguous nodes of figures 8 and 9 can be removed, even if by doing so some unique relations remain without representatives. The case of figure 10 should, however, be treated differently. The fact that both the source of the source-unique relation and the relation itself are unique prohibits the removal of all ambiguous nodes.

This mixed approach can be captured by the following conditions:
An argument map AM is valid with respect to a text T only if

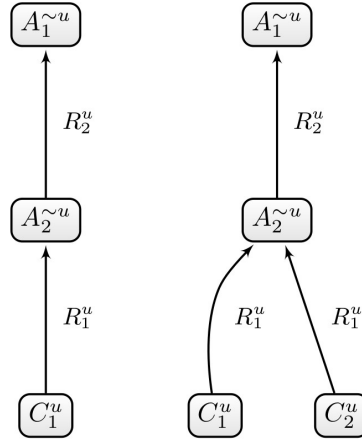
- i. every edge in AM has a source and a target,
- ii. every node and edge of AM is also an element in the maximum argument map of T ,
- iii. every unique node is a node of AM ,
- iv. for all unique relations which are source unique, exists at least one representative in AM , in the case that the source node is in AM , and
- v. for all unique relations which are sink unique, exists at least one representative in AM , in the case that the target node is in AM .

In order to illustrate the consequences of these conditions, let's consider, first, the case of figure 11, which I have already used to motivate the conditions (see figure 10):



Figures 11-13

In comparison to figure 11, the argument maps in figures 12 and 13 lack one of the nodes of the maximum argument map of figure 11. However, they do not violate any of the conditions (i-v). The question is whether these submaps can be further reduced. Relation R_1 is unique and source-unique. The corresponding source node is unique. Hence, according to (iii) and (iv) neither the source nor the last representative of R_1 can be removed and consequently the corresponding target nodes have to remain. Hence, the maps in figures 12 and 13 are minimum argument maps.



Figures 14 and 15

The case illustrated in figure 14 shows that there are constellations in which last representatives cannot be removed even if the source and target node are ambiguous: The source node C_1 cannot be removed since it is unique. There is only one representative of R_1 , which renders R_1 source (and sink) unique. Hence, the ambiguous node A_2 cannot be removed according to condition (iv). The relation R_2 is also source unique and since A_2 is in every valid map, so is the only representative of R_2 and its target A_1 . In sum, the maximum map is also a minimum map, since no element can be removed without violating the

validity conditions. The map in figure 15 is different. If nodes A_1 and A_2 and with them all edges are removed, the resulting map is still valid. The relation R_1 is sink-unique but not source-unique. As a consequence, condition (iv) does not apply. Since A_2 is not part of the reduced map, condition (v) does not apply either.

8. CONTEXT DEPENDENT RELIABILITY THRESHOLDS

Reliability requires that different coders agree in their codings of the same text (inter-coder reliability) and that a repeated coding of the same text by one coder yields the same results (intra-coder reliability). Whereas reliability quantifies the agreement among repeated codings of the same text, validity is a concept concerned with truth. Only if a measurement instrument measures what it is supposed to measure can the results be called valid. Though height reliabilities do not guarantee validity, they are at least necessary for validity (Krippendorff 2012, p. 213). If coders are not consistent with each other some of them must be wrong or the categories of the coding scheme are not appropriately precise (Artstein and Poesio 2008, p. 557). In agreement with this positivistic view of coding, the thresholds for adequate levels of reliability are not context-dependent. Although the numerical specifications of these thresholds might depend on whom you ask and on the particular reliability measure being used they do not depend on the interpretational margin of the text. If the category-system allows a margin of interpretation, it is simply not suited for reproducible measurements of text characteristics and as a consequence does not allow generalizable results.

What I suggest is taking a stance between the sketched positivistic picture of coding as a measurement process and giving up on striving for reproducibility entirely in the case of hermeneutical underdetermination. It is true that argument mapping is, like many methods of semantic text analysis, an interaction between the text and the reader of the text and often allows for different interpretations. Nevertheless, it can be susceptible to reliability constraints. The simple idea is to specify reliability thresholds relative to the margins of interpretation.

Before providing an outline of this approach, I want to address an important worry, which could be formulated as follows: If we are provided with a coding of the interpretational margin of the reasoning structure of a particular text, we do not need any further valid codings in the form of argument maps of that text. We already have them in an encoded form via the maximum argument map. Hence, there is also no need for additional argument maps to be checked for validity and

reliability. If the specification of the reliability threshold for a particular text relies on coding the interpretational margin, we do not need the reliability threshold for the same reason. Its only purpose is to assess whether the given argument maps satisfy reliability constraints. This concern shows that the idea of context-dependent reliability thresholds is only fruitful if margins of interpretation can be estimated without coding them for every text explicitly. What is called for are text features that can serve as proxies for the interpretational margin and that are easier to detect than the interpretational margin itself. Whether such proxies exist is an open empirical question. Perhaps margins differ so severely that there is no other viable way to estimate interpretational margins than to code them explicitly via maximum argument maps. The small contribution of this paper is to enable such empirical research.

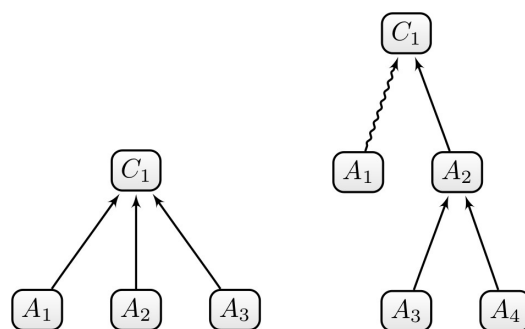


Figure 16 – Illustration of the Hamming distance

In addition to that, the account of context-dependent reliabilities hinges on a crucial assumption. It should be possible to capture the margin of interpretation in some quantified way. Fortunately, this concern is easily dealt with. Both the margin of interpretation and the agreement among different codings can be assessed quantitatively by using graph distance measures. A very simplistic one is a non-normalized Hamming distance, which simply counts the number of elements that are not shared by two argument maps. Figure 16 illustrates what is meant by this: There is only one node that is not an element in both argument maps (A_4). There are two edges in the first argument map that are not present in the second one (the supporting edges from A_1 to C_1 and from A_3 to C_1) and three edges in the second map that are not present in the first one (the attacking edge from A_1 to C_1 and the supporting ones from A_3 and A_4 to A_2). In sum, the Hamming distance is six.

The Hamming distance can be used to introduce different measures to quantify the reliability of argument mapping and the interpretational margin. For simplicity, let's use the mean distance

between argument maps as a numerical value for their reliability. The leading idea of the context-dependent reliability measure can now be described as follows: If there is some margin of interpretation, a coder is allowed to pick any interpretation that is valid. Hence, we should expect that different valid argument mappings might result in different argument maps. As a consequence, low reliability does not imply invalidity. That is, high reliability is not necessary for validity as in the positivistic picture described above. However, that does not mean that anything goes. If, for instance, the distance between two argument maps exceeds the maximum distance within the set of all valid argument maps, one of them must be invalid. This can be generalized: low reliability is still a probabilistic indicator of invalidity. But how much disagreement among different mappings is tolerable? A strong requirement of discrimination might demand that the disagreement between coded argument maps should not exceed the mean distance of all valid argument maps. A more apt specification of reliability thresholds should take into account the distribution of argument maps within the interpretational margin. However, without further findings about these margins, no particular constraints can be formulated.

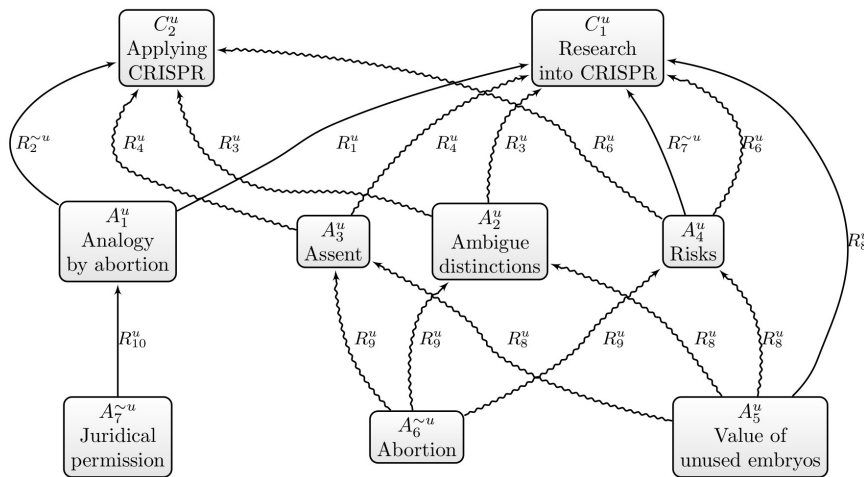


Figure 17 – Maximum argument map

Let us, however, consider an example to illustrate the approach described. The maximum argument map of figure 17 represents the reasoning structure of answers to a questionnaire with open questions. The respondents were asked to formulate their opinions about human germline editing and to provide reasons for it. Additionally, they were asked to deal with objections they know of. Both, the particular response to that questionnaire visualized in figure 17 and the different codings of

it were generated by students during a research seminar, which was part of a larger participatory research project at the Karlsruhe Institute of Technology (KIT).³ The research seminar served as a test vehicle to assess whether the evaluation of questionnaires with argument mapping techniques is feasible. Figure 18 visualizes the distances of different argument maps. Each point represents an argument map and the length of a line linking two points represents the Hamming distance between the corresponding argument maps. There are seven different argument maps as coding results by students and fifty randomly generated valid argument maps based on the given maximum argument map. The mean distance of the coded argument maps is 12.9 ± 3.6 and 7.3 ± 2.0 of the randomly generated valid maps. All of the coded argument maps are, however, invalid, which might be explained by insufficient coding instructions. The students had no argumentation theoretic background and had only a short-term introduction to argument mapping (roughly one and a half hours) before creating the argument maps.

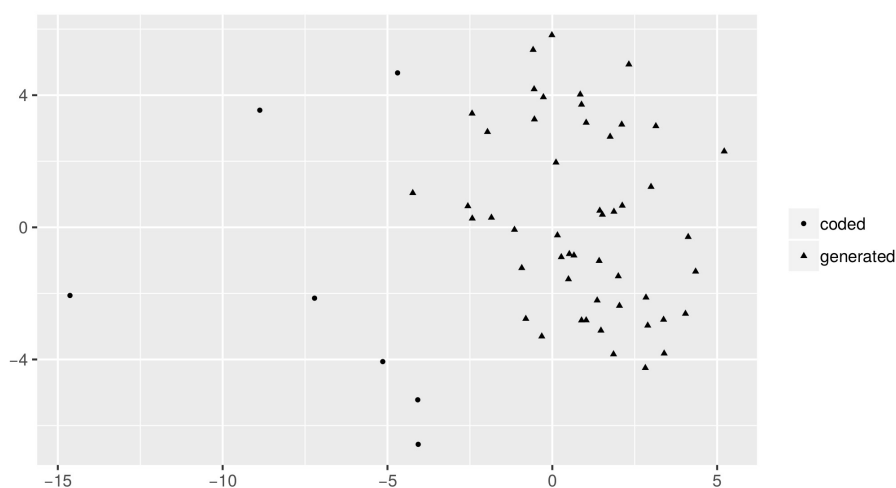


Figure 18 – Visualized distance in two dimensions

The given numbers illustrate how interpretational margins can be captured quantitatively. However, they describe only one particular case. Further empirical research has to show, which reliability thresholds would be appropriate and whether there are properties of texts that allow inferences to their interpretational margin.

³ See <http://www.buedeka.de/> for more information about the project “Citizen-Delphi”, which was funded by the German Federal Ministry of Education and Research.

Let me finally provide an outline of how context-dependent reliability thresholds meet the challenge of hermeneutical underdetermination. The question is, how the described technique of argument mapping can be applied as an empirical research method to allow generalizable results. The problem of generalizing the results of a content analysis with non-optimal reliabilities can be described roughly with the following picture: Empirical research strives for justified general statements about the causal or at least correlational relationships between observable properties of phenomena. Put simply, the researcher asks whether a difference in some independent variable makes a difference in some other dependent variable. In order to answer this question, the corresponding differences have to be measured. Since the researcher is interested in differences in the phenomena, the measured differences must be an indicator of differences in the phenomena and not a mere artefact of the measurement process. Applied in the context of argument mapping: If two argument maps are different, these differences should be the result of differences in the coded reasoning structure and not the result of interpretational differences only. The latter case would say more about the analyst than about the coded text. But how can we exclude that, if there is a non-vanishing interpretational margin? Capturing interpretational margins quantitatively might solve these problems since it allows for estimating whether a difference in argument maps could be explained by interpretational differences alone, given that the argument mapping is valid. That is to say, capturing the margin of interpretation quantitatively in argument mapping is similar to specifying confidence intervals or error bars in measuring other quantitative data. It allows for evaluating whether the observed differences are significant enough to infer differences in the phenomena observed.

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REFERENCES

- Artstein, R., & Poesio, M. (2008). Inter-Coder Agreement for Computational Linguistics. *Computational Linguistics*, 34(4), 555–596. <https://doi.org/10.1162/coli.07-034-R2>
- Baccaro, L., Bächtiger, A., & Deville, M. (2016). Small Differences that Matter: The Impact of Discussion Modalities on Deliberative Outcomes. *British Journal of Political Science*, 46(3), 551–566. <https://doi.org/10.1017/S0007123414000167>

- Betz, G. (2010). *Theorie dialektischer Strukturen*. Frankfurt am Main: Klostermann.
- Betz, G. (2013). Debate Dynamics: How Controversy Improves Our Beliefs.
- Betz, G., & Brun, G. (2016). Analysing Practical Argumentation. In S. O. Hansson & G. Hirsch Hadorn (Eds.), *The Argumentative Turn in Policy Analysis. Reasoning about Uncertainty*. (pp. 39–77). Cham: Springer.
- Betz, G., & Cacean, S. (2012). Ethical Aspects of Climate Engineering. Retrieved from <http://digbib.ubka.uni-karlsruhe.de/volltexte/1000028245>
- Brun, G., & Hadorn, G. H. (2009). *Textanalyse in den Wissenschaften: Inhalte und Argumente analysieren und verstehen* (1. Aufl.). Stuttgart: UTB.
- Cacean, S. (2012). Ethische Aspekte von Cognitive Enhancement. In G. Spitzer & E. Franke (Eds.), *Sport, Doping und Enhancement Ergebnisse und Denkanstöße* (pp. 151–220). Köln: Sportverl. Strauß.
- Caluwaerts, D., & Deschouwer, K. (2014). Building bridges across political divides: Experiments on deliberative democracy in deeply divided Belgium. *European Political Science Review*, 6(3), 427–450. <https://doi.org/10.1017/S1755773913000179>
- Caluwaerts D., & Reuchamps M. (2014). Does Inter-group Deliberation Foster Inter-group Appreciation? Evidence from Two Experiments in Belgium. *Politics*, 34(2), 101–115. <https://doi.org/10.1111/1467-9256.12043>
- Cullen, S., Elga, A., Fan, J., & Brugge, E. van der. (2018). Improving Analytical Reasoning and Argument Understanding: A Quasi-Experimental Field Study of Argument Visualization with First-Year Undergraduates. *Npj Science of Learning*, 3.
- Davies, M. (2011). Concept mapping, mind mapping and argument mapping: What are the differences and do they matter? *Higher Education*, 62(3), 279–301. <https://doi.org/10.1007/s10734-010-9387-6>
- Eftekhari, M., & Sotoudehnama, E. (2018). Effectiveness of computer-assisted argument mapping for comprehension, recall, and retention. *ReCALL*, 30(3), 337–354. <https://doi.org/10.1017/S0958344017000337>
- Fairclough, I., & Fairclough, N. (2012). *Political discourse analysis: A method for advanced students*. London: Routledge.
- Fischer, F., & Forester, J. (Eds.). (1993). *The Argumentative Turn in Policy Analysis and Planning*. Durham, N.C: Duke University Press Books.
- Fisher, A. (2004). *The Logic of Real Arguments* (2nd ed.). New York: Cambridge University Press.
- Freeman, J. B. (1991). *Dialectics and the macrostructure of arguments: A theory of argument structure*.
- Gower, J. C. (1966). Some Distance Properties of Latent Root and Vector Methods Used in Multivariate Analysis. *Biometrika*, 53(3/4), 325–338. <https://doi.org/10.2307/2333639>
- Hansson, S. O., & Hirsch Hadorn, G. (Eds.). (2016). *The Argumentative Turn in Policy Analysis. Reasoning about Uncertainty*. Cham: Springer.
- Harrell, Mara. (n.d.). Using Argument Diagramming Software to Teach Critical Thinking Skills. Retrieved from https://www.academia.edu/772355/Using_Argument_Diagramming_Software_to_Teach_Critical_Thinking_Skills

- Harrell, Maralee. (n.d.). Argument diagramming and critical thinking in introductory philosophy. *Higher Education Research & Development*, 30(3), 371–385.
- Krippendorff, K. H. (2012). *Content Analysis: An Introduction to Its Methodology*. SAGE Publications Inc.
- Lippi, M., & Torroni, P. (2016). Argumentation Mining: State of the Art and Emerging Trends. *ACM Trans. Internet Technol.*, 16(2), 10:1–10:25. <https://doi.org/10.1145/2850417>
- Neuendorf, K. A. (2002). *The Content Analysis Guidebook*. SAGE Publications Inc.
- Reed, C., Walton, D., & Macagno, F. (2007). Argument diagramming in logic, law and artificial intelligence. *The Knowledge Engineering Review*, 22(01), 87.
- Scheuer, O., Loll, F., Pinkwart, N., & McLaren, B. M. (2010). Computer-supported argumentation: A review of the state of the art. *International Journal of Computer-Supported Collaborative Learning*, 5(1), 43–102. <https://doi.org/10.1007/s11412-009-9080-x>
- Steenbergen, M. R., Bächtiger, A., Spörndli, M., & Steiner, J. (2003). Measuring Political Deliberation: A Discourse Quality Index. *Comparative European Politics*, 1(1), 21–48. <https://doi.org/10.1057/palgrave.cep.6110002>
- Titscher, S., Meyer, M., Wodak, R., & Vetter, E. (2000). *Methods of Text and Discourse Analysis: In Search of Meaning* (First edition). London ; Thousand Oaks Calif.: SAGE Publications Ltd.
- Walton, D. (1996). *Argumentation Schemes for Presumptive Reasoning* (1st ed.). Routledge.
- Walton, D. N. (2006). *Fundamentals of critical argumentation*. Cambridge: Cambridge University Press.

Commentary on Cacean's Reliability of Argument Mapping

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1. INTRODUCTION

Cacean's paper concerns the interesting question of how argument mapping can be conducted in such a way that it generates generalizable results, despite the hermeneutic underdetermination of actual argumentative discourse. As Cacean points out, argumentative discourse is hermeneutically underdetermined in the sense that premises or conclusions can be left implicit and there are often various possible ways in which these elements can be made explicit. Even if no element is left implicit, underdetermination can arise from ambiguous linguistic elements in the discourse itself.

Hermeneutic underdetermination poses a difficulty for argument mapping: in argument mapping, reasoning structures within argumentative discourse are schematically depicted, but how can such structures be depicted if ambiguity allows for several interpretation of what these structures exactly amount to? Cacean argues that although underdetermination can lead to different interpretations of argumentative discourse, this does not mean that every interpretation is equally valid. He proposes context-dependent empirical reliability constraints to capture the margin of interpretation. By applying these constraints, the validity of argument maps can be determined.

In this commentary, I will deal with two questions about Cacean's paper, a more theoretical one and a more practical one. The theoretical question concerns the notion of 'validity', the practical question the reliability measures that Cacean uses to determine validity.

2. VALIDITY OF ARGUMENT MAPS

In his paper, Cacean takes care to demarcate the notion of validity: he does not deal with formulating criteria for evaluating whether an argument map constitutes a valid interpretation of a particular piece of argumentative discourse (which he calls 'validity₁'), but with the way in which we can check whether alternative argument maps of the same

argumentative discourse can still be regarded as valid when taking into account the interpretational margin ('validity₂').¹ However, I wonder whether Cacean's notion of validity₂ fully captures what he is after, since, based on this notion, it seems to be possible to call argument maps valid that contain internal contradictions or are completely blank, which does not seem to be very meaningful.

Cacean argues that argument maps are valid if they represent at least all the elements of a minimum argument map and not more elements than a maximum argument map. In other words, valid argument maps should at least include all the elements in the argumentation that are unambiguous (i.e., unique), but could also include additional ambiguous elements as long as they deal with the claims, arguments or relations between claims and arguments in the discourse.

Now imagine that there is a case of edge-type ambiguity (i.e., ambiguity about whether an argument is meant to support or attack a claim), because the exact relation between the argument and claim is left implicit in the discourse. Other than that, no ambiguities exist (i.e., the claim and argument are both unique). This would mean that the maximum argument map consists of a claim that is both supported and attacked by the same argument (see Figure 1). Following Cacean's reasoning, this map should be considered valid, since the maximum argument map is by definition a valid argument map. Yet, the map seems to suggest that a contradiction is present in the discourse itself, while that is not the case (only the relation between claim and argument is ambiguous). So, what does the validity of this map exactly signify?

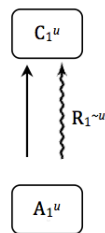


Figure 1 – Argument map of a claim of which it is ambiguous whether it is supported or attacked by the argument (i.e., edge-type ambiguity).

¹ It should thus be noted that Cacean deals with validity in a methodological sense (in that validity indicates whether a measurement measures that which it is supposed to measure), rather than validity in a logical or argumentation theoretical sense (in that validity indicates that a conclusion cannot be untrue if the premises are true – or any other variation of this).

Furthermore, in the case of argumentative discourse in which all elements (i.e., arguments, claims and relations) are ambiguous, the minimum argument map would actually not contain anything at all. Such a blank 'map' could nevertheless be regarded as a valid argument map based on the idea that a minimum argument map is by definition valid. This again raises the question what it exactly means to call an argument map 'valid' in the sense of Cacean's validity₂.

These examples suggest that an examination of validity₂ (the validity that indicates whether alternative argument maps of the same argumentative discourse are still acceptable) without some examination of validity₁ (the validity that indicates whether an argument map fulfils the normative acceptability criteria) might be undesirable.

3. RELIABILITY MEASURES

Apart from this theoretical issue, I would like to pose a more practical question about the way in which reliability is measured in the paper. As Cacean explains, the fact that people might interpret the same argumentative discourse differently because of ambiguities in the discourse means that a variety of argument maps can be valid. This variety could, however, pose a difficulty for empirical research: when using standard empirical reliability tests, ambiguities in the discourse result in lower inter-coder reliability. The context independency of these standard reliability tests therefore makes them an unsuitable measurement of discourse characteristics.

To be able to determine the reliability of argument maps, Cacean proposes an alternative way to deal with their reliability, namely by specifying reliability thresholds that are relative to margins of interpretation. A strong reliability threshold could, for example, be that coded argument maps should not exceed the mean distance of all valid argument maps. Weaker thresholds could take into account the distribution of argument maps.

A prerequisite for such context dependent reliability thresholds is that the distance between argument maps can be calculated. Indeed, Cacean does so by means of Hemming distances. The Hemming distance amounts to the number of elements that are not shared by two argument maps. Although this measurement is attractively simple, it does not seem to take into account important distinctions in the differences between argument maps.

Consider, for example, the argument maps in Figure 2. Each of these maps represents the same argumentative discourse. The difference between the maps in (a) and (b) is that in (b) one subordinate argument is lacking (argument A₂). The difference between the maps in (a) and (c) is that in (c) the claim is represented twice: once

as the main claim and once as an argument directly in support of this main claim.

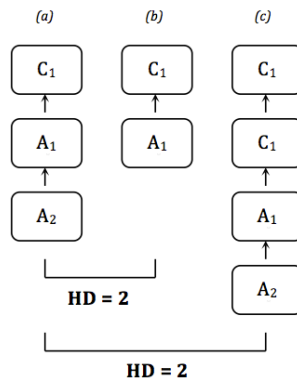


Figure 2 – Hypothetical argument maps with Hemming distances in bold.

Let us assume that the correct argument mapping of the discourse is the one in (a). The maps in (b) and (c) hence both contain mistakes. One could nonetheless argue that the more serious mistake occurs in (c): this is not just a matter of leaving out a subordinate argument (as in (b)); the discourse is mapped as though it contains circular reasoning (C_1 is depicted as supporting C_1), while that is not the case in the actual discourse. Yet, when calculating the Hemming distances between the maps (a) and (b), and (a) and (c), it is in both cases a distance of 2.² The question thus arises whether the Hemming distance is a suitable measure of differences between argument maps.

4. CONCLUSION

Despite the above questions, I think that Cacean's paper offers a very original way to evaluate argument maps. Given the increased importance of argument mapping techniques in combination with the hermeneutic underdetermination of language, a means to empirically determine the validity of argument maps is highly desirable. The idea of reliability thresholds is, in my view, an interesting way to tackle this matter. Thus, my questions should not be regarded as undermining this idea, but merely as sharpening it even further.

² The Hemming distance between the maps in figure 2 (b) and (c) is 4, so one could regard the map (c) as an invalid map after using a strong reliability threshold. Still, such evaluation would be *in spite of* the seriousness of the mistake in it, not *because of* this seriousness.

Critical discussion for sub-optimal settings

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This paper aims at answering the following question: when some of the higher order conditions for a critical discussion are not met, should we adopt a policy of applying the rules for critical discussion?

I will defend a moderate answer in between two extreme ones. The first extreme position is "anything goes policy", which implies that the rules do not apply in these cases. The second position is "business as usual policy", implying that the rules apply anyway. The moderate solution implies that only some rules apply, which will be determined by the specific conditions that are not met.

KEYWORDS: critical discussion, fallacies, rules for critical discussion, sub-optimal settings.

1. INTRODUCTION

Sometimes, the parties of a dialogue want to persuade each other even when the conditions for a reasonable dialogue are not met. Consider the following examples:

- (1) Maria tries to persuade her daughter Laura that her boyfriend is not a good match for her.
- (2) Martin is trying to persuade his friend Ronald, bound to conspiracy theories and pseudo-science, that global warming is real.
- (3) A left-wing politician is trying to convince a right-wing politician that raising taxes for rich people would be a good idea.
- (4) Fred has only one minute to convince an investor to put money in his idea.

I will call these circumstances sub-optimal settings, and they can be defined as settings that are unfavourable for a reasonable exchange of reasons. The main question of this paper is, then, the following: when

the parties in a sub-optimal setting exchange reasons aiming at persuasion, what norms of reasonableness should we apply to evaluate them?

I will claim that there are two extremes and a middle ground position regarding this question. The first option, that I will call “anything goes policy” considers that, since the conditions for a reasonable exchange of reasons are not given, the discussion is outside the domain of reason, therefore, anything goes for the parties. The second option, namely “business as usual policy”, implies that, since normative goals are always ideal, then it doesn’t matter at all if the setting is sub-optimal or not since, either case, the rules for reasonableness should apply in the same way. The middle ground solution that I would like to defend is the “partiality policy”, which implies that only some norms of reasonableness still apply in these settings.

This matter will be considered from the standpoint of pragma-dialectics. The main reason for adopting this approach is that it is a well-worked out model that provides a plausible account of the norms of reasonableness and argumentative exchanges. If the proposed position holds, then it could provide an interesting field of exploration for pragma-dialectics, enabling us to expand its use to less than ideal situations that are commonplace in social and political life.

2. BASIC CONCEPTS

It is necessary, first, to clarify some concepts.

2.1 Persuasion dialogue

As Walton and Krabbe (1995) have established, there are many dialogue types, and persuasion dialogue is just one of them. Then, besides persuasion dialogue, we will find negotiation, eristic, deliberative, information seeking and inquiry dialogues, plus other dialogue types that are a mix between them. Then, persuasion dialogue will only occur if the parties disagree and not in other cases like, for instance, the need to know the correct solution for an open problem, where deliberation dialogue is more suited.

There are two dimensions pertaining to persuasion dialogues: a descriptive and a normative one. The descriptive dimension requires us to identify a certain type of dialogue among others and show its main features. The normative perspective requires that we provide certain rules that allow us to evaluate persuasion dialogues and prescribe how they should be conducted in the future. Walton and Krabbe use the term *persuasion dialogue* in both senses. When they analyse persuasion

dialogue in a descriptive way they show the main features of such a dialogue, *i.e.*: the initial situation is disagreement, the main goal is to resolve the disagreement, and each of the participant's aim is trying to persuade the other party (1995, p. 68). When they analyse the normative dimension, they use their "systems of dialogue rules" (1995, pp. 123-172) to formalize and evaluate persuasion dialogues.

When I say "persuasion dialogue" I'm only referring to the first dimension: it is a type of dialogue in which the parties disagree and whose disagreement they try to overcome by means of persuasion. Only if we allow this minimal definition of persuasion dialogue, we can consider that such a dialogue can be conducted under a sub-optimal setting. The parties can have, then, other goals in mind but, if persuasion is the main one, we would still call it persuasion dialogue.

2.2 Critical discussion

A critical discussion is a dialogue in which:

The parties attempt to reach agreement about the acceptability of the standpoints at issue by finding out whether these standpoints are tenable against doubt and other criticism, given the mutually accepted starting points (van Eemeren, et al., 2014, p. 528).

Consequently, in a critical discussion the parties begin with a difference of opinion regarding certain standpoint, and if one of them succeeds in defending her standpoint or attacking the one presented by the counterpart, then one of them needs to retract her original standpoint or criticism and the parties can reach an agreement. If that process is conducted in a reasonable manner, the parties would then arrive at a resolution (van Eemeren, et al., 2014, p. 528).

Critical discussion has also a descriptive and a normative dimension. Therefore, it identifies a kind of dialectical interaction, but also the norms to conduct it properly. In this paper, I'm only considering the normative side. Then, if we consider that a *persuasion dialogue* is a dialogue in which the parties try to persuade each other in order to reach an agreement, *critical discussion* is the normative model that will provide us with rules to reach an agreement reasonably.

According to the pragma-dialectical school, to conduct a critical discussion in a reasonable manner the parties need to comply with the rules that authorize the performance of certain speech acts in the four stages of the process (confrontation, opening, argumentative and closing stage). These standards are known as *rules for critical discussion* (RCD) (van Eemeren, et al., 2014, p. 528).

These rules “constitute a dialectical procedure for the performance of speech acts in a critical discussion” (van Eemeren, et al., 2014, p. 539), and are presented as a set of 15 rules (van Eemeren & Grootendorst, 2004, pp. 136-157) or, in its shorter version, as a set of 10 commandments (van Eemeren & Grootendorst, 2004, pp. 190-196). By “RCD” I will understand, in this paper, the list of ten commandments.

2.3 Fallacies

Along with the establishment of do’s and don’ts for a critical discussion, the RCD serve as well to reinterpret and unify the classical fallacies inherited from the Aristotelian tradition. Accordingly, fallacies can be defined as “a discussion move that violates in some way a rule for critical discussion applying to a particular discussion stage” (van Eemeren, et al., 2014, p. 523). In other words, fallacies are a wrong move since they “obstruct or hinder the resolution of a difference of opinion on the merits” (van Eemeren, et al., 2014, p. 545). That is, it is not possible to arrive at the resolution of a difference of opinion based on fallacies since the resolution will not arise from the merits of the arguments.

Consequently, most of the fallacies inherited from the tradition can be reconstructed as violations of one or more of the rules (van Eemeren, et al., 2014). For instance, if a party uses force to deny her counterpart from presenting or defending a standpoint, she will not only be committing a classical *ad baculum* fallacy but also violating the *freedom rule*, that implies that “discussants may not prevent each other from advancing standpoints or from calling standpoints into question” (van Eemeren, et al., 2014, p. 542).

In conclusion, critical discussion is a normative model which enables the parties to arrive at a resolution of a difference of opinion in a reasonable manner. The model is regulated by the RCD, whose observance ensure that the parties arrive at a resolution on the merits, and whose inobservance will impede or, at least, hinder them from doing so. Fallacies are violations of the RCD, so the parties need to avoid using them if they want to resolve their difference of opinion.

2.4 Higher order conditions

Critical discussion, more than a theory to describe actual discourses, “is a theory of how discourse would be structured if it were purely resolution oriented” (van Eemeren F. H., Grootendorst, Jackson, & Jacobs, 1993, p. 26). Nevertheless, it plays a role as an ideal to which actual dialogues should be compared to. However, “the system described above assumes that certain conditions hold” (1993, p. 30).

Those conditions, that are necessary for the system to lead to resolution, have been called “higher-order conditions”, and occur at two different levels: second and third order, considering that the RCD are the first order conditions for the resolution of a disagreement.

Second order conditions refer to an “idealized set of attitudes and intentions” (p. 31) of the parties which implies that they “wish to resolve, and not merely to settle, the disagreement” (p. 31). Naturally, if the parties instead of resolving the disagreement, just want to score points or damage the adversary, a reasonable resolution is not possible. But sometimes the problem is not that they are unwilling but, rather, that they are incapable of resolving the issue, since they lack the “ability to express their opinions, to listen to the opinions of others, and to change their own opinions when these fail to survive critical examination”¹ (p. 33).

However, willingness and ability are not enough to conduct a critical discussion, so besides the second order conditions, there is a third order that refers to external circumstances of the dialogue. Then, the parties must not only have inner conditions for critical discussion but, also, “they must be enabled to claim the rights and responsibilities associated with the argumentative roles defined by the model” (p. 33). Therefore, in order to put forward standpoints and criticize them, the parties need to “have the right to advance his or her view to the best of his or her ability” (p.33). This right can be coerced in many ways: in a certain context there might be taboo topics, unfair time constraints, authority relationships or dogmatic issues, among others.

The pragma-dialectic literature has not yet recollected a clear and comprehensive list of higher order conditions. However, taking them from different sources, Zenker (2007, p. 12) has elaborated the following list:

Examples of 2nd order conditions:

1. The participants must accept that their points of view can prove to be wrong (Feteris, 2000, p. 118).
2. They must be prepared to admit that the points of view of others can be justified when they are successfully defended according to mutually shared starting points and evaluation procedures (Feteris, 2000, p. 118).
3. A person who has advanced a standpoint must be willing to provide arguments for that standpoint (van Eemeren & Grootendorst, 2004, p. 192) and to listen to the opinion of the other (van Eemeren & Grootendorst, 2004, p. 37).

4. Willingness to risk or lose face (Hitchcock, 2003).
5. Participant must not lack self-confidence (Hitchcock, 2003).
6. Absence of emotional restraint and personal pressure (van Eemeren & Grootendorst, 2004, p. 189).
7. Disinterestedness in the outcome of the discussion (van Eemeren F. H., Grootendorst, Jackson, & Jacobs, 1993, p. 32).
8. Ability to reason validly and to “handle” sophisticated and multiple lines of argument (van Eemeren F. H., Grootendorst, Jackson, & Jacobs, 1993, p. 32).

Examples of 3rd order conditions

1. The discussion situation must be such that the participants are not only willing, but also, free to put forward and defend a point of view of their own choice, and to cast doubt on a point of view of others with whom they disagree (Feteris 2000, p.118; similar van Eemeren and Grootendorst 2004, p.37).
2. Absence of authority relations among the discussants. (Hitchcock, 2003)
3. Equal time-constraints for all participants. (Hitchcock, 2003)
4. Disagreement space may not be limited. (Hitchcock, 2003)

2.5 Sub-optimal settings

Considering the above, a persuasion dialogue that takes place in a sub-optimal setting can be defined as a persuasion dialogue in which one or more higher order conditions have not been substantially met.

A sub-optimal setting is an in-between case since a persuasion dialogue in such setting can only occur if the higher-order conditions are not met to a substantial extent. For if, for instance, the parties are not willing to argue at all, we wouldn't be in presence of a persuasion dialogue in the first place. And if the conditions are only slightly not met, then the setting of the dialogue will not be sub-optimal. Only when parties do try to persuade each other but the setting is not optimal, we will be in presence of this case. In what follows, when I say: “the higher-order conditions have not been met”, I will be referring to the case when one or more of them have not been substantially met, but not to the case when they have not been totally (not a persuasion dialogue) or slightly (not a sub-optimal setting) met.

Considering the examples presented in section 1 and the list of higher order conditions given, we can say that in the example (1) the parties lack, at least, 2nd order conditions N°s 6 and 7; in example (2) one of the parties lacks 2nd order condition N° 2; in example (3) they might lack 2nd order conditions N°s 3 and 7; while in example (4) there is a lack of 3rd order condition N°s 2 and 3. Thus, we can safely call all of those settings sub-optimal.

Now, if we consider that the RCD are related to the fallacy theory, we will see that if we say that in a sub-optimal setting the higher-order conditions are not met, then is it just fair to ask ourselves if in these cases the RCD are still be binding. Therefore, we could re-phrase the research question of this paper in the following terms: when trying to persuade, are the parties allowed to violate the rules for critical discussion if one or more of the higher order conditions for critical discussion are not substantially met? In what follows, three solutions to this problem will be developed.

3. FIRST SOLUTION: ANYTHING GOES POLICY

The “anything goes policy” (AGP) can be characterized as follows: When parties try to persuade in sub-optimal settings, the rules for critical discussion don’t play any role in evaluating reasonability.

The main reason to support AGP is the consideration that the higher-order conditions are enabling conditions for a critical discussion. Therefore, if one or more of them are not met, we might have a persuasion dialogue but not a critical discussion. Zenker characterizes (while not necessarily defending) this solution as follows:

The point to note, then, is this: If a text appears argumentative, but its setting fails to comply to some higher order condition, then this discourse must not be interpreted as one that is aimed at a resolution of a difference of opinion, to begin with (cf. van Eemeren and Grootendorst 2004). In such cases, the discourse simply ceases to be a proper object for the Pragma-Dialectical theory (2007, p. 13).

If that is the case, then the RCD are not in place anymore, so we would have two options: (1) there are no rules governing sub-optimal settings or (2) we need another, maybe more general model, to understand why a fallacy is a forbidden move. If that is the case, pragma-dialectics has nothing to say to us in a sub-optimal setting.

Along the same line, we could look at the definition of the term “condition”. The Merriam-Webster dictionary provides the following definitions:

1. A premise upon which the fulfillment of an agreement depends.
2. Something essential to the appearance or occurrence of something else.
3. A restricting or modifying factor.
4. A state of being.

The first definition needs a previous agreement or contract between the parties which is not always the case for critical discussion. The third is related to qualification, as when we say: “this bicycle is in good condition”. The fourth relates with a state of being, as when we say “the human condition”; therefore, only the second definition seems to apply. According to the same dictionary, a synonym of this meaning would be “prerequisite”. But if the higher-order conditions are a prerequisite for the existence of critical discussion as a whole, then the consequence is quite clear: absent the conditions there is not a critical discussion. As Aakhus (2003) puts it:

When second and third order conditions are not satisfied, is it reasonable to conform strictly to the ideal model of critical discussion to understand whether a move fosters progress toward solving the conflict? Or, if the second and third order conditions are not met, then are the standards for judging argumentation based on the assumptions for critical discussion the best standards to use to interpret and evaluate argumentation in practical settings?

While appealing, AGP seems wrong for two main reasons. The first is that, even in a sub-optimal setting, we can recognize moves that are fallacious. The second is that, in a way, every persuasive dialogue is sub-optimal, so the RCD would never be binding.

To understand the first reason, we could think of cases of sub-optimal settings like the ones presented before. For instance, in example (1) where a mother tries to convince her daughter that her boyfriend is not a good match, we can presume that the parties have, at least, strong emotional attachments that should count as a lack of a higher-order conditions. But should be considered reasonable if the mother presents any of the following arguments?

(1A) Honey, you are not even capable of taking care of your dog, how do you expect to take care of a relationship?

(1B) Leave him, or I will never talk to you again.

(1C) The guy's name is Andrew, like your father. You know people named Andrew are not to be trusted.

Those seem like clear cases of fallacies. (1A) is a false analogy, (1B) is a case of ad baculum, and (1C) seems like a hasty generalization. But the thing is, even in these cases, where there are emotional attachments and side goals the parties pursue, these fallacies still seem unreasonable. In other words, even in a clear case of lack of higher order conditions, we would call some moves fallacious. Therefore, AGP doesn't seem to be the best policy for the evaluation of sub-optimal setting.

The second argument against AGP is related to the fact that in the end, the higher-order conditions are an ideal model and, therefore, they are never completely met. In real-case scenarios, the parties will have some reluctance to recognize they have been proven wrong, some interest in the outcome of the discussion, some lack of emotional restraint or some kind of authority relationship. In the end, in real life argumentation, the conditions are never totally met, so saying that anything goes when the higher-order conditions are not met implies that anything goes in any discussion. If that is the case we can think, rather, that the RCD are always in place in persuasion dialogues. That will be the second solution.

4. SECOND SOLUTION: BUSINESS AS USUAL POLICY

The "business as usual policy" (BAUP) can be defined as follows: *Even when parties try to persuade each other in sub-optimal settings, the rules for critical discussion are the right model for evaluating reasonability.*

Someone could argue that, in the end, there is not a problem here. The only problem is that the word "condition" seems to entail a *requirement* or *essential condition*. But if we consider critical discussion to be just an ideal model, the higher-order conditions are, by definition, never met. Therefore, the distinction between the higher-order conditions being slightly or substantially not met doesn't have any relevance. If that is the case, we could always reconstruct persuasion dialogues in terms of critical discussion and call violations of the RCD "fallacies".

Considering the above, the solution for the problem posed should be BAUP. Then, if we reconstruct a persuasive dialogue of a very precise academic debate, or a sub-optimal setting the situation would be exactly the same: the parties must avoid fallacies in order to arrive at a resolution.

This seems to be the standard position taken by the pragma-dialectic school:

When analyzing argumentative discourse, the normative ideal of a critical discussion serves as a kind of *template* against which experience can be compared and a kind of standard against which it can be judged. As we will see, actual human interaction is not "naturally"

resolution oriented. People involved in disagreement are not normally disinterested in the outcome but have a heavy interest in one outcome or another. They do not generally enter into discussion willing to subject all of their thinking to debate but treat certain things as so fundamental as to be beyond challenge. They have deficiencies of skill. They argue within social conditions that virtually assure some degree of inequality in power and resources (...). *Actual practices are not described by such a model*, but certain of their features can be given interesting explanations in terms of the model. (van Eemeren F. H., Grootendorst, Jackson, & Jacobs, 1993, p. 34)¹

It is clear, then, that for these authors the higher-order conditions are never fully met, which is why RCD are an ideal model. Critical discussion, then, is a sort of template, a *blueprint* used to evaluate actual practices (Aakhus, 2003). Therefore, the fact that the higher-order conditions are not met is not a reason not to apply the RCD. Then, even if the parties arguing are, for example, intimates with strong emotional attachments, the dialogue can be evaluated using the RCD (Weger Jr., 2002).

But this interpretation seems also wrong. In the case of the AGP, stressing the term “condition” too much makes the system excessively loose, in the case of BAUP, stressing the term “ideal” too much makes it too strict.

There are two main objections against the BAUP. The first one is that it doesn’t make any difference between the optimal and sub-optimal settings, the second is that it leaves situations in grey areas unresolved.

To understand the first objection, consider the following example:

(5) Not a good match

Maria is trying to persuade her daughter Laura that her boyfriend is not a good match for her. When they are in that situation the following dialogue ensues:

- (1) Maria: I think that this kid is just not a good match for you. He doesn’t treat you well and doesn’t seem to have any perspective in life.
- (2) Laura: Yes mom, maybe, but I love him.
- (3) M: I feel just terrible when you ignore my opinion! You know I love you!

¹ The italics are my addition.

(4) L: Ok mom, I will think about it.

In this case, there is a persuasion dialogue in a sub-optimal setting, since there are a lack of emotional constraints between mother and daughter. For the *business as usual policy*, the argument (3) seems to be an appeal to emotions that violates the *relevance rule*. Therefore, the agreement at which the parties arrive in (4) shouldn't be considered a reasonable resolution.

However, this argument does appear as reasonable in some sense, and the reason is that the emotional attachment between mother and daughter seems to allow the use of appeals to emotions. It will be very different than, for instance, the following case:

(6) Not a good profile

Maria is trying to persuade her colleague Laura that Ralph, an applicant they want to hire at their company has not a good profile. When they are in that situation the following dialogue ensues:

- (1) Maria: I think that this guy, Ralph, has not the kind of profile that we are looking for. He doesn't seem to be a good team player and his CV is not really related to what we do in here.
- (2) Laura: Yes Maria, maybe, but I still think he is the best option for the position.
- (3) M: I feel just terrible when you ignore my opinion! You don't appreciate me!
- (4) L: Ok Maria, I will think about it.

In this case, an appeal to emotions does appear fallacious, since (3) is irrelevant regarding standpoint (1). But the only difference between this case and the one before is the lack of emotional constraints or attachments between the parties. Therefore, while there is a difference between "not a good match" and "not a good profile", the BAUP is not capable of revealing it.

The second reason to reject the BAUP is that it does not tell us what to do with grey areas. Pragma-dialectics does recognize that, in some cases, the RCD have no point especially when the arguers find themselves defending incommensurable standpoints or there is a clash in argumentative points of departure. In such cases "much of what is wrong appears to result from the absence of an essential second-order condition for critical discussion—a serious, resolution-oriented attitude

on the part of the participants” (van Eemeren F. H., Grootendorst, Jackson, & Jacobs, 1993, p. 166). But what will happen if the incommensurability is slightly less severe? Do the RCD apply? And what if it is even less severe? At which point can we be sure that the higher-order conditions are met at a level that is enough to apply the RCD? The *partiality policy* will try to resolve that question.

5. THIRD SOLUTION: PARTIALITY POLICY

5.1 The partiality policy

The partiality policy (PP) can be formulated as follows: *When parties try to persuade in sub-optimal settings, the rules for critical discussion should be enforced only as long as their corresponding higher order conditions have been met.*

As this rule applies only for sub-optimal settings, if there is not a persuasion dialogue, we should apply the AGP, and if the lack of higher-order conditions is not substantial we should apply the BAUP.

As it is an *in-between solution*, the PP applies both the *anything goes* and the *business as usual* policies. From the AGP, PP takes the idea that, sometimes, when the higher-order conditions are not met, some seemingly fallacious moves shouldn't be considered fallacies. The difference is that I will consider each higher-order condition as related to one or more RCD, and not to the RCD as a whole. Therefore, only the corresponding rule could be suspended but not all of them. From the BAUP, PP takes the idea that in a sub-optimal setting, the rules must still be enforced (at least the ones not related to a condition not met).

There are two main questions that the PP opens. The first is: how to determine which rule for critical discussion should still be enforced? The second is: what are the effects of PP in the fallacy theory? I will address those questions in what follows.

5.2 Determining the which RCD should still be enforced

I propose that each higher-order condition could be plausibly connected to one or more corresponding rule for critical discussion, and that every rule for critical discussion could be connected to one or more corresponding higher-order condition. Then, if a higher-order condition is not substantially met, we could expect the correspondent rule to be suspended for that particular dialogue.

I consider the list of higher-order conditions given in the second section incomplete and imprecise. However, it is not my intention in this paper to refine that catalogue but, merely, to use it as a starting point for this proposal. The map of relationships between higher-order

conditions and RCD will, then, have “conditions” on the left and “rules” on the right. For the rules, I’ve used the standard names and order given by the pragma-dialectical tradition (van Eemeren & Grootendorst, 2004, pp. 190-196); while for the list of conditions, I’ve used names that pretty much summarize their meaning. They are shown in the same order that Zenker (2007) presents them (see section 2.5 *supra*):

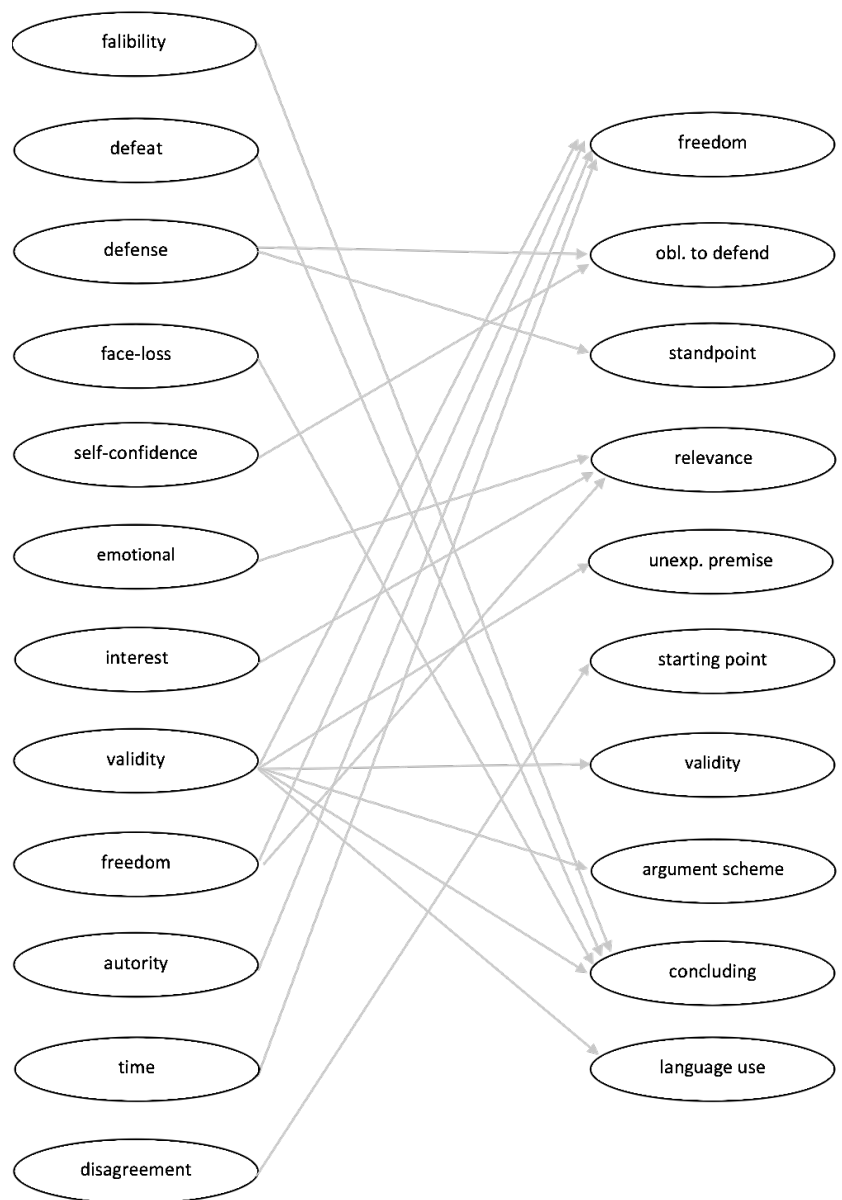


Fig 1. connections between higher-order conditions and RCD.

As can be seen, this is a complex map. Some conditions are related to more than one rule, while some rules are related to more than one condition. However, every condition is, at least, related to one rule, and every rule is, at least, related to one condition. Now, I don't claim that these are all the relations that can be traced but, in principle, it is a good starting point. If I'm right, I should be able to take any condition in the left, imagine a persuasive dialogue where that condition is not substantially met and, as a result, see that it makes sense to suspend the corresponding rule.

5.3 Implications for the fallacy theory

To analyze the implications of the PP for the fallacy theory we could take some examples of fallacies and see what happens to them when produced in sub-optimal setting:

5.3.1 Ignoratio Elenchi.

This fallacy can be defined as "an argument that does not address the thesis that happens to be the point at issue but some different matter" (van Eemeren, et al., 2014, pp. 168-169). For the pragma-dialectical school, this fallacy is a violation of the "relevance rule" (van Eemeren, et al., 2014, p. 546). According to fig. 1, the relevance rule is related to three conditions: emotional restraint, interest and freedom. Let's see an example with the freedom condition.

The freedom condition states that "The discussion situation must be such that the participants are not only willing, but also, free to put forward and defend a point of view of their own choice, and to cast doubt on a point of view of others with whom they disagree". But what happens when one of the parties is not free? Consider the following example:

(7) Spokesman

Peter is a spokesman for a government, with precise instructions to avoid mentioning policy P, that the government wants to enforce. When he is giving a press conference, the following dialogue with a journalist ensues:

- (1) Journalist: Mister, is the government thinking about enforcing P?
- (2) Peter: look, the government is really worried about that situation, and we are considering many solutions to it, Q and R among them.

For the BAUP, Peter is committing a fallacy (*ignoratio elenchi*). For the AGR Peter is not committing a fallacy and it is not even possible to commit a fallacy in his position. But for the PP, Peter is not free to say P, so by saying Q and R, he is trying to resolve the issue from his limited position. Therefore, he is not committing a fallacy, but he could still commit fallacies in this dialogue if, for example, he would then use circular reasoning.

5.3.2 Taboo standpoint

This fallacy implies declaring a standpoint taboo. For the pragma-dialectical school, it is fallacious since it affects the freedom rule by impeding a party from freely defending her standpoint (van Eemeren, et al., 2014, p. 546). According to *fig. 1*, the freedom rule is related to the freedom, authority and time conditions. Let's see an example with the authority condition.

The authority condition states that there must be an "absence of authority relations among the participants". But what happens if there is an authority relationship between the parties? Consider the following:

(8) Boss and employee

Laura is Thomas's boss. At a meeting, they have a disagreement regarding the policies of the company. In such situation, the following dialogue ensues:

- (1) Thomas: Laura, I think that the decision of opening a new area for the company is a mistake.
- (2) Laura: I've heard this before, but this decision has been taken, please don't bring the subject again.

For the BAUP, Laura's argument is a fallacy, since it declares a topic taboo and violates the freedom rule. For the AGR, it is not a fallacy, but since this is not critical discussion is not even possible to produce fallacies. For the PP, the argument is not fallacious since an authority should be allowed to declare certain topics taboo, but that same authority can still commit other fallacies that are unrelated with the authority condition.

5.3.3 Appeal to emotions

These arguments involve "playing on the emotions, sentiments or biases of the intended audience" (van Eemeren & Grootendorst, 2002, p. 120) and, for pragma-dialectics, they are fallacious since they violate the

relevance rule by putting forward arguments that are not relevant to the standpoint defended (van Eemeren, et al., 2014, p. 546). According to *fig. 1.*, the relevance rule is related to three conditions: emotional restraint, interest and freedom.

In the case of appeals to emotions there seems to be, mainly, a relation with the *emotional restraint condition* that implies that the parties must have: “absence of emotional restraint and personal pressure”. But what happens if they do lack emotional restraint or are prone personal pressure?

A good example is the “not a good match” case presented before. For the BAUP, the mother commits a fallacy when appealing to emotions. For the AGR, it is not possible to commit fallacies in her situation. Finally, for the PP she does not commit a fallacy because it is expected to be a strong emotional connection between the parties, but she could potentially commit fallacies that are unrelated to the emotional constrain condition (see examples 1A-1C in section 3 *supra*).

5.3 The PP and similar approaches in the literature

For the PP, then, it just makes no sense sometimes to talk about fallacies. Is not that the arguments presented before are not fallacious, but, since the rule is not even applicable, they are *a-fallacious*, a sort of bubble in a dialogue that, otherwise, should be conducted as a critical discussion.

The model presented here is, in a way, similar to the one defended by Lewiński (2011) who, referring to the RCD, states that “when put to work in actual, less than ideal procedures of argumentation, the rules may clash with one another” (p. 230). His solution for those clashes is a “dialectical trade-off”, a situation in which, in order to comply with one of the rules, the parties may sacrifice another. For example: if there is limited time, the parties might need to sacrifice the freedom rule. I analyze this situation from another perspective to arrive at the same conclusion: the reason why it is necessary to perform a dialectical trade-off is the absence of a higher-order condition enabling one of the corresponding rules.

Jacobs (2003) presents another analogous model. In his view, argumentation has two different functions: cognitive and social. The cognitive function allows the parties to manage their beliefs in order to develop a truth-testing function. The social function enables the parties to look for mutual agreement and understanding. The problem is that under less-than-ideal circumstances, these two functions tend to clash. Therefore “it is common enough to find deliberations in which opinions are downplayed or dismissed or participation is closed off altogether on grounds of incompetence”. In Jacobs’s conception, such a move could be

allowed because it enables the parties to balance the cognitive and social function. In my conception, the move is valid because the lack of a higher-order condition (validity condition) of one of the parties allows the counterpart to suspend the freedom rule (*see fig. 1 supra*).

6. THREE POSSIBLE OBJECTIONS

I will now present three possible objections and their responses to the PR policy.

6.1 *The PP is vague*

One of the advantages of the pragma-dialectical conception of fallacies is that it is simple and precise. If we perform a normative reconstruction of a persuasion dialogue, we can usually spot where a rule has been violated (and, thus, a fallacious argument has been presented). In that sense, the BAUP is very precise. But with the PP, things are more complicated: we would need first to see whether the higher-order conditions are met to, then, see which RCD is conditionally connected to the condition not met.

However, critical discussion should still be a *by default* model of analysis. Only when it is clear that the setting of a dialogue is sub-optimal we should analyze the higher-order conditions. A good indication of that circumstance could be, for instance, the use of reiterative fallacies from the parties. Therefore, while this model is a little bit more complicated, it is by no means *vague*.

6.2 *Those are not critical discussions*

The second objection close to the AGP and implies saying that examples like the ones presented before have nothing to do with a critical discussion. For example, in the “boss and employee case” the boss might be trying to persuade about something but that doesn’t make it a critical discussion. Therefore, her speech act doesn’t need to abide to the standards of critical discussion.

I agree that those cases are not proper critical discussions (for lack of higher-order conditions) but they are dialogical engagements in which the parties have, at least, a persuasive goal. So, the relevant question here is the following: are there any rules for those cases? If we just dismiss these cases as having nothing to do with critical discussion, then there are no rules (anything goes). But if we follow the PP, then some rules will still apply.

6.3 *The PP lacks normative force*

A third possible objection is akin to the BAUP. It could be presented with an example:

(9) Trump on Global Warming

On November 27, 2018, President Donald Trump was asked by a reporter if he was aware and was taking into consideration the last IPCC report on climate change, his answer was the following:

"I don't believe it. You're going to have to have China and Japan and all of Asia and all these other countries, you know, it [the report] addresses our country. Right now we're at the cleanest we've ever been and that's very important to me. But if we're clean, but every other place on Earth is dirty, that's not so good. So I want clean air, I want clean water, very important."²

For the advocates of the BAUP, that is clearly an unreasonable response from the President. I do not intend to analyze the response in detail, but we can see that he is, at least, violating the relevance rule by using arguments that are totally unrelated with the standpoint he seems to be defending (that the IPCC report is mistaken).

It could be argued, then, that if we follow the PP, Trump answer shouldn't be considered a fallacy. Indeed, it could be argued that, sadly, the President of the United States is unable to comply with the second order conditions. If we go through them one by one, we can conclude that he almost does not meet any of them: he is unable to recognize when he is mistaken and to defend a standpoint, he is unwilling to listen to the opinion of others or lose face, probably has hidden interests, etc. Therefore, it would be argued that, since these higher-order conditions are not in place, the related RCD are also not in place.

However, I wouldn't argue in that sense. I think that the answer of the President is, indeed, fallacious since, while it is true that he does not comply with some higher-order conditions, his position as a President and the context of the dialogue indicate that he *should* comply with them. In other words, a President "should" be able to recognize when he is mistaken and, if he doesn't, we would say that he is not a very good president. But that's a political, not an argumentative or logical problem. In other political contexts (let's imagine a theocracy where the leader is believed to speak on behalf of god) a political leader might not have the obligation to be able to recognize when he is mistaken.

² Retrieved from <https://www.bbc.com/news/world-us-canada-46351940>.

But then, it could be argued that the PP is no novelty at all. If we still need to comply with the RCD, then we are just providing a *higher order answer* that leaves us in the same position than before. I disagree with that statement because the obligation to abide to the higher-order conditions is not always present. The parties are not always to blame for not complying with the higher-order conditions.

This is the case, certainly, in the case of the 3rd order conditions that have to do with the external circumstances of a dialogue but also in some cases of 2nd order conditions, for example, in the case of a children trying to persuade, or a couple arguing about their relationship.

7 CONCLUSION

The intention of this paper was clearly exploratory. There is still a lot to research in this field but, at least, we can say with certainty that the existence of sub-optimal settings is a problem for pragma-dialectics, and that such a problem is related, among other issues, with the lack of attention that the higher order conditions have received so far.

From the two extreme positions the BAUP seems to be the one better adjusted to the pragma-dialectical canon. However, I think I've showed convincingly enough that this solution has loopholes that are not easy to solve.

The PP can take care of these problems in a better way. However, the model is still undeveloped, and it would be necessary to analyze it carefully. It would be especially interesting to see if the maps of relations between higher-order conditions and RCD are plausible. For that it would be a good idea to carefully explore each of those relations, to see what the exact meaning of the conditions are, how are they related to the rules and what fallacies does this conditional connection affect. A careful exploration of those relations could expand and enrich the pragma-dialectical tradition in an important way.

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REFERENCES

- Aakhus, M. (2003). Neither Naïve nor Critical Reconstruction: Dispute Mediators, Impasse, and the Design of Argumentation. *Argumentation*, 17(3), 265-290.

- Feteris, E. (2000). A dialogical theory of legal discussions: Pragma-dialectical analysis and evaluation of legal Argumentation. *Artificial Intelligence and Law*, 8, 115-135.
- Hitchcock, D. (2003). Review of F. H. Van Eemeren (Ed.), *Advances in Pragma-Dialectics*. *Informal Logic*, 1(23), 91-108.
- Jacobs, S. (2003). Two conceptions of openness in argumentation theory. En F. van Eemeren, J. Blair, C. Willard, & A. Snoeck Henkemans (Ed.), *Fifth Conference of the International Society for the Study of Argumentation* (págs. 553-556). Amsterdam: SicSat. Recuperado el 12 de 2 de 2019, de <http://rozenbergquarterly.com/issa-proceedings-2002-two-conceptions-of-openness-in-argumentation-theory/>
- Lewinski, M. (2011). Dialectical trade-offs in the design of protocols for computer-mediated deliberation. *Studies in Logic, Grammar and Rhetoric*, 23(36), 225-241.
- van Eemeren, F. H., & Grootendorst, R. (2002). *Argumentation: Analysis, Evaluation, Presentation*. London: Routledge.
- van Eemeren, F. H., & Grootendorst, R. (2004). *A systematic theory of argumentation: the pragma-dialectical approach*. Cambridge: Cambridge University Press.
- van Eemeren, F. H., Garssen, B., Wagemans, J. H., Snoeck Henkemans, F., Verheij, B., & Krabbe, E. C. (2014). *Handbook of Argumentation Theory*. Dordrecht: Springer Reference.
- van Eemeren, F. H., Grootendorst, R., Jackson, S., & Jacobs, S. (1993). *Reconstructing Argumentative Discourse*. Tuscaloosa: The University of Alabama Press.
- Walton, D., & Krabbe, E. C. (1995). *Commitment in dialogue: basic concepts of interpersonal reasoning*. New York: SUNY.
- Weger Jr., H. (2002). Violating pragma-dialectical rules in arguments between intimates. En F. H. van Eemeren, *Advances in Pragma-Dialectics* (págs. 197-213). Amsterdam: Sic Sat.
- Woods, J. (2004). *The Death of Argument, Fallacies in Agent Based Reasoning*. Dordrecht: Kluwer.
- Zenker, F. (2007, June 9). *Pragma-Dialectic's Necessary Conditions for a Critical Discussion*. Retrieved from OSSA Conference Archive: <https://scholar.uwindsor.ca/ossaarchive/OSSA7/papersandcommentaries/161>

Comments on Diego Castro's "Critical Discussion in Sub-Optimal Settings"

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1. INTRODUCTION

Critical discussions do not always occur in ideal circumstances. These less-than-ideal conditions for arguing may be considered "sub-optimal settings": "settings that are unfavourable for a reasonable exchange of reasons"(129). That we can still argue—and even argue *well*—in such adverse circumstances raises the question of what effect they should have on our discursive norms. This is the question that Diego Castro seeks to answer in his (2019) paper "Critical discussion in sub-optimal settings."

Roughly, Castro's answer, as I understand it, is this: discursive norms should only have force to the extent that preconditions for an ideal discussion are satisfied. More specifically, Castro argues for something he calls the *partiality policy*:

When parties try to persuade in sub-optimal settings, the rules for critical discussion should be enforced only as long as their corresponding higher-order conditions have been met. (139)

Put differently, the contrapositive of this policy prescribes: discursive norms may be selectively suspended or disregarded if any higher-order (pre)conditions specifically corresponding to that norm are not met.

This brief commentary considers the kinds of higher-order conditions pertaining to critical discussions in order to clarify the kinds of problems that can arise when they are not met, summarizes the case Castro makes in support of the partiality policy, and finally offers a few critical observations and constructive suggestions for developing this important line of research.

2. CONDITIONS FOR A CRITICAL DISCUSSION

The rules for a critical discussion set forth an ideal discussion procedure in the form of a code of conduct for reasonable discussants who seek to resolve a disagreement on the basis of the transaction of reasons in critical argumentation (van Eemeren and Grootendorst 1984, 2004; van

Eemeren, Grootendorst, Jackson, and Jacobs 1993). Roughly, this code of conduct takes the form of a set of procedural rules for reasonable discussants, specifying the permissible, prohibited, and obligatory moves available to discussants at various stages of argument. Collectively these rules constitute “a set of ‘first-order’ conditions for the rational resolution of disagreements” (1993: 31).

The first-order conditions, if satisfiable, provide certain guarantees against things that could go wrong in the search for a resolution to a disagreement. For example, the first-order conditions assure that both parties to a dispute will have unlimited opportunity to cast doubt on standpoints and that both parties to a dispute will be obliged to respond to such doubts. (1993: 31-32)

These first-order conditions both constitute, and regulate, a critical discussion, the ideal model of argumentative discourse as set forth by Pragma-Dialectics.

In addition to these first-order conditions, it is assumed that certain higher-order conditions also hold (1993: 32f.; 2004: 36-37). As such,

the reasonableness of an argumentative ... discussion depends not only on the degree to which the procedural rules for a critical discussion are observed, but also on the satisfaction of certain preconditions regarding the participants' states of mind and the political, social, and cultural reality in which their discussion takes place. (2004: 8 emphasis added)

Second-order conditions pertain to the attitudes and intentions (1993: 31) of discussants, such that they are disposed to commit to the idealized norms of a critical discussion as a dispute resolution mechanism. For instance, disputants must be willing to hear each other out without interruption:

in order to act in accordance with the first-order rule that stipulates that parties may not prevent each other from advancing standpoints or expressing doubts ... [critical discussants] must satisfy the second-order condition that they are prepared to give their opinion and listen to the opinion of the other. (2004: 37)

Third-order conditions, by contrast, pertain to external circumstances of the dialogue, that “[enable discussants] to claim the rights and responsibilities associated with the argumentative roles defined by the model” (1993: 33).

For conducting a critical discussion, the circumstances must be such that individual freedom, the right to a free exchange of information and to voice criticism, non-violence, and intellectual pluralism are guaranteed. (2004: 37)

By attending to these conditions, Frans van Eemeren and Rob Grootendorst write, reasonableness acquires a social meaning in addition to its intellectual meaning (ibid.).

Circumstances where some or all of these higher-order conditions are not met Castro calls *sub-optimal settings*: “settings that are unfavourable for a reasonable exchange of reasons” (128).

3. THE ARGUMENT FOR PARTIALITY

The Pragma-Dialectical model of the critical discussion is an *ideal* model of argumentative discourse which *assumes* that the higher-order conditions just discussed also hold (1993: 32f.; 2004: 36-37). While a commitment to the ends of a critical discussion can dispose discussants to adopt, institute, and practice these higher-order conditions, the rules for a critical discussion are neither designed nor intended to establish or maintain them.

Castro’s argument begins with the observation that these higher-order conditions do not always obtain, giving rise to “sub-optimal” conditions for critical discussions.

3.1 Partiality and its alternatives

The idea that there can be sub-optimal conditions for critical discussions raises the question of what effect these adverse conditions should have on the procedural norms of reasonableness built into the ideal model of a critical discussion. Castro considers three policy alternatives.

At one extreme is the *anything goes* policy [AGP]:

When parties try to persuade in sub-optimal settings, the rules for critical discussion don’t play any role in evaluating reasonability. (134)

Basically, the idea is this: “since the conditions for a reasonable exchange of reasons are not given [i.e., are not satisfied by the sub-optimal condition], the discussion is outside the domain of reason, therefore, *anything goes* for the parties” (129). If higher-order conditions are *prerequisites* or “enabling conditions” for a critical discussion, then “absent the conditions, there is not a critical

discussion,” (135). Worries about this approach include that “even in a sub-optimal setting, we can recognize moves that are fallacious,” and “in a way, every persuasive dialogue is sub-optimal, so the RCD [rules for a critical discussion] would never be binding” (135).

At the other extreme is the *business as usual* [BAUP] policy:

Even when parties try to persuade each other in sub-optimal settings, the rules for critical discussion are the right model for evaluating reasonability. (136)

Here, the basic idea is that “since normative goals are always ideal, then it doesn’t matter at all if the setting is sub-optimal or not since, [in] either case, the rules for reasonableness should not apply in the same way” (129). As Castro notes (136-7; citing 1993: 34), something like the BAUP is the “orthodox” answer to the problem of sub-optimality within Pragma-Dialectics.

Seemingly, understanding AGP as claiming that, in sub-optimal settings, *no* RCD apply, while, according to BAU *all* RCD apply even in sub-optimal settings, Castro proposes the *partiality policy* [PP] as a mean between these two extremes. According to PP: “*only some* norms of reasonableness still apply in these settings” (129, emphasis added).

When parties try to persuade in sub-optimal settings, the rules for a critical discussion should be enforced only so long as their higher-order conditions have been met. (139)

Partiality is only offered as a policy in cases where there are sufficient normative preconditions to make some semblance of critical argumentation possible, and yet there is enough degradation of those pre-conditions that achieving the norm of reasonableness is significantly impeded. (Insignificant variations in the normative preconditions are not to have any effect on the application of the RCD.)

Following this general statement of the partiality policy, Castro proceeds (140f.) to map some standardly articulated preconditions (as given in Zenker 2007) onto an equally standard list of the RCD. The details of this mapping are presented without argument, and a suggestion for developing the paper is that the rationale informing the mapping might be given. This brief commentary will engage with the policy only in principle, rather than in the details.

4. RESTORING OPTIMALITY IN SUB-OPTIMAL CONDITIONS

It should be granted that the norms regulating an activity should only apply in the event that the conditions—including normative conditions—constitutive of that activity are satisfied. For instance, only

contestants in a race are eligible to finish and to place, whether well or poorly. Runners who happen to cross the finish line of a marathon are not properly—i.e., *logically*—subject to penalty or disqualification on the grounds that they missed a check-in point or went off course, if they are not entrants (i.e., contestants) in the race. Nor can they properly be praised for finishing well. Only critical discussants are properly subject to the norms of critical discussions.

4.1 Redesigning rules

While a set of rules might be constitutive of an activity type, and thereby regulative over it, individual rules are also typically related—whether instrumentally or intrinsically—to the ends of activities of that type. In the case of the RCD, the end is “the rational resolution of disagreements” (1993: 31). And, if it is determined that those ends are not, or are only unreliably, achieved by acting according to the prescribed rules, then the rules ought to be revisited and revised accordingly—at least insofar as one wants to attain and uphold the goals or values of the activity.

Yet, the same reasons that occasion revisiting and revising those rules—namely that they are somehow involved in achieving the ends of the activity—mean that they should not be disregarded just because conditions are adverse to their being fulfilled. And, this has important consequences for how sub-optimality of preconditions for a rule-governed activity should properly be understood, explained, and responded to.

Consider the “rules of the road”—like the laws set out in Highway Traffic Acts. Those rules are intended, and hopefully designed, to promote the safety of road users as an end. Moreover, they often presuppose optimal preconditions. For example, rules specifying speed limits and safe following distances presuppose ideal driving conditions: clear visibility without glare, and clear, dry roads.

How should we respond when those conditions are not met? Well, consider what constitutes safe driving in settings that are unfavourable to driving. The roads are icy, so stopping distance is increased. The visibility is poor, so there is less time to react to hazards. Sub-optimal driving conditions do not mean that we should suspend or disregard the rules for safe driving. Quite the opposite! Instead, driving in sub-optimal conditions requires that we should be even more vigilant about our safety. If one is “driving beyond one’s headlights,” such that it takes longer to stop than the point at which things become illuminated (i.e., visible) before us, then the reason “Well, I wasn’t speeding” should not count as a reasonable excuse from responsibility for colliding with a stationary obstacle in the roadway. Rather than disregarding rules such as speed limits and following distances, we should instead *modify the*

rule such that it still serves its end even in sub-optimal conditions. We should decrease our speed and increase our following distance. How do we know to modify the rule *this* way, rather than *that*? Because we understand the *reason* for the rule—i.e., the way that it connects to the end that it upholds.

Consider another kind of case: Suppose that the power fails, such that the traffic lights at an intersection are out or malfunctioning. Clearly, this is a case where the *stop-go* rule—“red means stop, green means go”—*cannot* be followed. The lights are not operating. As such, *it* should not be followed. But, and despite the behavior of some drivers, this does not mean that the intersection thereby becomes *unregulated*—at least not if we want our roads to remain safe. Responding to this sub-optimal circumstance by selectively suspending or disregarding some rules of the road, namely the stop-go rule, seems to miss the point.

Rather, what is additionally needed is something like an *accommodation rule*: a subsidiary rule that comes into effect when the primary rule cannot properly be applied, and which maintains the proper relation between the rule and the end that the rule upholds. In this case, when traffic lights are malfunctioning, the *stop-go* rule is *replaced* with the *four-way-yield* rule: treat any uncontrolled intersection as a four-way-stop, yielding to drivers already in the intersection and to drivers on your right when arriving simultaneously. (This is not to say that there are not other rules that might equally accommodate this sub-optimal circumstance.)

So, technically speaking, I do not disagree with Castro’s partiality policy. If conditions are such that a rule cannot properly be applied, it must be set aside. E.g., It would be a mistake to cite a driver for failing to stop *for a red light* when the traffic lights have malfunctioned. Yet, it would also be a mistake *not* to cite them *for failing to stop* (at the uncontrolled intersection). *To merely suspend or disregard an initial rule, without modifying it or applying an accommodation rule, is to disregard the end that the rule is designed to uphold.* And this, it seems to me, is to miss the more important type of response necessary in sub-optimal discursive conditions—namely, understanding the reasons for our rules, and the ends that they uphold or the goods that they embody, and then finding some other way to uphold those ends or deliver those goods.

A constructive suggestion, then, is to augment the partiality policy with provisions for *rule redesign* (*rule modification* and the adoption of *accommodation rules*) such that then ends upheld by our rules and the goods embodied by them remain achievable even in sub-optimal circumstances. These goals and goods are, after all, the reasons we have the rules at all—i.e., values to which our rules are oriented.

4.2 (Re)designing rule environments

Attending to the ends of our rules makes visible features of their origin that can further help further inform a response to sub-optimal rule conditions. The RCD are not a set of rules cast in stone that we are handed from some external authority.¹ Rather, the rules are *artefactual* in nature—they are codifications of a practice that *we* engage in. As such, *we*, the discussants, are not only responsible for adhering to the RCD; we are also responsible for designing and implementing them. Similarly, the *circumstances* in which those practices have their place, and in which the rules governing those practices have effect, are also significantly *artefactual*. We do not merely *find ourselves* in rule-governed spaces; rather our rule environments are also *designed*. We design and build the system of roads on which we drive, and the system of traffic lights regulating the safe flow of traffic on those roads.

The higher-order conditions for reasonable argumentative discussions are similarly artefactual. Second-order conditions to reasonable augmentation are typically entirely under our control, even if only indirectly. E.g., it is entirely *up to us* whether we approach an argumentative exchange with an open mind, or whether we argue in an emotional or adversarial manner rather than in a congenial and collaborative one. Generally, *we*—collectively—can also significantly affect the obtaining of third-order conditions. E.g., when developing a policy, consulting and instituting agencies can design the circumstances of public consultation, by expanding or limiting the opportunity of the public to contribute to those discussions by setting the location, time, and duration of the public consultations.

As such, when we find ourselves in sub-optimal rule circumstances, rather than suspend or disregard a rule, another response that recommends itself is to *re-design the rule environment* so as to facilitate the applicability of the rule.

Consider that, in order to judge, adopt, reason with / about, or deliberate from / upon, a claim, one must first understand it. Yet, in a deliberative body like the United Nations, the discussants might not share a common language. Does this mean that the rules permitting the participation of discussants who do not share a common language should be suspended or disregarded? No. Quite the opposite. Instead, what we ought to do is re-design the circumstances so as to maximize

¹ If this is how we conceive of the rules, then from whence comes our obligation follow the rules? The source of *that* obligation cannot come from the rules themselves. Rather, our obligation to abide by, and comport ourselves according to, the rules comes from our commitment to the ends that they uphold or the goods that they embody.

the understanding of the discussants. In the U.N. this is accomplished by incorporating a bureaucracy of translators, such that each discussant may optimally participate in the discussion.

Another constructive suggestion, then, is, rather than suspend or disregard rules in sub-optimal conditions, we ought instead to *re-design our rule environments* such that enabling preconditions for the rule are satisfied and the rule itself can be enacted. As with *rule redesign*, this approach preserves, rather than abandons, our commitment to the values expressed in our practices.

4.3 A worry about partiality

A general worry with Castro's focus on the problem of sub-optimality in discursive circumstances is that it encourages us to do what, in our worst moments, we are already inclined to do—namely, to not hold ourselves and each other accountable to norms when it is not convenient or in our own (apparent) self-interest to do so.

Consider, for example, Castro's "Spokesperson" example, where a government spokesperson, having been given instructions to avoid mentioning a policy, P, that the government wants to enforce, responds to a direct question from the media about whether the government is considering enforcing policy P by saying: "The government is really worried about that situation, and we are considering many solutions to it, [policies] Q and R among them" (138). This answer clearly violates the Gricean (1975) maxims of quantity and possibly quality. It misleads by implicature, and it is *intended* to do so. Moreover, the government has *designed* the circumstances for its spokesperson, by giving them the instruction to avoid mentioning policy P, such that, under the partiality policy, they may putatively be excused for not doing what they are otherwise obliged to do—namely answer the question honestly, directly, and clearly.

This type of subversive behavior, it might be added, happens predictably and strategically. E.g., by procedurally controlling a deliberative or investigative committee, a governing party will terminate discussion on a matter that brings it under unwanted critical scrutiny or public accountability.

When it is noticed that we can *subvert* normative practices that we would rather not have to engage in (i.e., rules that we would rather not have to abide by), say because they allocate to us responsibilities that we would rather not have (in this case, having to answer to, and account for, our decisions of policy), merely by designing the conditions in which some discourse rule will have effect such that the circumstance is not conducive to the rule's applicability, the partiality policy can be seen to enable and incentivize (extra-discursive) tactics that can be

employed to avoid rational accountability and the other ends, goods, and values embodied in the practice of reasonable argumentation.

Yet, just as we can, and predictably do, subvert a normative practice (e.g., when abiding by it appears not to be to our advantage) by affecting its necessary preconditions, we can also nurture, cultivate, and institute those same preconditions. And doing so expresses our commitment to the values, ends, and goods of that practice.

Our commitment to the ends and goods of our rule-governed practices is measured, in part, by our commitment to establishing and maintaining the required preconditions for that practice. This point deserves emphasis: as van Eemeren and Grootendorst have stated: “*the reasonableness of an argumentative ... discussion depends ... on the satisfaction of certain preconditions*” (2004: 8 emphasis added). Thus, when we fail to cultivate and institute the necessary (pre)conditions for reasonable argumentative discussions, we thereby express our disvalue of reasonableness itself. Our commitment to the value of reasonableness is no greater than our commitment to instituting the conditions that make reasonableness possible.

The rules constituting, codifying, and regulating *our* practices are just that: they articulate of *our* ways of doing. By identifying only as rule-subjects or rule-followers, rather than as rule-makers and rule-enablers, we distance ourselves from ownership of, and responsibility for, those rules and the goals, goods, and values they effect.

5. CONCLUSION: RECONCEIVING PRECONDITIONS FOR REASONABLE ARGUMENTATION

A functioning participatory democracy depends upon the participation of its citizens, e.g., by voting. Yet, prospective voters might not be able to engage in this democratic process if the activity of voting is somehow inaccessible to them, e.g., because of circumstances of time, location, or ability. Should we respond by to these sub-optimal circumstances merely by selectively suspending or disregarding the rules? No; for to do so is to abandon our commitment to the ends, goods, and values embodied in our democratic practices. And, more proximately, it is to *deny* a citizen their right to engage in an activity fundamental to democracy. That is, it is to cause a *harm* to the rule-subject who is circumstantially disenfranchised from their access to the rule-governed activity and its attendant ends and goods.

A final constructive suggestion, then, is to re-conceive of higher-order conditions and sub-optimality when theorizing about them. Rather than view higher-order conditions as preconditions for rules, perhaps they might better be conceived of as enabling conditions for participation in an activity whose ends and goods we value. Sub-

optimality, then, does not indicate the inapplicability of a rule, but the circumstantial, or possibly systemic, disenfranchisement of a rule-subject from the goods afforded by (their participation in) the rule system.

When viewed in this way, the goal in responding to sub-optimality should be to restore, insofar as is possible, conditions of optimality. Put differently, the goal in responding to sub-optimality should be to afford maximal accommodation to those who are dialectically disenfranchised by the sub-optimal circumstances. Restoring optimality can be achieved in a variety of different ways, e.g., through *rule redesign* or the *redesign of our rule environments* (Godden 2016). When we fail to make such accommodations, we show our lack of commitment not only to the values embodied in our practice but also to our fellow practitioners.

REFERENCES

- Castro, D. (2019). Critical discussion in sub-optimal settings. In Dutilh Novaes et. al. (Eds.) *Reason to dissent: Proceedings of the 3rd European Conference on Argumentation (ECA)*.
- van Eemeren, F.H., & Grootendorst, R. (1984). *Speech acts in argumentative discussions: A theoretical model for the analysis of discussions directed towards solving conflicts of opinions*. Dordrecht: Foris.
- van Eemeren, F.H., & Grootendorst, R. (2004). *A systematic theory of argumentation: The pragma-dialectical approach*. New York: Cambridge UP.
- van Eemeren, F.H., Grootendorst, R., Jackson, S., & Jacobs, S. (1993). *Reconstructing argumentative discourse*. Tuscaloosa: The University of Alabama Press.
- Godden, D. (2016). Pushing the bounds of rationality: Argumentation and extended cognition. In F. Paglieri, L. Bonelli, and S. Felletti (Eds.), *The psychology of argument: Cognitive approaches to argumentation and persuasion* (pp. 67-83). Studies in Logic and Argumentation. London: College Publications.
- Grice, P. (1975). Logic and conversation. In P. Cole & J. Morgan (Eds.), *Speech acts: Syntax and semantics vol.3* (pp. 41-58). New York: Academic Press.
- Zenker, F. (2007). Pragma-dialectic's necessary conditions for a critical discussion. In H.V. Hansen, et. al. (Eds.), *Dissensus and the Search for Common Ground* (pp. 1-15). Windsor, ON: OSSA.
<https://scholar.uwindsor.ca/ossaarchive/OSSA7/papersandcommentaries/161>

Democratic Legitimacy and Acts of Dissent

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The aim of this paper is to study the role that dissent may have in public political deliberation in democratic societies. Out of argumentative settings, dissent would seem to have a disruptive effect. In my view, dissension effectively puts into question the political authority's hypothetical legitimacy. To the extent that this is so, acts of dissent have illocutionary force and give rise to certain changes in the dialectical duties and rights of the participants.

KEYWORDS: acts of dissent, deliberation, democratic legitimacy, social contract theories, speech actions, illocutionary force.

1. INTRODUCTION

The aim of this paper is to study the role that dissent may have in public political deliberation in democratic societies. Dissent may be valued in argumentative settings and particularly in deliberative dialogues, where there is a common goal by the participants to find the best decision for implementation. To the extent that deliberation may be said to 'track the truth', dissent contributes to that goal insofar as it is a move that, within a deliberative dialogue, compels and helps the participants to critically revise and counter-argue their former viewpoints and proposals. Out of argumentative settings, however, dissent would seem to have a disruptive, uncomfortable effect on the on-going norms, policies, mainstream views, and other social and interpersonal processes against which it is addressed. This is of particular concern in modern societies which aim to ground political authority in democratic forms of legitimacy. In my view, dissension effectively puts into question the political authority's hypothetical legitimacy. I will argue that, to the extent that this is so, acts of dissent have illocutionary force and give rise to certain changes in the dialectical duties and rights of the participants.

2. THE EPISTEMIC VALUE OF DISSENT

John Stuart Mill, in his essay *On Liberty* (1869), is credited with having argued convincingly for the obligation we all have to voice disagreements, and to listen to the objections and criticisms that others might raise against our views. Mill writes,

Complete liberty of contradicting and disproving our opinion is the very condition which justifies us in assuming its truth for the purposes of action; and on no other terms can a being with human faculties have any rational assurance of being right. (Ibidem, Book 2, section 6-7)

This entails that there should be no restriction to the freedom of speech, excepting very specific cases.

Epistemic dissent may have positive consequences in a number of ways. It has been valued in the domains of philosophy of science, political philosophy, and in social epistemology. Following Kappel (2018), several reasons give support to this beneficial import, namely, (a) dissent may bring attention to evidence and reasons thus far unnoticed; (b) it may help explore a variety of hypotheses, instead of only the most promising one; (c) it may help improve the quality and outcome of argumentative reasoning, by compelling the mainstream view defenders to take into account and try to give response to the dissenting objections, doubts and counter-arguments, thus strengthening justification; (d) and dissent may help avoid discursive deficits due to bias, polarisation, and the like.

All these aspects, however, are related to the epistemically positive consequences of listening to dissent. Notwithstanding these epistemic merits, I take it that dissent plays a normative role in democratic societies and this role is related to issues of legitimacy. In order to give support to this suggestion, I will briefly consider political legitimacy within democratic systems.

3. DISSENT AND POLITICAL LEGITIMACY

Historically, social contract theories (Hobbes, Locke, Rousseau, Kant) required a free and reasoned citizenship's consent as a necessary condition of legitimacy. This requirement is reflected in some of the most prominent theories of democratic legitimacy nowadays (e.g. Cohen, Habermas, Rawls, Scanlon). It also features in epistemic theories

of democracy (Benhabib, Estlund). The common tenet of these theories can be stated as the view that “the agreement of all individuals subject to collectively enforced social arrangements shows that those arrangements have some normative property (they are legitimate, just, obligating, etc.)” (D’Agostino & Gauss, 2008). Moreover, deliberative theories of democracy add to this another necessary condition, namely, the requirement that the citizens’ agreement must be of a kind that is apt to be understood as a reasoned and fair one, i.e. as based on a free and equalitarian deliberation. This position can be exemplified by Cohen’s principle of democratic legitimacy, according to which the outcomes of public deliberation are “democratically legitimate if and only if they *could* be the object of a free and reasoned agreement among equals” (Cohen, 1989, p. 22). Cohen’s requirement that agreement be not only free but also reasoned points to the direction of a public sphere where free citizens can give and ask for reasons and where these reasons are critically assessed, as the basis for an agreement that only then can be accepted as legitimate.

To that view, epistemic theories of democracy object that legitimacy in this sense does not guarantee the correctness of the decisions. The deliberative democracy theorist has still to show that public deliberation improves the quality of decisions, and that decisions so made are more likely to be right or at least well justified. As Estlund has put it, “Democratic legitimacy requires that the procedure is procedurally fair and can be held, in terms acceptable to all reasonable citizens, to be epistemically the best among those that are better than random.” (Estlund, 1996, p. 197). Public deliberation is generally taken to be the best procedure to answer to this requirement. Yet in a certain way, the last statement seems to beg the question. For, according to a widely accepted conception of deliberation, it is characterized for being a type of dialogue where the participants try to cooperatively find the best decision for implementation (cf. Walton and Krabbe, 1995). This notion nicely captures those situations in which the participants’ attitude is cooperative, as something opposed to having an attitude of strategically attempting to achieve their own interests and ends. Yet it is not evident how dissenting attitudes may be integrated within this framework.

It seems undeniable that dissent in the public sphere can take many different forms, from street demonstrations to opposition in parliament and other institutional settings, from civil disobedience and enactive action to violent anti-system protests. As pointed out before, there seems to always be something disruptive in dissent, notwithstanding its form. A reason why it is so may be found in Kant’s

characterization of the social contract. In his essay *On the Common Saying: 'This May be True in Theory, but it does not Apply in Practice'*, he acknowledges that the idea of a social contract is “an *idea* of reason”; nevertheless, he claims that it has also practical reality, in that “it can oblige every legislator to frame his laws in such a way that they could have been produced by the united will of a whole nation, and to regard each subject, in so far as he can claim citizenship, as if he had consented within the general will.” (Kant, 1793, p. 79) Thus, Kant’s tenet seems to be that the presumption of a free consent by all citizens is a counterfactual hypothesis (a ‘hypothetical agreement’, as Lafont, 2012 has put it) which, in spite of its non-factual character, acts as a regulatory requirement for a law to be not only legitimate, but also right, since he takes this hypothesis to be “the test of the rightfulness of every public law” (Ibid.) Now, it can be seen why dissent is problematic. It makes apparent the lack of actual agreement among the citizenry, thus questioning the legitimacy of any contested law, regulation, policy, etc. As a result, it can be taken to also question the legitimacy of the political authority itself.

That said, it should be acknowledged that not all dissension deserves the same consideration by the political community. Some dissent can be driven not by the pursuit of justice, but for strategic, self-interested motives. Nevertheless, it seems that even in those cases the onus is on the legitimate authority to assess the dissenting acts and justify its decision. To that extent, the public space of reasons and deliberation becomes the site for political decision-making. But there are other, more challenging cases, in which the dissenter is not willing to participate in public deliberative settings and even refuses to do it. Not in all these cases the act of dissent should be declared unreasonable or would not deserve to be taken seriously by the political authority and other social agents. In my light, there are cases of non-deliberative dissent in which the burden of justification falls on the political authority, lest its legitimacy becomes seriously question. In the following section, my aim is to closer examine and give support to this suggestion.

4. POLITICAL DISSENT OUTSIDE DELIBERATION

As seen above, Mill’s notion of dissent conceives its epistemic value as coming from its critical function in the public space of reasons. Moreover, in the preceding section I have suggested that the legitimacy of a democratic system is challenged whenever dissent is not taken seriously into consideration. Some authors have pointed out to the fact that in order for dissension to deserve political consideration, it should

qualify as reasonable. Reasonable dissent should feature autonomy and mutual respect (Kappel, 2018). In such a case, in my view, deliberators and decision-makers acquire an obligation to respond to it, either by accordingly revising their views and decisions or by justifying why they do not consider these moves to be necessary. My proposal is to consider that dissent is reasonable and that it deserves to be taken seriously if and when it can be argued for and justified in the public space of argumentation and political deliberation.

This connection between political legitimacy and reasonable dissent helps to explain why political legitimacy, within deliberative theories of democracy, tends to be related to formal and institutional sites of deliberation, where certain ideal conditions of a normative value would be more or less approached. This tacit assumption is nevertheless restrictive in at least three relevant ways.

First, reasonable dissent presupposes a public space of reasons where the rights to freedom of speech and assembly, together with equal opportunities to access this public space are sufficiently recognized. In contrast, it should be acknowledged that in political contexts of oppression certain actions, even those that would not qualify as reasonable can be seen as justified acts of dissension. In relation to such contexts, Fung (2005) appeals to the notion of *meta-deliberative justification* previously introduced within the framework of systemic deliberation theories (Dryzek, 2010; Mansbridge et al., 2012). According to Fung, whenever the current non-ideal conditions contradict the democratic deliberative ideal there would be meta-deliberative justification in deviating from deliberative norms. As Owen and Smith (2015) notice, Fung's contention is based on the ideal of deliberative democracy and entails a tacit acknowledgment of its framework and norms.

Second, as Lynch (2018) has noticed, the public space of reasons is often less than ideal even within the framework of a democratic system. He says, "information relevant to forming reasonable policy beliefs is typically not distributed evenly throughout the citizenry" (p. 132). Lynch points out that this inequality can be due to a number of factors, as are propaganda, fake news, unequal educational opportunities, and conditions of discursive injustice. Even if there are legal protections for free assembly and speech, etc., those facts as the above mentioned make of dissent a crucial contribution to the public space of reasons, even if it takes place in a non-deliberative form.

The third aspect in which the preferred consideration of formal and institutional sites of deliberation is restrictive is that it “tends to obscure contributions made in sites of *informal* citizen agency” (Rollo, 2017, p. 3). In what concerns political legitimacy, many authors have contended that other (informal, non-deliberative) mechanisms of citizenry participation should be taken into account. Some prominent examples of non-deliberative participation are pre-figurative protests, direct enactment action, and the voluntary exit from formal deliberation. Among such enactive, everyday deeds there are egregious examples, such as Rosa Parks’ not rising from her seat, and others more recent ones, such as some Greenpeace’s campaign actions. All these forms of action seem to constitute dissent, even if not of a deliberative form.

Whereas the first aspect mentioned can be incorporated into a deliberative approach to political legitimacy and dissent (through meta-deliberative justification), the second and third ones represent a challenge to a deliberative approach to democracy that aims to take into account and integrate dissent. Concerning the second one, the asymmetric distribution of information among the citizenry, the advocate of deliberative democracy may respond that the public space of reasons is precisely the place where such asymmetry can be compensated. To the extent that a sufficient degree of plurality and freedom are guaranteed, also dissent can provide the citizenry with information relevant to political decision-making. If such minimum is not given, however, the situation will be the one considered in the first place, namely, that of an oppressive system where legitimacy is at stake. In such contexts, there is not a public space where reasons can be freely exchanged and assessed for decision-making.

In relation to the third one, it would seem that certain informal forms of dissent (as are pre-figurative protests, enactive action, and refusal to join formal deliberation) do challenge the legitimacy of a democratic system, being at the same time in a principled manner forms of action not susceptible to be integrated into the public sphere of reasons. For one thing, the agents refuse to articulate their actions in the form of reasons that could be acknowledged as such and assessed in public discourse and deliberation. Yet the fact that the agents refuse it does not entail that their attitudes and actions lack any reasons or justification whatsoever. Here, as I have already suggested, the legitimacy of the political system will depend on its capacity to assess such actions and articulate them in the form of views, demands, criticisms, etc. deserving to be taken seriously. To the extent that certain non-deliberative forms of dissent can be meta-deliberatively justified

and thus integrated within the public political space of reasons, the argumentative burden falls on the political authorities and other agents participating in public deliberation.

In my view, non-deliberative acts of dissent have to be susceptible to justification within a deliberative democracy, in order for them to be legitimate. To that extent, it seems possible to focus the analysis on the communicative act of dissenting *qua* speech act. In what follows, I am going to critically consider a recent approach to acts of dissenting from within speech act theory in order to suggest a possible improvement to it. The analysis that follows will have, therefore, a limited scope. It will consider dissent that takes the form of a communicative exchange among citizens and their representatives in the political public space.

5. DISSENTING AS A SPEECH ACT. A CRITICAL EXAMINATION OF CHRISMAN AND HUBBS (2018)'S PROPOSAL

In an insightful work, Chrisman and Hubbs (2018) address the issue of offering an analysis of acts of dissenting that makes use of the tools of speech act theory. The authors focus both on acts that are legally performed through institutionalized channels and acts of civil disobedience. According to their speech-act view, all verbal acts of dissent have an evaluative Element and most have a corresponding prescriptive element. They contend that all verbal acts of dissent evaluate something in the negative, and most correspondingly demand change to rectify the badness or wrongness in question. Thus, the standard case would be one in which through acts of speech disapproval is expressed and some corresponding change is demanded. Accordingly, they put forward the following two felicity conditions for the speech act of dissenting,

For any such speech act, we want to suggest that sincerity in disapproval and good faith in making the demand are two of its felicity conditions. This means that one engaging in dissenting political speech should sincerely disapprove of that to which they dissent, and the way they demand change should reflect a good faith commitment to the norms on which these changes are based. (Chrisman & Hubbs, 2018, p. 174)

Thus, the speech act of dissent is the sort of speech act it is because of two conditions that they take to be “constitutive of political dissent” (pp. 174, 175), namely,

Condition 1. The speaker must be sincere in their criticism.

Condition 2. The speaker must demand change in good faith, i.e., they must commit to the norms on which these changes are based.

It is worth noticing that they understand the second condition, good faith in demanding change as “a good faith commitment to the norms on which these changes are based”. This notion presupposes that the dissenter’s demand for change is guided by norms.

Moreover, the authors contend that flouting the norms that these conditions put in force would result in an abuse in Austin (1962)’s terminology. To my understanding, to the extent that Austin’s concept is to be applied here, these conditions/norms must be of a social or intersubjective kind, socially recognizable. However, the authors do not elaborate on this notion of norm, leaving the character of the corresponding commitment by the speaker somewhat underdetermined. In principle, the only requirement for fulfilling condition 2 is that the speaker is coherent with the norms that he himself or she herself is presupposing with his or her demand. Condition 2 refers, therefore, to the speaker’s attitude.

Yet, Chrisman and Hubbs acknowledge that conditions 1 and 2 are not the only felicity conditions to be taken into account. They identify a third constitutive condition on the speech act of political dissent, namely, that this kind of speech act “should be based (at least implicitly, but recognizably) on considerations of justice” (p. 176). This third condition is thus added to the two former, and it also gives rise to a norm.

Condition 3. The speaker’s speech act should be based on considerations of justice.

The authors motivate their view by noticing that if this third condition is not met, the speech act will likely be seen as a sort of personal complaining and not as an act of political dissent. They implicitly seem to accept that other conditions might be added with the same constitutive character (cf. p. 177). This point entails that Chrisman and Hubbs’ conditions are necessary but should not be taken to be jointly sufficient for a speech act to count as an act of dissenting.

In my view, Chrisman and Hubbs’ approach is promising and deserves attention. Nevertheless, there are at least two points that seem questionable. First, their formulation of felicity conditions as constitutive norms seems in need of some theoretical elaboration. Second, there is a strong contrast between conditions 1 and 2, which

appeal to the speaker's attitudes, and condition 3, formulated in such a way that its fulfilment seems to depend on a social assessment of what may be taken to be an idea of justice. Thus, condition 3 does not seem to depend solely on the speaker's beliefs and other attitudes.

Concerning the first point, namely, the authors' turning felicity conditions into constitutive norms, it is worth remembering that Austin's original account of speech acts (in his 1962) was formulated in terms of procedural rules of a very general, abstract character. As such, the instantiations of these rules for each type of speech act were to be seen as necessary conditions for a correct performance. Austin did not settle the issue of whether for some speech acts other conditions should be fulfilled as well (on that, see Sbisà 2018). Austin's procedural rules set forth a conventional procedure having a conventional effect. As such, these rules might be taken to constitute the corresponding acts and its effects. But even so, this does not entail that all of them should be taken to be constitutive in a strong sense. As is well known, Austin distinguished the rules instituting the required procedure from the *gamma* rules, the latter being those related to the participants' attitudes and expectations thereof. Gamma rules can also be said to be part of the procedure and thus constitutive of it, although in a weak sense. This weak concept of *constituting* should be differentiated from a stronger one related to a consideration of what constitutes the very act, i.e. of what makes of the act the type of act it is. In this second sense, the rules instituting the procedure would be *constitutive* in a strong sense which could not be attributed to the gamma rules.

The authors themselves observe (Chrisman and Hubbs, 2018, note 20 in p. 120) that flouting their constitutive norms 1 and 2 does not give rise to a misfire in Austin's terminology. It is worth remembering that misfires are violations of a pre-established procedure, as something different from abuses against it. An abuse results from the speaker's flouting a rule that affects legitimate expectations concerning his or her attitudes; standard examples are insincere promises and lies. In contrast, a misfire leads to the act becoming void and null. An abuse does not turn the act void and null, and the act may be taken to have been nonetheless performed. This means that the abusive act may legitimately be taken as the act it is, even if a faulty one. This is why e.g. the addressees of an insincere promise can legitimately hold the speaker accountable for his or her abuse.

In the cases of an insincere act of dissent and of an act of dissent performed in bad faith, however, it is not clear to me whether or not the dissenting act has been performed. For one thing, if violating the above

conditions 1 and 2 generates an abuse, this means that the act itself may be taken to have been performed *qua* act of dissent, even if in a faulty way. To that extent, Chrisman and Hubbs' attributing to conditions 1 and 2 a constitutive character of the very act of dissenting, apparently in a strong sense, is somewhat undermined. Alternatively, if the sense in which conditions 1 and 2 are constitutive is the weaker one that may be attributed to gamma rules, it seems that some elaboration is still needed concerning the conditions that can be said to institute the procedure of dissension as such.

In relation to the second point, the apparent contrast between conditions 1 and 2 on the one hand, and condition 3 on the other suggests that flouting the latter should result in a misfire, and not in an abuse. To that extent, condition 3 should be seen as a constitutive part of the procedure in a strong sense. The authors themselves suggest this interpretation when they observe that its violation will likely be seen as a personal act of complaining, which is a different speech act. Although I am sympathetic with this view, it seems to me that it might be supererogatory, in that it morally overburdens both the dissenter and their addressees. Many political positions, including both proposals and contra-proposals, are motivated by practical considerations which are not necessarily a matter of justice. Political views (both pro and con) can be put forward as part of a strategy that aims at gaining support or at weakening the adversary (something not unusual during the period of political campaigning preceding general elections). They can also be driven by bare self-interest, and a criticism followed by a contra-proposal can even be part of a strategy within a negotiation process. In all those cases, and many others, it is not necessarily justice what is at issue. However, if one of the parties is on power, it is not implausible that the other party presents its position as a dissenting alternative (and for that a better one).

In my light, conditions 1, 2 and 3 should better be typified as principles (Alexy, 2000) or as optimality rules (Sbisà, 2018). According to a distinction drawn by Alexy within the framework of his discourse theory of norms, principles must be distinguished from rules in that the former are commands of optimalization, whereas the latter are definite mandates. Commands of optimalization have a regulative character, not being constitutive of the corresponding action in the strong sense here considered. In the same line, a distinction put forward by Sbisà within her Austinian theory of illocution draws a line between the rules that can be taken to be determinative of the correct performance of a speech act (so that noncompliance with them results in a null or void act), on

the one hand, and on the other the rules that can result in a faulty act, without this act being null or void (see also Corredor, 2018).

6. THE ILLOCUTIONARY FORCE OF ACTS OF DISSENTING. AN AUSTINIAN APPROACH

Putting aside the most extreme and violent forms of dissent, it seems to me that dissension can be approached as a type of social action that manifests itself, pre-eminently, by means of speech acts. As said above, I endorse the point of view according to which certain enactive, non-deliberative forms of dissent can be meta-deliberatively justified and thus integrated within the political public space of reasons (Fung, 2005; Owen & Smith, 2015). Thus, an analysis of acts of dissent in terms of speech acts might contribute to illuminate relevant aspects of this type of social action. My aim in what follows is to outline how this could be accomplished. I take a point of departure in the Austinian approach to speech acts (Sbisà, 2006; Witek, 2015), according to which (i) speech acts can be characterized by saying how they change the social and interpersonal context of the interactants, and (ii) these changes impinge on the interactants' normative positions and affect their obligations, responsibilities and commitments, and their authorizations, rights and licenses, as these are mutually recognized and ascribed by the interactants. Moreover, in my view, speech entails certain duties (and rights) of a dialectical nature. These may include e.g. the obligation to justify one's claims made in the public sphere, whenever some justification is asked for by other interactants.

Against this view, the types of case that Rollo (2017) brings to the fore would seem not to answer to some of the normative stances required. The case of indigenous refusal seems particularly challenging. Some indigenous communities refuse to participate in formal decision-making contexts in order to have their land-based forms of life recognised. (According to Rollo, this attitude may be due to different reasons, as are the conviction that some land-based practices and elements of spiritual identities are ineffable, or only conveyable through songs or story-teller that are disqualified in many formal sites; also, some beliefs, practices and locations are considered to be sacred or vulnerable and there is a prohibition to communicate them to non-community members).

These are cases in which, as argued before, the burden of justification should fall on the wider political community and its legitimate authorities. To the extent that a respect for the indigenous' vindication may be subjected to deliberative assessment and recognised

as based on reasons of a general type, the vindication itself is to be seen as legitimate. If this is correct, then the indigenous act of refusal turns out to be justifiable and contributes to the quality of the deliberative process of decision-making.

The case of dissent through refusal suggests that dissenting acts can take the form of different types of illocution. The communicative act of dissenting can typically be a protest; but frequently, as already seen, it also conveys a critical assessment and an alternative proposal. Acts of protesting and proposing are, in Austin (1962)'s terminology, exercitive speech acts; assessing, in its turn, is a verdictive. This suggests, on the one hand, that acts of dissent are not to answer to just one type of speech act, but can be performed in a variety of different types of illocution. On the other hand, however, there seem to be some features that make of acts of dissenting the kind of action it is, notwithstanding the particular illocution performed. Among these features are the dissenter's facing either an established power or authority (its policies, decisions, actions, and the like), or a mainstream view or practice which is socially institutionalized or widely adopted. Moreover, the dissenter's position is to be seen as challenging either the stability of the social and political system, its legitimacy, or both.

My suggestion is that there would not be a speech act of dissenting as such, but dissent might be performed through a family of different, inter-related illocutions, namely:

- a. (negatively) assess (previous acts and decisions of the political authority);
- b. oppose (the political authority, or some previous acts, policies, decisions, etc. by them);
- c. protest;
- d. demand change;
- e. contra-propose;
- f. refuse (to participate in formal decision-making contexts)
- g. vindicate (a belief, location, practice, etc. or the right to them)
- h. ...

Plausibly, other illocutions can perform acts of dissenting. Taking into account Austin (1962)'s original framework, I propose the following analysis.

- i. *Assess* is a verdictive act, i.e. an act that consists "in the delivering of a finding, official or unofficial, upon evidence or

reasons as to value or fact" (p. 152). Austin observes that this finding is, for some reason, "hard to be certain about" (p. 150).

- ii. *Protest, demand change* and *vindicate* are exercitives, i.e. acts that consist of "the exercising of powers, rights, or influence" (p. 154). Austin also says that exercitives are "the giving of a decision in favour of or against a certain course of action, or advocacy of it." (Ibid.) Thus, also *refuse* is an exercitive, since it is an act of making a decision.
- iii. *Oppose* is typified by Austin as a commissive. These are acts that commit the speaker to a course of action, but "include also declarations or announcements of intention" (p. 151). He acknowledges that the connexion between an exercitive and committing oneself is very close. This seems to be the case of e.g. opposing (commissive) and demanding change (exercitive). Nevertheless, in the case of an act of opposing, in contradistinction to an act of demanding change, some subsequent action by the speaker is to be expected which is coherent with his or her opposing views.
- iv. *Contra-propose* is not explicitly addressed by Austin. In former work, I have contended that within a deliberative setting acts of proposal should be seen as verdictive acts, subjected to argumentative assessment (Corredor, 2018a). Yet in a public domain and out of a deliberative decision-making process, proposals are usually to be seen as exercitive speech acts, of a type that entails a commitment from the speaker. Proposals are exercitives in that the speaker exercises a (weak, polite) pressure on the addressees, which may be seen in line with an invitation or an offer. But proposals also commit the speaker to a certain course of action, namely, to a subsequent coherent conduct whenever the speech act is accepted.

Therefore, it seems safe to conclude that different types of illocution can and are used to perform dissenting acts. Notwithstanding this, in my light, all of them fall under a common family of acts and can be jointly addressed. To justify my claim, I take into consideration the Austinian approach to speech acts I endorse. From this perspective, it can be said that acts of dissent presuppose and are performed against a background of some previous acts, namely, those performed by some political authority (in the form of claims, decisions, actions, etc.) Against this background, as I have tried to show, dissension effectively puts into question the political authority's presupposed legitimacy. Moreover,

acts of dissent have illocutionary force and give rise, whenever they are successfully performed, to certain changes in the normative positions of the participants, including their dialectical duties (and rights). In the case of dissension exercised in formal or informal deliberative settings, my suggestion is that these dialectical duties include, together with the speaker's dialectical obligation to justify his or her dissenting claim, a corresponding responsibility by the political authority who also acquires a dialectical obligation to seriously take the dissenting speech act into account.

In cases of refusal to join a formal deliberative context, however, the appeal here endorsed to meta-deliberation entails a reversal of the burden of justification. It is not the dissenter who is dialectically obliged to justify his or her claims; this obligation falls, within a democratic system, on the political authority challenged by him or her. My contention is supported by the following consideration. Democratic political authority is legitimated by the citizenry's recognizing themselves as the authors of the law, and to the extent that the political authority takes into account the citizenry's needs and interests and answers to them, on the basis of an equal respect and consideration for all. Dissent puts into question these tacit presuppositions. Therefore, whenever the dissenter refuses to join the public space of reasons, the political authority is charged with the dialectical obligation to consider whether the dissenting claims are reasonable and can be justified by reasons that should be taken into account.

Also, if it is correct, the above contention entails a corresponding right to dissent in public. This right is not merely an epistemic convenience (in the form Mill and others have shown). It also follows from the expectations of legitimacy that are granted to the political authority in a democratic system. Outside this setting, in an oppressive regime the dissenter can be discharged from the burden of justification that his or her claim in other case would entail. But here, meta-deliberation can also provide the dissenter with the reasons that give support to his or her act of dissent.

7. CONCLUSION

In this paper, I have considered a notion of political dissent as disagreement manifested in public and directed against some view, decision, action etc. of a political authority. I have suggested that, notwithstanding its epistemic merits, dissent questions the presupposed legitimacy of a political democratic system and of the

political authority itself. It has this effect because it makes apparent the lack of actual consensus among the citizenry, on which this legitimacy is based. Yet in contrast to political settings of formal or informal deliberation, where dissent is subjected to argumentative assessment, other forms of non-deliberative dissent would seem to challenge the possibility to base legitimacy on the consensus of the citizenry. As some scholars have pointed out, not in all these cases the act of dissent should be declared unreasonable or would not deserve to be taken seriously by the political authority and other social agents. In my light, there are cases of non-deliberative dissent in which the burden of justification falls on the political authority, lest its legitimacy becomes seriously question. To give support to this view, I have appealed to the notion of meta-deliberative justification, where the onus is on the political authority and other deliberative agents.

Consequently, I have suggested that non-deliberative actions have to be susceptible to justification within a deliberative democracy, in order for them to be legitimate. If this is correct, then it is possible to focus the analysis on the communicative act of dissenting *qua* speech act. After critically considering a recent approach to acts of dissent within the framework of speech act theory, I have put forward a view according to which there would not be a speech act of dissenting as such, contending that dissent might be performed through a family of different, inter-related illocutions. Furthermore, taking a point of departure in the Austinian approach to speech acts I endorse, I have tried to show that acts of dissension give rise to certain dialectical obligations and rights on the part of the participants in public political deliberation. If dissension is exercised in (formal or informal) deliberative settings, my suggestion is that these dialectical duties include, together with the speaker's dialectical obligation to justify his or her dissenting claim, a corresponding responsibility by the political authority who also acquires a dialectical obligation to seriously take the dissenting speech act into account. In cases of reluctance or refusal to joint a deliberative frame, however, the appeal here endorsed to meta-deliberation should entail a reversal of the burden of justification. As I have tried to argue, it is not the dissenter who is dialectically obliged to justify his or her claims; this obligation falls, within a democratic system, on the political authority whose legitimacy is challenged by them.

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REFERENCES

- Alexy, R. (2000). On the structure of legal principles. *Ratio Juris*, 13(3), 294-304.
- Austin, J.L. (1962). *How to do things with words*. Oxford: Clarendon Press.
- Chrisman, M., & Hubbs, G. (2018). Speaking and listening to acts of political dissent. In C.R. (Ed.), *Voicing dissent* (pp. 164-181). New York: Routledge.
- Cohen, J. (1989). Deliberation and democratic legitimacy. In A. Hamlin & P. Pettit (Eds.), *The Good Polity* (pp. 17-34). Oxford: Blackwell.
- Corredor, C. (2018). Norms in deliberation: The role of the principles of justice and universalization in practical discourses on the justice of norms. *Studies in Logic, Grammar and Rhetoric* 55(68), 11-29.
- Corredor, C. (2018a). Deliberative dialogues: Deontic turn-taking and illocutionary acts. *Linguistics and Literature Studies* 6(2), 99-106.
- D'Agostino, F. & Gaus, G. (2008). Contemporary approaches to the social contract. In E. N. Zalta (Ed.), *The Stanford Encyclopedia of Philosophy*. Retrieable from: <http://plato.stanford.edu/archives/fall2008/entries/contractarianism-contemporary/> (Last accessed, 15 April 2019).
- Dryzek, J. (2010). *Foundations and frontiers of deliberative governance*. Oxford: Oxford University Press.
- Estlund, D. (1996). Beyond fairness and deliberation: The epistemic dimension of democratic authority. In: J. Bohman & W. Rehg (Eds.), *Deliberative democracy: Essays on reason and politics* (pp. 173-204). Cambridge, Mass.: Cambridge University Press.
- Fung, A. (2005). Deliberation before the revolution: Towards an ethics of deliberative democracy in an unjust world. *Political Theory*, 33(2), 397-419.
- Kant, I. (1793). On the common saying: 'This may be true in theory, but it does not apply in practice'. In H.S. Reiss (Ed.), *Political Writings* (pp. 61-92). Cambridge: Cambridge University Press, 1970, 1991 (2nd enlarged edition).
- Kappel, K. (2018). Dissent: Good, bad, and reasonable. In C.R. (Ed.), *Voicing dissent* (pp. 62-81). New York: Routledge.
- Lafont, C. 2012. Agreement and consent in Kant and Habermas. *The Philosophical Forum*, 43(3), pp. 277-295.
- Lynch, M.P. (2018). Epistemic arrogance and the value of dissent. In C.R. (Ed.), *Voicing dissent* (pp. 129-139). New York: Routledge.
- Mansbridge, J. et al. (2012). A systemic approach to deliberative democracy. In J. Parkinson & J. Mansbridge (Eds.), *Deliberative systems* (pp. 1-26). Cambridge: Cambridge University Press.
- Mill, J. S. (1869). *On liberty and other readings*. S. Collini (Ed.). Cambridge: Cambridge University Press.
- Owen, D. & Smith, G. (2015). Survey article: Deliberation, democracy, and the systemic turn. *The journal of political philosophy*, 23(2), 213-234.

- Rollo, T. (2017). Everyday deeds: Enactive protest, exit, and silence in deliberative systems. *Political Theory*, 45(5), 587-609.
- Sbisà, M. (2006). Communicating citizenship in verbal interaction: Principles of a speech act oriented discourse analysis. In H. Hausendorf & A. Bora (Eds.), *Analysing citizenship talk* (pp. 151-180). Amsterdam: John Benjamins.
- Sbisà, M. (2018). Varieties of speech act norms. In M. Witek & I. Witczak-Plisiecka (Eds.), *Normativity and Variety of Speech Actions* (pp. 23-50). Leiden: Brill.
- Walton, D. & Krabbe, E.C.W. (1995). *Commitment in Dialogue*. Albany: SUNY Press.
- Witek, M. (2015). An interactional account of illocutionary practice. *Language Sciences*, 47, Part A, 43-55.

Dissent and Democracy

Commentary on Corredor's Democratic Legitimacy and Acts of Dissent

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1. INTRODUCTION

Cristina Corredor begins with an admirably precise definition: dissent is “the expression of a point of view which is put forward as an alternative to mainstream views.” It is by definition a minority position in search of legitimacy. The aim may be to supplant the previously mainstream position or to seek acceptance alongside it. She is especially concerned with political dissent, in which the mainstream position is supported “by the political establishment, by a social majority, by a predominant group, etc.” What is at issue is not just the substance of the two positions, mainstream and alternative, but also the power relationships between their proponents.

2. VALUING DISSENT

Why is such dissent to be valued? Corredor answers that its value is epistemic, ranging from the fact that it forces us to examine viewpoints besides our own, to the fact that it compels mainstream advocates to take into account challenges to their position, to the fact that “it may help avoid discursive deficits due to bias, polarization, and the like.” This line of reasoning will be familiar to readers who have encountered either of two other literatures: Ralph Johnson’s position (Johnson, 2000) that arguers have a dialectical obligation to identify and answer possible challenges to their views, and Robert L. Scott’s essays (1967, 1976) positing that rhetoric (and, by extension, argumentation) is a way of knowing, a means by which we decide what we will regard as true about matters that are uncertain. To achieve these epistemic benefits, arguers are obligated to take dissent seriously.

3. DISSENT AND POLITICAL LEGITIMACY

But here Corredor invokes a critical distinction. It is one thing to talk about dissent as an element of argumentation theory, she suggests, but quite another to talk about its function in political reality, when legitimacy is at stake. Certainly, in political settings it often does not appear that the arguers are proceeding cooperatively in search of the best solution to a common problem. Conflict between the holders of a mainstream position and its challengers is the order of the day, and there is a struggle for power between them. It may seem that way on the surface and in the minds of the arguers, but to the analyst, the very fact that the disputants are engaged in argumentation rather than coercive means of dispute resolution suggests that at a basic level they are cooperating in agreeing to restrain their partisan impulses (Zarefsky, 2019). To say this, though, presupposes that the dispute is, or can be reconstructed as, deliberative. This is true, Corredor suggests, of some but not all cases of dissent.

Political legitimacy does not guarantee that decisions will be correct. That is more likely to be the case, Corredor maintains, if participants' attitude is cooperative rather than merely strategic. In those cases, argumentation will redeem the soundness of the conclusion. But Corredor points out that there are still a large number of cases of dissent that do not fall into this exceptional status. She employs speech-act theory in a fairly technical way that, I think, requires carefully reading, not just hearing, her paper. She notes that the natural tendency would be for the legitimate authority to dismiss dissent as prompted only by strategic self-interest and not by a quest for justice, even if it masquerades as the latter. To assure that dissent is taken seriously, she stipulates that "the onus is on the legitimate authority to assess the dissenting acts and justify its decision."

In other words, reasons must be provided not in order to justify dissent but in order to reject it. This is an interesting example of employing argumentation procedures (in this case, placement of presumption and burden of proof) to give weight to one side or the other in a political dispute. Specifically, this gives dissenting views a place at the table when final decisions are made.

4. DISSENT AND REASON-GIVING

One section of the essay is called "Political dissent outside deliberation"; there Corredor points out that requiring that dissent engage a "public space of reasons" is needlessly restrictive. She would extend the political authority's burden of proof to cover cases such as these, in order to provide the maximal conditions for dissent to be heard and to

be taken seriously. But she would require at least that “non-deliberative acts of dissent have to be susceptible to justification within a deliberative democracy, in order for them to be legitimate.” The dissenters need not necessarily be deliberative themselves, but their position must be able to be rendered deliberative; this is the limit on the acceptability of dissent. Even here, though, it is the responsibility of the advocates for political authority to show that non-rational dissent *cannot* be reinscribed as rational. This requirement calls for what van Eemeren and his colleagues call “maximally argumentative analysis” (van Eemeren, Grootendorst, & Snoeck Henkemans, 2002, p. 76), applying the principle of charity to an interlocutor’s argument so that it can be understood and examined in the strongest possible light.

Drawing on the work of Chisman and Hobbs, Corredor puts forward three tests that dissent must meet in order to be considered deliberative: the speaker must be sincere in criticism, the speaker must demand change in good faith, and the speaker’s speech act should be based on considerations of justice. These stipulations help to prevent a scenario in which purely strategically-motivated dissent is allowed to claim a deliberative status to which it is not really entitled. This is a complex and technical presentation, but it supports the author’s general conclusion that “the communicative act of dissenting can typically be a protest; but frequently ... it also conveys a critical assessment and an alternative proposal.” Such actions can be presumptively regarded by leaders as legitimate; it is their responsibility to show that such a presumption is not warranted because the dissenting communication is without redeeming deliberative value.

5. CONCLUSION

Taken together, Corredor’s analysis adds to our understanding of both deliberative and non-deliberative dissent, and it adds a caution against the temptation to assign all ambiguous cases to the realm of the non-deliberative. Presumption and burden of proof should be assigned so that we do not allow this to happen. This is an important move because it helps to keep open a wide space for dissent in a democratic polity.

REFERENCES

- Eemeren, F. H. van, Grootendorst, R., & Snoeck Henkemans, F. (2002). *Argumentation: Analysis, evaluation, presentation*. Mahwah, N.J.: Lawrence Erlbaum.
- Johnson, R. H. (2000). *Manifest rationality: A pragmatic theory of argument*. Mahwah, N.J.: Lawrence Erlbaum.

- Scott, R. L. (1967). On viewing rhetoric as epistemic. *Central States Speech Journal*, 18 (1), 9-17.
- . (1976). On viewing rhetoric as epistemic: Ten years later. *Central States Speech Journal*, 27 (4), 258-266.
- Zarefsky, D. (2019). *The practice of argumentation: Effective reasoning in communication*. Cambridge: Cambridge University Press.

Strength of reasons for moral dissent

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One dissents from acts practiced by asserting they are wrong, a deontic property, supervening on non-deontic properties. The warrant licencing the inference may be validated by moral intuition or by some higher level moral principle. Reasons for the acceptability of the act are rebuttals for the warrant. Rebuttal resistance constitutes warrant strength. One may appraise strength by recognizing the classes of relevant potential rebuttals for a warrant and the plausibility of members of that class.

KEY WORDS: backing for moral warrants, desire for affiliation, moral intuition, moral principles, moral realism, moral relativism, *prima facie reasons for wrongness*, rebuttals for moral warrants, reflective equilibrium

1. INTRODUCTION: MORAL DISSENT AND REASONS FOR MORAL DISSENT

Moral dissent expresses a judgment that performing an act or engaging in some practice, especially a practice prevalent in society, is wrong or should be opposed as a matter of duty. Hence moral dissent involves a deontic judgment. What constitutes a reason for such a judgment? To justify a judgment that a specific act or a practice is wrong one may assert that the act or practice satisfies some non-deontic but deontically relevant property. To say that someone made statements which are factually false and which mislead others both describes the act and attributes to it possible consequences, non-deontic but nonetheless deontically-relevant properties. Likewise, to say that a practice results in physical or mental suffering is to express an interpretation, albeit one which is deontically relevant. But to ascribe wrongness is to ascribe a deontic property to the act or practice. The deontic property supervenes on the deontically relevant properties.

Supervenience brings us to argumentation. Using the terminology of the Toulmin model (See 1958, pp. 98-99), rules of supervenience may be expressed as warrants. For example

From: x has made promise to do A
To infer (*ceteris paribus*): it is wrong for x not to do A

The phrase "*ceteris paribus*" indicates that the rule is defeasible. In general, an argument concluding that an act is wrong or satisfies some other deontic property from the premise that it satisfies some non-deontic but deontically relevant property is defeasible. Hence reasons for deontic judgments do not deductively entail these judgments. How then may we appraise the connection between deontically relevant and deontic judgments, in particular the reasons for moral dissent?

Toulmin has taught us that warrants have backing. In (2005b), we argued that warrants may be classified according to the type of evidence backing them. An empirical warrant is backed by a body of observed evidence showing a co-variation between the empirical property cited in the premise and the empirical property cited in the conclusion. What then is the analog for moral arguments licensing a move from a non-deontic property to a deontic property?

2. SOURCES OF EVIDENCE BACKING DEONTIC WARRANTS

2.1 *Moral intuition and moral sense*

We hold that two types of evidence may justify deontic warrants—evidence recognized by our moral intuition and evidence presented by moral principles, in particular higher level moral principles. Empirical intuition recognizes connections, in particular regularities, between empirical properties by observation, while moral intuition grasps connections between properties accessed by moral sense and properties which are the deontic consequences of those properties. What is involved here requires explicating. In some cases, the recognized connection is self-evident and grasped immediately. Some might be tempted to say that such warrants are self-backed. But this obscures how they are backed. In particular, it obscures the interaction of moral sense and moral intuition. Antecedent to recognizing general deontic connections, by moral sense we may recognize the rightness or wrongness of particular acts. While slavery was still practiced, a young white person might witness the beating of a black person and immediately recoil, recognizing that the act was very wrong. The belief in the wrongness of the act was immediate, not the result of reflecting on any morally relevant properties of the act or any moral principles. Our moral intuition lets us move from recognizing the wrongness of the particular beating to the general connection of that wrongness with the features of the beating, that they are the reason why the act is wrong, a reason which holds in general. Moral sense, then directly apprehends

the wrongness of wrong acts and the obligation to avoid, prevent, or oppose them.

That humans have a moral sense and how that sense develops and operates has been discussed and developed at length by Wilson in (1993). As we discussed in (2005a, pp. 246-50), Wilson's discussion lets us understand the role of moral sense in forming judgments of deontic value. He identifies a human desire for affiliation as "the mechanism underlying human moral conduct" (1993, p. 127). The newborn infant displays prosocial behavior which is met by an "instinctively caring response" (1993, p. 127). A morally significant bond is thus formed between a child and a parent. The child comes to trust that an empathetic person is responding to his or her needs. This empathy allows the child's own empathy to develop. But empathy is expressed in concern for others manifested through acts of sympathy and through feeling one has an obligation to perform such acts. As we pointed out in (2005b, p. 246), in the desire for affiliation or attachment to others we can see the root of felt obligation—that it is right to perform acts of beneficence, wrong to perform acts of maleficence, and a duty to perform acts of reparation, if you hurt someone.

Wilson holds that these acts are not simply means to an end, to ingratiate oneself to others or not alienate them. What case can he make for claiming something more for these acts? Infants will start imitating some human behaviors almost from birth and these prosocial behaviors will increase over time. Very young infants will respond to or imitate certain behaviors of adults. "Within two years the prosocial behaviors of children become obvious. They will ... share things or activities with others, help others do things, and bring things or offer consolation to people in distress" (1993, p. 124). This sociability has evolutionary advantage. The human race would not last long if parents did not care for and nurture their children over a long childhood. This may explain why parents are sociable, but why children? Wilson now clinches his argument. "What evolution selects for is not *behavior* ..., it only selects for mechanisms that produce a behavior or predispose an animal to it.... The mechanism underlying human conduct is the desire for attachment or affiliation" (1993, pp. 126-27). The mechanism for prosocial behavior of infants may be understood as this desire. Rewarding this behavior with attention is not simply behavioral reinforcement but enables the child to grow into its next stage. (1993, p. 129).

One of these stages, one which is morally significant is rebellion. This behavior lets a child develop a sense of self, that he or she is different from others. But this recognition is a necessary condition for developing a sense that one can make claims and recognize that others have claims (p. 130). But this in turn is necessary for the moral sense to develop. This is not hard to understand. "The rudiments of moral action [are] a regard for the well-being of others and an anxiety at having failed to

perform according to standard" (p. 130). Wilson points out that Darwin in *The Descent of Man*, has discussed how the moral sense develops. Wilson in (1993, pp. 130-31) presents Darwin's reasons. Sociality leads one to take pleasure in the company of others. Given a certain level of mental development, one becomes able to reflect on one's previous behavior and be dissatisfied when one has not acted as required. The development of language extends one's understanding of the wishes of others and allows discussion of what acts one ought to perform. This in turn leads to habits of acting in accord with one's own instincts, taking account of the experienced wishes of others. But these habits "are, for most us, the fundamental basis of moral life" (p. 131).

If Wilson is correct about the rudiments of moral action, when seeking to give comfort to another child, a child has a reason for that act no matter how dimly appreciated. Here apprehension that the act is right or even a duty and the apprehension of the reason for its being right or a duty come together. Similarly, when a child conceives of the possibility of not performing an act, when the moral sense has indicated the wrongness of the that omission, the child may apprehend a connection between the act's being an omission and its being wrong. In each case, the child's moral intuition recognizes the connection, what is a reason for what. It remains for intuition to recognize further a general connection between the reason and the deontic property. Cohen in (1986) warns that we must be careful using the word "intuition." By it we do not mean something esoteric or indicate a higher way of acquiring beliefs or knowledge. Intuition rather concerns "what counts as a reason for what" (1986, p. 73). "An intuition that p is ... just an immediate, unreflective, and untutored inclination, without argument or inference, to judge that p ..." (p. 75). Moral intuition also is not a mechanism to recognize the truth of analytic propositions. It does not recognize immediately that some non-deontic property includes some other deontic property in its meaning. Rather it recognizes synthetic *a priori* propositions. This is not to imply, however, that such judgments are necessary. We have already indicated that they are defeasible.

Our position regarding moral sense and moral intuition is an unabashed moral realism. Moral sense generates deontic judgments about right, wrong, and related deontic concepts, while moral intuition generates judgments about what makes right acts right or wrong acts wrong or similar deontic connections. Our view then is obviously open to objections against moral realism. It is well that we confront such objections right at this point. They threaten the very legitimacy of this inquiry. Does it not fly in the face of cultural relativism? Are not "right" or "wrong" simply expressions of cultural preference, approval or disapproval conditioned by what has come to be thought normal, as Benedict (1934) and other cultural anthropologists claim. Does it make

any sense to claim that there are any moral reasons, in particular reasons for moral dissent, reasons that can be compared for strength? Baylis states these objections forcefully in (1967). Different societies or different groups within the same society may differ radically over the rightness or wrongness of a given practice. Rachels in (1986) points out that Herodotus reports that Callatians had a custom of eating the bodies of their dead fathers, while Greeks were shocked at the very prospect of such behavior. By contrast, Greeks cremated their dead while Callatians found the very prospect of such behavior horrifying. So the moral sense of the Callatians finds eating dead bodies right or a duty and cremating bodies very wrong, while the moral sense of Greeks finds cremating bodies right and eating them very wrong. We may expect moral intuition may grasp non-deontic reasons for these contrasting moral judgments. So whose moral sense and moral intuition are correct, or is correctness here simply beside the point? Benedict argues this way: Different cultures have different ways of life determining what within that culture is regarded as normal. What a culture regards as normal determines what that culture views as right or wrong. Morality "is a convenient term for socially approved habits" (1934, p. 368).

How may this objection be met? First, should relativists present facts about cultural moral differences, they are making descriptive statements supported by considerable evidence. But should they claim that difference shows there is no objective right or wrong, no objective moral judgments, that moral sense and moral intuition are completely products of culture or custom, they are making a metaethical judgment about these claims. Does the descriptive statement constitute an adequate reason for the metaethical claim? Rachels argues that it does not. Mere disagreement over some issue does not show there is no objective truth about the matter. Most obviously, one view might be correct and the other mistaken. We may cast Rachels' point as a refutation by logical analogy. The cultural relativity argument is like arguing that because people have and some still do disagree over whether the earth is flat or round, therefore there is no objective truth about the shape of the earth! Rachels points out that there are further points to make against cultural relativism. On this view, no culture is morally better or worse than any other. A culture which endeavors to treat all its members fairly is no better or worse than one which exploits and oppresses certain groups, even to the point of genocide. Furthermore, some disagreements about value are due to differences in interpretation. This point has particular relevance for the issue of whether it is right or wrong to maintain certain monuments to historical figures who are revered but some find are symbols of oppression. Rachels also points out that some values, for example those expressed through the golden rule, are shared by many cultures. Indeed, some

values may have existential implications. Can a society long survive if there is no presumption that communication is normally truthful? Can the trust which is necessary among members of society for mutual cooperation survive the acceptance of “alternative truths”? Could a society endure for long if there were no societal prohibitions against murder, adultery, stealing? Could there be human flourishing in that society? Indeed, could many members of that society ever survive at all if it were in a state of perpetual war of all against all or survival only of the fittest? Rachels puts the point plainly: “There are some moral rules that all societies will have in common, because those rules are necessary for society to exist” (1986, p. 376).

In the examples we have been considering so far, moral intuition grasps connections directly or immediately. But moral intuition may also be instructed to recognize connections through learning accepted rules. Hence moral rules or, more generally, moral principles may also constitute backing for deontic warrants. How this happens is the subject of the next subsection.

2.2 General moral principles

Moral intuition may grasp the connections between one’s having made a particular promise and one’s having a moral obligation to keep it together with one’s having broken the promise and having done something morally wrong. But intuition also grasps general connections between deontically relevant properties and deontic properties. In (1930), Ross asserts concerning a particular connection “To me it seems as self-evident as anything could be, that to made a promise ... is to create a moral claim on us in someone else” (p. 21n). Ross continues, “When we have reached sufficient maturity to think in general terms, we apprehend *prima facie* rightness to belong to the nature of any fulfillment of promise” (p. 33). The claim of a general connection between making a promise and being morally obligated to keep that promise states a moral principle. One may agree that *this* connection is self-evident but question whether all such deontic connections are self-evident. Some logical or mathematical statements may be self-evident but others may require significant proofs to show why the statement holds. We can distinguish rational intuition from rational deduction (Compare Plantinga 1993, p. 107) . Cannot the same hold for some general moral principles? Cases of moral dissent, where the dissenter seeks to justify this dissent to interlocutors readily provide examples. In the *Crito*, Socrates’ friends want him to escape from prison and thus from execution, They have the means to enable him to carry this out. Socrates dissents, and gives his interlocutors an argument to justify his position. They certainly do not see a self-evident connection between

escaping and acting in a morally wrong way. Rather Socrates sees his escaping instancing further properties relevant to the wrongness of making an escape. He intuitively widens moral principles from which the wrongness of escaping follows.

Socrates defends his dissent by stating first that “Injustice is always an evil and dishonor to him who acts unjustly” (Jowett 1937, p. 433). He argues that this principle implies that we cannot retaliate, rendering injury for injury, evil for evil. But, Socrates presses, if he were to leave the prison against the will of Athens, which sent him there, he would be injuring the Athenians. More so, he would be wronging the laws of Athens and thus acting against the very stability of the state, even though the state had treated him unjustly. The laws if the state enabled his parents to marry and required his father to educate him. Since to disobey the laws would be to do them an injury and injuring them is wrong, his disobeying the laws of Athens by escaping would be wrong, even if the laws were treating him unjustly. Furthermore, one who remains in a state after one’s reaching majority “has entered into an implied contract that he will do as [the laws] command him” (1937, p. 435), laws which had regulated the society in which he lived during his lifetime heretofore. These laws had nurtured him and enabled him to flourish. His alternatives then are to obey the commands of the law or to present an argument which will be sufficient to show that the laws’ commands are unjust. By escaping, he will do neither. His escaping then means he is injuring the citizens of Athens. It would also break his contract with the laws. These are morally relevant considerations which moral intuition sees making his escape wrong. Hence, if intuition does not immediately see a connection between a deontically relevant property and a deontic property, argument, by appealing to further intuitions, may show the connection.¹ Such an argument may support a universal generalization asserting a connection between escaping and its wrongness and back the warrant corresponding to this generalization.

Discussion of supporting arguments introduces an additional way to support moral principles and back their corresponding warrants. As Kirk indicates, “It is the desire of every reasonable man [sic] to subordinate his judgments more and more to the smallest number of general principles” (1948, p. 35). Such principles include higher level moral principles, the subject of the next subsection.

¹ We are not here commenting on the merits of Socrates’ argument or claiming that nothing more may be said about the issue. Our point is that deontic connections can be seen through argument and not necessarily just through intuition.

2.3 Higher level moral principles

How may we distinguish basic level from higher level moral principles? Contrasting examples may illustrate the distinction. Cohen offers this example of a basic moral principle:²

For any x and y, if x enslaves y, x acts in a morally wrong way towards y

(1970, p. 173). This statement asserts a general deontic judgment about pairs of individuals. One relation's holding between these individuals is a sufficient condition for a second relation to hold. We may also construe the statement as asserting a general deontic judgment about the elements in a class of acts, that each of them is morally wrong. Contrast this example with the following statement of Mill's Harm Principle:

Harming others is the only justification for limiting an individual's basic liberty.

What exactly is this statement saying? We may paraphrase it this way:

Acts of limiting an individual's basic liberty unless to prevent harm to others are morally unjustified (morally wrong).

While the basic principle makes a general claim about individuals who could be related in a certain way and the deontic consequences of their being in that relation, the higher level principle makes a claim about a whole class of acts. How is moral intuition a source of evidence for higher level principles and how do they back warrants? We shall take each question in turn.

Our distinguishing deontic judgments concerning particular acts, basic level general deontic judgments, and higher level moral principles parallels a distinction made by Sidgwick as reported by Cohen in (1986, pp. 80-81). Sidgwick distinguishes perceptual, dogmatic, and philosophical intuitionism. Perceptual intuition, appealing to conscience, responds "to particular quandaries on particular occasions" (1986, p. 80). Dogmatic intuitions concern general rules, while "A philosophical intuitionist ... is one who seeks intuitions of fundamental principles that are not evident to ordinary people, in order to explain, justify, or even rectify the morality of common sense" (1986, p. 81). If fundamental principles and higher level principles are the same, as surely Mill's harm principle is a fundamental principle for his ethics, then Sidgwick has indicated that intuitions play a role in coming to accept higher level moral principles. If at least some philosophical intuitions behind higher level principles are not evident to ordinary people, philosophical intuitionists have the burden of proof to argue for

² Cohen characterizes this statement as an elementary moral generalization.

them. We hold that reflective equilibrium allows defending higher level principles. We turn to that in the next subsection.

2.4 Reflective equilibrium and reasons for higher level moral principles

Reflective equilibrium is a specific type of reasoning . Rawls discusses this method in connection with the two fundamental (and thus higher level) principles he puts forward for justice, in particular social justice.³ Reflective equilibrium arguments can go either way, from basic to higher level principles or from higher to basic level. Rawls speaks of considered principles, which we understand as basic principles with are either self-evident or follow ultimately from self-evident moral principles. Ideally, there should be harmony between the two levels. If so, our considered basic principles increase our confidence in our higher-level principles “from below.” Conversely, that a considered basic principle follows from a higher level principle increases our confidence in that basic principle “from above.” Going from higher to basic level principles is a matter of deduction of some sort. (In (2009) we opined that such arguments would be enthymemes in the sense of Hitchcock (1985).) How does going in the opposite direction support higher level principles? Our considered basic level principles of which we are confident constrain how we formulate higher level principles to be consistent with these basic principles. However, conflicts can arise between these levels—a basic level principle commends some action while a higher level principle requires something incompatible. Resolving such conflicts may require modifying our considered basic level principles, or higher level principles, or both, until there is a match between the levels. As Rawls puts it, reflective equilibrium “represents the attempt to accommodate within one scheme both reasonable philosophical conditions on principles as well as our considered judgments of justice” (1971, p. 21).

2.5 How do higher level principles back warrants?

As we have seen, higher level principles differ from basic level generalizations by identifying a class of acts, e.g. acts constituting limiting or curtailing the extent of an individual’s basic liberty, as opposed to a type of act, e.g. prohibiting same sex marriage. For a higher

³ EQUALITY: Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others (1971, p. 60).
DISTRIBUTION: Social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all (1971, p. 60).

level principle to back a warrant, the premise of the warrant must place a type of act within the class of acts the principle identifies. To answer this question of how such principles back warrants, we examine some examples. Consider again Mill's harm principle: Harming others is the only justification for limiting an individual's basic liberty. Rawls' first principle of justice is strikingly similar: Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others" (1971, p. 60). The warrant

From: Forbidding two persons of the same sex to marry each others is restricting their liberty concerning the choice of a marriage partner and

Two persons of the same sex marrying each others harms no other individuals (if it even harms them).

To infer *ceteris paribus*: Forbidding two persons of the same sex to marry is unjustified, i.e. wrong.

The two premises of the argument together place forbidding same sex marriage within the class of types of acts which the harm principle rules against.

Again the warrant

From: Forbidding people from drinking moderate amounts of coffee is restricting their freedom of choice regarding what they may consume.

A person's drinking coffee in moderation harms no other person.

To infer *ceteris paribus*: Prohibiting moderate consumption of coffee is unjustified and wrong.

Hart and Feinberg have proposed stronger versions of the harm principle which also back warrants in the same way. Hart's version sanctions acts which harm the agent himself or herself beside those which harm others. Given our illustrations of how the harm principle backs warrants, seeing how Hart's version backs warrants is straightforward. Feinberg's offense clause, allowing sanctioning acts which cause profound offense to others, simply more precisely defines the class of acts which harm others. Consider here also the two maxims Mill proposes in the last chapter of *On Liberty*.

(1) The individual is not accountable for his actions in so far as these concern the interests of no person but himself.

(2) For such actions as a prejudicial to the interests of others, the individual is accountable and may be subjected to social or to legal punishment.

(1956, p. 114). We may straightforwardly paraphrase these maxims in more characteristic deontic language.

(1') Acts which affect only the interests of the agent are always permissible.

(2') Acts which harm the interests of persons other than the agent are not permissible, wrong.

Here the warrant has just one premise concerning the class of acts which affect only the agent or the class of acts harming persons other than the agent. The warrant licences moving either to being permissible or impermissible. We have made our point. Higher level principles concern classes of actions and back warrants licencing a move from an act's being a member of that class to its having some deontic property.

We have indicated that deontic arguments are defeasible. The premises may support the conclusion all things being equal. A statement logically consistent with the premises may hold but be negatively relevant to the conclusion and may cancel the positive evidence presented in the premises. Such a statement is a rebutting defeater or a rebuttal. The issue of rebuttals is at the heart of appraising the strength of reasons for moral dissent, indeed the strength of reasons for deontic judgments in general. We begin developing our account in the next section.

3. DEONTIC WARRANTS, REBUTTALS, AND DEFEASIBILITY

Consider Ross' statement "To me it seems as self-evident as anything could be, that to make a promise ... is to create a moral claim on us in someone else" (1930, p. 21n). Hence moral intuition backs the following warrant:

From: x has promised y to do A

To infer *ceteris paribus*: x has a duty to y to do A.

Promises can be overt or explicit. Consider Socrates again. He regarded his remaining in Athens as an implicit promise to abide by the laws of Athens. Many might agree with Socrates' rationale for obeying the laws of the country in which they abide. But those laws may impose taxes. Especially if the country is a military power, some tax revenues may be spent on military weapons and on supporting wars resulting in humanitarian disasters. Suppose all available evidence one has indicates that the victims of such a disaster have done nothing to deserve the suffering they are experiencing. Their suffering is unjust. Suppose one knows that this unjust suffering is occurring. Suppose one also recognizes a duty of justice, to do what one can to redress the balance when unhappiness or pain has been distributed undeservedly. In such a situation, does one still have a duty to pay one's taxes helping to facilitate this injustice? Clearly, we have good reason to believe that all things are not equal. Therefore one may hold that one may withhold all or some of one's tax payment. That one's payment finances an unjust humanitarian disaster counts as a rebuttal to the warrant licencing passing from making an implicit promise to having a duty to fulfill what

the promise entails. We are here using the term “rebuttal” as Toulmin uses it in (1958) as “indicating circumstances in which the general authority of the warrant would have to be set aside” (p. 101). Given an argument instantiating a warrant, a rebuttal to the argument is a statement logically consistent with the premises of the argument but negatively relevant to the conclusion. Arguments are defeasible if and only if they can be plausibly rebutted. The strength of reasons in arguments and indeed the strength of connection in arguments overall is directly relevant to the rebuttals the argument faces.

How are rebuttals related to the strength of reasons for deontic conclusions, in particular for reasons for moral dissent? First, how may we identify the rebuttals which may apply in a deontic argument? Just as moral intuition is involved in recognizing a deontic principle, i.e. that a non-deontic property is a reason for a deontic property, so it is also involved in recognizing rebuttals. This point is straightforward. In a deontic argument, a rebuttal is negatively relevant to a deontic property, a reason why the property does not hold. Perhaps more strongly, a rebuttal is a reason why the converse of the property holds. For example, a rebuttal may not only be a reason for saying we do not have a duty to do A but a duty to not do A. We would expect then that the ways we would recognize positive deontic connections would also be ways to recognize negative deontic connections. A search to identify rebuttals for a deontic argument, in particular an argument giving one or more reasons for dissent, may be guided by systematically considering the list of *prima facie* duties Ross puts forward in (1930).⁴

Ross proposes six classes of *prima facie* duties, the first divided into two subdivisions. First, duties of fidelity rest on a promise, explicit or implicit. Duties of reparation rest on having done “a previous wrongful act” (1930, p. 21). A duty of gratitude to a person supervenes on having benefitted from an act done previously by that person. Duties of justice are occasioned by acts done previously which do not distribute pleasure or happiness in proportion to the merit of the persons receiving that pleasure or happiness. The duty is to correct that faulty distribution. Dissent then is a duty when benefits are given without adequate justification. Duties of beneficence enjoin improving the lot of others “in respect of virtue, or of intelligence, or of pleasure” (p. 21). Duties of self-improvement “rest on the fact that we can improve on our condition in respect of virtue or intelligence” (p. 21). Finally, the duty of non-maleficence is the duty not to harm others. We have the ability to avoid

⁴ We understand “*prima facie*” with Rawls in (1971) rather than Ross. For Ross, *prima facie* duties are distinct from duties. For Rawls, we may have *prima facie* reasons for duties, i.e. “*prima facie*” characterizes the relation between the premises and the deontic conclusion, not the conclusion itself.

harmful acts and therefore (*ceteris paribus*) we have the duty to avoid them. Rawls in (1971) adds that a full system of rules will contain primary rules indicating under what circumstances one principle of duty takes precedence over another.

How are *prima facie* reasons for duties related to *prima facie* reasons for wrongness? The answer seems straightforward. A is a duty for some person x if and only if it is wrong for x not to do A. So if fidelity is a *prima facie* reason for A to be a duty for x, it is also a *prima facie* reason for the wrongness of x's not doing A. If A is an act of reparation for x's having done a wrong act B, being an act of reparation is also a reason for x's not doing A or an equivalent act of reparation to be wrong. We may continue this for the remaining duties in Ross' *prima facie* list. His list of *prima facie* duties is thus relevant to issues of moral dissent.

How does his list further generate a list of rebuttals to arguments that some act is wrong? The key is remembering that there can be conflicts of duties. We can identify rebuttals to a dissenter's argument that some act or practice is wrong by asking these questions.

- (1) What type of wrong is it, i.e. what type of violation of a *prima facie* duty does it instance?
- (2) For the type of wrong, identify the conditions which would nonetheless justify performing the act, being reasons for more weighty conflicting duties. For example,
 - (a) An act of breaching a promise is also an act of keeping a more serious promise one has made.
 - (b) An act of telling a lie is also an act of preventing a more serious harm.
 - (c) An act of inflicting an injury is also an act of self-defense or an act done to avoid an even greater harm.
 - (d) An act of ingratitude for a benefit received is also an act of avoiding a harm since the benefit was given with sinister intent and an act of gratitude would only encourage further sinister acts.
 - (e) An act of tolerating an injustice prevents an even greater injustice.

In some cases, though, we may not be able to identify a rebuttal, at least not readily. How could one justify a total failure to do any act of beneficence, a life of unmitigated selfishness? How could one justify an unmitigated failure to use any means to growth? No doubt that in arguments that a specific act or practice is wrong, we may be able to recognize a plurality of specific rebuttals. The point is that we may derive a list of *prima facie* wrongs from Ross' list of *prima facie* duties, and from these an account of rebuttals to arguments that an act is wrong. We hold that recognizing rebuttals is central to appraising the

strength of reasons for moral dissent. We elaborate and defend this claim in the next section.

4. REBUTTALS AND THE STRENGTH OF REASONS FOR MORAL DISSENT

When is one reason for the wrongness of an act stronger than another reason for the wrongness of that act or stronger than the reasons given for a different act? That is, when is one act more wrong than another? Cohen offers this insight:

The wrongness of killing ... may be thought more important than the wrongness of telling a lie, insofar as all circumstances that are exceptional for the former (war, self-defense, etc.) are also exceptional for the latter, while many exceptional circumstances for the latter (arising out of politeness, kindness, etc.) are not exceptions for the former" (1971, p. 176).

Exceptional circumstances are rebuttals. Consider the warrant:

From: x did not pay x's workers their due wages.

To infer *ceteris paribus* x acted in a morally wrong way toward x's workers.

How might an argument instancing this warrant be rebutted? Ought implies can. x simply does not have the money to pay the workers and he is completely non-culpable for his being in this situation. Someone has stolen the money. Revenues for the business were insufficient to make payroll and this could not have been predicted when the employees began work. Our moral intuition may vouch for the negative relevance of one's being in these conditions to one's having acted in a morally wrong way toward one's workers.

Contrast this warrant with the following:

From: x did not pay x's employees a bonus comparable to the bonuses paid by other companies.

To infer *ceteris paribus* x acted in a morally wrong way toward x's employees.

The premise is morally relevant to the conclusion on grounds of justice. Equal work is not being equally compensated. How may an instance of this warrant be rebutted? Besides not having the money to pay bonuses, the employer could not have made any promise to pay bonuses or even hinted that bonuses were a possibility. Also, the employees might not have produced work at a level meriting bonuses. Again, any money available to pay bonuses might be needed more to invest in the business or to upgrade equipment. These again are rebuttals. But, taking just

these examples into account, where the first warrant admitted of just one rebuttal, the second admits of three. This explains why our moral intuition judges instances of the second warrant as weaker arguments than the first.

May we say then that the strength of an argument for moral dissent varies inversely with the number of rebuttals that can be brought against it? That would be hasty. Consider the following rebuttal to the second warrant:

x has memory images of his paying bonuses to his employees because he is suffering from partial amnesia caused by a beam of radiation directed at him by an Alpha Centaurian scientist.

Now if this rebuttal were the case, the argument for the employer's not paying fair bonuses to his doing something morally wrong would be undercut. But how plausible is the rebuttal? Put the question this way: If a challenger brought forward this rebuttal to defeat the argument, would the burden of proof be on the dissenter who proposed the argument or the challenger to show that the rebutting condition could hold? Clearly the burden is on the challenger. The rebuttal is not plausible. According to Rescher, the plausibility of a statement

reflects the prospects of its being fitted into our cognitive scheme of things in view of the standing of the sources or principles that vouch for its inclusion herein. The core of the present conception of plausibility is the notion of the extent of our cognitive inclination towards a proposition—of the extent of its epistemic hold upon us in the light of the credentials represented by the bases of its credibility (1977, pp. 38-39, *italics in original omitted*).

So our proponent of the dissenting argument would be perfectly correct in asking the challenger for evidence that the employer was suffering from radiation directed at him by a space alien. That claim simply does not fit into our picture of the way the world works. Hence, it is not the sheer number of rebuttals that could be brought against the warrant of an argument, but the number of *plausible* rebuttals. The strength of a reason for moral dissent then varies inversely with the number of *plausible* rebuttals which may be brought against it.

If one or more plausible rebuttals may be mooted against a particular reason for moral dissent, one may strengthen the overall reason given for dissent in a particular case by asserting that one or more of these rebuttals do not hold in this case. As we have seen, non-culpably lacking the funds to make a payroll payment rebuts the argument from non-payment to moral wrongness. Lacking funds in general is a plausible possibility. But in a given case, this rebuttal may be countered if it is a fact that the employer *has* sufficient funds. As we

have indicated in (1991) and (2011), this information functions as a *counterrebuttal*. Conjoining that information to non-payment as a reason for moral fault produces a stronger reason for that conclusion. It is stronger because it is not subject to a particular possible plausible rebuttal. A given reason may be subject to a number of rebuttals. Conjoining a counterrebuttal to increasingly more of these rebuttals produces an increasingly stronger reason for the conclusion. We can compare the strength of these reasons by the number of counterrebutting conjunctions they include.

What then may we conclude about the strength of a reason for moral dissent? To be a reason at all, a statement must express a non-deontic property which is relevant to the judgment that an act or practice is morally wrong or that opposing it is a moral duty. To be relevant, the reason must be connected to the judgment as premise to conclusion by a warrant which is backed either immediately by moral intuition, supported by other deontic principles ultimately backed by moral intuition, or seen to accord with higher level moral principles, perhaps through reflective equilibrium. The connection however is defeasible. The fewer the plausible rebutting exceptions for the warrant, the stronger the connection and thus the stronger the reason for dissent.

REFERENCES

- Benedict, Ruth. (1934). Anthropology and the Abnormal. *The Journal of General Psychology*, 10, 59-82.
- Cohen, L. Jonathan. (1970). *The Implications of Induction*. London: Methuen and Company, Ltd.
- Cohen, L. Jonathan. (1986). *The Dialogue of Reason: An Analysis of Analytic Philosophy*. Oxford: Clarendon Press.
- Freeman, James B. (1991). *Dialectics and the Macrostructure of Arguments*. Berlin and New York: Foris Publications.
- Freeman, James B. (2005a). *Acceptable Premises: An Epistemic Approach to an Informal Logic Problem*. Cambridge: Cambridge University Press.
- Freeman, James B. (2005b). Systematizing Toulmin's Warrants: An Epistemic Approach. *Argumentation*, 19, 331-346.
- Freeman, James B. (2009). "Higher Level Moral Principles in Argumentation." In: J. Ritola (Ed.), *Argument Cultures: Proceedings of OSSA 09*, (pp. 1-18), Windsor, ON: OSSA.
- Freeman, James B. (2011). *Argument Structure: Representation and Theory*. Dordrecht: Springer.
- Hitchcock, David. (1985). "Enthymematic Arguments." *Informal Logic*, 7, 83-97.
- Jowett, B. (1937). *The Dialogues of Plato* Volume One. New York: Random House.
- Kirk, Kenneth E. (1948). *Conscience and Its Problems: An Introduction to Casuistry*. London: Longmans, Green and Company.

- Mill, John Stuart. (1956). *On Liberty*. Indianapolis: The Bobbs-Merrill Company, Inc.
- Rachels, James. (1986). *The Elements of Moral Philosophy*. New York: McGraw Hill, Inc.
- Rawls, John. *A Theory of Justice*. (1971). Cambridge, MA: The Belnap Press of Harvard University Press.
- Toulmin, Stephen. (1958). *The Uses of Argument*. Cambridge: Cambridge University Press.
- Wilson, James Q. (1993). *The Moral Sense*. New York: The Free Press.

What is Peculiar about Moral Dissent?

Commentary on Freeman's "Strength of Reasons for Moral Dissent"

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1. INTRODUCTION

James Freeman's "Strength of Reasons for Moral Dissent" examines how to evaluate the strength of moral reasons in cases of contrasting disagreement. The very short answer is that it has to do with the number of plausible rebuttals of a given moral claim. The fewer the plausible rebuttals, the stronger the reason for the claim. There is more to the argument than this, of course. There are claims about moral sense, the necessity (for this argument) of moral realism, and the justification of higher order moral principles. My interest in this comment is not primarily with any of that, but rather with what moral dissent means in the first place. Nonetheless, I think moral dissent permeates the entire structure and I am curious to get a fix on just what Prof. Freeman takes moral dissent to be here, because it can be read in significantly different ways. In what follows, I'll sketch a couple of possibilities. I will conclude with a few observations on the overall adversarial approach to the question of dissent.

2. TWO SENSES OF MORAL DISSENT

As defined in the very first lines of the paper, "moral dissent expresses a judgment that performing an act or engaging in some practice, especially a practice prevalent in society, is wrong or should be opposed as a matter of duty." What follows upon this is a discussion of moral dissent in reference to the backing of warrants in moral arguments. There are two kinds of backing: moral sense/intuition and moral principle. Critically, warrants are defeasible, and so moral dissent regards defeaters or rebuttals for warrants. The strength of moral dissent is relative to the number of rebuttals—the fewer the rebuttals, the stronger the reason to dissent. I hope that account of the basic argument is accurate. The definition of moral dissent and the ensuing discussion raise a number of questions. It is not initially easy to see what is meant by moral dissent in the first place, for it might be taken in a couple of distinct ways. Each of these raise their own set of questions for argumentation theory.

To ferret out the different senses of moral dissent, let's consider what it would require. In the first place, moral dissent seems to require at minimum that some particular claim or practice or argument is already on the table. To hold that some practice is wrong certainly seems to imply either that someone thinks that same practice is right; for there to be dissent, there needs to be some kind of assent. This, I take it, is what it meant by saying that moral dissent is dissent from some practice prevalent in society. Let's call this the dialectical problem.

There are two ways we can take the dialectical problem of moral dissent. One way puts the emphasis on the *prevalence* of the view being dissented to; the other on the fact that there is disagreement about moral questions. Let's take the latter first.

That there is disagreement about moral questions is not very surprising. It is certainly true, however, that disagreement about moral questions is more fraught than disagreement about, say, empirical questions. One reason it is more fraught is because there are often immediate practical consequences to moral disagreements. Another reason is that the practical consequences of moral disagreements bear strongly on one's identity. The importance, however, of moral questions and hence moral dissent does not seem to be the focus here.

Let me illustrate this point with the example from the *Crito*. In the *Crito*, Socrates' fellows are trying to convince him to escape from jail, arguing, among other things, that this is actually what the Athenians are expecting him to do (44c). For these reasons, staying in jail would be a kind of suicide (45c). Besides, I just want to add, Socrates had already asserted in the *Apology* that should they order him to stop accosting people in the *Agora* and imploring them to lead the ethical life, he would violate that law (so his social contract obedience argument falls rather flat) (38a). In his turn, Socrates meets these arguments with his own analysis of his duty to remain in Athens on account of his social contract (as well as the rather more practical worry that the Athenians would think less of him should he flee (53d)). Though perhaps this is merely a rhetorical matter, Socrates frames his argument as the prevailing moral standard, not, as one might have expected, as the dissent from a prevailing standard. To return to the question of dissent in the paper, who then, in this circumstance, is the dissenter? They each dissent from each other, leveraging the same kinds of arguments. It seems to me that we merely have a case of moral disagreement. Two (let's be simple) arguments have been made. *Which one is the better?* For these reasons, it strikes me that the key question does not regard dissent in this sense.

An alternative reading of moral dissent focuses on what it means to dissent from a prevailing view. This poses some rather interesting kinds of issues—some of which, I think, are present in the paper. As we know, the moral dissenter often has a very steep hill to climb, for often it

is the case that few appreciate the motivation to dissent, not to mention the reasons, in the first place. To borrow a recurrent example from the paper, early abolitionists faced this kind of problem, as few had publicly questioned the slave trade or the institution of chattel slavery. I want to give two examples, as I think they underscore the significance of the point.

I happened just to have read about John Newton (1725–1807), the British author, Christian minister, and composer of the well-known Christian hymn “Amazing Grace.” It turned out that in his early life, he was a foul-mouthed sailor who worked in the West African slave trade, participating, by his own account, in some of its most abhorrent manifestations (e.g., torture, rape, murder). One day in 1748, he found himself on a ship in distress off the coast of Donegal, Ireland. With the storm raging, and hoping to make a deal with God to save his life, he repented—having been once lost, he was now found—and, from that moment forward, he pledged never to use foul language! Eager to settle down on land and get married, he left the job on the slave ship in six years later, after, by his own account, spending many voyages on deck communing with God while the hold was filled with slaves housed in the most appalling conditions. Only 30 years later did he come to realize that slavery was wrong. I’m going to take for granted, based on the telling in Elizabeth Anderson’s *Lindley Lecture* (2014), that John Newton was not ignorant of the deontically relevant facts of the situation. Well, to be clear, he was ignorant of their deontic relevance, not of their being facts. Nor was he an outlier among his peers. The facts of the slave trade were well known to millions of people who participated in it directly or indirectly. Yet, sadly, only very slowly to many begin to realize that the facts of slavery were deontically relevant to its being wrong. I should also add that they were not unaware of the nature of deontic relevance. Huckleberry Finn, many will recall, travelled down the Mississippi with an escaped slave, Jim. Huck was keenly aware of the (so he thought) deontically relevant fact that he had run off with someone’s property, Jim. This was deontically relevant, but in the wrong way.

I think these cases of failed moral dissent illustrate the peculiar dialectical burdens it faces if we are to take it seriously as a prevailing or entrenched view. To continue on the theme, consider the very slow advance of abolitionism in American political life even after the secession of the South. There are also extraordinary rhetorical burdens of making an abolitionist case. Again to return to Anderson, this is why she argues that moral dissenters must be prepared to make particular kinds of arguments. Interestingly, some of these arguments are going to have to be quite weak, or perhaps even fallacious, given the hold of the prevailing moral consensus. The adherence of people to the prevalent view is just too strong.

3. CONCLUSION

I would like to conclude with a quick and tangentially related observation about evaluating arguments in terms of their overcoming rebuttals. It certainly makes sense, given the fact that this is a paper about dissent, that rebuttals play a starring role. Nonetheless, in light of some of what I have taken (though perhaps mistakenly) to be some ambiguities about the meaning dissent here in the first place, it makes sense to ask about the general adversarial model at work here.

As Cohen (2014) has noted, there is perhaps something odd about argumentation theory such that an arguer is considered negligent if they do not answer all of the available (or maybe all in extreme cases) objections to their view. At the same time, they are not considered negligent for failing to marshal all of the positive evidence for their view. In other words, it is sufficient to overcome rebuttals but one does not have a corresponding duty to find every principle or reason in favor of their view. Something along these lines would seem to apply here. Again, given the caveat that we are talking about a situation of contrast, it is worth asking whether defeating rebuttals is a sufficient measure of the strength of a moral claim. It could, after all, be the case, that neither argument is any good. To put this another way, it might be the case that surviving rebuttals is not a particularly good way of evaluating the strength of moral claims in the first place. If the anecdotes about Newton recounted above suggest anything, it is that even the best, most enlightened moral principles may fundamentally fail us.

REFERENCES

- Anderson, E. (2014). Social movements, experiments in living, and moral progress: case studies from Britain's abolition of slavery. Lindley Lecture, University of Kansas.
- Cohen, D. (2014) Missed Opportunities in Argument Evaluation. In F.H. van Eemeren and B. Garssen (eds.), *Reflections on Theoretical Issues in Argumentation Theory*, Argumentation Library 28, DOI 10.1007/978-3-319-21103-9_9.
- Grube, G.M.A. (2002). *Plato: Five Dialogues*. 2nd Edition. Indianapolis: Hackett Publishing.

Where are dissent and reasons in epistemic justification?

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Dissent and reasons are elements that seem to be crucial in order to understand our everyday practices of justification of beliefs and attribution of knowledge. However, the main approaches to epistemic justification tend to disregard discussion and dissent, and some of them even dispense with reasons. I will argue that this can only make the concept of knowledge less intelligible and I will defend some alternatives in current epistemology.

KEYWORDS: coherentism, dissent, foundationalism, epistemology, justification, reasons, reliabilism

1. INTRODUCTION

Argumentation theories have—obviously enough—emphasised the important role of reasons in the justification of our beliefs. Putting forward reasons in support of an asserted belief is considered as one of the main ways—if not *the* main way—to justify that belief to others. Of course, counterarguments or objections may arise, and as a result a critical discussion may ensue, but that is just part of the process of justification. If, by the end of the discussion, the arguer has provided sufficiently adequate and strong reasons and has dealt with her opponent's counterarguments, then she can be considered justified in her belief.

We can see this argumentative conception of epistemic justification, in particular, in epistemological approaches to argument quality. Thus, Biro and Siegel (1997, p. 278) have argued that “arguments aim at the achievement of knowledge or at least of justified belief”. Similarly, Lumer (2005, p. 213) explains that, in epistemological theories of argument, the main function of arguments is “to lead the argument's addressee to (rationally) justified belief.” And Bermejo-Luque goes beyond that and holds that (2016, pp. 1–2): “Good

argumentation, and only good argumentation, would justify and make our claims rational or reasonable and, by extension, also our beliefs, actions, decisions, attitudes, etc.”

There is, it seems, an important difference between cases in which beliefs must be supported by reasons and cases in which the status of knowledge can be granted on other grounds, and that is the possibility of encountering doubt or *dissent*. We provide reasons when we expect that our beliefs will not be accepted at face value or when they are rejected. Argumentation theory has taken note of that fact, positing disagreement as the starting point of arguments and considering the importance of common ground—shared beliefs that stand in no need of justification. Pragma-dialectics, for example, regards argumentation as arising out of a difference of opinion, and as a process which relies on a substantive agreement—starting points that are not challenged—between the participants in a critical discussion.

The concepts of *reasons* and *dissent* are, thus, central in argumentation theory and therefore in argumentative conceptions of epistemic justification. But how important are these concepts in epistemology? In the following section, we will see that they have very often not been taken into account by epistemological theories of justification. Then, in Section 3, I will attempt to show why dispensing with reasons and dissent in epistemology might not be a good idea. Finally, in Section 4, I will address a powerful objection to the claim that reasons play a fundamental role in epistemology, which has been most clearly and convincingly put forward by Hilary Kornblith.

2. THE SPECTATORIAL CONCEPTION

In epistemology, theories of epistemic justification have been proposed that seem to be at odds with the idea that beliefs are justified by means of argumentation. I am not claiming that these theories are representative of the current epistemological landscape, for—as we will see in the next section—during the last decades new epistemological theories have arisen that emphasise the interpersonal function of knowledge. Nevertheless, individualistic theories of epistemic justification were once the norm and are still defended by several philosophers, so it may be worthwhile to see where they clash with argumentation theory.

Let us begin with what probably is the most remarkable event in modern epistemology: the counterexamples that Gettier (1963) devised against the traditional definition of knowledge as justified true belief. Even though his two counterexamples—and many others that followed—are well known, let us see briefly one of them in order to examine its assumptions. The victim of the example is Smith, who

believes, on the basis of strong evidence, that Jones owns a Ford. Further, Smith has no idea where Brown—another friend of his—is. So—in a display of peculiar epistemic behaviour—Smith decides to believe the following proposition: “Either Jones owns a Ford or Brown is in Barcelona.” According to Gettier, he is “completely justified” in believing that because he has “correctly inferred” it from “a proposition for which he has strong evidence” (p. 123). However, it so happens that Jones does not currently own a Ford and Brown is, unbeknown to Smith, really in Barcelona. Therefore, Smith believes a justified true proposition but we would not say that he *knows* it.

Now, epistemologists unanimously accepted Gettier’s claim that Smith is justified in that case. Why is that so? The meaning of “justified” had not been thoroughly scrutinized by that time, but it seems safe to assume that if a belief is based on strong evidence and a deductive inference, then it is a justified belief. Although Gettier did not use the word “reason”, that basis presumably counts as a good reason for Smith’s belief. But what about interpersonal argumentation? Could Smith convince a dissenting interlocutor? *We* would not accept his reasons, of course, for we all know that they are based on false beliefs. But perhaps we do not count as participants because we are omniscient spectators of the story, and perhaps Smith could convince other people within the story. However, in what sense is someone justified, if he cannot convince a better-informed audience?

Let us see another example that may shed light on these concerns (Harman, 1973, pp. 143–144):

A political leader is assassinated. His associates, fearing a coup, decide to pretend that the bullet hit someone else. On nationwide television they announce that an assassination attempt has failed to kill the leader but has killed a secret service man by mistake. However, before the announcement is made, an enterprising reporter on the scene telephones the real story to his newspaper, which has included the story in its final edition. Jill buys a copy of that paper and reads the story of the assassination. What she reads is true and so are her assumptions about how the story came to be in the paper. The reporter, whose by-line appears, saw the assassination and dictated his report, which is now printed just as he dictated it. Jill has justified true belief and, it would seem, all her intermediate conclusions are true. But she does not know that the political leader has been assassinated. For everyone else has heard about the televised announcement.

Here we can again say that the protagonist of the story has good reasons for her belief, but in this case—as Harman points out—she believes that the political leader was assassinated simply because she lacks relevant

information. And, just as happened with Gettier, Harman assumed that Jill is justified in her belief. In this example, however, Jill could not convince anybody *within* the story because they possess information that she lacks—i.e. the announcement on television. Does it make any sense to say that someone is justified on the basis of reasons that nobody would reasonably accept?¹

Hence, these examples, and especially the lessons that epistemologists drew from them, show that the conception of justification prevalent in epistemology was an individualistic one. Reasons were reasons *for oneself*, and the fact that those reasons would not be accepted by better-informed people had no bearing on the question of justification. The presence of reasons and an individualistic approach are precisely what characterised classical foundationalism. Descartes, probably the clearest example of foundationalism in epistemology, urged us to examine—by ourselves—our whole system of beliefs and to dispense with everything but those ideas that were “clear and distinct” in our minds. Then, those beliefs could serve as reasons that justify other beliefs that follow necessarily from the former. Justification, therefore, was achieved by a single individual by means of introspection. One could say that there were reasons—even though often that word was not explicitly used—but there was nobody with whom to share them. This can also be seen in more recent foundationalist theories, such as Chisholm’s (1989, p. 7): “If a person S is *internally justified* in believing a certain thing, then this may be something he can know just by reflecting upon his own state of mind.”

If theories of knowledge before the publication of Gettier’s paper were largely characterised by the consideration of reasons and the absence of actual argumentation, many reactions to Gettier’s counterexamples got rid of reasons altogether. This is true particularly of externalist conceptions of epistemic justification. According to externalists, beliefs are justified by features of the world of which the epistemic agent may not even be aware. For instance, Goldman (1967) noticed that, in Gettier’s second example—explained above—Smith does *not* believe the proposition “Either Jones owns a Ford or Brown is in Barcelona” *because* Brown is in Barcelona, even though *that* is what makes it true. That is, there is no *causal* connection between the fact that Brown is in Barcelona and Smith’s believing that proposition. He therefore attempted to solve the problem by proposing a *causal theory* of (empirical) knowledge, according to which (p. 369): ‘S knows that p if

¹ In a discussion on these counterexamples, Meeker (2004) argues that Jill lacks justification because she does not believe a proposition which she is socially expected to believe.

and only if the fact *p* is causally connected in an “appropriate” way with *S*’s believing *p*.’

As is well known, Goldman (1976) himself pointed out a flaw in his theory of causal connection—with his famous counterexample of the barn façades—and replaced it with a reliabilist theory. According to his new proposal, “a person is said to know that *p* just in case he *distinguishes* or *discriminates* the truth of *p* from relevant alternatives” (p. 772). Reliabilism is sometimes presented as paradigmatic of externalist theories of knowledge, for as long as the epistemic agent is reliable, she does not need to be aware of her own reliability in order to know. Hence, any idea of reasons is absent in this approach. As Goldman himself explains, when comparing his theory to the Cartesian perspective (p. 790):

My theory requires no justification for external-world propositions that derives entirely from self-warranting propositions. It requires only, in effect, that beliefs in the external world be suitably caused.

Apart from foundationalism and reliabilism, epistemologists have also proposed coherentist theories of epistemic justification. According to these theories, justification is a matter of the coherence of a belief with the epistemic agent’s system of beliefs. Coherentist theories tend to be internalist and therefore, as in foundationalism, reasons enter into the picture—only under a different guise. Bonjour, for example, argued that the structure of epistemic justification is not linear, as foundationalist theories assume; instead, justification “is essentially systematic or holistic in character: beliefs are justified by being inferentially related to other beliefs in the overall context of a coherent system” (1985, p. 90). But, despite this difference in structure, foundationalism and coherentism are similar in that both conceive of justification as individualistic and as involving reasons. Bonjour was especially critical of externalist theories and insisted that, in order to prevent irrationally formed beliefs, the epistemic agent must be aware of *her reasons* for those beliefs. However, those reasons were reasons *for herself*, and no mention was made of actual argumentation in Bonjour’s characterisation of justification.

Lehrer’s (1990) coherentist theory came very close to be an exception to this trend. He started with the concept of *personal justification*, which he defined as follows (p. 115): “*S* is personally justified in accepting that *p* at *t* if and only if *p* coheres with the acceptance system of *S* at *t*.” For a belief to cohere with someone’s acceptance system—i.e. the set of statements that she accepts as true—accepting that belief must be more reasonable than accepting any

competing claim on the basis of that acceptance system (p. 117). In order to determine this, Lehrer devised a game in which the epistemic agent must answer to sceptical questions. As he explained (p. 119):

The justification game is played in the following way. The claimant presents something she accepts as true. The skeptic may then raise any objection in the form of a competitor of what the claimant presents. If what the claimant accepts is something that is more reasonable for her to accept than the skeptical objection, that is, if the competitor cited by the skeptic is beaten, then the claimant wins the round. If all the competitors raised by the skeptic are beaten, then the claimant wins the game. If she wins the game, she is personally justified in accepting what she presented; if not, she is not personally justified. The game is a heuristic device for understanding the considerations that make a person justified in accepting something rather than a psychological model of mental processes.

Here, in effect, we have dissent and exchange of reasons. What Lehrer describes is not, however, a real critical discussion. It is simply a “heuristic device” that the agent can use in order to imagine potential competitors to the statement that she is wondering whether to accept. That is: it only happens in the agent’s head.

What do all these epistemological frameworks—foundationalism, reliabilism and coherentism—have in common? As Leite (2004) argues, they all focus on the *state* of being justified, rather than the activity of justifying a claim. He explains (p. 222):

According to these theories, the justificatory status of a person’s belief is determined by certain facts which obtain prior to and independently of the activity of justifying. The activity itself plays no role in determining justificatory status; it is simply a secondary and optional matter of attempting to determine and report, as far as is conversationally necessary, the prior and independent facts which determine the justificatory status of one’s belief.

He calls this view of epistemic justification *the Spectatorial Conception*. It explains why, in the theories that I have surveyed here, even if certain conception of reasons plays a role, no reference is made to actual argumentation and dissent. The epistemic agent’s attempts to justify her belief to others may be successful or go badly wrong, or the agent may even be too tired or too stupid to formulate an argument—as Bonjour (1985, p. 20) puts it—but this has no effect on the justification of her beliefs. Beliefs, in this conception, simply *are* justified or unjustified, and

the activity of supporting them by arguments would amount to no more than an attempt to report their already established justification.

A weakness of the Spectatorial Conception has already transpired here. It forces us to say, in Gettier's counterexamples, that Smith is justified, even though *we* would not accept his reasons; and, in Harman's counterexample, that Jill is justified, even though *everybody else* could counter her argument for her belief. Leite (2004, p. 227) adds to this that "in dismissing our overt deliberative and justificatory activities, the Spectatorial Conception loses sight of the very idea of *a person's holding a belief for a reason*." In particular, he argues that those approaches to epistemic justification do not give an adequate account of what it is to *commit oneself* to reasons and to be *accountable* for them. I believe he is right, and moreover I think there are reasons to suspect that the Spectatorial Conception loses sight of the very point of our concept of knowledge. In the next sections I will discuss the role of knowledge and reasons in our lives in order to show why this might be so.

3. WHAT IS KNOWLEDGE FOR?

As we have seen, what mainly characterises traditional epistemological theories is that they are essentially individualistic. Epistemic justification is something that accrues to a single agent in virtue of her mental states or her relationship with the environment. As a consequence, even if some theories acknowledge the role of reasons in epistemic justification—as is generally the case in internalist perspectives—actual interpersonal argumentation has no relevant place in that framework.

Recently, however, certain epistemological theories have been proposed that are based on the consideration of what is the main purpose of our human concept of knowledge, and these theories have emphasised the social and interpersonal character of knowledge. Edward Craig (1990), who initiated this line of research, argues that in order to understand "knowledge" we must ask ourselves why we would need that concept (p. 3): "Knowledge is not a given phenomenon, but something that we delineate by operating with a concept which we create in answer to certain needs, or in pursuit of certain ideals." What needs or ideals are those? Craig explains that a basic need for all human beings is the need for true beliefs, and in order to acquire those true beliefs we very often rely on good informants. This leads to the need to evaluate potential informants. Thus, his hypothesis is that "the concept of knowledge is used to flag approved sources of information" (p. 11).

Traditional epistemology has focused on the issue of what, given a true belief, should be added for it to constitute knowledge. Craig's

starting point, on the contrary, is the more ordinary one of an inquirer who does not yet have a true belief and seeks to get it from someone else—because she cannot find out for herself or simply because that would be less efficient. The inquirer, therefore, needs someone who will sincerely tell her the truth and who will very likely be right about that. Moreover, the informant must possess “some detectable property that is a good indicator of true belief on the matter under discussion” (p. 26). Craig deliberately avoids any further specification of what kind of property that must be, for—he says (p. 27)—there could be many different answers to that question, depending on the issue under investigation. Rather, he shows how different epistemological accounts—whether based on agent reliability, tracking of the facts, causal connections, or reasons—can have a place in his own approach. What really matters to him is that the property that indicates that the informant is reliable should be *detectable* so that the inquirer can identify it.

Following in Craig’s steps, Hannon (2019) develops a function-first epistemology which provides “a deeply social picture of knowledge, one that places our reliance on others at center stage” (p. 4). He emphasises the idea of *reliability* much more than Craig, who writes indistinctly about “good informants” or “reliable informants”—although, of course, it is the reliability of *informants* that matters here, not of their cognitive processes. Thus, Hannon holds that “the primary function of the concept of knowledge is to identify informants who are reliable enough to appropriately serve as sources of actionable information for members of our community” (p. 13). Hence, both in Craig’s and Hannon’s accounts, knowledge is not something that the epistemologist grants to an isolated individual, but something that people attribute to each other when they evaluate each other as informants.

Here, then, we have an inverse picture to that of foundationalism and coherentism: knowledge becomes an intrinsically social concept, but the centrality of reasons disappears. I believe that that is an improvement. After all—as has already been pointed out in the Introduction—reasons are not *always* necessary for knowledge. Craig, however, acknowledges that an account of epistemic justification in terms of reasons is not off the mark (1990, p. 31):

There are good grounds for thinking that where the minimal concept of the good informant applies, there, very nearly always, we will find true belief with a good reason as well, provided only that the notion of having a reason for a belief is not taken too strictly.

The social, interpersonal dimension, on the other hand, is taken into account by these theorists, and rightly so because that seems to be

inherent in the concept of knowledge. At least, that seems to be the case in the light of recent hypotheses about the evolution of human cognition that link it to the development of cooperation and communication. Tomasello (2014), for example, argues that human thinking itself is the result of social interaction and coordination in cooperative activities. According to him, what makes human thinking unique is that it is aimed at coordinating with others in order to achieve shared goals. Tomasello's main thesis is that our form of thinking evolved in two steps. First, in the context of small-scale collaborative activities, early humans evolved the ability to coordinate in a way characterised by *joint intentionality*, that is, joint goals and joint attention (p. 33) as well as a division of labour and individual roles (p. 40). Among other things, the cognitive mechanisms of joint intentionality produced an understanding of other people's *perspectives* on the same situation, a primitive notion of *truth* rooted in the idea of cooperative informative communication, and the origins of our concept of *rationality* in the form of "social self-monitoring for intelligibility in cooperative communication" (p. 58).

The second evolutionary step that, according to Tomasello, led to modern human thinking, involves the transition from temporary and *ad hoc* collaborative activities to full cultural organisation of large groups. Humans began thinking in terms of the group and created conventional cultural practices—including social norms and teaching. Some of the results of this were the creation of a sense of *objectivity* as the "collectively accepted perspectives on things" (p. 92), linguistic devices that indicate *epistemic attitudes* such as believing or doubting (p. 103), and a system of communicative conventions that allows for inferences and therefore for argumentation and reasoning. Here, Tomasello explains, "reasoning" means "to explicate in conventional form—for others or oneself—the reasons why one is thinking what one is thinking" (p. 110).

Hence, our most important epistemic concepts, such as those of *truth* and of *belief*, may have arisen in human thinking as a result of cooperative activities and social life. We can, of course, apply epistemic concepts in solitary thinking, but, as Tomasello remarks, solitary thinking is like playing jazz in privacy (p. 1): "It is a solitary activity all right, but on an instrument made by others for that general purpose, after years of playing with and learning from other practitioners, in a musical genre with a rich history of legendary riffs, for an imagined audience of jazz aficionados." Other accounts of the evolution of human beings have also emphasised the crucial role that information sharing has played in shaping our modern ways of thinking and our cognitive capacities (cf. Sterelny, 2012).

Now, what about reasons? Just as reasons are not always necessary for knowledge, they sometimes seem to be required if

someone's belief is to be recognised as knowledge. Perceptual beliefs or beliefs that are based on the expertise of an authority can, in most cases, be admitted without reasons, but in many other cases the question arises: "How do you know?" No new scientific hypothesis would be accepted without reasons, and if someone told me that a cat is stealing my food at night I would certainly ask him to support that claim.

According to Sperber et al (2010), human beings possess cognitive mechanisms for *epistemic vigilance*, that is, the capacity to assess whether we should believe a piece of information that is transmitted to us by someone. This assessment is based on the trustworthiness of the informant and the believability of the information. So far, it seems that a social reliabilist account—such as Craig's—could explain the transmission of knowledge. However, there are many claims that would not be accepted on trust alone—and that is true especially in our modern, globalised societies. In those cases, *argumentation* will serve to convince an epistemically vigilant listener.

Mercier and Sperber (2017) also admit that (p. 8): "Our skills and our general knowledge owe less to individual experience than to social transmission." But they point out that epistemic vigilance is not enough to explain this transmission: we also need reasons. They have convincingly argued that our capacity of reason evolved precisely with the purpose of producing arguments designed to convince others and evaluating arguments that are aimed at convincing us. It helps in the transmission of knowledge which would otherwise be halted by epistemic vigilance. As the authors say (p. 194):

The argumentative use of reasons helps genuine information cross the bottleneck that epistemic vigilance creates in the social flow of information. It is beneficial to addressees by allowing them to better evaluate possibly valuable information that they would not accept on trust. It is beneficial to communicators by allowing them to convince a cautious audience.

What this shows, in my view, is, first, that epistemological theories that dispense with the notion of reasons—such as reliabilism—miss an important part of human knowledge; and, second, that those theories that do take reasons into account—such as foundationalism and coherentism—must also consider them in the context of public, interpersonal argumentation. Reasoning, according to Mercier and Sperber, is not an inherently solitary activity; rather, it is "first and foremost a social competence" (p. 11). It takes place mainly in interactions with other people and consists in the production and evaluation of reasons.

Therefore, no theory of epistemic justification that ignores the importance of reasons, of interpersonal argumentation, and of dissent, can be complete. For these reasons, I believe that recent epistemological theories that focus on the activity of justifying beliefs through the exchange of reasons are on the right track. In his well-known criticism of the foundationalist view of epistemic justification as based on basic observational claims, Sellars (1991, p. 169) held that knowledge is a normative category that involves justification by means of reasons:

The essential point is that in characterizing an episode or a state as that of knowing, we are not giving an empirical description of that episode or state; we are placing it in the logical space of reasons, of justifying and being able to justify what one says.

Brandom (1994) famously developed this idea into a whole account of the practice of epistemic justification based on the exchange of reasons. He takes into account both the fact that certain beliefs constitute knowledge because the agent is reliable, and the fact that many other beliefs must be justified with reasons if we are to concede that the agents knows. Instead of beliefs, Brandom talks about assertions, which are “implicit knowledge claims” (p. 201). He explains our linguistic and epistemic practices in terms of *entitlements* and *commitments* (p. 159). By doing so, he puts assertions in a web of inferential relations: by committing himself to an assertion to which one is entitled, one thereby also commits himself to what follows from that and entitles others to commit themselves to that assertion. Thus, Brandom defines knowledge in these terms: “In taking someone to be a knower, one *attributes a commitment, attributes entitlement* to that commitment, and *acknowledges commitment* to the same content oneself” (p. 202).

What mostly interests us here is that Brandom distinguishes between two senses of justification (p. 204):

In one sense, to call a belief justified is to invoke its relation to the process of *justifying* it. To *be* justified in this sense is to *have been* justified—exhibited as the conclusion of an inference of a certain kind. In another sense, to call a belief justified is to attribute to it what might be called *positive justificatory status*. Positive justificatory status is just what has been talked about here in terms of *entitlement* to a claim.

Justification can be, then, an activity of showing inferential connections or a default status. Foundationalism and coherentism focus on the former, while reliabilism focus on the latter. In both cases, however,

entitlements and commitments are *attributed* by some people to other people, so knowledge remains a social concept.

As we have seen in the previous section, Leite criticises standard accounts of epistemic justification—what he calls the Spectatorial Conception. His proposal, which I regard as akin to Brandon's (1994, p. 204) dynamic model of "default and challenge", is that epistemic justification is something that takes place in the activity of giving and asking for reasons itself—not a condition that obtains before that. As Leite (2004, p. 239) puts it: "successfully justifying a belief is more like achieving a checkmate than like showing or reporting that one has won the game." Therefore, he proposes the following definition of justification (p. 242): "to be justified is to be able to draw upon one's background conception of the world in order to defend one's belief by basing it upon objectively adequate reasons and providing objectively good reasons against certain objections."

I believe it is theories of this kind—which put knowledge in a social context and take into account the role of reasons—that do justice to what we know nowadays about the role of knowledge in human societies and the function for which human reason evolved. On the basis of those theories of epistemic justification, giving reasons is often required for a claim to knowledge to be accepted, and it is here that argumentation theory could be very relevant to epistemology.

4. KORNBLITH'S CHALLENGE

If the picture that I sketched in the previous section is not misguided, then reasons have an important role to play in epistemic justification, and moreover they primarily play that role in the context of interpersonal argumentation. However, the idea that reasons are central in epistemic justification has been challenged. In this last section, I will discuss—as briefly as possible—a powerful objection to the centrality of reasons in epistemology that has been formulated by Hilary Kornblith.

In *On Reflection*, Kornblith criticises the idea that reflective scrutiny of our beliefs and our reasons is essential to knowledge. His objections are not merely theoretical, but also empirical—and I will focus on the latter. Contrary to common sense and to many epistemological theories, such as Bonjour's and Sosa's, he argues that reflection does not improve the quality of our beliefs. On the basis of overwhelming and compelling empirical evidence, Kornblith claims (2012, p. 3):

In a very wide range of important cases, reflective scrutiny of our first-order beliefs does not allow us to recognize our errors and then correct them; instead, it gives us the

misleading impression that first-order beliefs which are in fact mistaken and which were in fact arrived at in terribly unreliable ways, are perfectly accurate and were arrived at in a fully reliable manner.

In order to be brief, let me say at once that this may well be true but it does not affect the view I am defending here. Kornblith is suspicious of reflection—and, as a matter of fact, so am I. Hence I am very sympathetic to his concerns in this regard. That is why I have argued in favour of a consideration of reasons that puts them in the context of argumentation and dissent, instead of solitary reflection. However, Kornblith would not be convinced by this change of setting, for he argues that human beings are also unreliable when we report our reasons for our beliefs. He says (p. 21):

If you ask people why they hold the beliefs they do, then, in a very wide variety of cases, they will give quite confident answers about how they arrived at their beliefs. It is, however, well-known that a very large part of the cognitive processes by which beliefs are produced is unavailable to introspection.

Indeed, a great deal of studies—some of them mentioned by Kornblith (pp. 21-22)—show that the reasons we offer for our beliefs and decisions do not often correspond to the factors that really influenced them. Reasons, however, do not have to be considered as causes—even if sometimes they might be causes. Independently of how a certain belief was produced, reasons can be understood simply as evidence that supports that belief. This view might not guide us regarding the issue of what beliefs are worth forming—for many times we do not know how beliefs are formed anyway—but it surely tells us something about what beliefs are worth maintaining.

Kornblith (2015, p. 236) addresses this reply and regards it as very implausible. He asks us to consider the following example (p. 237):

Suppose Jim is part of a faculty search committee, and he is reading over dossiers of applicants. A woman who has applied, with some undeniably strong credentials, is favored by some members of the search committee, but Jim has placed her file in the reject pile. When asked why he found her candidacy unacceptable, Jim cites a number of features of her record. These, he says, are the reasons he believes that she is an unacceptable candidate.

Suppose now that his colleagues point out to Jim that many studies in social psychology show that women candidates are rated lower than men candidates with the same credentials. This seems to imply that the

reasons that are given for the ratings cannot be the *actual* reasons. But, if we dissociate reasons from the causes of our beliefs, as I am proposing here, then Jim could simply say that the causes of his belief are irrelevant and that he cannot be wrong about his actual reasons—they are just the reasons he put forward, by definition. Thus, Kornblith concludes that this view is “extremely implausible” (p. 238).

In my view, that view is not as implausible as it seems at first sight, and Kornblith’s example becomes less compelling once some of its elements and assumptions have been spelled out. Jim may maintain that the reasons he offered for the rejection are his actual reasons if he wishes, but that says nothing about whether they are *good* reasons. As a matter of fact, what the evidence of gender bias does is to raise doubts about the quality of those reasons. When reasons for a belief are good, they must—among other things—indicate features of the case that are epistemically relevant *in all similar cases*. Gender, in this case, is not epistemically relevant, so the variation in the kinds and strength of reasons when the candidate is a woman and when the candidate is a man would uncover a problem of *incoherence*. Thus, the proper reaction to those studies in social psychology is not to disregard all reasons against any woman candidate—that would be absurd. The proper reaction is to moderate our trust in the quality of our reasons and double-check them—especially for coherence with past decisions and past reasons.

Consider a last example that may show why it could not be a good idea to identify reasons with psychological causes for beliefs. Personally, I do not believe in the existence of an afterlife. There may be many causes for that belief of mine. But I am pretty sure that an important part of the explanation of why I am convinced that there is no afterlife is that I grew up at the end of the 20th century and went to university at the beginning of the 21st century, in a social environment in which such religious ideas were out of fashion and even discouraged. Obviously, I have what I take to be very good reasons for my belief, and they have nothing to do with that historical explanation. However, if reasons are seen as causes, then my actual reasons would have to include those facts about my background. It is easy to see how such a view could rapidly lead to wholly *ad hominem* argumentation in all theoretical domains. Reasons, then, should not be seen as the causes of our beliefs, and this solves the problem of which Kornblith insightfully made us aware.

5. CONCLUSION

Traditional epistemological theories have conceived of epistemic justification as a state in which epistemic agents find themselves

regarding certain beliefs—what Leite calls the Spectatorial Conception. As a consequence of this, nearly all of those theories ignored the justificatory role of argumentation. Conviction and dissent were simply something external to justification proper. Moreover, whereas some theories—foundationalism and coherentism—took into account the role of reasons, other approaches—such as reliabilism—dispensed with reasons altogether. I have argued that those theories lose sight of the point of our concept of knowledge and force us to conclude, in well-known counterexamples in which nobody would see the protagonists as knowers, that the protagonists are nevertheless somehow justified.

Against those views, I have argued in favour of recent epistemological approaches that are based on considerations about the function of the concept of knowledge and on our public practice of giving and asking for reasons. In particular, I have defended them from Kornblith's insightful and accurate objections against the centrality of reasons. If I am right, such objections can be met provided that reasons are maintained in an interpersonal, argumentative setting and are not identified with the causes of our beliefs.

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REFERENCES

- Bermejo-Luque, L. (2016). What should a normative theory of argumentation look like? In P. Bondy & L. M. Benacquista (Eds.), *Argumentation, Objectivity, and Bias: Proceedings of the 11th International Conference of the Ontario Society for the Study of Argumentation (OSSA), 18-21 May 2016* (pp. 1–9). Windsor, ON: OSSA.
- Bonjour, L. (1985). *The structure of empirical knowledge*. Cambridge, MA: Harvard University Press.
- Brandom, R. B. (1994). *Making it explicit: Reasoning, representing and discursive commitment*. Cambridge, MA: Harvard University Press.
- Chisholm, R. M. (1989). *Theory of knowledge* (3rd ed.). Englewood Cliffs: Prentice-Hall.
- Craig, E. (1990). *Knowledge and the state of nature*. New York: Oxford University Press.
- Gettier, E. L. (1963). Is justified true belief knowledge? *Analysis*, 23(6), 121–123.
- Goldman, A. I. (1967). A causal theory of knowing. *Journal of Philosophy*, 64(12), 357–372.
- Goldman, A. I. (1976). Discrimination and perceptual knowledge. *Journal of Philosophy*, 73(20), 771–791.

- Hannon, M. (2019). *What's the point of knowledge? A function-first epistemology*. New York: Oxford University Press.
- Harman, G. (1973). *Thought*. Princeton, New Jersey: Princeton University Press.
- Kornblith, H. (2012). *On reflection*. Oxford: Oxford University Press.
- Kornblith, H. (2015). The role of reasons in epistemology. *Episteme*, 12(2), 225–239.
- Lehrer, K. (1990). *Theory of knowledge*. Boulder, Colorado: Westview Press.
- Leite, A. (2004). On justifying and being justified. *Philosophical Issues*, 14, 219–253.
- Lumer, C. (2005). The epistemological theory of argument—How and why? *Informal Logic*, 25(3), 213–243.
- Meeker, K. (2004). Justification and the social nature of knowledge. *Philosophy and Phenomenological Research*, 69(1), 156–172.
- Mercier, H., & Sperber, D. (2017). *The enigma of reason*. Cambridge, MA: Harvard University Press.
- Sellars, W. (1991). Empiricism and the philosophy of mind. In *Science, perception and reality* (pp. 127–196). Atascadero, CA: Ridgeview Publishing Company.
- Siegel, H., & Biro, J. (1997). Epistemic normativity, argumentation, and fallacies. *Argumentation*, 11, 277–292.
- Sperber, D., Clément, F., Heintz, C., Mascaro, O., Mercier, H., Origgi, G., & Wilson, D. (2010). Epistemic vigilance. *Mind and Language*, 25(4), 359–393.
- Sterelny, K. (2012). *The evolved apprentice: How evolution made humans unique*. Cambridge, MA: MIT Press.
- Tomasello, M. (2014). *A natural history of human thinking*. Cambridge, MA: Harvard University Press.

Knowledge and the epistemic function of argumentation

Commentary on Gascón's "Where are dissent and reasons in epistemic justification?"

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1. TWO KINDS OF EPISTEMOLOGY

José Ángel Gascón's essay "Where are dissent and reasons in epistemic justification?" (Gascón, 2020 ¹) is an exposition of a version of a social functionalist epistemology. I agree with Gascón's emphasis on reasons and on taking into account dissent as important parts of epistemology. But I think that these concerns do not require a social functionalist epistemology, but that, on the contrary, Gascón's social functionalist epistemology throws the baby out with the bathwater. It does so by excluding also a traditional, at its core individualistic epistemology, which defines central concepts like 'justified', 'knowledge' still in individualistic terms as the result of a mental cognizing process but is open to social extensions, e.g. concerning cooperation in the acquisition of knowledge or the transfer of knowledge via argumentation. Such a socially open epistemology with an individualistic core – or "open individualistic epistemology" for short – is also the basis of the epistemological argumentation theory. In the following I want to explain and defend this open individualistic epistemology together with the epistemological argumentation theory (sect. 2) and explain on this basis some problems of Gascón's theory (sect. 3).

2. JUSTIFIED BELIEF AND THE EPISTEMIC FUNCTION OF ARGUMENTATION

Propositions are *true* iff their (defining) truth conditions (which pertain to the meaning of the terms used in the proposition) are fulfilled. Besides these primary, defining truth conditions, there are also secondary (effective) epistemological principles which state secondary conditions for when (certain) propositions are true, e.g. the deductive

¹ The page numbers in the following references to Gascón's article refer to the manuscript, which is 16 pages long.

epistemological principle: 'A proposition is true if it is logically implied by true propositions' or the genesis of knowledge principle: 'A proposition is true if it has been correctly verified'. (Lumer, 1990, pp. 32-34; 2005, pp. 221-222)

The way to (more than accidentally) true beliefs is cognition: Cognition consists in checking whether the conditions of such epistemological principles or truth conditions are fulfilled and thereby reaching a positive result. When somebody recognizes along these lines, he has founded his belief and his belief is founded or justified. (Lumer, 2005, p. 215)

The *certain methods of cognition* such as observation and deduction from true premises have only a very limited range; with them alone one cannot recognize the vast majority of propositions which we need for our planning, decisions and orientation in the world. e.g. predictions. *Uncertain* but effective *epistemological principles*, which cannot guarantee the truth of the thesis in question, but at least its probable or frequent truth or verisimilitude, bring an enormous and sufficient expansion of our wealth of knowledge. Such principles as those of inductive logic, statistics, probabilistic inferences, or of practical rationality are based on probability theory or rational decision theory. (Lumer, 2005, pp. 231-234; 2011a, pp. 13-19; 2011b; 2014)

The price for this enormous expansion of what we can recognize is uncertainty; and this means that the propositions thus recognized can be wrong: The cognizer has correctly followed the rules of the uncertain type of cognition, thus also correctly cognized, but she has just had bad luck, the resulting proposition is nevertheless wrong or not even truth-like.

A justified belief (or cognition) consists of 1. the belief that *p*, and 2. the associated subjective justification i.e. memory of essential steps in acquiring this belief (Lumer, 1990, pp. 30; 34-36; 2005, p. 215). As said, even a (correctly) justified, but just uncertainly justified belief can be wrong – or the correct recognition process first comes to a false result, which later, however, is corrected by accident. This is what happened in the second Gettier example (Gettier, 1963, p. 23; quoted by Gascón, 2020, pp. 2-3). – This is also my answer to Gascón's question, "in what sense is someone justified, if he cannot convince a better-informed audience?" (Gascón, 2020, p. 3): The belief of the knowledge subject is *more weakly justified* than that of the audience. Apart from the social criterion for the justifiedness of a belief proposed by Gascón – to be able to "convince a better-informed audience" –, there is also the individualistic criterion: the cognition subject has recognized in a correct way that *p*, and remembers sufficiently the substantial steps involved.

A first important extension towards social cognition and social epistemology are *arguments* and their use in *argumentation*. *Valid arguments* are tailored to the cognition just described. They are oriented by effective epistemological principles and assert that all conditions of such an epistemological principle that have been concretized for a certain thesis are fulfilled and then infer that the respective thesis is true or acceptable. An argument oriented on the deductive epistemological principle, i.e. a deductive argument, asserts that a certain set of propositions q_1, \dots, q_n is true, furthermore, it asserts (often only implicitly) that these propositions logically imply the proposition p , finally, it also asserts the thesis p thus justified. (Lumer, 1990, pp. 44-49; 2005, pp. 221-224) If an argument is constructed in this way and is therefore valid, and if the argument is also used *adequately*, namely with an addressee who has already recognized the premises as true, then it can guide the cognition of the addressee: The argument tells the addressee which things he must check to recognize p as true; and the addressee checks q_1, \dots, q_n , as well as the logical validity of the inference. If he himself now masters the deductive epistemological principle, then the addressee can immediately infer that all conditions for the truth of p , after this epistemological principle, are fulfilled; and he will then accept p , i.e. believe it.

Further extensions of the individualistic core of epistemology towards social epistemology are e.g. arguments from expert opinion (Lumer, 2020) and dialogical argumentative discussions with the aim of cooperatively searching for truth (Lumer, 1988).

3. GASCÓN'S SOCIAL EPISTEMOLOGY – A CRITICAL DISCUSSION

In the constructive part of his paper Gascón defends two major theses: 1. an "*argumentativist epistemology*" (my term, C.L.) and 2. *social functionalism in epistemology*, which is rather a conglomerate of related theses.

"*Argumentativist epistemology* is the thesis that cognition, knowledge and justified belief consist in the fact that the respective belief can be justified argumentatively by the cognition subject to others and defended against their objections. Gascón puts it this way: "If, by the end of the discussion, the arguer has provided sufficiently adequate and strong reasons and has dealt with her opponent's counterarguments, then she can be considered justified in her belief" (Gascón, 2020, p. 1). Or: "Beliefs are justified by means of argumentation" (Gascón, 2020, p. 2).

It is undisputed that an opinion is justified if someone can justify it argumentatively and defend it against objections. Rather, the following is disputed: 1. Does the reversal of this implication (and hence

also the equivalence) also apply: Is a belief justified *only* if the subject can justify it argumentatively and defend it against objections? 2. If we assume for a moment that the equivalence holds: Does the idea of epistemic justification as argumentative justification capture the essence of cognition and argumentation?

On 1: There are cognitions, justified beliefs independent of some actual argumentative defence, even independent of the ability to argue. 1. Cognition is phylogenetically and ontogenetically older than argumentation. There are – relatively primitive – societies completely without a culture of argumentation. After all, these societies have developed language and other cultural assets. Would one deny, for example, that they have justified beliefs about the value of individual cultural assets, about the success of certain techniques, etc.? 2. Children in Western societies start to provide arguments at the age of about four years. By then they have learned their (simple) language and many other things from their social environment with correct reasoning methods such as observation or induction – e.g. after various experiences that they will like this kind of juice, that the parents will not be pleased about a certain way of acting, that the parental house looks like this. Why should one deny that these beliefs are justified by their respective genesis? 3. There are non-inferential cognitions, especially observations: Observation then leads to a belief justified by observation. However, because observation is not an inferential reasoning procedure, the resulting beliefs cannot be justified argumentatively in the narrower sense. – If there are now justified beliefs, cognitions also independent of the possibility of argumentative defence, then such a possibility cannot be the condition for the justifiedness of belief.

On 2: Does the idea of epistemic justification as argumentative justification capture the essence of knowledge and argumentation? With regard to argumentation, the question then arises whether there is a conception of rational argumentation that does not already presuppose individual cognition? Gascón makes no suggestion what such a conception might look like, how argumentations would have to function, what exact purposes they would have, etc. According to the above analysis of the functioning of argumentation, an "argumentativist" conception of cognition contradicts what actually happens epistemically when arguing: Premises are presented, inferential relations are asserted, etc., and the addressee is thus guided to recognize the thesis as acceptable. The truth of premises can also be recognized independently of argumentation, as can the validity of an inference. Argumentations only optimize such cognitive processes by presenting suitable material for recognizing the acceptability of the thesis. And the criteria for the validity of arguments are oriented on the criteria for rational cognition, effective epistemological principles, etc. To sum up, there is nothing

social recognizable about such cognitive processes that take place independently of the argumentation.

Gascón's social functionalism in epistemology is a conglomerate of related theses, each based on theories of other authors, in particular: Mercier & Sperber, Tomasello, Brandom, Leite and Craig. The most important of them is Craig's theory:

Craig: knower: = good informant: 'Knowledge' is, according to Craig, a concept that originated in the course of social information exchange and serves to mark good informants: "The concept of knowledge is used to flag approved sources of information" (Craig, 1990, p. 11, quoted in Gascón, 2020, p. 7). It is uncontroversial that the concept of knowledge *can* be used for this purpose. What makes this sentence a thesis of social functionalism is a stronger interpretation, according to which the marking of good informants is the very function of the concept of knowledge; and I presume that Gascón means this stronger interpretation.

What I want to show now is that this conception provides a false analysis of the primary – namely epistemic – function of knowledge and reason, which also does not do justice to the social significance of knowledge; actually, this conception even presupposes an individualistic cognition and knowledge as the basis of social knowledge, as outlined above. Is a knower primarily a good informant? That knowers are good informants is, as I said, undisputed. What is astonishing about the *definition* of 'knower' as a good informant, however, is that the idea of such a definition presupposes an independent, traditional, individualistic concept of knowledge. For the next question is immediately: and who is a good informant? Yes, a knower (or someone else with justified beliefs) who has recognized what he claims on the basis of effective epistemological principles and procedures, and who therefore provides information as true as possible. The informant's interlocutor would also like to become a knower himself in this sense, namely to have a justified belief that represents the world as truthfully as possible, etc. Without this primary, individualistic sense of 'knowledge' and 'justified belief' one cannot explain the value of information at all; information would at least no longer be something that would help us to orient ourselves in the world.

This brief critique shows that social functionalist epistemology as such cannot explain the sense of cognition, reason and argumentation. And wherever it aims at something epistemically useful, it presupposes an individualistic concept of knowledge and cognition, according to which the individual observance of rules of cognition leads to acceptable beliefs. Only on this individualistic basis can one explain how the inclusion of others can help us to more well-founded beliefs –

whereby the individualistic core of epistemology is then socially expanded.

REFERENCES

- Craig, E. (1990). *Knowledge and the state of nature*. New York: Oxford University Press.
- Gascón, J. Á. (2020). Where are dissent and reasons in epistemic justification? In B. Verheij & C. Dutilh Novaes (Eds.), *Proceedings of the Third European Conference on Argumentation, Groningen 2019*. London: College Publications. (= The present volume.)
- Gettier, E. L. (1963). Is justified true belief knowledge? *Analysis*, 23(6), 121-123.
- Lumer, C. (1988). The disputation: A special type of cooperative argumentative dialogue. *Argumentation*, 2, 441-464.
- Lumer, C. (1990). *Praktische Argumentationstheorie: Theoretische Grundlagen, praktische Begründung und Regeln wichtiger Argumentationsarten*. Braunschweig: Vieweg.
- Lumer, C. (2005). The Epistemological Theory of Argument – How and Why? *Informal Logic*, 25, 213-243.
- Lumer, C. (2011a). Argument Schemes – An Epistemological Approach. In F. Zenker (Ed.), *Argumentation. Cognition and Community: Proceedings of the 9th International Conference of the Ontario Society for the Study of Argumentation (OSSA), 2011*. Windsor, Canada: University of Windsor. Online: [URL: <http://scholar.uwindsor.ca/cgi/viewcontent.cgi?article=1016&context=ossaarchive>](http://scholar.uwindsor.ca/cgi/viewcontent.cgi?article=1016&context=ossaarchive).
- Lumer, C. (2011b). Probabilistic Arguments in the Epistemological Approach to Argumentation. In F. H. van Eemeren [et al.] (Eds.), *Proceedings of the 7th Conference of the International Society for the Study of Argumentation. [Amsterdam, 2010.]* (pp. 1141-1154). Amsterdam: Rozenberg; Sic Sat. (CD-rom.)
- Lumer, C. (2014). Practical Arguments for Prudential Justifications of Actions. In D. Mohammed & M. Lewiński (Eds.), *Virtues of Argumentation: Proceedings of the 10th International Conference of the Ontario Society for the Study of Argumentation (OSSA). Windsor, Ontario, 2013*. Windsor, Canada: Ontario Society for the Study of Argumentation (OSSA) Online: [URL: <http://scholar.uwindsor.ca/cgi/viewcontent.cgi?article=2077&context=ossaarchive>](http://scholar.uwindsor.ca/cgi/viewcontent.cgi?article=2077&context=ossaarchive).
- Lumer, C. (2020). Arguments from Expert Opinion – An Epistemological Approach. In C. Dutilh Novaes & B. Verheij (Eds.), *Proceedings of the Third European Conference on Argumentation, Groningen 2019*. London: College Publications. (= The present volume.)

Justifying Questions?

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In his recent keynote address to the 2018 ISSA, David Hitchcock argues for the claim that people sometimes argue for questions. I shall argue that his examples do not necessarily support that conclusion.

KEYWORDS: act-types, arguing, arguing for, argument expressions, arguments, justification, propositions, questions

1. INTRODUCTION

In his recent keynote address to the 2018 ISSA¹, David Hitchcock argues for the claim that “people sometimes argue for questions” (Hitchcock, forthcoming; Hitchcock, 2019a, p. 28). He gives examples such as:

We justify questions, so how does that work?

There are four kinds of drunk, so which are you?

to support his claim.

Assume that to argue for something is to present, or give, or make an argument with that thing as the conclusion of the argument. Hence, arguing for a question is to present an argument with a question as the conclusion. And if one can present an argument with a question as the conclusion, then there must *be* arguments with questions as conclusions. So, one might think the point of contention is obvious—I doubt that there are any arguments that have questions as conclusions. Hitchcock, on the other hand, holds that there are arguments that have questions as conclusions.

Unfortunately, Hitchcock and I have different notions of what constitutes an argument. I say (at least for the purposes of this paper) that arguments are composed of propositions and sets of propositions and since no proposition or set of propositions, one might say, is itself a

¹ And in a forthcoming follow-up paper.

question, arguments cannot contain questions as constituents. Hitchcock, on the other hand, takes arguments to be sets of speech act types (Hitchcock, 2018, 2019b) and since questions are a type of speech act, it is at least possible on Hitchcock's view that arguments contain questions as constituents. He then provides examples, such as, the ones given above, or:

Your smart phone is making you stupid, antisocial, and unhealthy. So why can't you put it down?

that purport to show that it is not merely possible, but actual, that some instances of the relevant sort of sets of speech act types contain a question as the conclusion.

But if the point of contention is merely where to apply the label 'argument', then many might suspect that not much of significant import is going on here. Except that 'argument' is one of the key concepts of argumentation theory, and so what gets the label 'argument' has implications for what properties do and do not apply to arguments and the relationship of arguments to other things such as linguistic expressions of arguments or instances of someone making or presenting an argument. For example, if one holds that arguments are repeatable, i.e. that they can be instantiated multiple times such that, for example, we can ask our students to repeat Searle's Chinese Room Argument for us, then, since word tokens or particular acts are not repeatable, arguments cannot be composed of word tokens or particular acts. Indeed, Hitchcock's earlier work on defining argument (Hitchcock, 2006) tried to provide a recursive definition in terms of acts, but subsequently, after a very brief reversion to the content of speech acts (Hitchcock, 2009), he appeals to speech act types so as to respect the fact that "Someone can use the same argument on different occasions, and different people can use the same argument" (Hitchcock, 2019b, p 119).

So are there reasons to prefer labelling the sets of speech act types Hitchcock describes as 'arguments' rather than sets of a set of propositions and another proposition or vice versa? Indeed, there are. For example, I maintain, though have not thoroughly argued, that getting the correct 'typing' for a speech act type account of arguments will ultimately just appeal to the relevant sets of propositions in a propositional account such that all the real work is being done by propositions (Goddu, 2018). Hitchcock, on the other hand, might point to alleged examples in which the propositional content looks the same, but he maintains, there are different arguments (Hitchcock, 2019b, p. 119). I have no intention of trying to catalogue and weight the various reasons here. Instead, I shall focus on just one potential reason someone

might give in favor of speech act types—namely that the examples Hitchcock gives certainly look like arguings for questions and speech acts types, but not propositions, can accommodate questions as conclusions of arguments. I shall argue that the examples do not necessarily tell against the propositional account.

Just to be clear, my goal here is not to show that Hitchcock's examples are not examples of arguments with questions for conclusions, since showing that would require showing that Hitchcock's notion of argument is untenable and that the only tenable accounts of argument are such that none involve questions as conclusions, both of which are well beyond the scope of a single paper. Instead I am merely trying to show that it is possible for a propositional theory of arguments to account for Hitchcock's examples, in which case his examples do not necessarily support the claim that there are arguments with questions as conclusions.

I shall ultimately consider three options for how a propositional theory can accommodate Hitchcock's examples, and argue that at least two of these options are viable accounts of Hitchcock's examples. I turn to a discussion of the first option next.

2. OPTION 1: DENY HITCHCOCK'S EXAMPLES ARE ARGUMENTS (IN EITHER SENSE)

No one should deny, and I certainly do not deny, that people utter or write expressions such as: "We justify questions, so how does that work?" or "There are four kinds of drunk, so which are you?" But one might deny that these expressions express arguments or are used to argue. But if these instances are not even instances of arguing, then the speech act type account cannot appeal to them as counterexamples to the propositional account of arguments and they are not evidence that we sometimes argue for questions.

Before giving reasons to be suspicious of Hitchcock's examples, however, I shall make the situation even worse for the defenders of propositional accounts. Firstly, there are plenty of other apparently non-propositional examples like Hitchcock's question examples—his examples are not just outliers, but rather part of a larger class of apparently non-fully-propositional arguments. Consider:

Keeping the door open will let the bugs in, so close the door already!

You got the job, so hooray!

If these examples are expressions of arguments just as Hitchcock alleges his examples are, then there are arguments with imperatives or exclamations as conclusions as well and the propositional account of arguments is incorrect.

Secondly, just as we can convert standard arguments into corresponding conditionals as in,

Socrates is human, so Socrates is mortal

converting to

If Socrates is human, then Socrates is mortal,

so it appears we can conditionalize all the examples above to

If we justify questions, then how does that work?

If there are four kinds of drunk, then which kind are you?

If your smart phone is making you stupid, antisocial, and unhealthy, then why can't you put it down?

If keeping the door open will let the bugs in, then close the door already!

If you got the job, then hooray!

If one takes the possibility of conditionalization as at least a necessary condition for an argument, then the fact that these non-propositional examples can be conditionalized is at least evidence that Hitchcock's examples are not automatically ruled out as arguments.

But there are two other properties that we standardly think are applicable to argument expressions. Firstly, the addition or removal of an illative, such as 'so' or 'hence' changes the communicative force of the expression. For example,

Socrates is human. Socrates is mortal.

is a mere list, but add the illative 'so' between them to get

Socrates is human, so Socrates is mortal

and the result is something stronger than a mere list. And if we start with the argument expression and remove the 'so', then absent other

contextual or tonal considerations, we weaken the communicative force of the expression from an arguing to a list giving. Put very roughly, in genuine argument expressions, something, usually an explicit word such as 'so', communicates illative force.

Secondly, argument expressions are reversible as in,

Socrates is human, so Socrates is mortal

reverses to:

Socrates is mortal, for the following reason—Socrates is human.

In other words, we can, again roughly, reverse the order of the presentation from reasons, and then conclusion to conclusion, and then reasons indiscriminately.

Hitchcock's examples, however, while conditionalizable, are not reversible and it is not clear that they have illative force. For example, we seem to be able to remove the 'so' with no loss in communicative import.

We justify questions. How does that work?

There are four kinds of drunk. Which are you?

Keeping the door open will let the bugs in. Close the door already!

But if we accomplish the same communicative task without the 'so', then we might doubt that the 'so' is doing any work, let alone indicating that arguing is going on. But if the 'so' is extraneous in Hitchcock's examples, but not in the more standard argument examples, then this is at least some evidence that Hitchcock's examples are not necessarily expressing arguments or being used to argue for the question.

Secondly, reversing

There are four kinds of drunk, so which are you?

into

Which type of drunk are you, for the following reason—there are four types of drunk,

results in gibberish. Again, standard argument expressions are reversible, so the fact that Hitchcock's examples, when reversed, result

in gibberish is at least some evidence that Hitchcock's examples are not necessarily expressing arguments or being used to argue for the question.

Here is, I suspect, another way to put the reversibility point. For any propositional conclusion X, it makes sense to enjoin the defender of X to argue for X or to ask the defender, what is your argument for X. For example, both the request to argue for 'Socrates is mortal' or the question "what is your argument for 'Socrates is mortal'?" are perfectly intelligible. But neither the request—argue for 'which type of drunk are you?' nor the question "what is your argument for 'Which type of drunk are you?'?" sounds intelligible² at least as a genuine request to argue for the question.

So are Hitchcock's examples arguings or not? The answer depends on to what degree conditionalization, illative force, and reversibility are bona fide indicators of the presence or absence of arguments. Conditionalization is at best a necessary condition for expressions to be expressions of arguments, so success tells us nothing. Illative force (and its potential sources) is hard enough to pin down and isolate that the apparent failure to have illative force is at best suggestive that Hitchcock's examples might not be arguments or arguings. The failure of the examples to be reversible, however, does strike me as problematic—we should be able to reverse the order of presentation of premises and conclusion, we should be able to articulate what we are arguing for before we give the reasons for it. In Hitchcock's cases we cannot do that—at least if we take them as purported examples of arguing for a question.

Of course, Hitchcock can stick to his guns and say not only were we wrong to think we could not argue for questions, but we were also wrong to think that all expressions of arguments are reversible. Fine, but recall that the goal was not to show that Hitchcock's examples are definitely not arguments or arguings, but rather that there was a principled way for a proposition theorist to account for the examples

² I grant that, given our strong predilection to try to make sense of communicative acts that on their face seem problematic, we can come up with a situation in which one might utter—"Argue for 'which type of drunk are you?'". Here is such a situation. We are debating which questions to put on a survey. One of the possibilities put forth is "which type of drunk are you?" and someone says "Argue for 'which type of drunk are you?'" Of course in this situation we are going to interpret the request as—argue for the proposition: "One of the questions on the survey ought to be: 'which type of drunk are you?'". Taken as a literal request to argue for the question itself, the request seems nonsensical.

and that I have provided—the examples are not reversible and genuine argument expressions are reversible, so they are not expressing arguments or arguings.

But perhaps Option 1 is too hard-line. After all, given the surrounding context, for at least some of Hitchcock's examples, it clearly seems like the utterer is arguing. Suppose we grant that there are cases in which people utter 'X, so Y?' as part of an act of arguing. I shall deny that a propositional account of arguments cannot account for these arguings.

3. OPTION 2: QUESTIONS CAN BE CAPTURED VIA PROPOSITIONS

One fairly standard, though not uncontroversial, way for dealing with imperatives is to treat them as some sort of obligation proposition. For example, 'Close the door, already!' would be something like "You ought to close the door now." Hence, the example:

Keeping the door open will let the bugs in, so close the door already!

will just be the argument:

Keeping the door open will let the bugs in, so you ought to close the door now,

about which the propositional account has no qualms. If something similar can be done with questions, then while Hitchcock may ultimately be right that we do sometimes argue for questions, that is only because questions are themselves captured via propositions, and so, once again, the speech act type account cannot appeal to the examples as counterexamples to the propositional account of arguments.

Take as the target the question—which kind of drunk are you? Here are some options for treating the question as a proposition.

- (a) I hereby ask 'which type of drunk are you?' (David Lewis)
- (b) I want to know which kind of drunk you are. (Bernard Bolzano)
- (c) You ought to see to it that I know which type of drunk you are. (Lennart Aqvist, Jaako Hintikka)
- (d) I want the indication of the true proposition in the set {You are a drunk of type1, You are a drunk of type2, You are a drunk of type3, You are a drunk of type4}. (Bernard Bolzano)³

³ All four of these options are discussed in Künne 2003.

Here is another option derived from Hitchcock's own discussion of Andrzej Wisniewski's inferential erotetic logic. According to Hitchcock, Wisniewski "represents an interrogative sentence as a set of its direct answers" (Hitchcock, 2019a, p. 30). Hence, Wisniewski would represent 'which kind of drunk are you' with something like:

? $\{type1(you), type2(you), type3(you), type4(you)\}$ (Hitchcock, 2019a, p. 31)

which itself is not a proposition. But since each direct answer to a question can be represented as a proposition as, for example, in (d) above, we could also represent Wisniewski's formula as:

- (e) You are a drunk of type1 or you are a drunk of type2 or you are a drunk of type3 or you are a drunk of type4,

which is a proposition and truth evaluable.

Option (e) has an advantage over the other four in that it does not as obviously change the object of discussion, i.e. what property of drunkenness you possess. Option (a), on the other hand, makes the topic about the questioner's performance, options (b) and (d) about the questioner's wants, and option (c) about the receiver's obligations. The problem with changing the object of discussion is that the premises still need to be properly related to the conclusion if the expression is to be interpreted as an even somewhat plausible argument. For example, given option (a), our argument:

There are four kinds of drunk, so which are you?

becomes

There are four kinds of drunk, so I hereby ask 'which type of drunk are you?'.

Similarly, option (b) becomes:

There are four kinds of drunk, so I want to know which kind of drunk you are.

But in both of these cases, the mere fact that there are four types of drunk hardly justifies either the performative of the question or the fact that the arguer has certain wants. Indeed, in most cases, the performative is going to be automatically true merely by uttering the

interrogative sentence, quite independently of any reasons offered, so the reasons do not themselves justify the question.

Granted, the fact that treating the questions as any of options (a)-(d) does not make the result a very plausible argument does not show that a propositional account cannot accommodate the example. But if the chosen analysis of questions as propositions generally dictates that Hitchcock's examples, while arguments, are all quite bad arguments, we are right to be suspicious of the analysis.

Still, the case is not perfectly clear cut, since the reason given and the background against which the reason is given and the question asked might together more plausibly support one of the offered conclusions, at least for options (b) through (d), than the reason alone. Hitchcock cannot object to this appeal to background since most of his informal requirements for a valid inference to a question appeal to context: For example, one of his criteria, at least for certain sorts of questions, is "the premises and context entail that the 'thing' for which an explanation is requested is a reality" (Hitchcock 2019a, p. 33).

I will not pursue the possibility of using appeal to background to make the arguments resulting from a propositional analysis questions more plausible than they first seem, but merely point out that such an appeal would, given the disparity between the explicitly offered reason and what options (a)-(d) are offering as the conclusion, make the plausibility of the argument rest almost entirely on the background. Given the proposed propositional analyses of questions on offer, the "what kind of drunk are you?" example is not a special case—all of Hitchcock's examples would involve a topical mismatch between the reasons given and what the conclusion is really about according to options (a) – (d). But if the background is really doing all the work, one might wonder whether the proffered reasons really are reasons at all, and might once again question whether any real arguing is going on.

What of option (e)? While option (e) avoids the issue of a topical mismatch between the offered reasons and proposed analysis of the question, (e) does appear to face a different sort of problem. Consider:

You are a drunk of type 4, so which type of drunk are you?

Given the proposed analysis of the question as a disjunction of the possible answers, the stated reason is a good reason for the conclusion and yet the case is trivial at best and inappropriate at worst.

No propositional account of arguments is going to deny that there are acts of arguing or making an argument or presenting an argument. Hence, propositional accounts are very likely to distinguish the goodness conditions of arguments (the sets of propositions) from the appropriateness conditions of engaging in the act of arguing. Hence,

the fact that uttering “you are drunk of type 4, so which type of drunk are you?” to argue for “you are a drunk of type 1 or you are a drunk of type 2 or you are a drunk of type 3 or you are a drunk of type 4” might be pointless or inappropriate does not tell against the expression actually expressing the argument:

You are a drunk of type 4, so you are a drunk of type 1 or you are a drunk of type 2 or you are a drunk of type 3 or you are a drunk of type 4.

Similarly, arguments, with a true premise *p*, of the form ‘*p*, so *p*’ are definitely sound arguments, but that does not mean that it is ever appropriate to use such arguments to argue for *p*.

Hitchcock himself acknowledges the distinction between pragmatic constraints on making an inference and requirements for the validity of an inference (Hitchcock, 2019a, p. 34). The fact that the current example fails to satisfy the pragmatic constraints on making an inference to “so which type of drunk are you?” would tell us nothing about whether the inference in question actually is what option (e) says it is. Granted, if one thinks the arguments *are* the act types, then the goodness conditions of arguments and the appropriateness conditions of instantiations of act types might look more plausibly to be about the same thing (and so easy to conflate). Even if an act type theorist does make the distinction, as Hitchcock does, it is perfectly possible that a propositional theorist and Hitchcock could agree on the set of ‘argument goodness conditions’ and ‘arguing appropriateness conditions’ even if they disagreed about which condition went into which category. In other words, they could agree on what it would take to have a good, appropriately argued, argument, even while disagreeing about what would make the argument good or the arguing appropriate. But then the propositional theorist and the act type theorist are not really disagreeing about the goodness-appropriateness of the “you are a drunk of type 4, ...” example.

A more significant challenge to option (e) are examples of what Hitchcock calls open-ended questions, i.e. questions without a complete finite list of direct answers. Hitchcock points to examples such as:

We justify questions, so how does that work

or

There’s no room for bigotry in sport, so why is harassment still rife?

as cases in which the conclusion question does not have a finite list of direct answers. If there is no finite list of direct answers, then one might say there is no corresponding disjunction and so option (e) will fail in cases involving open-ended questions.

One might wonder whether ‘finite’ is really a necessary condition for adequate disjunctive analysis or whether there really isn’t a finite list of answers to the relevant questions—it is just that we are not sure what that finite list is. For example, while certain facts about human psychology or sociology or economics may be in the list of options for “why harassment is still rife in sport”, facts about poetry, the formation of solar systems, or the flowering properties of certain plants will not. So an advocate of option (e) might not yet be convinced that Hitchcock’s examples do not have an adequate disjunctive analysis.

But if we assume that arguers in general know or are at least able to roughly articulate what it is they are arguing for, then the problem with open-ended questions is not that such questions might not have a finite list of direct answers, but that even if they, do, the list is unknown to the arguer, such that the arguer cannot even roughly articulate what the list is. Hence, option (e) would commit arguers, in certain situations, to arguing for propositions they were not aware of and could not articulate. Indeed, the inability to articulate what the arguer was arguing for, was, in the case of the first option, used to suggest that Hitchcock’s examples might not even be arguings. Options (b) or (c), which deal with the arguer’s wants or the receiver’s obligations, would avoid this problem, but we have already seen that such options have a different problem—viz., making the proffered reasons irrelevant.

Hence, the challenge for defenders of Option 2 is to give a propositional analysis of questions that both makes the reasons given, at least sometimes, actually reasons for that proposition and allows the arguer to be able to articulate what the proposition is that is being argued for. So far, no given option for analyzing questions as propositions satisfies both conditions simultaneously. I turn then to another option for dealing with Hitchcock’s examples.

4. OPTION 3: SOMETHING OTHER THAN THE QUESTIONS IS THE CONCLUSION

Consider the following quite devious example:

There are arguments with just two premises, so there are arguments with just one premise.

On first read, you might think that Devious is not a very good argument, but I say, on the basis of Devious, you ought to believe the conclusion—after all, Devious itself is an example of an argument with just one premise. Hence, I can use Devious to argue for the conclusion. But notice that it is a mistake to think that the apparent reason given in Devious, viz. that there are arguments with just two premises, is actually the reason I am giving to justify the conclusion, rather the fact that Devious itself is a single premise argument is the reason you should believe the conclusion. Hence, Devious can be used to argue for the conclusion, without its explicitly given reason being the reason for the conclusion. More precisely, I can utter Devious to argue for Devious' conclusion, but in doing so, the actual argument I am making is:

Devious is an argument with a single premise, so there are arguments with just one premise.⁴

In other words, even if we have what looks like a genuine argument expression, there is no guarantee that the argument actually being made involves the reasons given in the argument expression.

Could the same sort of thing happen with what looks like the conclusion in a given expression? Could someone use an argument expression to argue for something other than what looks like the explicitly given conclusion? Absolutely. Just consider being asked to convince someone that there are single premise arguments and replying with:

There are arguments with a single premise, so Aristotle is a centipede.

Should you now be convinced that there are arguments with a single premise? Yes, because that example is itself a single premise argument. Hence, I use the example to argue for the claim that there are single premise arguments and not the explicitly given conclusion that Aristotle is a centipede. [Note that here too, the explicitly uttered reason is not the reason for the target conclusion either.]

If Hitchcock's examples are such cases, then one could grant that people use expressions such as 'X, so Y?' to argue, but deny that they are using those expressions to argue for 'Y?'. What might they be arguing for instead? Some sort of suitability condition on the asking of the question. In general terms, the current proposal is that expressions of the form 'X, so Y?' are shorthand for something like:

⁴ See Goddu, 2012 and Sorensen, 1991 for discussion of more examples like Devious.

‘X+[context of utterance], so it is Z to ask Y. Y?’

Options for Z would be words such as ‘appropriate’, ‘permissible’, ‘obligatory’, ‘optimal’, and so on. Perhaps one of these options would work for all cases of ‘X, so Y?’ or perhaps what the suitability condition is for asking Y would itself depend on contextual features. Regardless, the conclusion of the argument being made using instances of ‘X, so Y?’ is not ‘Y?’, but rather, ‘it is Z to ask Y’, which is unproblematic for a propositional account of arguments.

Here is the application of the proposal to some of Hitchcock’s examples using ‘appropriateness’ as the suitability condition. A precondition of appropriately asking *how* something does x is that the something does x. Hence, a precondition of it being appropriate to ask, how does justifying questions work, is that we actually justify questions. So what an arguer might do is try to get the audience to accept that the appropriateness condition holds, i.e. assert that we justify questions and now that the situation has been framed to allow the question, the arguer asks the question. But if we were to express what was going on more explicitly we might say:

We justify questions. [That is puzzling and not at all obvious how that might happen.] Hence, it is appropriate to ask how that works. How does that work?

Similarly, in a context of ubiquitous smart phone use, the fact that your smart phone is making you stupid, antisocial, and unhealthy is puzzling—there is an apparent mismatch between the prevalent use and the negative consequences. Hence, it is appropriate to wonder why we cannot seem to stop using our phones and perhaps even to request an explanation for why we cannot put our phones down.

Given that the arguer is, on this option, really just providing reasons for the appropriateness of asking the question, rather than the asking of the question itself, we can explain why the illative removal from Hitchcock’s examples does not diminish the communicative force—we were never justifying the question to begin with. The utterance of “We justify questions” (with no objection) in a context in which that is puzzling and not at all obvious how that might happen (at least to the speaker) is enough for the audience to infer that asking “how does that work” is appropriate. Hence, there is no surprise when the speaker actually goes on to ask the question.

This option is also consistent with our intuitions about how the apparent force of Hitchcock’s examples can change when used in different contexts. If one utters “There are four kinds of drunk, so which

are you?” at a meeting of the American Temperance Society, one might respond that no one here drinks or is a drunk, so even if there are four types of drunk, asking the question is not appropriate. But if uttered at an Alcoholics Anonymous meeting, the fact there are four types of drunk does contribute to the appropriateness of asking “which type are you?”⁵

I finish by considering a potential objection to Option 3. Hitchcock himself acknowledges the possibility of reconstructing his examples “as being really arguments for something else. For example, what looks like an argument for a question could be construed as an argument that the question is worth investigating” (Hitchcock, 2019a, p. 36). As an example, he points to Christoph Lumer’s 2014 “Practical arguments for prudential justifications of actions” in which Lumer attempts to accommodate ‘justifying actions’ into his epistemological approach to argument, which is definitely propositional.

Hitchcock himself does not object to this possibility, so I do not include Hitchcock as one who might try to point to his justifying questions examples as a means to refute propositional accounts of arguments. Regardless, one might still take Lumer’s repeated talk of arguments justifying and motivating the performance of an action, as the basis for two potential objections. First, while the reasons might indeed be used to argue for the appropriateness or worthiness of the question, they are *also* being used to argue for the asking of the question itself. Second, though we sometimes say that an argument justifies some further claim, what we really mean is that the conclusion of that argument justifies some further claim. Hence, the objector might be asking Option 3 to deal with the following sort of example:

We justify questions, so it is appropriate to ask how justifying questions works, so how does justifying questions work?

But on either objection there are still arguments that the propositional account cannot accommodate.

I begin with the second objection, though the response to both is ultimately the same—we do not really justify actions of any kind, so we do not justify the asking of questions. So what should an Option 3 advocate say about:

⁵ Note that this is not to say that Hitchcock cannot also account for these differences across context. In this particular case, he would just say that the inference to the question fails in the first context because the fact that there are four types of drunk, along with the context, does not entail that the question has a true direct answer, whereas in the second context it does. But again, I am not trying to show that Hitchcock’s account is wrong—merely that a propositional theory of arguments can account for Hitchcock’s examples.

it is appropriate to ask how justifying questions works, so how does justifying questions work?

They should be Option 1 advocates in this case and deny that this instantiates or expresses an argument. Unlike the first 'so', the second 'so' is removable without loss of communicative force. Additionally, "We justify questions, so it is appropriate to ask how justifying questions works" is reversible while "it is appropriate to ask how justifying questions works, so how does justifying questions work?" is not.

More generally, we should deny, despite the ubiquity of locutions such as "justify your actions" or "justification of actions" as in Lumer's title, that we, in fact, justify actions at all. We may justify the appropriateness or goodness or worthiness or optimality or correctness of actions, but we do not justify the actions themselves.

Fully arguing for this claim is well beyond the scope of this paper, but I will at least gesture at some support for it. Firstly, while reasons can necessitate a proposition, reasons cannot necessitate an action. I could give you all the reasons in the world and you could accept those reasons, but with no *desire* to act in accord with those reasons you could still fail to perform the action. Of course, those very reasons might necessitate the truth of 'you ought to perform that action', but even recognizing the obligation is not enough to actually perform the action. One potential way to explain why reasons cannot necessitate actions is that actions just are not the sort of thing that can be justified, so of course they cannot be necessitated by reasons.

Secondly, imagine a computer that has certain programmed goals. Imagine also that it has a mechanism for getting input from its environment that allows it to generate various potential courses of action for achieving its goals. Suppose also that it has a program for evaluating the various possible courses of action open to it and determine which one or ones of those, according to its given parameters, would be 'appropriate' or perhaps even 'best' at least relative to its goals. Now suppose that having reached this judgement it has the following sort of mechanism in place: If in situation x, and action y is the best action, then do action y. Suppose the computer is in situation x and has gone through the possible actions evaluation process and the result is that action y is the best action. Unsurprisingly, the computer performs action y.

Now suppose we wanted to challenge the programmer of the computer on the grounds that we thought the resulting action was the 'wrong' action—it is not what the computer ought to have done in situation x given its goals. Where is our challenge to be directed? We might criticize the mechanism for generating options from its environment, especially if it misses some relevant options. We might

worry that the mechanism for recognizing which situation it is in is faulty. Suppose we fix those issues and yet the computer still performs what we take to be a 'suboptimal' action. The only place left to criticize is the program for evaluating options. Something has gone wrong in the process of determining what is the best action. Perhaps we will argue that the calculation needs a better mechanism for weighting the consequences of certain options, or the probability of success of certain options, or how options are to be compared with each other or whatever. What we will not criticize is the part of the program that actually generates the action, viz. the "if all these conditions are met, then perform action y" link. Why not? Because that link is not a part of the justification of the action—at best it is part of the explanation for the action because that link, given the input (i) from the evaluation mechanism about the best action and (ii) from the perception mechanism about being in a certain situation *causes* the action.

But the same is true for human beings—when asked to justify our actions we are not interested in what caused them (except insofar as appealing to the cause might eliminate the appropriateness of the request to justify them.) We are interested in what decision making process generated the candidate action as the 'best' or the 'one to put into the engagement queue.' Once the chosen option is in the engagement queue, assuming goals and desires and other beliefs do not change, we expect, given no external impediment, the action to be performed. Hence, the only sense in which we truly justify our actions is via justifying the appropriateness of the action.

Finally, a puzzle for those who would claim we justify actions and adopt some sort of act type theory of arguments. Suppose Hitchcock insists that in his examples we really are arguing for or justifying the act of asking the question. But what then to make of allegedly non-controversial standard cases such as:

Socrates is human, so Socrates is mortal.

The conclusion is an instantiation of an act type—presumably some sort of asserting that Socrates is mortal. If, in the case of question conclusions, the reasons are meant to support the act of asking the question, then by parallel in the case of standard arguments the reasons should be justifying the act of asserting the fact that Socrates is mortal. But the claim that Socrates is human, does not justify the act of asserting that Socrates is mortal, nor would the act of claiming that Socrates is human. What would, assuming justifying actions makes sense, justify asserting that Socrates is mortal? Things like believing that it is true and desiring to share the truth with others, etc. But those things are radically different than the reason actually given, viz. that Socrates is

human or even the claiming that Socrates is human. But then it looks like in most, if not all, standard cases, if we interpret the conclusion being justified as the act of asserting the conclusion, then the offered reasons will just not be the reasons for that act—in which case, according to the act type theory all arguments are bad arguments. Oops!

Hitchcock might try to get around this problem by allowing that we have justificatory relations both supporting propositions and supporting actions. Call these p-justification and a-justification respectively. Assume the advocate for a propositional account of arguments accepts both kinds of justification (though given the arguments above they might not.) Now the question becomes which sort of justification is relevant to ‘arguing for’? The Option 3 advocate says just p-justification. Hence, we do not, contra Hitchcock, argue for questions (or the act of asking questions), since a-justification, whatever it is, is not arguing. Of course, Hitchcock might claim that both p-justification and a-justification are types of arguing. But recall, I have repeatedly said I am not trying to show that Hitchcock’s claim that we do not argue for questions is false, even if I have given some indications that it might be. Instead, I am merely interested in showing how a propositional account of arguments can accommodate Hitchcock’s examples and Option 3 advocates can do that—either by denying that we justify actions at all or by denying that a-justification is arguing.

5. CONCLUSION

There may be other ways than the options I have explored here for resisting Hitchcock’s examples, ways not necessarily tied to a propositional account of argument. For example, some theorists have suggested, at least in conversation, that the speaker is not arguing for the question, but rather engaged in a sort of burden of proof shifting. These other ways have not been my concern here.

I also grant that ultimately the difference between Hitchcock and myself might be merely terminological—what he affirms when he says we argue for or justify questions might be different than what I deny when I suggest that we do not. But I hope that my attempt to sort through what options are available and the consequences of those options might still provide some groundwork for clarifying further potential disputes between propositional accounts of arguments and act-type accounts.

Regardless, my ultimate concern has not been with the question of whether we argue for questions, but whether a propositional account of argument can account for Hitchcock’s examples that appear to be

arguings for questions. Such an account could, but need not, deny that there are arguings that involve interrogative speech acts, any more than it need deny that there are arguings that involve imperatives or exclamations or pictures or judo flips. In general, propositional accounts can accommodate non-linguistic argument expressions and arguings, just so long as there is a way to articulate what propositional argument the expression expresses or the arguing enacts. Hence, if all Hitchcock is claiming is that there are arguings that involve interrogatives, then we do not disagree. But unless a viable option of reinterpreting questions as propositions is forthcoming, the most viable path for the propositional account is to deny that we are either arguing for the question or arguing for (or justifying) the act that is the asking of the question—we are, at best, arguing for the appropriateness of asking the question.

REFERENCES

- Aqvist, L. (1965). *A New Approach to the Logical Theory of Interrogatives*. Uppsala: University of Uppsala.
- Bolzano, B. (2014). *Theory of Science, Vols. 1-4*. R. George & P. Rusnock (Eds.). Oxford: Oxford University Press.
- Goddu, G.C. (2018). Against the intentional definition of argument. In S. Oswald & D. Maillat (Eds.), *Proceedings of the Second European Conference on Argumentation*, Vol II (pp. 337-346). London: College Publications.
- Goddu, G.C. (2015). Towards a Foundation for Argumentation Theory. In F. van Eemeren and B. Garssen, (Eds.), *Reflections on Theoretical Issues in Argumentation Theory*, (pp. 43-51). Amsterdam: Springer.
- Goddu, G.C. (2012). Exemplification and Argument. *Canadian Journal of Philosophy* 42, 235-254.
- Hintikka, J. (1974). Questions about questions. In M. Munitz and P. Unger (Eds.), *Semantics and Philosophy*, (pp. 104-110). New York: New York University Press.
- Hitchcock, D. (forthcoming). Arguing for questions
- Hitchcock, D. (2019a). We justify questions, so how does that work? In B. Garssen, J. Wagemans, G. Mitchell & D. Godden (Eds.), *Proceedings of the Ninth International Conference on Argumentation* (pp. 27-43), Amsterdam: SICSAT.
- Hitchcock, D. (2019b). The concept of an argument. In J. A. Blair (Ed.), *The Critical Thinking Anthology*, (pp. 117-130), Windsor: University of Windsor.
- Hitchcock, D. (2018). The concept of an argument. In S. Oswald & D. Maillat (Eds.), *Proceedings of the Second European Conference on Argumentation*, Vol II (pp. 361-374). London: College Publications.
- Hitchcock, D. (2017). The concept of an argument. In D. Hitchcock, *On reasoning and argument: Essays in informal logic and on critical thinking* (pp. 518-529). Dordrecht: Springer.

- Hitchcock, D. (2009). Commentary on Goddu. In Juho Ritola (Ed.), *Argument Cultures: Proceedings of the Ontario Society for the Study of Argumentation*, CD-ROM, Windsor, ON; OSSA. URL: <https://scholar.uwindsor.ca/cgi/viewcontent.cgi?article=1142&context=ossaarchive>
- Hitchcock, D. (2006). Informal logic and the concept of argument. In D. Jaquetier (Ed.), *Philosophy of logic*, volume 5 of D. M. Gabbay, P. Thagard & J. Woods, (Eds.), *Handbook of the philosophy of science* (pp. 101-129). Amsterdam: North Holland.
- Künne, W. (2003). Are questions propositions? *Revue internationale de philosophie*, (Vol 2, number 224): pp. 45-56. URL: <https://www.cairn.info/revue-internationale-de-philosophie-2003-2-45.htm>
- Lewis, D. (1970). General Semantics. In *Philosophical Papers, Vol 1*, (pp. 189-232). Oxford: Oxford University Press.
- Sorensen, R. (1991). 'P, Therefore, P' Without Circularity. *Journal of Philosophy* 88, 245-266.

Commentary on G. C. Goddu's "Justifying Questions?"

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1. INTRODUCTION

I agree with G. C. Goddu that our disagreement about whether there are arguments for questions is not a mere verbal dispute. We are both talking about the abstract premiss-conclusion structures that we express with strings of such forms as '<premiss>, so <conclusion>' or '<claim>, because <reason>'. The concept is the same, but those who take the constituents of such structures to be propositions have one conception of it and those who take them to be types of illocutionary acts have another conception of it.

Goddu explores whether a propositional account of arguments can account for texts and discourses which appear to express an argument for a question. He considers three ways of doing so.

2. OPTION 1

Option 1 is to deny that apparent arguments for questions are arguments. Goddu proposes three necessary conditions for being an argument.

First, it should be possible to conditionalize it—that is, to convert it into a conditional statement whose antecedent is a conjunction of the suspected premisses and whose consequent is the suspected conclusion. The result of conditionalization should be syntactically correct and make sense. This test seems reasonable. As Goddu concedes, apparent arguments for questions pass it.

Second, the removal of an illative from an argument must change its communicative force. This test strikes me as problematic. All arguments that lack illatives fail the test, since adding an illative to make explicit that they are arguments does not change the communicative force of the expression. Hence, if such an argument had an illative, its removal would not change its communicative force. In Goddu's examples, removal of the linking word 'so' seems not to change the communicative force. But that is easily explained by supposing that the examples are arguments even without an illative; the initial statement is

in each case an obvious justification for the immediately following directive or expressive.

Third, an argument must be reversible, in the sense that it must make sense to switch the order of mention of a premiss and conclusion and change a linking illative from a conclusion indicator to a premiss indicator (or vice versa, as appropriate). What seems odd about the reversals of Goddu's examples, to my ear, is the insertion of a premiss indicator. Reversal of the order makes perfect sense:

(1) Close the door! Keeping it open will let the bugs in.

(2) Hooray! You got the job.

(3) What kind of drunk are you? There are four kinds of drunks.

Thus, while it should make sense to reverse the order of premiss and conclusion, it is not clear that this reversal produces gibberish when the supposed conclusion is a non-representative illocutionary act. Although inserting a premiss indicator like 'because' in the reversed expression sounds odd, such an insertion makes sense if there is an intervening request for a justification:

(4) Close the door! Why? Because keeping it open will let the bugs in.

(5) Hooray! Why so joyful? Because you got the job.

(6) What kind of drunk are you? Why do you ask? Because there are four kinds of drunks.

Goddu takes the reversibility test to be equivalent to the test that it must make sense to ask about a possible conclusion of an argument: What is your argument for that? Clearly it is odd to ask this question about requests, exclamations and questions. But one can ask their authors for a justification, in various forms: Why? Why do you ask? What makes you say that? What is your reason for asking? To sum up, although it must be possible to give or request a justification for the conclusion of an argument when the conclusion is uttered first, non-representative illocutionary acts seem to pass this test, albeit with some restrictions on the way in which the justification or the request can be intelligibly expressed.

Thus there is not much support for Goddu's option 1 of denying the status of arguments to what on their face are arguments for asking a question.

3. OPTION 2

Goddu's option 2 is to accept that there are arguments with interrogative conclusions but interpret the conclusions as propositions. An acceptable interpretation, he assumes, must both (1) make the given reason at least sometimes an actual reason for the proposition and (2) allow the author of the argument to articulate the proposition. Of five candidates that he considers, four fail condition (1) and the fifth fails condition (2). I agree with Goddu's two conditions, and in fact have other objections to the five proposals.

Thus I agree with Goddu that it is not plausible to construe an argument with an interrogative sentence in the conclusion slot as an argument for a proposition that is the meaning of that sentence.

4. OPTION 3

Option 3 is to construe what appears to be an argument for a question as an argument for a proposition that is related to the question but not equivalent to it—for example, for the proposition that it is appropriate to ask the question.

We do sometimes mean something different from what we say, as when we ask at the dinner table, "Can you pass the salt?". Hence an interrogative sentence in an argument's conclusion slot might mean something other than what it says. As Goddu notes, I have acknowledged (Hitchcock, 2019, pp. 36-37) that a defender of a propositional account of arguments can reconstruct what appear to be arguments for questions as really arguments for something else. I cited as an example of this strategy Christof Lumer's treatment of prudential justifications of actions (Lumer, 2014). According to Lumer, the conclusion of a good prudential justification of an action is that the action is the best option for the person who is to perform it. Similarly, one could take a good justification for asking a question to have as its conclusion the proposition that the question is appropriate. One could then use an argument scheme with this propositional conclusion as a template for reconstructing what appear to be arguments for questions.

Goddu assumes that an argument that a question is appropriate could be taken to justify asking the question only by construing it as including a parallel or subsequent argument for asking the question. He objects that people do not justify actions, so in particular they do not justify the action of asking a question. He offers two kinds of support for his position that people do not justify actions.

The first is that the hypothesis that people do not justify actions would explain why reasons never necessitate actions. But such an

explanation is unnecessary, since it is self-explanatory that reasons never necessitate actions. Reasons don't necessitate actions logically, since performing an action is not the sort of thing that can be logically necessitated. Nor do they necessitate actions causally, since one can accept both a reason and its logical necessitation of an "ought" conclusion without doing the action that ought to be done.

Goddu's second argument that we do not justify actions imagines a computer program set up to determine on the basis of specified goals what is the best option and then to perform that action. If we challenge the program, he says, we will challenge aspects of the program prior to implementing the result, such as the way it generates options. We will not challenge the step from the determination of the best option to its implementation. Hence, he argues, what we justify is not the action but the proposition that the action is the best option. But this last conclusion does not follow. Goddu seems to assume that to justify something is to give a good argument for it. However, we speak not only of justifying conclusions but also of justifying actions, feelings, etc. (see <https://sentence.yourdictionary.com/justify>; accessed 2019 06 01). If one justifies the conclusion that some action is the best option, then one has ipso facto justified its performance—not in the sense that there is a parallel or subsequent implicit argument whose conclusion is performance of the action, but in the sense that the argument justifying the conclusion that the action is the best option is a justification for performing the action.

5. CODA

At the end of his paper, Goddu raises a general puzzle for a conception of arguments as consisting of illocutionary act types. The act of asserting a premiss like 'Socrates is human', he writes, does not justify the act of asserting a conclusion like 'Socrates is mortal'. If it makes sense to speak of justifying actions, the sorts of things that would justify the act of asserting 'Socrates is mortal' are one's belief that Socrates is mortal, one's desire to share this belief with others, and so forth. In general, then, the supporting reasons that people offer when they advance arguments would not justify the act that is the argument's conclusion; almost all arguments would be bad arguments.

Suppose I say, echoing a recent claim by Harvard geologist Jerry Mitrova (Grossman, 2018), that a catastrophic immediate collapse of the Greenland ice sheet would lower the sea level in Newfoundland. You ask me to justify my act of asserting this surprising proposition. I am unlikely to reply that I believe it and wanted to share my belief with you. Rather, I would repeat Mitrova's reasons: that melting of an ice sheet relieves gravitational pressure on the crust below and removes

gravitational attraction of the surrounding ocean; that these effects lower sea level within a radius of 2,000 kilometres; and that Newfoundland is less than 2,000 kilometres away from Greenland.

The example is, I think, typical. It indicates that a speech-act account of the constituents of arguments does not have counter-intuitive implications for what count as reasons.

6. SUMMARY

My disagreement with Goddu about whether the components of arguments are propositions or illocutionary act-types is not merely verbal. Apparent arguments with interrogative sentences in the conclusion slot are really arguments. These sentences cannot reasonably be interpreted as expressing a proposition. One can reconstruct apparent arguments for asking a question as arguments for a proposition about the question, such as the proposition that the question is appropriate. One way to justify such a reconstruction is to set out an argument scheme for a good argument justifying such a proposition, instances of which would ipso facto justify asking the question. One could then use this argument scheme as a tool for analysis of apparent arguments for questions. There is nothing odd about speaking of justifying actions, including the act of asking a question. Further, a speech-act conception of the constituents of arguments is consistent with standard views about the reasons that justify conclusions of arguments. If someone makes a claim and another person responds, "Why do you say that?", the natural response is to give supporting reasons rather than to say, "Well, I believe it, and I wanted to share that belief with you."

Note: This published commentary is less than a third the length of the commentary to which Goddu replies in the appendix to his published paper. Nevertheless, it seems to preserve the points to which he is replying.

REFERENCES

- Grossman, Daniel (2018). Why our intuition about sea-level rise is wrong. *Nautilus*, July 19, 2018. Available at <https://www.scribd.com/article/384297375/Why-Our-Intuition-About-Sea-Level-Rise-Is-Wrong-A-Geologist-Explains-That-Climate-Change-Is-Not-Just-About-A-Global-Average-Sea-Rise>; accessed 2019 06 08.
- Hitchcock, David (2019). We justify questions, so how does that work? In Bart Garssen, Jean Wagemans, Gordon Mitchell & David Godden (Eds.),

Proceedings of the Ninth International Conference on Argumentation (pp. 27-43), Amsterdam: SICSAT. Available at http://cf.hum.uva.nl/issa/conference_2018_conferencebook.pdf; accessed 2019 07 30.

Lumer, Christoph (2014). Practical arguments for prudential justifications of actions. In Dima Mohammed & Marcin Lewiński (Eds.), *Virtues of Argumentation. Proceedings of the 10th International Conference of the Ontario Society for the Study of Argumentation (OSSA). Windsor, Ontario, May 22-26, 2013*. Windsor, Canada: Ontario Society for the Study of Argumentation (OSSA). 16 pp. CD-ROM, ISBN: 978-0-920233-66-5. Additional web publication, URL: <http://scholar.uwindsor.ca/cgi/viewcontent.cgi?article=2077&context=ossaarchive>.

Ethnography of Argumentation

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This paper introduces the ethnography of argumentation as a methodological approach to argumentation. Its central question is: How is it at all possible to take up something as a reason in argumentation? The paper lays out the different strands that feed into this approach, namely the ethnography of communication and the ethnography of knowledge. It concludes by discussing what kind of insights the ethnography of argumentation allows for, and which it shuts out.

KEYWORDS: ethnography of communication, ethnography of knowledge, topos, field, practice

1. INTRODUCTION

The guiding question for an ethnography of argumentation is: How is it at all possible to take up something as a reason in argumentation? This question rests on the assumption that validity and reasonableness are not something pre-given, but are accumulated through field-specific practices by the participants. This carries two implications, one methodological, one epistemological.

First, on the methodological side, the question asks for the 'how' of this development and thereby leads to a certain methodological take that focusses on the description and analysis of practices related to argumentation. 'Practice' is one of the central underlying concepts for the following paper. It marks a shift in attention away from de-contextualized notions of communicative action as well as those that put intentionality of strong actors at the center and towards the establishment of social order and social understanding resting on the carrying out of specific, pre-formed and yet actualized ways of doing. Following Deppermann / Feilke / Linke (2015) practices, from a linguistic standpoint, are characterized by eight aspects, that can differ in importance due to the field under consideration (here in an abbreviated fashion): materiality

(body, space, objects), mediality, participation framework, relation to action, routinization, indexicality, relation to context and temporality and historicity (p. 3). These different aspects will feature in the following discussion, especially the notion of routinization, historicity, temporality and materiality. The question of 'how' it is possible to take up something as an argument leads to more, focused questions directed at the specific practices in this process: How does a statement¹ for an argumentative purpose gain validity, how does it lose validity, how does it fail; hence, what kinds of career do statements make when they become arguments? How do arguments develop, how do they travel as seemingly the same argument through different texts, different materialities, different logics? These questions link interests in rhetoric and argumentation studies with those in the sociology of knowledge.

Second, on the epistemological side, participants in discourse negotiate through argumentation what (kind of) statements are granted validity, and which not, thereby actualizing knowledge through the use of certain material as well as formal topoi (see Knoblauch, 2000). The question about the possibility of taking something as a reason relates thereby to the interest in the development of this validity attached to statements.

In this paper I shall propose what could be called an ethnography of argumentation (see Hannken-Illjes, 2018 for a shorter outline in German). It brings together insights from different projects: On argumentation in criminal proceedings (Scheffer, Hannken-Illjes, & Kozin, 2010), in public protest (Hannken-Illjes, 2014), and among pre-school children (Hannken-Illjes & Bose, 2018) and takes pieces of data from these projects as illustrative examples. Hence, the outline of this paper is methodological not empirical. I shall start out by introducing ethnography as a research strategy rather than a fixed methodological approach. I shall then discuss the ethnography of communication and the ethnography of knowledge as two central strands that feed into my understanding of an ethnography of argumentation. The term ethnography of argumentation I borrow from Krummheuer (1995) as well as Prior (2005). Both authors relate interactionist studies to argumentation studies, both with a focus on learning and knowledge production and distribution. At last, I shall specify the concept of an ethnography of argumentation by spelling out the notion of 'field' as well as discussing the unit of analysis in this kind of research strategy.

¹ The term 'statement' is not meant to exclude other-than-verbal means of argumentation. A picture can have a career as an argument, as can a sound or – as will be shown – a tree.

2. STARTING POINTS FOR THE ETHNOGRAPHY OF ARGUMENTATION

Ethnography is rather a research strategy underlying a work than a method. The central aspects that characterize an ethnographic approach are the concept of 'being there' and the focus on practices and 'how-questions'. Breidenstein et al. (2013) name four hallmarks of ethnographic research: (1) the subject matter is social praxis, (2) the methods are opportune to the experience in the field and the logic of the field, (3) it demands an ongoing direct experience in the field and (4) is then put into writing (see pp. 31-36). The purpose of an ethnographic study is the description of social practices that both, take up the participants understanding and link it to sociological or other disciplinary theories and questions. As Dellwing and Prus put it: "Ethnografische Forschung will Prozesse kartografieren, in und mit denen Menschen ihre Welt *machen*" (Ethnographic research aims at mapping the processes in and by which people *make* their world. Dwelling/ Prus 2012, 53, translation mine). Hence, ethnography tries to describe in order to develop understandings; it aims at "thick description" (Geertz, 1987).

At the same time, ethnography is characterized by the lack of a clear set of methods and by a specific openness towards the field, the phenomena and the appropriate methods. "Ethnography cannot be assumed to be something already complete" (Hymes, 1996, p. 4). Similarly Dwelling/ Prus (2012) state "*Die ethnografische Methode als Set von Regeln und Vorgaben existiert nicht, jedenfalls nicht in dem strengen Sinne, in dem der Begriff Methode häufig verstanden wird*" (*The ethnographic method in the sense of a set of rules and requirements does not exist. At least not in a strong sense, in which the term method is commonly used.* 11, translation mine). An ethnographic approach demands to stay open to the logic of the field under consideration and to the field's demands on the researcher. Hirschauer/ Amann (1997) describe the underlying research position as one of "discovery" (p. 8). This discovery needs to be reactive to the phenomena it encounters, therefore the researcher should not enter the field with a pre-determined set of methods but rather stay open to what the field suggests. This leads to a characteristic relation of method and empirical stance: "Dafür setzt die Ethnographie auf einen 'weichen' Methoden-, aber 'harten' Empiriebegriff. Dessen Prämisse ist die Unbekanntheit gerade auch jener Welt die wir bewohnen" (Therefore ethnography rests on a 'weak' notion of method, but a 'hard' notion of empiricism. The latter's premises is that especially the world we live in is unknown to us) (Hirschauer & Amann, 1997, 9). Hence, it is characteristic for the ethnographic endeavor, to be open to the field and focus on where for example argumentation can be

found and in what kind of practices it can be observed. This mirrors the concept of serendipity: Finding things you have not searched for in a narrow sense, but rather found by looking openly into a specific field (see Dellwing & Prus, 2012, p. 74). With a focus on argumentation a first step could be to move into the field and to observe, where argumentation occurs and where not. And what occurs, when there is no argumentation, where the researcher thought it would be?

When I started my fieldwork in the practice of a German defense attorney, my focus was to look at how the attorney builds a case and mobilizes statements as arguments. This preconception came from the English, adversarial system of criminal law. In the field my interest in 'how does the defense build a case' was countered by: we often don't do that, we don't have to, we merely have to weaken the case by the prosecution. Hence, watching arguments make their way to court was (and is) an entirely different matter in the German criminal system compared to the English and US.

When I started my data collection and field work in a kindergarten in order to look at child-child argumentation, I first had to develop an understanding when and where I can encounter child-child conversation. Where can I find children without adults in the kindergarten and in what kind of practices do they then engage in when they are on their own? And do they employ argumentation in these instances?

Almost all approaches to ethnography will place observation and participation at the center. This also includes that the participation has to endure over some period of time in order to get not only snap-shots but be able to follow the development in time, the sequential build-up, and thereby be able to gain an understanding of the field. At the same time the researcher also needs to be aware of the danger of 'going native'. Although an analysis needs to be comprehensive and consider the knowledge in the field by participants, the analysis needs to maintain a notion of the outside. Thus, the fundamental difference between the participants and me as an ethnographer in view of the phenomena should not be erased. Especially when conducting ethnography in the own culture, the ethnographer needs to alienate the field, what Hirschauer/Amann (1997) call *befremden*. Traditional social anthropology by definition has dealt with the alien, the unknown culture. When doing research in your own, seemingly familiar, culture this alienation needs to be achieved by an explicit will to "making the familiar strange" (Polner & Emerson, 2002, p. 121). This demands an ongoing reflection of the own role and position in the field. With respect to argumentation analysis

Kopperschmidt (1989) has formulated the idea of the virtual participant, to which I shall come back later (3.1).

The ethnographer herself functions as an instrument in the study (see Hymes, 1996, p. 13), an instrumentality that has to be embodied (see Hirschauer & Amann, 1997, p. 25). Hence, the experience accumulated through the 'being there' become part to the description of the field and the phenomenon under study and cannot be separated from it. This is not to be misunderstood to favor an overly subjective position as formulated for example in auto-ethnographic works². One could probably argue that every kind of ethnographic endeavor contains a portion of auto-ethnography as the reflection on the instruments of inquiry, the person of the researcher. However, the purpose differs radically.

In the following I shall lead up to the concept of an ethnography of argumentation by way of two other ethnographic approaches. The study of argumentation has always integrated interactional as well as epistemic approaches to argument, a division that should not be overstretched and that I will use mainly heuristically. This distinction however leads to two strands of ethnographical endeavors, that could (and do) inform the ethnography of argumentation. These are the ethnography of speaking / of communication and the ethnography of knowledge.

2.1 Ethnography of communication

Ethnography has not only been done by anthropologists and sociologists, but has found its way into linguistics quite some time ago (see among others Hymes, 1962, 1996; Tracy, 2005) and also into performance studies and rhetoric (Conquergood, 1992; Endres & Senda-Cook, 2011; Hess, 2011; Simonson, 2014). In the following the linkage between conversation analysis, argumentation analysis, and ethnography will be of special interest.

The ethnography of communication was preceded by what Hymes (1962) as well as Baumann/ Sherzer (1975) called the ethnography of speaking. "The ethnography of speaking is part of linguistic anthropology, arising out of the traditional anthropological concern with the interrelationships among language, culture and society"

² Especially in Performance Studies auto-ethnography have become a major methodological strand. In auto-ethnography the subject of discovery and the phenomenon under consideration merge or become the same. This approach has been debated with respect to its academic status (see Anderson, 2006; Atkinson, 2006), especially with respect to the fact, that an alienation of the field is not only not possible but also not wanted. Auto-ethnography should not be confused with the self-reflexive considerations by the researcher that are essential to any participant observation.

(Baumann/ Sherzer 1975, 95). Further on they define its subject in the following way: “its subject matter is *speaking*, the *use* of language in the conduct of social life.” (96, emphasis in the original). Hence, the interest lay in interactionally situated practices. Whereas this approach has been informed linguistically, Hymes (1964) a little later moved the focus from speaking to communication, with his seminal paper on “The Ethnography of Communication.” Keating (2002) states that this programmatic move has to be viewed as a response to the rise of Chomskian linguistics in the 1960ies, which have focused mainly on language as a system, disenfranchising it from the disciplines of the humanities (285). Hence, for the ethnography of communication, the unit of analysis was not the sentence but rather “the speech event, speech situation and speech community” (288).

The approach of an ethnography of communication has not only been brought forward by sociolinguists but has integrated different scholars interested in the use of language in interaction on a descriptive level, with the goal to be able to describe shared patterns. Keating (2002) points out, that the ethnography of communication program has held strong ties with Goffman’s microsociology and analysis of everyday talk, the performative turn introduced by Austin, Garfinkel’s ethnomethodology and its linguistic sibling, conversation analysis (see 286). Especially Goffman’s ethnographic approach to interactional, micro sociological orderings stand out here (see Goffman, 1989). The linkage between conversation analysis and ethnography is of special interest as they share several methodological assumptions. Both approaches are similar in their strong empirical orientation, at the same time facing the data openly and aiming at understanding, what it is, that is going on there, in the field. At the same time, both approaches are located on different levels of methodological concreteness: Whereas ethnography is a strategy, conversation analysis is a method; a method that can be employed in an ethnographic setting. Some scholars in conversation analysis include ethnographic knowledge, collected via forms of participation, field notes, ethnographic interviews or the like. In this sense Deppermann (2000) points out that conversation analysis can make use of ethnographic knowledge, for example in order to fill in gaps in the interpretation (pp. 108-109). In this sense ethnography or ethnographic knowledge would reside in the background of conversation analysis. When laying out an ethnography of argumentation, the role of ethnography is quite different. It does not provide a source that helps to understand the data under consideration, it restructures the notion of what to look for, when we study and analyze argumentation. This shift in focus is mainly inspired by approaches framed as an ethnography of knowledge.

2.2 Ethnography of knowledge

Besides the ethnography of communication, the ethnography of argumentation can relate to the ethnography of knowledge, as argumentation has essential epistemic relevance. Works in this realm ask, how knowledge is being produced, through which practices, through which ensembles of different materialities and human participants. Taking argumentation itself as a way to produce, test and actualize knowledge, this approach is central to the concept of an ethnography of argumentation.

Two major strands in this area are of specific relevance: The micro sociological, ethnographic study of laboratory work by Knorr Cetina and the work done from an actor-network-theoretical position by Latour. Both fall under the heading of Science and Technology Studies that investigate how, through which practices, knowledge is produced in different fields.

Knorr Cetina (1984), in her seminal essay on the fabrication of scientific facts, explicated the concept of knowledge leading her work. "(...)Knowledge is understood in terms of the social process of production which leads to knowledge claims, a process which can be empirically analyzed and specified" (p. 225). The term 'fabrication' should not be viewed pejoratively; it does not imply, that what we take as knowledge is a scam but rather, that knowledge and facts do not reveal themselves but are intertwined in procedures and practices that can be described and analyzed. The interest of the ethnographic work is how practices feed into the construction of something, that can later be treated as knowledge. Knorr Cetina points out that selection processes are at the core of these procedures, "chains of decisions and negotiations through which their outcomes are derived" (p. 227). Knorr Cetina's focus in her ethnographic work has been on laboratory studies, her major empirical studies took place in the CERN laboratory in Switzerland and a laboratory working in molecular biology (see Knorr Cetina, 2002).³

A related approach to Knorr Cetina's is Latour's (1987) analysis of science in action and the concept of black boxing. Starting from the same assumption that seemingly objective procedures contain interpretative and constructive portions, Latour suggests, to follow the career or history of the products of these procedures: knowledge. This allows for a description of the interactions of different factors (human and non-human) in these procedures. The central term in this approach

³ Also her more recent work on the spatial distribution and temporal fluidity of social situations in light of modern media under the heading of 'synthetic situation' are highly relevant for argumentation studies (see Knorr Cetina, 2009), although they do not relate as closely to an ethnography of knowledge.

is that of black boxing. It refers to the fact that scientific knowledge is usually cut from its history of production. "...[N]o matter how controversial their history, how complex their inner workings, how large the commercial or academic networks that hold them in place, only their input and output count" (Latour, 1987, p. 3). The aim of an ethnography of knowledge could be – following Latour – to reconstruct or follow the process of black boxing, thereby also gaining an insight into those paths that did not lead to success, to a stable fact (see Hannken-Illjes, Holden, Kozin, & Scheffer, 2007). Latour's (1987, 2002) take differs insofar from other approaches, as it works from the assumption, that material objects can acquire agency as well as humans and that the notion of humans as actors and non-humans as non-actors is not relevant for this kind of analysis. Thereby the objects in a process of generating knowledge, their affordances, and the practices around them become of central importance.

Culminating in 2010, the German town of Stuttgart witnessed an unprecedented wave of protest against the remodeling of its train station. Known as 'Stuttgart 21', the construction work demanded the cutting of 250 trees in the Schlossgarten, bordering the main station. During the protest, these trees became central as arguments against the remodeling as well as a place of protest itself. Early in 2012, 250 trees in the Schlossgarten were cut down. The felling left a void that could not be used anymore by the protestors. In the follow-up of the felling I was astonished to see that some of the cut trees, lying in a forest very close to the city, drew protestors. The trees were decorated, candles burning on them: the entire scene was very much reminiscent of a public viewing. I was surprised to see these – to me in the beginning rather obscure – practices and became curious: What was the role of the trees in the protest movement? How did they – as things, in their materiality, open to experience – participate? Were they even participants?

3. ETHNOGRAPHY OF ARGUMENTATION

The label 'ethnography of argumentation' has been around at least since the 1990ies. Two papers, both belonging to the field of pedagogy, explicitly take up the term. In 2005 Prior, in response to Andrew's (2005) claim that in pedagogy the available models to chart argumentation should be tried out in ethnographic studies in the classroom, proposed in his paper to "give the diagrams a bit of a rest and consider seriously the implications of seeing argumentation as sociohistorical practice, to ask how pedagogies can help attune students to the work of appropriating situated knowledge practices, to open up the ethnography of

argumentation (EOA) as a branch of the larger ethnography of communication” (p. 133). Prior argues for an ethnography of argumentation by referring to two different fields of study: the interactional study of argument(ation) and laboratory studies as a form of ethnography of argumentation. The commonality of these two fields is their focus on practices: practices of arguing and practices of producing and preparing claim for argumentation.

Interestingly enough the other publication that explicitly talks about an ethnography of argumentation by Krummheuer (1995) is from the didactics of mathematics. He studies how children argue when solving mathematical problems and relates these argumentative practices to epistemological practices. He names ‘establishing validity’ as a central feature in argumentation (see p. 232). “If one or several participants accomplish an assertion like ‘ $4 \times 10 = 10 \times 4$ ’ they do not only produce a sentence; rather they make a declaration inasmuch as they claim such a statement to be valid. By proposing it they are not only indicating that they try to act rationally, but also that they could establish this claim in more detail, if desired. Usually, these techniques or methods of establishing the claim or statement are called an *argumentation*.” (232, emphasis in the original). It is these practices ethnographers of argumentation would be interested in: What is done in a certain field in order to make a premise available. In the examples Krummheuer (1995) offers, these are not only discursive, but also material practices. When trying to solve mathematical problems, the children often refer to something outside of talk, as for example to their fingers. The epistemic function of argumentation is clearly in focus here, argumentation becomes a means to establish knowledge.

Although Prior and Krummheuer seem to be the two authors who use the label ‘ethnography of argumentation’ most prominently, there is also a lot of work done on the boarder of argumentation and rhetoric that takes up an ethnographic strategy. Tracy (2005) for example has put forward studies from different fields, concentrating on the mundane practices of rhetorical discourse and argumentation. Endres and Sanda-Cook (2011) stress the relevance of space and materiality as affordances for public discourse (and argumentation).

In order to render the strategy of an ethnography of argumentation more concrete I shall introduce two concepts / aspects that are at its core: The concept of ‘field’ and the unit of analysis. Here I shall argue that the notion of statements traveling through discourse and taken up through different field-dependent practices might fit best, although this notion of ‘statement’ will need to be refined with respect to the field under investigation. In this sense I will introduce Marcus’ methodological take of a multisited ethnography (Lauser, 2005; Marcus, 1995).

3.1 Field

As for the concept of field, this term is part of ethnography and argumentation studies alike (next to other disciplines, see Hannken-Illjes, 2006). But what is a field? And where and how is it to be found?

For ethnographic work, the being there in the field is the most crucial feature. Different from other social science approaches, ethnography is not striving for an account that is as objective as possible (and thereby as distanced from the phenomenon under study than possible), but rather aims at an understanding of the field in order to achieve a position from which this understanding can be countered with disciplinary understandings. This notion of intersubjectivity can also be found in Kopperschmidt's (1989) take on the scholar conducting argumentation analysis as a virtual participant. In this concept the analyst is not an external, objective and objectifying instance, but someone who threads into the argumentation, while she is absolved from the commitments the actual participants have to make. As Kopperschmidt puts it, the analyst is not different from the actual participants through her knowledge or ability to critically assess arguments but through putting the reflexive potential to extensive use, a potential that is already part of argumentation (pp. 81-82).

Gaining access to a field is one of the most crucial and often times one of the most complicated actions. Access depends on trust, oftentimes trust delivered via gate keepers, and it takes time. In our study on the ethnography of criminal procedures I found myself having gained access to a lawyer's practice, but not to the data. Gaining access is an ongoing process, that needs to be renegotiated continually (see Kozin, Hannken-Illjes, & Scheffer, 2009 for the following excerpts).

The files

My first entry point to the criminal case work was through the file and the lawyer's brief introduction of it. There are basically two different types of files the lawyer uses: the *Gerichtsakte* or *Ermittlungsakte* (the discovery file) and the *Handakte* (the lawyer's file). The selection of a case was often done by the lawyer who would say "I have something for you" and place a file right in front of me. His way of picking cases for me was led by basically two considerations: first, does the case have an interesting twist to it and second, to help me to cover as many different offences as possible. Although I mentioned several times that the kind of the offence is not that important to me, he stuck to this criterion, maybe following the logic that an intern or law student should see as many different cases as possible.

The lawyer's file – to write or not to write

The lawyer's file opened the view on the case development from the perspective of the defense. They usually started with the name and address of the client and with information on relatives who could or should be contacted. It also contained the correspondence between the lawyer and the client. However, my access to these files was restricted to some cases – with Mr. Gabriel's cases some lawyer's files were off limit. Once we talked about preparation, Mr. Gabriel stated that in criminal law as little should be put down in writing as possible. A new rather conceptual challenge emerged. How do you follow something that is consciously omitted but informs the argumentative strategy exactly through this omission? How do you experience, witness and describe omission?

Up to now I have treated 'field' as a somewhat unproblematic concept. But, the notion of 'field' is everything but unproblematic, at least not when field is used to mean more than site. For an outline of an ethnography of argumentation, I will discuss the concept of field from two directions: Toulmins (1958) concept of field and its development in argumentation studies and the anthropological-ethnographical discussion, focusing on Marcus (1995) suggestions for a multisited ethnography.

For argumentation studies the concept of 'field' has been one of the most fuzzy and productive at the same time. Toulmin (1958) introduced the concept to account for the fact, that although arguments might be structurally sound they can at the same time lack relevance for a certain discourse, hence, the form of arguments is field-independent whereas their relevance is field-dependent. This concept has been understood to relate to different disciplines (see Wenzel, 1982) and Toulmin's own conception could be read that way, when he refers to fields as different "logical types" (104). This stresses the epistemic relevance of fields. At the same time fields seem to be stable, pre-given entities. In contrast to this understanding, Willard (1983) formulates an understanding of the argumentation field that corresponds to the concept of field as formulated by Bourdieu (1998), as a social structure that is constituted through practices: that fields "exist in and through the ongoing defining activities of their actors" (Willard, 1983, p. 439). This concept stresses the notion of practice that, although encompassing stability through routinization, at the same time points at the fluidity of the field, as practices need to be performed.

In 1995 Marcus distinguished between the common, traditional ethnographic approach to study a single site and an approach that reflects macro theoretical assumptions about the change of cultural forms that can be properly understood only if one goes beyond the

concentration on a single site. “The other, much less common mode of ethnographic research self-consciously embedded in a world system, now often associated with the wave of intellectual capital labeled postmodern, moves out from the single sites and local situations of conventional ethnographic research designs to examine the circulation of cultural meanings, objects, and identities in diffuse time-space. This mode defines for itself an object of study that cannot be accounted for ethnographically by remaining focused on a single site of intensive investigation.” (96). Marcus calls this strategy a ‘multi-sited-ethnography’. “Strategies of quite literally following connections, associations, and putative relationships are thus at the very heart of designing multi-sited ethnographic research” (97). The modes of construction of these kinds of ethnographies are characterized by a methodological take to follow something through different sites, different situations. Marcus (1995) provides a list, including exemplary studies of what could be followed: Follow the People, Follow the Thing, Follow the Metaphor, Follow the Plot, Story, or Allegory, Follow the Life or Biography and Follow the Conflict (see 105ff.). This approach has been criticized for falling into a holistic fallacy and aiming at a comprehensive coverage that is impossible to achieve. Also the question of how spatially dispersed an ethnography must be to count as multi-sited (for a summary of the critique see Falzon, 2009, p. 13) plays a role in the criticism. Maybe this ‘following’ should be thought of not only spatially but also temporally, in the sense of writing the histories, the careers of certain phenomena, with their pasts, presents and futures.

Marcus’ perspective includes two important aspects. For one, it takes a unit of analysis – just let it be an argument or a premise – as something that stays the same (otherwise it could not be followed) and is still changing, due to its employment in different social situations. This oscillating between the stable and the changing is not to be viewed as a problem (although it might prove problematic in practical research) but as the aspect that renders new insights into phenomena: First, how an argument is used, then taken up again in a different situation tells you something about the way arguments and therewith validity is produced. The question of when participants in the field treat something as ‘the same argument’ or ‘a different argument’ can shed light on the field-related distinctions with respect to the relevant *topoi* in the field. Second, the focus shifts to how an argument, a premise is taken up, by whom, with what means and how this affects the form of the argument. The approach is interested in how the take up of the argument in different situations aligns those. “Multi-sited research is designed around chains, paths, threads, conjunctions, or juxtapositions of locations in which the ethnographer establishes some form of literal, physical presence, with an explicit, posited logic of association or connection among sites that in fact

defines the argument of the ethnography." (Marcus 1998, 90 in Lauser 2005, 12).

In criminal proceedings: follow the theme through the file, the lawyer-client interview, the brief talk in the hallway, the trial with witness testimony, the protocol of the trial, the appeal...
In the Stuttgart 21 protest: follow the trees and the theme of the tree in different narratives and as the trees themselves...
In the kindergarten: follow the children, follow the single child, follow a theme through different situations...

For argumentation not only the program of the multisited ethnography is relevant but even more so the concept of transsequentiality by Scheffer (2019). Informed by analytic ethnography and conversation analysis, Scheffer developed a methodology that links the here-and-now with the different temporalities made relevant by the participants and by the procedures the phenomena travel through. When participants act *in situ*, these actions are not only rooted in the situation, but have a history as pre-formed formulas (like *topoi*) or have been solidified prior to this situation through circulation and reiteration (see also Latour, 1987, pp. 31-44).

What is the unit of analysis in an ethnography of argumentation, if it is not the argument itself, but rather the becoming of an argument, the career an argument makes? What is the temporalized form of an argument?

3.2 Unit of analysis

As the ethnography of argumentation does not focus on the argument but on the becoming of an argument, the unit of analysis is rather the statement, utterance, note that can potentially be taken up argumentatively and the development of this ... this what?

When linking the ethnography of argumentation with the ethnography of knowledge one could assume that the unit of analysis is the *topos* as an epistemic resource and the ways in which it is being actualized and mobilized. At the same time this would overstretch the concept of *topos* radically.

When a young man, confronted with charges of robbery, responds to the question of where he lives, that he lives with his grandmother, and when he uses the same phrase in a second interview as a reason why he would never rob elderly women, and when this gets independently used as a reason why a witness cannot imagine him to be doing something like that, and when these statements get highlighted by the defense

attorney, and when in a first briefing when introducing the case the attorney tells the researcher, that he does not think that the defendant is really guilty because he lives with his grandmother, and when the grandmother herself says that he is a good boy who would not do something like. What is it that is travelling here? And what can the travelling tell about the practices necessary to make an argument fit for the court room? And is this really one argument travelling or rather several which are just so similar on the surface that they oscillate between the same and the different, and very functionally so?

Knoblauch (2000) in his paper on a communicative topic, suggested to take a topos in interaction as a “thematic routine” (p. 659, my translation) that can have different levels of specification and that can be put to an argumentative use. At the same time, he stresses the importance to these thematic routines for the management of what we consider to be valid, the common sense if you will. Thus, a theme, in the sense of a situated, case-specific topos could be viewed as one possible unit of analysis: What is the theme, how is it being dealt with – verbally as well as in other modalities – and in what way does it relate to argumentation? At the same time, the researcher should be open to the field, not fixing her notion of what to find to early. Methodological openness and being there remain at the core of the endeavor.

4. CONCLUSION

In July 2014, in his keynote-address delivered to the ISSA-Conference, Frans van Eemeren urged argumentation studies to turn more towards empirical studies, and not only quantitative but also qualitative approaches. An ethnographic approach can be one response to this challenge.

An ethnography of argumentation allows for insights into argumentation that are crucial in order to understand argumentation as a situated practice that is not divided from other interactional practices. It can also show the specifics of different (argumentation) fields: What material affordances are taken up in order to mobilize a becoming argument, a theme, a topos? Thereby this kind of work can allow insights into the ways in which a field establishes knowledge, tests knowledge, at what stages knowledge production can fail. At the same time, an ethnographic approach will only allow for case-specific, situated descriptions and readings, not inviting generalization (although also not shutting out generalization altogether).

As an ethnographic approach is not a method but asks for an open view of the field and a development of the methods in contact and in

response to the field, this kind of work could also advance argumentation theory by starting from participant categorizations of argumentative practices or practices that feed into argumentation, thereby refining the notions of argumentation we have.

REFERENCES

- Anderson, L. (2006). Analytic Autoethnography. *Journal of Contemporary Ethnography*, 35(4), 373-395. doi:10.1177/0891241605280449
- Andrews, R. (2005). Models of Argumentation in educational discourse. *Text*, 25(1), 107-127.
- Atkinson, P. (2006). Rescuing Autoethnography. *Journal of Contemporary Ethnography*, 35(4), 400-404. doi:10.1177/0891241606286980
- Breidenstein, G., Hirschauer, S., Kalthoff, H., & Nieswand, B. (2013). *Ethnografie. Die Praxis der Feldforschung*. Konstanz / München: UVK / UTB.
- Conquergood, D. (1992). Ethnography, Rhetoric, and Performance. *Quarterly Journal of Speech*, 78(1).
- Dellwing, M., & Prus, R. (2012). *Einführung in die interaktionistische Ethnografie. Soziologie im Außendienst*. Wiebaden: Springer.
- Deppermann, A. (2000). Ethnographische Gesprächsanalyse: Zu Nutzen und Notwendigkeit von Ethnographie für die Konversationsanalyse. *Gesprächsforschung*, 1, 96-124.
- Deppermann, A., Feilke, H., & Linke, A. (2015). Sprachliche und kommunikative Praktiken: Ein Annäherung aus linguistischer Sicht. In A. Deppermann, H. Feilke, & A. Linke (Eds.), *Sprachliche und kommunikative Praktiken*. (pp. 1-23). Berlin / Boston: de Gruyter.
- Endres, D., & Senda-Cook, S. (2011). Location Matters: The Rhetoric of Place in Protest. *Quarterly Journal of Speech*, 97(3), 257-282.
- Falzon, M.-A. (2009). Introduction: Multi-sited Ethnography: Theory, Praxis and Locality in Contemporary Research. In M.-A. Falzon (Ed.), *Multi-sited Ethnography: Theory, Praxis and Locality in Contemporary Research*. (pp. 1-23). Farnham / Burlington: Ashgate.
- Geertz, C. (1987). Dichte Beschreibung. Beiträge zum Verstehen kultureller Systeme. In *Materialien für den Unterricht* (1. Auflage ed.). Frankfurt am Main: Suhrkamp Taschenbuch Wissenschaft.
- Goffman, E. (1989). On Fieldwork. *Journal of Contemporary Ethnography*, 18(2), 123-132. doi:10.1177/089124189018002001
- Hannken-Illjes, K. (2006). In the Field. The Development of Reasons in Criminal Proceedings. *Argumentation*.
- Hannken-Illjes, K. (2014). On Trees: Between the Symbolic and the Material. In C. Kock & L. Villadsen (Eds.), *Contemporary Rhetorical Citizenship* (pp. 117-130). Leiden: Leiden University Press.
- Hannken-Illjes, K. (2018). *Argumentation. Einführung in die Theorie und Analyse der Argumentation*. Tübingen: Narr.
- Hannken-Illjes, K., & Bose, I. (2018). Establishing validity among preschool children. *Argumentation in Context*, 7(1), 1-17.

- Hannken-Illjes, K., Holden, L., Kozin, A., & Scheffer, T. (2007). Trial and Error. Failing and Learning in Criminal Proceedings. *International Journal for the Semiotics of Law*, 20, 159-190.
- Hess, A. (2011). Critical-Rhetorical Ethnography: Rethinking the Place and Process of Rhetoric. *Communication Studies*, 62(2), 127-152.
- Hirschauer, S., & Amann, K. (1997). Die Befremdung der eigenen Kultur. Ein Programm. In S. Hirschauer & K. Amann (Eds.), *Die Befremdung der eigenen Kultur. Zur ethnographischen Herausforderung soziologischer Empirie*. Frankfurt/ Main: Suhrkamp.
- Hymes, D. (1962). The Ethnography of Speaking. In T. Gladwin & W. C. Sturtevant (Eds.), *Anthropology and Human Behavior* (pp. 13-52). Washington D.C.: Anthropological Society of Washington D.C.
- Hymes, D. (1964). Toward Ethnographies of Communication. *American Anthropologist*, 66(6), 1-34.
- Hymes, D. (1996). *Ethnography, Linguistics, Narrative Inequality. Toward an understanding of voice*. London, Bristol: Taylor & Francis.
- Knoblauch, H. (2000). Topik und Soziologie. Von der sozialen zur kommunikativen Topik. In T. Schirren & G. Ueding (Eds.), *Topik und Rhetorik* (pp. 651-667). Tübingen: Niemeyer.
- Knorr Cetina, K. (1984). The Fabrication of Facts: Toward a Microsociology of Scientific Knowledge. In N. Stehr & V. Meja (Eds.), *The Sociology of Knowledge* (pp. 223-244). New Brunswick: Transaction Books.
- Knorr Cetina, K. (2002). *Wissenskulturen: Ein Vergleich naturwissenschaftlicher Wissensformen*. Frankfurt am Main: Suhrkamp.
- Knorr Cetina, K. (2009). The Synthetic Situation: Interactionism for a Global World. *Symbolic Interaction*, 32(1), 61-87. doi:10.1525/si.2009.32.1.61
- Kopperschmidt, J. (1989). *Methodik der Argumentationsanalyse*. Stuttgart: frommann holzboog.
- Kozin, A., Hannken-Illjes, K., & Scheffer, T. (2009). On Open Doors and Closed Files. Some Lessons in Accessing Criminal Proceedings in England, Germany and the US. *Zeitschrift für Rechtssoziologie*, 30(2), 215-234.
- Krummheuer, G. (1995). The Ethnography of Argumentation. In P. Cobb & H. Bauersfeld (Eds.), *The Emergence of Mathematical Meaning: Interaction in Classroom Cultures*. Hillsdale, Hove: Lawrence Erlbaum Associates.
- Latour, B. (1987). *Science in Action. How to Follow Scientists and Engineers through Society*. Cambridge: Cambridge University Press.
- Latour, B. (2002). *Die Hoffnung der Pandora*. Frankfurt am Main: Suhrkamp.
- Lauser, A. (2005). Translokale Ethnographie. <http://www.qualitative-research.net/fqs-texte/3-05/05-3-7d.htm>
- Marcus, G. E. (1995). Ethnography in/of the World System. The Emergence of Multi-Sited Ethnography. *Annual Reviews Anthropology*, 24, 95-117.
- Polner, M., & Emerson, R. M. (2002). Ethnomethodology and Ethnography. In P. Atkinson, A. Coffey, S. Delamont, J. Lofland, & L. Lofland (Eds.), *Handbook of Ethnography*. London, Thousand Oaks, New Delhi: Sage.
- Prior, P. (2005). Toward the Ethnography of Argumentation. *Text*, 25(1), 129-144.
- Scheffer, T. (2019). Spielarten der Transsequentialität. In S. Gießmann, T. Röhl, & R. Trischler (Eds.), *Materialitäten der Kooperation* (pp. 345-372). Wiesbaden: Springer.

- Scheffer, T., Hannken-Illjes, K., & Kozin, A. (2010). *Criminal Defense and Procedure. Comparative Ethnographies in the United Kingdom, Germany, and the United States*. London: Palgrave.
- Simonson, P. (2014). Rhetoric, Culture, Things. *Quarterly Journal of Speech*, 100(1), 105-125.
- Toulmin, S. (1958). *The Uses of Argument*. Cambridge: Cambridge University Press.
- Tracy, K. (2005). Reconstructing Communicative Practices: Action-implicative Discourse Analysis. In K. L. Fitch & R. E. Sanders (Eds.), *Handbook of Language and Social Interaction* (pp. 301-319). Mahwah, New Jersey: Lawrence Erlbaum.
- Wenzel, J. (1982). On Fields of Argument as Propositional Systems. *Journal of the American Forensic Association*, 18, 204-213.
- Willard, C. A. (1983). *Argumentation and the Social Grounds of Knowledge*. University of Alabama Press.

“I said what I said’ - Black women and argumentative politeness norms”

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This paper seeks to complicate two primary norms within argumentation theory: 1- engaging with one’s interlocutors in a ‘pleasant’ tone and 2- speaking directly to one’s target audience/interlocutor. Moreover, I urge argumentation theorists to explore various cultures’ argumentative norms and practices when attempting to formulate more universal theories regarding argumentation. Ultimately, I aim to show that the two previously mentioned norms within argumentation obscures and misrepresents many argumentative practices within African American Vernacular English – or Ebonics, specifically the art of signifying.

KEY WORDS: AAVE, Feminist Argumentation Theory, Intersectionality, Modus Tonens

When we dissent, ideally, we enter an argument in which each interlocuter approaches and engages holding argumentative civility norms in mind. Within the argumentation theory literature, it is not uncommon for reasonable dissension to involve civil words (Aikin and Talisse 2008, van Eemeren and Grootendorst 2004, Burrow 2010) and treatment of interlocutors as epistemic peers (Cohen 2002, Hundleby 2013, Aikin and Talisse 2008), which includes properly addressing arguments towards interlocutors rather than using proxies or argumentative surrogates. To deviate from these practices and to intentionally subvert these norms is considered at best an argumentative faux pas and at worse vicious. However, such norms are specifically modelled after ‘dominant’ Western argumentative practices and conceptions.

This paper seeks to complicate two primary norms within argumentation theory: 1- engaging with one’s interlocutors in a ‘pleasant’ tone and 2- speaking directly to one’s target audience/interlocutor. Moreover, I urge argumentation theorists to explore various cultures’ argumentative norms and practices when attempting to formulate more universal theories regarding argumentation. Ultimately, I aim to show that the two previously mentioned norms within argumentation

obscures and misrepresents many argumentative practices within African American Vernacular English – or Ebonics, specifically the art of signifying.

This paper will proceed in the following manner: first, because many within my audience will be unfamiliar with the practice of signification within AAVE, I provide a brief description along with a few case examples to highlight the ways in which signifying does and does not work. It is a practice that is not only appropriate, but in many ways within Black African-American women's communities expected to be mastered and deployed. Engagement with signifying is paradoxically a disrespectful signal of respect. From here, I give an exegesis on norms of engagement utilizing a 'pleasant' tone. I engage with Aikin and Talisse's conception of 'modus tonens' along with several different variants of non-adversarial feminist argumentation models (NAFAM). Aikin and Talisse conceive deployment of an incredulous tone of voice, which implies that the interlocutor is cognitively subordinate, as vicious. NAFAM also perceives such practices as vices; moreover, all the models attribute such practices to the furthering oppression of women.¹

I use signifying within Black African-American women's speech communities (BAAWSC)² as an example to show not only that such practices should not be construed as vicious (even though they are utilized to display dominance and support subordination), but that they are forms of argumentative bonding and empowerment. From here, I review the norm of proper addressment with an interlocuter/audience. It is considered rude and bad argumentation to not properly address the target for one's dissension, especially if some of the only acknowledgment is exercised in a demeaning or belittling way. I situate the BAAWSC practice of signifying against this commonly accepted norm and argue that such a norm is not the 'norm' within many of our language communities. Signifying is often modelled after Niger-Congo call and response methods of argumentation, which relies of indirectness, surrogate interlocutors and 'reading someone to filth.' While such practices are indeed meant to 'turn someone out,' they are also meant as a civil means of argumentation. To not engage in such practices is either flat out rude behavior or the art of signifying is seen as too complicated for outsiders of our practices to deploy. That is to say, you play the game or you can't hang.

¹ Elsewhere I have argued that upon further examination of NAFAM, the critiques along with the suggested remedies to the adversarial method focus on white women's oppression, rather than all women's oppression. See Henning (2018).

² I want to explicitly state, that not all Black African-American women engage in these communicative practices. These practices are neither sufficient nor necessary in order to consider oneself and be considered by others as a Black woman. However, there is a common historical narrative and cultural backdrop that we do share, which makes a category, such as BAAWSC, possible.

I conclude this paper with some remarks as to the stakes of not properly nor seriously taking into account other argumentative practices within academia's argumentation theories, especially the norms for dissension. Given the precarious depictions of Black women within the United States (and globally) coupled with a misunderstanding of our communicative norms and practices, it is all too easy to write off standards that deviate from the dominant Western norms as rude and the Black women deploying them as angry, brusque, or 'difficult to deal with.' I rely on Collin's (1998, 2009) notion of 'controlling images' to show that this particular form of oppression in conjunction with a lack of engagement with our argumentative practices within the literature forces many of us to resort to practices such as code switching. If code-switching is not properly mastered and our practices of argumentation is utilized within dominant Western settings, then we become more susceptible to what Bondy refers to as argumentative injustice (2010).

1. 'TALKIN LIKE A MAN WITH A PAPER IN HIS HAND'

The art of signifying is a practice that falls within the highly contested conception of Ebonics – also known as African American Vernacular English (AAVE), Black English, Black Vernacular English, or Black English Vernacular.³ The language practice incorporates English words, but retained syntactic features found within Niger-Congo languages and follows distinct linguistic rules including but not limited to: negative concord, deletions of verb copulas, habitual aspect markers, semantic bleaching, and 'it' for the dummy explicative 'there' (Smitherman 2015). Rules such as these are regulated and maintained. There is a proper and improper way of speaking Ebonics, or AAVE, so it is not merely 'in vogue' bad English, or simply reducible to slang. So those who speak it are not using poor English enunciation or grammar, nor is its usage signs of cognitive disorders. "Language use is disordered or defective when one's

³ Ebonics is a conglomeration between the words 'ebony' and 'phonics,' pertaining to the linguistic practices found in West African, Caribbean, and United States African slave descendants. It encompasses both verbal and non-verbal linguistic practices. Several scholars are still in disagreement as to whether Ebonics should be classified as a dialect or a language. For the purposes of this paper, I choose to remain neutral on this matter as the outcome of this debate does not bear on whether or not the practices of signifying within BAAWSC should be considered as counter examples to the two norms of argumentation theory that I examine. The point is that these practices occur, and such practices do not rely on Ebonics being a language, dialectic, or something else entirely. What is important for my purpose; however, is the understanding that Ebonics is not merely 'bad' American English. For more on the Ebonics debate, see Blackshire-Belay (1996), Crozier (1996), Smitherman (2015) (2000), and Williams (1975).

skills register lower than one's peers" (Kirk-Duggan, 141). With AAVE containing regulative rules and practices enforcing proper usage, its utilization is not a sign of deficiency in linguistic nor argumentative skill. In fact, quite the opposite. I say all of this to stress that the practice and art of signifying is not bad argumentation run amok, but rather illustrates particularized structured and enforced norms of engagement.

Signifying or signification⁴ is a specific type of speech act within AAVE that utilizes exaggeration, irony, and indirection to partake in coded messages, riddled with insults, during discourse (Morgan, 2002). It heavily relies on indirection and the focus can be either "on a person, thing, or action either for fun or for corrective critique" (Kirk-Duggan, 142). Gates, Jr. characterizes signifying as a practice that "subsumes other rhetorical tropes, including metaphor, metonymy, synecdoche, and irony, and also hyperbole, litotes, and metalepsis" (686). One subset of signifying that the reader may be familiar with is the practice of 'playin the Dozens,' where "the one signified usually is a person's mother" (Kirk-Duggan, 142). And examples of such would be 'yo momma so dumb, I gave her a penny fo her thoughts, and I gots change.' Within a 'Dozens' exchange, an indirected discourse takes place where, in my example, the personal being signified is acting as a surrogate or intermediary for the targeted exchange – they are an associated or ancillary target, while the real target is the overhearer. Morgan states "speakers who use indirectness actually mean to target certain individuals and they mean to do so indirectly" (2002, 47). The dissension is coded, and at face value might not be seen to others outside of BAAWSC as targeting someone other than 'their momma.' Morgan notes that often within AAVE, indirectness can take two forms: pointed indirectness and baited indirectness. Within this paper, I focus on pointed indirectness, which is enacted either when a speaker is acknowledged to say something to a surrogate receiver, but the target is different, or when local knowledge is drawn upon to target someone seemingly ancillary to the discussion.⁵

Within the following segmented conversation, I hope to highlight some of the key features within signifying. The conversation takes place between three members of my paternal family and myself: Sherry – also known as Baby Alice (a 62-year-old social worker), cousin Deborah (a 61-year-old social worker), and my grandmother Geraldine (an 84-year-old retired factory worker). The argument involves why Sherry, who is older

⁴ It is also referred to as sounding or snapping.

⁵ Conversely, baited indirectness is "when a speaker attributes a feature to a general target and audience that may be true for a segment" (Morgan, 2002, 47). This tactic is often used to see which members of the audience 'speak up' or 'fess up' to the generalized feature and in doing so, exposes themselves – hence the name "baited indirectness."

than Deborah, is referred to as the baby of the family, despite being my father's older sister and older than her cousin Deborah. We are sitting around my grandmother's kitchen table, with everyone directing their responses towards me, despite me only speaking twice and raising two questions.

Tempest: Just gettin' somethin' straight – Aunt Sherry, you're older, yea? Than Deborah?

Sherry: Older and wiser hon, but *none* would know just by lookin
Tempest: So, why we call you 'baby Alice'?

Deborah: No, no, no, now now Tempie... Baby Alice gets mad when we call *it* that

Sherry: Don't *you* be listenin to that nonsense now, *some peoples* just mad cause I'm the baby with baby privileges

Deborah: Nah she means *she* gets babied... Tempie, now listen here...

Geraldine: But she *aint'* the baby – that's your daddy

Sherry: Right, but *I'm* my momma's baby

Deborah: "I'm my momma's baby" [mocking tone] - Nah, Tempie *it gets babied*

Sherry: [cackles] Tell her Tempie, I get babied because I'm the baby. There's a *whole lotta peoples* who get jealous of that fact – gotta watch out for ems

Deborah: Whatchu gotta watch out for are peoples who get dems special treatment and favoritisms. They end up not being able to do nothin fo demselves

Geraldine: uh...watch out now! Girl [addressing Tempest], why you gone and start up nonsense?

Within this dialogue, Sherry, Deborah, and Geraldine all offer competing conceptions of what it means to be the baby of the family – an obvious case of dissension. Sherry views being the baby as specialized treatment – pampering and attention, Deborah expresses conflicting notions stipulating that such special treatment marks the individual as incompetent, while Geraldine offers up an interpretation of being the baby of the family as someone who is literally just that – the baby of the family. The signification specifically occurs when all three members engage in the argument through me, the surrogate receiver, but each of these women's comments are signals to one another. Sherry and Deborah are arguing with one another through my presence initiated only by my preliminary questioning.

Moreover, the indirectness discourse and reference to one another as 'that,' 'it,' or 'a whole lotta peoples' utilizes unambiguous referents commonly used within AAVE. Such referents are often used to signal who the specific target is regarding the signifying – in one case it's

a pointed indirectness when Deborah refers to Sherry as 'it,' and in another case towards the end of this segment, Sherry deploys baited indirectness invoking 'a whole lotta peoples' to illicit a response from Deborah and Deborah responds in turn. But each woman directs their responses to one another through me, the surrogate receiver. Sherry also 'reads' Deborah in her initial response to my question, by insinuating that while she is older than Deborah, Sherry looks better. The conversation ends with my grandmother shaking her head and criticizing my initial line of questioning.

Within BAAWSC there is a saying "Talking like a man with a paper in his hand" which refers to individuals who lack the skill and know-how to understand that raising questions within social contexts need to be grounded in contexts "which incorporate or reflect their reasoning, rather than simply satisfy[ing] institutional or intellectual curiosity" (Morgan, 52). Directed discourse, within the art of signifying, is devoid of any notion that discourse is co-constructed intent. Morgan demarcates directed discourse from indirect discourse not only via the lack of indirection, but also the lack of audience collaboration along with lack of nuance and attention to varying social contexts (1989). At the end of this conversational segment, my grandmother was critiquing my direct question and insinuating that I should have used better reasoning for my questions.⁶ Directed discourse is seen as a 'work' or 'school' communicative style,⁷ and the proper employment or shifting from indirected discourse within AAVE to directed Standard English discourse is known as code-switching. More will be said on this phenomenon later.

Direct discourse is seen, within Standard English and the literature involving norms of argumentation, as the agreed upon (and preferred) intent of the interlocutors. That is to say, within these dominant frameworks of argumentation, parties enter into argumentative discourse with the understanding to reach some kind of truth or compromise. And this intent is seen to be understood by both parties, but such an intent within BAAWSC is perceived to be merely institutional ways of known, so lines of questioning enacted directly are "confrontational, intrusive, and presumptuous" (Kochman, 99). Jones takes a stronger stance and asserts that directed questions are potentially harmful to the respondents (1988). Within the following two sections, I will expand more upon the argumentation literature that endorses 'polite' directed discourse.

⁶ Specifically, I should have known better than to have asked such things given what all I know about each woman and the family dynamics.

⁷ In full disclosure, I initiated this conversation in hopes of eliciting examples of signification, so my grandmother's critique was apt. The communicative style of directed discourse here was indeed used for work.

2. MODUS TONENS

Within the previous section, I outlined the basic practice of signifying and having given the reader a basic understanding of how the practice functions, I will now give an overview of the argumentative vice within argumentation theory regarding politeness, ‘modus tonens,’ which stipulates that condescending tones and inflections should not be used in insincere manners. I view the vice of ‘modus tonens’ originating from the conglomeration of adhering to both the virtues of the sincerity principle and the politeness principle.

Below is an illustrative example of ‘modus tonens’ entitled “Gun Control”:

Speaker 1: You see – if we allowed more people to carry handguns, then we would have fewer cases of gun violence.

Arming people has a deterrent effect.

Speaker 2: so, let me get this straight – *more* people with guns will *reduce* gun violence?

(To the audience): *More people with guns will reduce gun violence?!?* (Aikin and Talisse, 522, emphasis in original).

‘Modus tonens’ refers to the averse use of tone in a speaker’s voice, which is used to manipulate the audience/overhearers. While Aikin and Talisse acknowledge, that certain viewpoints are so ludicrous that we may react out of surprise, what makes ‘modus tonens’ particularly insidious and vicious is that “it controverts the goals of argumentative exchange” (532). This tactic does not adhere to the goals of argumentative exchange because it 1- shifts the burden of argumentative proof in an inappropriate way and 2- epistemically subordinates one of the interlocutors. Within the Gun Control case, Speaker 2 rejects Speaker 1’s claims, but does so without offering up reasons why they reject the claim or reasons why the audience should reject the claim. As a consequence, Speaker 2 has placed the argumentative ball back in Speaker 1’s court without having to ‘dirty their hands.’ Moreover, Speaker 2 has not only steered the argumentative ball away from their court, but they have done so in a manner that “one’s interlocutor is cognitively subordinate” and gives “an assessment of the dialectical situation disguised as a directive within it” (Aikin and Talisse, 524). So, these speech acts are not a form of commissives that displays non-acceptance of a standpoint or argumentation.⁸ Directives such as these not only assert that the interlocutor is not to be considered an epistemic peer, but also does so in a manner that offers up the claim that

⁸ Van Eemeren and Grootendorst define commissive speech acts as “acts in which the speaker or writer undertakes vis-à-vis the listener or reader to do something or to refrain from doing something” (64). I will say more later as to whether or not signifying should be viewed as commissive or directive speech acts. I argue that Aikin and Talisse wrongfully see ‘modus tonens’ as strictly directives.

the interlocutor is not to be considered an epistemic peer by using *non-argumentative means*. Given this, 'modus tonens' not only shifts the argumentative burden, but also puts interlocutors, such as Speaker 1, in a position to defend their cognitive ability.

However, not all cases of 'modus tonens' are created equal. Aikin and Talisse distinguish between using this tactic at the opening and closing of argumentative exchanges. If modus tonens is deployed at the closing of arguments, then the conclusion "still registers non-acceptance, but its vice is that it does not provide any reason for rejecting the conclusion beyond is supposed *prima facie* implausibility" (525). It merely is a failure of good argumentative cooperation. If the tactic is used at the opening of argumentative exchanges, then Aikin and Talisse deem it to be vicious, because the stage has been set, without proper justification, that we should reject the interlocutor's standpoint and arguments.

Returning to signifying, we can better see how at first glance such a practice might be construed as falling under the category of 'modus tonens.' Recall my previously mentioned exchange – the majority of the comments were laced with incredulous and sarcastic tones directed towards me, regarding the other interlocutors (namely Sherry and Deborah). Deborah clearly restated Sherry's comment "I'm my momma's baby" with well-placed inflections to dismiss and render Sherry as epistemically subordinate. Deborah even takes it one step further and directs me not to listen to my Aunt Sherry and corrects Sherry's interpretation of the topic at hand (why Sherry is called Baby Alice) stating "*It gets babied.*" The argumentative ball also gets thrown around a few times without actually addressing each other's objections or claims. My assenting to one view of the argumentative claims was a test to see where exactly my loyalties lie – with my cousin or with my aunt. Although as a quick aside, the surrogate interlocuter or overhearer, is typically not to be heard, only seen. Any obvert interjections would have been perceived as engaging in directed discourse, which would have been rude.⁹

Strong or extreme cases of 'modus tonens' involves using the tactic as "purely oratorical...in which the speaker is actually making a gesture wholly for the sake of the onlooking audience" (Aikin and Talisse, 527). One could easily (albeit mistakenly) surmise that the art of signifying is done for the overhears or surrogate interlocutors, especially

⁹ Also, I will note that seniority plays a salient role within signification exchanges. Although I am a grown woman, with a household of my own, compared to my older matriarchs I am still a girl and it would be inappropriate for me to interject myself in such an argument. For more on the roles of BAAWSC in terms of 'rites of passage,' see Morgan (2002).

since all the comments within the aforementioned example were directed towards me. The women were speaking to me, yet I was not the target for their claims, rather I was serving merely as a proxy or surrogate. I was the audience. But signifying is not just for the audience, the practices are done for the speaker, hearer, and overhearer. The practice is one in which not only the audience is taken into consideration, but also the interlocutors along with the speaker themselves. It is a collaborative endeavor that requires all parties assenting to the rules of AAVE.

I would hardly classify such an exchange as vicious or derailing of argumentation itself. Aikin and Talisse purport that speech acts which are laced with incredulous tones and assert epistemic subordination are best construed as directives rather than commissives; however, I disagree. Commissive speech acts can serve various roles within argumentation including:

- (1) accepting or not accepting a standpoint, (2) accepting the challenge to defend a standpoint, (3) deciding to start a discussion, (4) agreeing to assume the role of protagonist or antagonist, (5) agreeing to the discussion rules, (6) accepting or not accepting argumentation, and – when relevant – (7) deciding to start a new discussion (van Eemeren and Grootendorst, 68).

The start of signifying, on my view, serves as a commissive since it fulfills van Eemeren's and Grootendorst's points 3 and 4 – the onset and agreeance to play particular roles. Within my example, the onset of signifying began with Deborah's entry into the conversation and by continuing the argument, both Sherry and Geraldine assented to the rules (5) and roles (4). Later within the argument, we can see how directives do come into play, and on my view, the directives serve more than just articulating or settling of a difference of opinion.

But the opening of the signifying, would improperly be viewed as a 'modus tonens,' despite possessing all of its characteristics. It should more properly be construed as a commissive, because like some commissives, "such as agreeing to discussion rules," is only feasible when "performed in collaboration with the other party" (van Eemeren and Grootendorst, 68). Signifying is a collaborative enterprise that involves not only the participation of speakers, but also hearers and overhearers. Aikin and Talisse assert "just as incredulous stares cannot be refuted, one cannot refute a modus tonens" (526). However, I believe the practice of signifying is a way to refute 'modus tonens,' due to its affiliative properties and onset agreement of indirectness, misdirection, and subordination 'play.'

3. WHOSE POLITENESS NORMS?

Stressing the importance of affiliative and communal argumentative practices has often fallen under the purview of non-adversarial feminist

argumentation models (Hundleby 2013, Rooney 2010, Cohen 2002, Burrow 2010). Many variants of NAFAM object to the decontextualized practices that many scholars working on signification have argued those within the BAAWSC find discomfoting or downright rude (Kochman 1981, Jones 1988, Morgan 1989). While both the BAAWSC and NAFAM purport to engage in more contextualized communicative and argumentative styles, NAFAM views many of the practices within BAAWSC to be hostile and partaking in the adversarial method.¹⁰ Within this section, I highlight some of the ways in which NAFAM, while calling for more intersectional and affiliative argumentation models, alienates and would consequently render the practice of signifying as oppression and adversarial. For the NAFAM, not only would the brusque language and culturally toned diminutives be problematic, more importantly the act of indirected discourse would be construed as disrespectful and rude.

Under the NAFAM, "feminine politeness strategies aim at cooperation through connection and involvement, reflecting values of intimacy, connection, inclusion and problem sharing" (Burrow, 247). What exactly are "feminine politeness strategies? Argumentational and communicative styles that are affiliative, bereft of rude language, name calling, direct engagement with one's targets, and non-dismissive tones (Cohen 2002, Burrow 2010, Hundleby 2013). Govier stresses the importance of direct interaction, because "[w]hen others speak to and argue *directly to us*, we can interact with them, challenge, hear their responses, and conduct a genuine, real, critical discussion" (191, emphasis my own). That is to say, communication and discourse should be oriented directly towards our interlocutors, rather than an ancillary communicator.

With such a brief introduction to NAFAM, I hope it is clear to the reader the problems the model would have with signifying. As previously stated, both NAFAM and many BAAWSC practices are in agreeance that argumentation in many cases should be affiliative and communal. However, one person's politeness norms, is another one's disrespect. Crude and even obscene language is acceptable within many of our exchanges. As is the practice of name-calling. Recall my primary example of signifying, Deborah on a few occasions referred to Sherry as 'it' or 'that.' Such name calling and demeaning language would be unacceptable under NAFAM, due to its function of subordination and display of dominance. Sherry's opening response would also more than likely be problematic for such a model, due to her insinuation that she was better looking than Deborah.

Moreover, there was no direct interaction between the interlocutors of this debate. Each interaction was addressed towards me,

¹⁰ For more on the ways in which BAAWSC practices are in general counter intuitive to numerous goals and ideals within NAFAM, see Henning (2018).

but I served the role as a surrogate interlocutor. Morgan (2002) likens such examples akin to ‘talking behind someone’s back.’ Both Sherry and Deborah were speaking to me about one another as though the other individual was not also sitting at the table. Other than my opening questions, there was no direct engagement. And at the closing of the argument, I was even chastised by my grandmother for engaging in such a direct and inappropriate manner.

NAFAM proponents could contend that my exemplary case, and signifying in general, is done out of jest or fun. If all parties know the rules and all privy to insider information, then their conceptions of politeness norms are still maintained. However, within signifying, there are elements of explicit and intentional dominance. It is *play play*, but also for *real for real*. Signifying is paradoxically an act of endearment and empowerment, but there are real stakes in the game. Slightings are meant, and the verbal jabs do sting. Even though all three women have a deep respect and love for one another, they (especially Sherry and Deborah) were legitimately attempting to assert epistemic dominance over one another and purposely did not directly engage one another during the argument. Similar to back-handed compliments, signifying is meant to be fun, but at times painful. It is riddled with burns or ‘playin by the dozens,’ but done so out of love and affection. Practices like signifying within BAAWSC aren’t typically used unless it is with those whom we share an affinity. This is due to the communicative and affiliative nature of indirect discourse. If one is to immediately turn to directed discourse, especially with the knowledge that the interlocutor knows the game, then that’s a pretty keen signal that they really don’t want anything to do with you. We turn to directed discourse when we don’t feel a community bond with our interlocutor.¹¹

I am sure to many readers, this seems paradoxical or counter-intuitive, but because there aren’t many instances of such exchanges within Standard English, it can be a bit difficult to explain to those without local knowledge of these communicative practices and the reasoning behind them. Focusing on this difficulty, within the next section I will highlight how incredibly salient these communicative and argumentative and argumentative practices are to us within BAAWSC.

4. HOW..?

In a passage, quoted by Brown (2001), writer R. DeCoy asks:

How...can you ever hope to express what you are, who you are
of your experiences with God, in a language so limited,

¹¹ Either that or we have good reasons to believe that our interlocutor does not know the art well enough to hash out any dissension.

conceived by a people who quite helpless in explaining themselves? How can you, my Nigger Son, find your identity, articulate your experiences, in an order of words? (59-60).

While DeCoy is addressing his son regarding the lack of effectiveness within Standard English and their argumentative practices, I believe such a passage serves our daughters as well. How indeed can Black African-American women express themselves and offer dissent in such a way that is restricted by Eurocentric white norms that do not adequately encapsulate our argumentative norms? In what ways does learning Standard English and argumentative practices serve us? Within this section, I give an account of the benefits and downfalls of us utilizing and adhering to the argumentative norms outlined within the previous two sections. While there are a few pragmatic upshots to us adhering to such norms, ultimately, I argue that in constantly and permanently doing so, we forgo a large understanding of ourselves and our cultural roots.

The mastery of Standard English can be truly transformative within Black African-American lives. Over the centuries, we have learned that mastering this linguistic style and language can make or break us in specific courses of study and fields of employment that are dominantly white. This realization has led to the practice of code-switching, which is the ability to invoke Standard English rules and intonations.¹² However, while code-switching has been fiscally beneficial and has generated mobility with white spaces, the practice is one that is a coerced engagement. Young argues that code-switching is an oppressive survival tactic to Black women and does not accurately track cognitive abilities nor achievements within diversity (2009). Fordham and Ogbu have noted that while the 'burdensome benefits' of code-switching is largely known within Black African-American communities, Black girls have reported on being hesitant to engage in the practice in fear of losing their blackness in favor of 'sounding or acting white.' It is semi-interpreted as cosigning dominant white linguistic and argumentative practices.¹³ Some opponents of AAVE may concede that code-switching is a necessary adaptation to mainstream dominant American culture, but I argue that this is a failure of understanding the centrality of such argumentative and communicative practices, such as signifying. "These opponents of Ebonics failed to recognize the extent to which Ebonics is celebratory of African American life. They failed to acknowledge its distinctive fluidity, the way in which its speakers use intonational, stylistic, and often indirect methods in order to make a point" (Kirk-Duggan, 150). As Lakoff states

¹² That is to say, we have mastered the ability to 'sound white.'

¹³ For an analysis offering conflicted findings regarding Fordham and Ogbu's study, see Tyson, Darity, and Castellino (2005). For me personally, I often feel a tinge of sadness with my ability to code-switch, because I don't want it to seem as though I'm a proponent of Standard English over AAVE.

“Language uses us as much as we use language” (54). The utilization of signifying and some of its key features that fly in the face of many dominant argumentative norms pertaining to viciousness and politeness are vital aspects of many Black African American’s cultural and socio-historical understanding. It shapes us as much as we shape them.

Moreover, Yancy argues that his experiences being a Black man in America cannot simply be captured within Standard English. “Some forms of knowledge become substantially truncated and distorted, indeed, erased, if not expressed through the familiar linguistic media of those who have possession of such knowledge” (Yancy, 275). I, myself, within my own work on anti-Black oppression, specifically misogynoir, have struggled to put into words not only my experiences, but also my knowledge regarding misogynoir. Operating within the white academic framework, making particularized argumentative moves, and adhering to the norms has been a long and bumpy road. I am often misunderstood, deemed to be an ill-educated interlocutor, who is mean, brusque, and angry – reduced to yet another exemplar of the ‘angry black woman.’ Yancy poignantly articulates several of my sentiments in the following passage:

To write in this language is to reproduce the professional culture of philosophy, to perpetuate lines of power, and to show that you have been ‘properly’ educated and worthy of hire. Moreover, to engage in this discourse is to perform linguistically before an audience of gatekeepers who probably fear too much fat in their discourse, too much play, too much signifying, too much indirection, too much ambiguity, too much vagueness, too much concrete, everyday reality (276).

I urge philosophers and theorists delineating the norms of argumentation to consider alternative norms and argumentative practices. It is not merely out of my own discomfort that this call to action is made, but there are serious harms at stake, which will be outlined more explicitly within my concluding section.

5. “THEY DON’T THINK IT BE LIKE IT IS, BUT IT DO”

In lieu of a traditional conclusion, I offer up some closing thoughts on the lack of research done to incorporate AAVE practices, specifically signifying, within argumentation theory. I argue that having this particular lacuna within the literature can contribute to what Bondy refers to as ‘argumentative injustice’ (2010). Bondy construes argumentative injustice as “cases where an arguer’s social identity brings listeners to place too much or little credibility in an argument” (265). The misconceptions pertaining to another’s social identity are due to employing false stereotypes, such as Black women are angry or hostile. Particular false stereotypes such as these regarding Black women are often promoted and perpetuated within mainstream American media, which Collins denotes as “controlling images” (2009). These false

stereotypes skew reality and attempts to render the falsity as natural and factual, in an attempt to justify Black women's oppression. Images and false external narratives depicting us as 'hot-head,' 'hard-headed,' 'rude,' or 'disrespectful' gives way to argumentative injustice, specifically credibility deficits. When we enact certain argumentative practices, such as signification, we are no longer interpreted as giving arguments, rather we are reduced to these controlling images. So instead of being viewed as a reason giver, an arguer, a dissenter, we are seen as just another rude, disrespectful, uneducated Black woman/girl.

Bondy asserts that argumentative injustice is harmful in three primary ways: 1- "it undermines the rationality of the endeavour [sic]," 2- "it can distort an arguer's status in the community of arguers," and 3- "if repeated enough, credibility deficits can damage the ability of the person to whom the prejudice attaches to engage productively in arguments" (266). Now, I am a bit suspicious as to how exactly Bondy is conceiving 'productive arguments,' but nevertheless, the model of argumentative injustices is useful to help illustrate the importance of accurate dissemination of our argumentative practices in conjunction with greater diversity within the academia's argumentative theories. Signifying, along with several of our other practices when engaging in arguments, are means of productive argumentation. Given our approach to community orientated discourse, we are incredibly aware of our interlocutors and overhearers.

Aikin and Talisse state "[g]iven that arguments are designed not only to gain the truth about some matter but to resolve disagreements, both parties should contribute to the discussion in ways that promote those ends" (525). Due to controlling images and misunderstandings pertaining to the practice of signifying, it commonly appears to outsiders of BAAWSC that the ways in which we argue does not contribute to disagreement resolution. But as I have shown, it is not merely an attempt to corrupt argumentation nor is it a corrupted argumentative practice. Such a practice is corroborative, paradoxically respectful, and celebrates our rich heritage of communication.

REFERENCES

- Aikin, Scott F. and Talisse, Robert B. (2008). "Modus Tonens." *Argumentation* 22: 521-529.
- Bondy, Patrick. (2010). "Argumentative Injustice." *Informal Logic* 30(3): 263-278.
- Brown, Becky. (2001). "'Talk That Talk!': African American English in its Social and Cultural Context." *Radical Philosophy Review*, 4 (1&2): 54-77.
- Burrow, Sylvia. (2010). "Verbal Sparring and Apologetic Points: Politeness in Gendered Argumentation Contexts." *Informal Logic* 30(3): 235-262.

- Cohen, Daniel. (2004). *Arguments and Metaphors in Philosophy*. Lanham, Maryland: University Press of American, Inc.
- Collins, Patrice Hill. (2009). *Black Feminist Thought*. 2nd edition, New York: Routledge.
- (1998). *Fighting Words: Black Women and the Search for Justice*. Minneapolis: University of Minnesota Press.
- van Eemeren, F. and Grootendorst, R. (2004). *A systematic theory of argumentation*. New York: Cambridge University Press.
- Forham, Signithia and Ogbu, John. (1986). "Black students' school success: coping with the 'burden of "acting white."'" *The Urban Review*, 18: 176–206.
- Gates, Jr. Henry Louis. (1983). "The 'Blackness of Blackness': A Critique of the Sign and the Signifying Monkey." *Critical Inquiry*, 9(4): 685-723.
- Henning, Tempest. (2018). "Bringing Wreck." *Symposion*, 5 (2): 197-211
- Hundleby, Catherine. (2013). "Aggression, Politeness, and Abstract Adversaries." *Informal Logic* 33(2): 238-262.
- Kirk-Duggan, Cheryl A. (1997). "Ebonics as an Ethically Sound Discourse: A Solution Not a Problem." *The Annual of the Society of Christian Ethics*, 18: 139-160
- Kochman, Thomas. (1981). *Black and White Styles in Conflict*. Chicago: Chicago University Press.
- Jones, D. (1988). "Towards a Native Anthropology," in *Anthropology for the Nineties* ed. J. Cole. New York: Free Press, 30-41.
- Morgan, Marcyliena. (2002). *Language, Discourse and Power in African American Culture*. Cambridge: Cambridge University Press.
- (1989). *From Down South to Up South: The Language Behavior of Three Generations of Black Women Residing in Chicago*. University of Pennsylvania.
- Rooney, Phyllis. (2010). "Philosophy, Adversarial Argumentation, and Embattled Reason." *Informal Logic* 30(3): 203-234.
- Smitherman, Geneva. (2015). "African American Language and Education: History and Controversy in the Twentieth Century," *The Oxford Handbook of African American Language*, editor, Sonja Lanehart, Oxford University Press.
- (2000). *Black Talk: Words and Phrases from the Hood to the Amen Corner*. Boston & New York: Houghton Mifflin.
- Tyson, Carolyn, Darity, William, and Castellino, Domino. (2005). "It's not 'a black thing': understanding the burden of acting white and other dilemmas of high achievement," *American Sociological Review*, 70: 582–605.
- Williams, Robert. (1975). *Ebonics: The True Language of Black Folks*. Institute of Black Studies.
- Yancy, George. (2004). "Geneva Smitherman: The Social Ontology of African-American Language, the Power of Nommo, and the Dynamics of Resistance and Identity Through Language." *The Journal of Speculative Philosophy*, New Series 18(4): 273-299.
- Young, Vershawn Ashanti. (2009). "'Nah, We Straight': And Argument against Code-Switching." *JAC* 29(1/2): 49-76.

Commentary on Tempest Henning's "'I Said What I Said' - Black Women and Argumentative Politeness Norms"

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Tempest Henning takes a short piece by Scott Aikin and Robert Talisse and a certain thread in feminist philosophy of argument, pulling on their assumptions reveal tacit problems generally at work in argumentation theory. I agree with Henning's call for theorists to pay better attention to actual practices of arguing and that the failure to do so is both an ethical and epistemological problem with argumentation theory. However, I suggest that argumentation scholarship has resources that can be developed to address her concerns.

Aikin and Talisse address the role of *sarcastic or incredulous restatement* in arguing, naming its vicious operation as *modus tonens*. Their example is sarcastic or incredulous repetition of another person's claim about gun violence, and to my mind this is just the most explicit version of such gestures as eye-rolling that express disdain for another's claim or line of reasoning. Aikin and Talisse consider two ways that this functions in arguing, as dialectic and as oratory.

In dialectical context, Aikin and Talisse advise that incredulous restatement should not be taken to discharge dialectical obligations, likening it to the expression of outrage which also has no force to meet burden of proof. Certainly, expressed disdain can be an effective way to open an argument, *committing* the person who expresses disdain to doubting the claim in question, or *directing* the person who made the original claim to defend their position, and these commissive and directive uses also may coincide. The vice emerges from the directive to the original arguer to further defend their position when it implicitly indicates that arguer lacks the necessary resources, "cognitively downgrading" them. That directive can only be virtuous when it reflects a real cognitive subordination as when a teacher repeats a student's claim in a questioning tone to suggest that the student would benefit from further reflection or study.

Henning responds that this means of epistemic subordination may not be a directive speech act but commissive as in the case of "signification" in AAVE. Sometimes it expresses that the respondent *commits* to the play or style of discussion. Sure, signification may be

directive, assigning a status to another speaker, but it seems that momentum can be balanced by a prosocial commissive force which prevents it from derailing the argument.

The “Baby” example of indirect speech provides a rich contrast to the *direct* expression of dissent, person-to-person, that can be rude or uncivil in some contexts. Like Michael Gilbert (2014), Henning recognizes that direct arguing in many cultures constitutes rudeness, but Henning also presses us to recognize that viewing direct argument as valuable belongs to a particular discursive culture privileged in the Western academy. I don’t know the right name for it and, while I’m certain it plays out in other languages, I think that “institutional English” accounts well for “talking like a man with a paper in his hand.”

Using the “Baby” example, Henning shows us that the indirect oratorical context can be especially valuable rather than prone to viciousness. In oratorical context, Aikin and Talisse claim that *modus tonens* suggests that an actually symmetrical relationship is asymmetrical and claims the upper hand. Oratorical *modus tonens* expresses solidarity with the audience while subtly threatening to ostracize or lower the audience’s status should they take the other person’s position. This can polarize views and undermine the possibility of learning from each other, making it argumentatively and epistemologically vicious.

Such polarization seems less likely to fall out from disdainful restatement because it belongs to a recognized politeness strategy in AAVE and BAAWSC, specifically a “negative politeness,” a way of avoiding more direct confrontation that can threaten the other person’s public *face*. Aikin and Talisse recognize that sarcastic restatement can operate as a *negative politeness strategy* and this explains a lot about the “Baby” example because even though it involves jockeying for position, there seems to be no loss of face. Indeed, playing along is part of retaining status and bonding, as Henning explains, and moves the discussion along.

This is not to suggest that politeness explains away the significance of the “Baby” example because the activity of signification clearly plays a more affirmative role than simply allowing the other person to save face. As Henning describes it, a type of game is being played and that playfulness makes it a lot more transformative and open-ended than mere politeness. (There may be other cases of games played with politeness and Jane Austen comes to mind.)

The “Baby” example shows how arguing in AAVE and BAWSC serves purposes regularly neglected by argumentation theorists, including Aikin and Talisse. Argumentation theory attends generally to the directed speech of the Standard English that pervades the Western

academy and tends to ignore the diversity of purposes arguing can serve.

It deserves acknowledgement that some informal logicians (Michael Gilbert 2014; Douglas Walton 1995; 1996) and most if not all of the empirical researchers on argumentation (recently Marianne Doury, Jean Goodwin, Dale Hample, etc.) recognize that arguing serves purposes in addition to truth and negotiation. However, the particular cultural functions Henning points out have not received much attention, and they may be crucial for understanding how argumentation norms including politeness can function to include and exclude particular speakers. Argumentation theorists need to attend better to the sorts of commissive functions that Henning highlights. While Western academic contexts tend to simply assume a shared culture, other cultures of argumentation operate by different rules. This means the direct style of arguing lacks cultural neutrality and so its dominance can push the commissive elements to the background where they can be hard to challenge. An epistemology of ignorance seems to be at play in the academy reinforced by the presumptions of argumentation theorists about what functions of arguing deserve attention.

What counts as “vicious” or “derailing” in an argument depends on what we take to be the purposes for arguing. If we take ascertaining truth or reaching compromise as goals, Aikin and Talisse maintain that a sarcastic tone can be fallacious. On the other hand, sarcastic tones can be quite useful if one of the purposes for arguing lies in ascertaining or testing group membership or rank, which explains why the “Baby” example works so well: being “the Baby” is a rank of a kind or multiple kinds that can be spread across different people, and ranks are subject to agreement.

Henning suggests the “Baby” example has implications also for Non-Adversarial Feminist Argumentation Theory that rejects the crude and obscene language and the indirect speech that play positive roles in AAVE. I think Henning tends to press this interpretation too far because authors such as Sylvia Burrow (2010) have greatest concern with the insufficiency of dominant politeness strategies in the academy for addressing argumentative injustices and little interest in promoting any particular culture of feminine politeness. Feminist criticisms of adversarial forms of argumentation address specific contexts, such as academic philosophy, and do not seem to me to apply to AAVE.

Nevertheless, Henning’s concern with who argumentation theory serves remains important. Academic navel-gazing, including my own (2010), may reinforce rather than challenge structures of privilege and argumentation theory needs to take direction from and attend to marginalized discourses for its analysis to have substantial social and political significance.

REFERENCES

- Burrow, S. (2010). Verbal sparring and apologetic points: Politeness in gendered argumentation contexts." *Informal Logic* 30(3), 235-262.
- Gilbert, M.A. (2014). *Arguing with People*. Toronto: Broadview Press.
- Hundleby, C.E. (2010). The authority of the fallacies approach to argument evaluation. *Informal Logic* 30(3), 279-308.
- Walton, D. (1995). *A Pragmatic Theory of Fallacy*. Tuscaloosa: University of Alabama Press.
- Walton, D. (1996). *Argumentation Schemes for Presumptive Reasoning*. Mahwah, NJ: Lawrence Erlbaum Associates.

The Argument Assessment Tutor (AAT)

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Intelligent tutoring systems provide learning opportunities that adapt to individual learning pathways. This contribution discusses challenges that any ITS faces, and it presents a first version of the newly developed “Argument Assessment Tutor” which familiarizes learners with a strategy to identify problems in bad arguments. The AAT allows practicing the use of seven criteria to assess the quality of arguments. The talk also discusses limitations of this approach and problems that need to be addressed.

KEYWORDS: argument assessment, argument quality, ARS criteria, intelligent tutoring system, ITS

1. INTRODUCTION

There is substantial empirical evidence that instruction that adapts to individual characteristics of learners—such as their prior knowledge, strategies, errors, and learning styles—is more effective than instruction that treats all learners as the same (Aleven, McLaughlin, Glenn, & Koedinger 2017; Aleven et al. 2018; Walkington 2013; Kulik, Kulik, & Bangert-Drowns 1990; Corbett, McLaughlin, & Scarpinato 2000). Learners change as they learn, and that should be taken into account in teaching. As apprenticeship or mastery learning, individualized instruction has been known for a very long time. But to offer such a learning experience in the classroom—not to speak about the even larger scale of online learning—proves to be a challenge.

Starting already in the late 1970s, this challenge has been addressed by considering the possibility of “computer-based coaches” and the use of “artificial intelligence techniques” and “self-improving teaching systems.” The first book about *Intelligent Tutoring Systems* (ITS) that used these terms was published in 1982 (Sleeman & Brown 1982). Today, ITSs are the focus of a lot of research and software development (see overviews by Peña-Ayala 2013 and Aleven et al.

2017; for the early history see Ohlsson 2016; an ITS conference series exists since 1988).

This contribution is about two questions. There is a widely shared assumption that ITSs are possible only for “well-defined domains where knowledge about the domain being taught can be explicitly modelled,” such as mathematics, computer science, or chemistry. “For ill-defined domains, human tutors still by far outperform the performance of ITSs, or the latter are not applicable at all” (Gross, Mokbel, Hammer, & Pinkwart 2015, p. 413).¹ This leads to the first question: Can the process of assessing the quality of arguments be modelled precisely enough to allow the creation of an intelligent tutoring system? If that turns out to be the case, then the second question is: How could an ITS be designed that is able to provide intelligent, one-on-one, computer-based support to students as they learn how to assess the quality of arguments?

Since everybody should be able to *create* arguments of high quality and to *identify* weaknesses in given arguments, the ability to assess the quality of arguments is of crucial importance. Justifying claims by reasons—as the notion of “argument” is understood here—can be seen as the core of both scientific activity and deliberation in public and private spaces. Doing it well requires that people acquire the criteria needed to assess the quality of arguments and learn how to use them. Argument assessment is a skill whose development should be an essential part of education.

Most textbooks on critical thinking, informal logic, and argumentation provide useful material for learning how to assess the quality of arguments, including exercises. But they do not offer individualized feedback to learners as they struggle to acquire the necessary skills. It would be highly beneficial for education to have an automated system that works with each student like a human tutor by providing instruction; offering exercises; monitoring how an individual student is doing on the tasks selected; providing feedback both to successful problem solutions and to things that are not done correctly, including explanations of why certain solutions are not acceptable; and selecting further tasks based on an understanding of what the student needs to practice to realize their personal pathway to successful learning.

¹ There are attempts to develop ITSs also for ill-defined domains and problems (Lynch, Ashley, Aleven, & Pinkwart 2006), but all these approaches nevertheless employ justifiable, normative standards (more on normativity in Section 4 below); the systems’ responses are not arbitrary. This means that these systems operate in areas that are well-defined at least to a degree that allows this kind of normativity. For the debate on how to define “ill-definedness,” see Lynch, Ashley, Pinkwart, & Aleven 2009.

The Argument Assessment Tutor (AAT) that is described in this contribution already exists in the limited form of seven assessment tasks that can be done online at <https://reflect.gatech.edu/aat>. The system provides immediate feedback to a learner's attempts to identify problems in bad arguments. All assessments tasks are structured in form of a checklist which directs the learner's attention to seven criteria that should be used for quality assessment. The main learning goal of the AAT is to foster a deeper understanding of these criteria and to familiarize learners with this checklist. Learners are supposed to internalize the sequence of assessment steps that is structured by this checklist, that is, to develop a habit of assessing arguments along this particular sequence of steps.

The method is learning by doing. The AAT provides an argument and guides the learner through the assessment procedure by asking questions that invoke particular quality criteria. Each question is followed by a list of possible answers and, depending on the user's selection of an answer, the tutor either confirms the answer or provides an explanation why it is not correct. This way, students should internalize the use of the checklist by practicing its application in the assessment of arguments. Learning is supported by feedback that adapts to the student's growing expertise. Whereas a primary set of tasks guides the user step-by-step through the checklist, a second set is designed for learners who are already familiar with this list of criteria. After presenting an argument map, it starts immediately with the question: "What should be criticized in this argument? If you think that there are multiple problems, select the one highest in the list."

Such a "checklist tutor" seems to be a novel idea. Its general design could be useful for all teaching that focuses on familiarizing students with a structured sequence of cognitive activities. One example is the training of coders for research projects, or of medical professionals for diagnostic tasks (El Saadawi et al. 2008).

Even though this preliminary version of an AAT already exists, this does not mean that the first question guiding these considerations should be taken as answered by implication. The existing prototype only demonstrates that the seven quality criteria can be modelled in form of a checklist. This leaves two questions open. First, does this checklist cover what can be considered to be the core of argument assessment? There are already two other pilot systems that seem to be too limited: one focusing just on fallacies (Diana, Stamper, & Koedinger 2018), and the other one on the identification of weaknesses in graphical representations of legal arguments that students create after studying transcripts of oral arguments in court (Pinkwart, Aleven, Ashley, & Lynch 2006). The second question is whether the quality of the AAT model is good enough to support learning. So far, the main function of

the prototype is to illuminate problems that need to be resolved before this line of research and development can be pursued further.

This contribution is divided into three parts. In Section 2 I am going to describe the challenges that any ITS faces. Section 3 will summarize a theory of argument assessment that I developed elsewhere, and it will show how a corresponding step-by-step method of argument assessment has been implemented in the existing AAT. In Section 4, finally, I will discuss some of the problems that still need to be addressed.

2. INTELLIGENT TUTORING SYSTEMS (ITS): CHALLENGES

Whereas a human tutor can rely on implicit knowledge about instruction and learning that comes with expertise, an artificial tutor requires explicitly formulated models of the processes involved in learning. Usually, an ITS architecture requires three cognitive models.

1. The *domain model* (also called expert knowledge) “contains the concepts, rules, and problem-solving strategies of the domain to be learned. It can fulfill several roles: as a source of expert knowledge, a standard for evaluating the student’s performance or for detecting errors, etc. It is sometimes organized into a curriculum, a structure including all the knowledge elements linked together according to pedagogical sequences” (Nkambou, Bourdeau, & Mizoguchi 2010, p. 4).
2. The *student model* which describes the learner’s “cognitive and affective states and their evolution as the learning process advances” (ibid.). In contrast to the domain model, the student model is a dynamic model. It needs to explain why a learner makes certain mistakes. Corresponding research goes back to the observation that student errors in learning mathematics are not random; they follow certain patterns that are conceptualized as inappropriate cognitive models of the domain to be learned. These insufficient models lead to “buggy” procedures and corresponding mistakes. As a consequence of this conceptualization of student errors, ITS researchers developed so-called “bug libraries, repertoires of cognitive models that deviated from the correct mathematical skills in such a way as to generate the erroneous answers observed empirically” (Ohlsson 2016, p. 460).
3. The *tutor model* connects the domain and student models. It is designed to provide help if a student requests a hint or to make certain decisions based on a student’s input. All this is then presented in the user interface of the tutor which is sometimes counted as the fourth component of an ITS architecture. The tutor

model determines “whether or not to intervene, and if so, when and how. Content and delivery planning are also part of the tutoring model’s functions” (Nkambou et al. 2010, p. 4). For example, if the tutor is designed to provide immediate feedback on errors, then each “bug” in the student’s cognitive model that becomes visible in a mistake needs to be answered by specifically designed feedback that presents, in some way, the corresponding component of the domain model to the student.

It is obvious that it takes substantial effort to create these three kinds of models. One way to simplify this task has been conceptualized as “constraint-based modelling” (CBM; Ohlsson 1993, 1994). Based on the observation that, in the process of learning, the domain knowledge plays a *normative* role for the learner—it tells them what they *should* do—Stellan Ohlsson suggested to conceive the declarative or propositional knowledge that is usually considered to be at the core of a knowledge domain as *constraints*, that is, as “knowledge elements that encode prescriptive rather than descriptive knowledge.”

The type of constraint used in CBM has the general form, “when such-and-such conditions are the case, then such-and-such other conditions ought to be the case as well” (or else something has gone wrong). For example, *when driving a car in New Zealand, the driver had better be driving on the left side of the road* (or else he or she violates the traffic laws of that country). Clearly, a speed limit is not a description of actual behavior, but a prescription. Formally, constraints of this sort take the form of ordered pairs of patterns, <Cr, Cs>, where each pattern is a conjunction of conditions. Cr is a *relevance criterion* that circumscribes the set of situations for which the constraint applies (*when driving in New Zealand*), and Cs is a *satisfaction criterion* that determines whether the constraint is satisfied (*drive on the left side of the road*). The set of constraints that apply to a problem type or in a particular task environment is called a *constraint base*. (Ohlsson 2016, p. 465; his italics)

The main advantage of Ohlsson’s constraint-based modelling for the design of intelligent tutoring systems is that it does neither require a student model nor a tutor model. Everything needed can be derived from an analysis of the knowledge domain.

Such an ITS would apply the constraints to each new problem state and flag violated constraints. Pre-formulated instructional messages would be associated with the constraints, and presented to the student when one or more

constraints are violated. This is the core of the constraint-based approach. One notable advantage is that the constraint-based approach does not require empirical studies of students' errors or the compilation of bug libraries, because constraints encode correct domain knowledge. This seemed to me then, and seems to me still, a simpler and more elegant design for an ITS than to organize it round either a bug library or an expert model of the target skill. (Ohlsson 2016, p. 467)

The Argument Assessment Tutor (AAT) presented here follows, at least in its current, limited version, Ohlsson's CBM approach. The seven criteria of good arguments and the way these criteria are organized in the checklist provide a normative standard that can be spelled out in the form of constraints. When a student works on an AAT task, she is confronted with an argument of low quality. What is wrong with this argument is determined by one of the seven criteria. This is the criterion that is *relevant* for this particular argument, it represents Ohlsson's relevance criterion. The task of the learner is to "satisfy" the relevance criterion by correctly pointing out what is wrong with the argument. If she is not able to do so, she violates the constraints that are embedded in the tutor, and the tutor reacts accordingly.

3. THE ARGUMENT ASSESSMENT TUTOR (AAT)

The first challenge for designing an AAT is, thus, to get the normative standard right. What makes a good argument? What are the criteria that can and should be used to assess the largest number of possible arguments?

Unfortunately, it is not possible, in the context of this contribution, to provide a justification of the seven criteria that are used in the AAT. This is part of a larger project that is not yet completed. Suffice to say that these criteria form an extension of the "ARS criteria" formulated by Ralph Johnson and Anthony Blair. They focus on the idea that premises that support the conclusion of an argument should be *acceptable, relevant, and sufficient* (Johnson & Blair 2006 <1977>). The argument assessment approach that is implemented in the AAT does not only include four further criteria, but it also puts them into a particular sequence that can be used as a checklist. The assessment procedure always starts with the question whether the formulation of the conclusion is clear enough. If it turns out that the conclusion of an argument is so badly formulated that it is impossible to judge whether reasons are relevant or sufficient, then the assessment can stop right there. In this situation there is no need to bother about the other criteria. Considerations like this one led to a certain ranking of the seven quality criteria, and to a particular assessment procedure that can

simply stop at certain assessment points. The entire assessment procedure that I am currently using is summarized in the decision tree that is depicted in Figure 1.

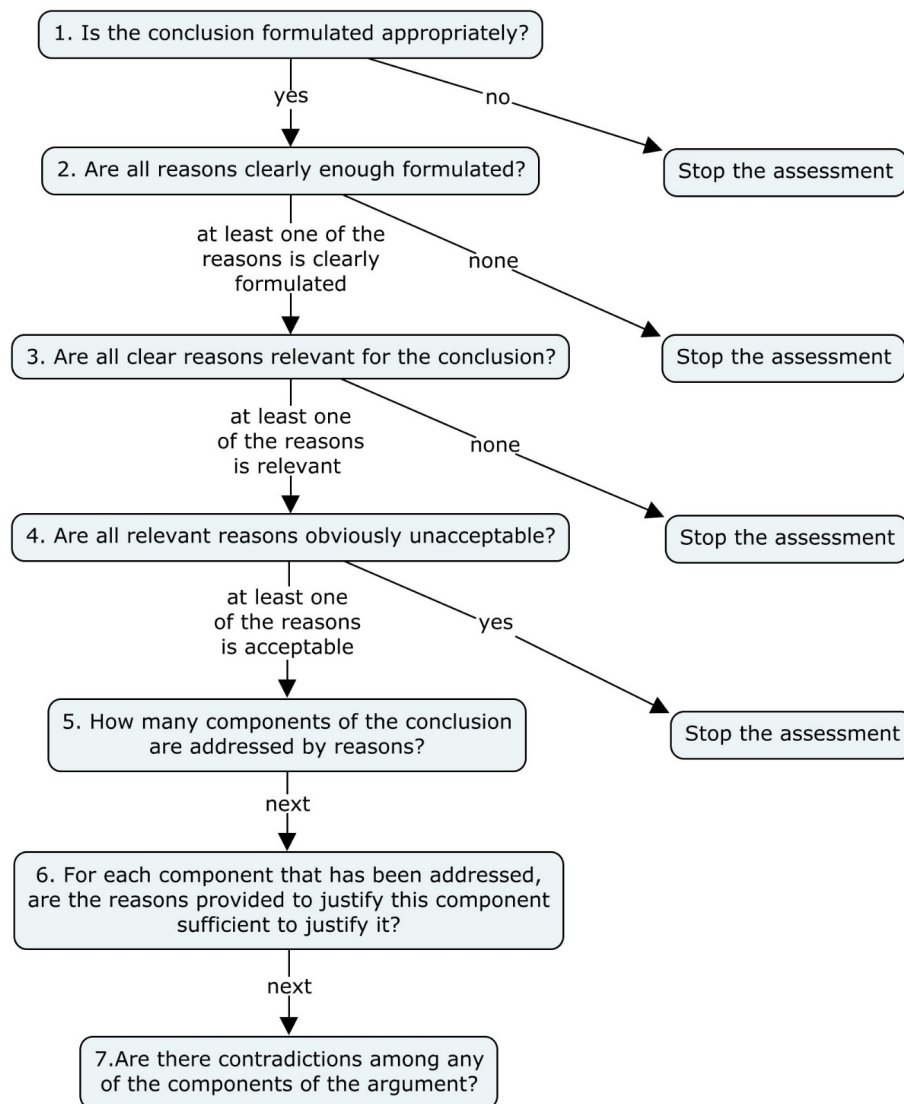


Figure 1 – A decision tree for the assessment of arguments

Most of this decision tree is used in the AAT as the “checklist” that structures the assessment procedure. Each of the seven criteria depicted here is described in greater detail in the instructions of the AAT tasks that are available at <https://reflect.gatech.edu/aat>. In the

next section, I will provide some more detail only for one of these criteria to illustrate particular problems of this approach.

4. PROBLEMS WITH THE ARGUMENT ASSESSMENT TUTOR

A first important point to note is that Figure 1 presents the quality criteria only in the form of keywords. Even though the AAT has been designed with the goal in mind to familiarize the learner with these criteria in the process of using the system, a sufficient understanding of these criteria will require instruction that provides additional explanations, examples of their application, and a discussion of particular problems that can be expected.

The more important question, though, is the question whether all this is sufficient. Let me illustrate some of the additional problems with an example. Figures 2 and 3 show what the learner first sees when opening AAT 001 at <https://reflect.gatech.edu/aat>.²

Depending on the user's choice regarding the two options offered in Figure 3, the AAT will either react with "Unfortunately, your answer is wrong. The conclusion is NOT appropriately formulated," or it will show the next question: "Why is the conclusion not appropriately formulated?" followed by a list of options that includes all the possibilities depicted in Figure 3.

The important general point is that an ITS always requires that there is a clear threshold that divides acceptable student responses from unacceptable ones. If the question here were simply: "Is the conclusion formulated appropriately?" then this threshold would not be clear—we do not want, for example, that a learner considers the conclusion as inappropriately formulated based on the typo that can be seen in Figure 2. The seven possibilities that are offered are much more precise than the simple question.

² Note that all arguments used in the AAT stem from college students who worked over the course of a semester on a so-called wicked problem (Rittel & Webber 1973; Hoffmann & Lingle 2015; students gave permission to use their maps for publications). However, they are all modified because they usually contained multiple problems. Confronting a learner with too many problems in a task like the one above leads to frustration if the intention of the AAT designer is to focus one problem whereas the learner discovers another one. This turns out to be an important problem for the design of an AAT.

AAT 001: Rapid adoption of GE crops

Assess the quality of the following argument according to the criteria and questions that follow below:

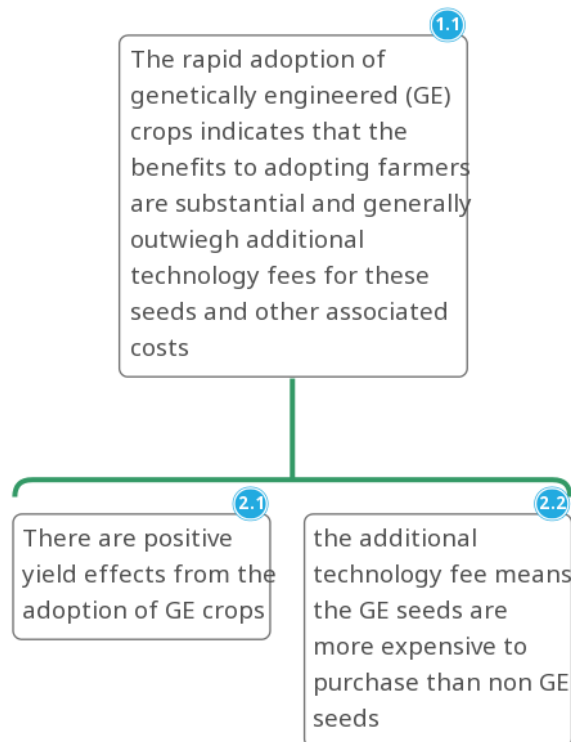


Figure 2 – The beginning of the assessment procedure in AAT 001

But there are several problems. The first one is that it is hard to justify why exactly these seven criteria are used and not others. Based on the fact that the tutor has the power to say “your answer is false” or “is correct,” an AAT holds a strong normative position—not only with regard to this particular question, but for everything that is used to distinguish acceptable from unacceptable user responses. This normativity is not so much a problem for human tutors because you can still argue with your teacher. But for automated systems, this is a big problem. To address it, there should be at least some consensus in the scientific community about the criteria that determine an AAT’s decisions. Moreover, since it might not be possible to identify possible problems right away, feedback from the users should inform ongoing revisions of the AAT design.

Is the conclusion formulated appropriately?

The following are cases of *inappropriate* formulations: If the conclusion

- is a question
- does not state anything
- is so badly formulated that its meaning is incomprehensible or depends clearly on the assessor's interpretation
- it combines a normative and a descriptive statement
- is inconsistent
- includes key concepts that are not defined
- is an argument
- is an inappropriately nested proposition

conclusion is NOT formulated appropriately

conclusion is formulated appropriately



Figure 3 – The first question in the checklist with more specific options of what counts as “not appropriately formulated.” Note that “an inappropriately nested proposition” refers to a conclusion such as “Dr. Wiseman claims that dental hygiene is important.” If the reasons support that Dr. Wiseman formulated such a claim, then the conclusion is appropriately nested; but if the reasons justify why dental hygiene is important, then it is inappropriately nested.

A second problem concerns the fact that even though the eight specifications of “inappropriately formulated” provide more precision than the general question, the comprehension of anything that is provided by the tutor depends on the background knowledge that a user brings to the task. To be clear: this is not about not knowing the meaning of things like an “inappropriately nested proposition” in the example of Figures 2 and 3. If a user does not know that, this should simply provide a motive to look it up in the instructions. Problematic are situations in which the designer of an AAT applies a certain rubric differently to a particular case than its user. Is the “key concept” “genetically engineered” clear enough or does it require a definition? What exactly does it mean for a particular formulation that its meaning

“is incomprehensible or depends clearly on the assessor’s interpretation”?

Differing background knowledge is probably the most important challenge for learning with an argument assessment tutor; it is a fundamental challenge for any assessment of an argument (Hoffmann 2018). It is crucial, in particular, for assessing the sufficiency of reasons for a particular component of the conclusion, but also for determining the acceptability of reasons. A part of this challenge can certainly be addressed by instructions that define all seven criteria in more detail, but it should be clear that this problem can never be completely resolved.

The third and fourth problem could be considered as sub-problems of the one relating to background knowledge: confirmation or myside bias regarding the content that is covered by a task, and the possibility that a user looks at a given argument from a perspective that is not anticipated by the designer, or simply alien to him or her. In both cases the problem is that the user might have a point in assessing an argument in a certain way that should not simply be dismissed as wrong by the implicit authority of the system.

The norm-setting authority of an AAT is related to the problem of normativity that we discussed as the first problem above. It has to be acknowledged that learning requires accepting the authority of the tutor to set the norms of what counts as good and bad. If a user perceives certain norm-setting reactions of the tutor as arbitrary or unjustified, then the motivation to engage with the system and to learn will be at stake. If learners lose trust in the authority of an AAT, then this system fails as a learning tool.

A fifth problem poses a challenge for the designer of an AAT. In an effort to come up with clear-cut cases for the tasks, there is a risk of trivializing the assessment so that not much gets learned. This problem is exacerbated by the fact that the question of what counts as “trivial” depends, obviously, on the age or preparation of the learner.

Besides these problems that still pose significant challenges for the further development of an AAT, there are also a few problems that are already addressed by its current design. The first one is the tendency of argument assessors to stop the analysis of an argument right after a first problem has been spotted. The step-by-step guidance of the tutor motivates a more systematic and thorough approach. The second problem is the tendency to see quality issues everywhere. This is countered by the specifications for each criterion. They should help to develop a sense of what is really important.

Overall, the question whether the AAT model of the knowledge domain “argument assessment” is good enough to support learning is still an open question. The answer will depend on empirical studies, but

also on some agreement in our community about the question whether the currently adopted normative standards are adequate, and how they could be improved.

5. CONCLUSION

Although this contribution presented already a certain design of an Argument Assessment Tutor—which answers at least a part of the second question that guided these efforts—the first question, whether such a tutor is possible at all as a tool for learning, remains unanswered. What is required, at this point, is a broader discussion within the community of argument theoreticians and informal logicians about the problems raised above, and then observations of its use and effects on learning.

Assuming that such research and deliberation does indeed lead to promising results, the next big step for the further development of an AAT would be to think about a more “intelligent” tutoring system. The literature on ITS makes a distinction between two or three levels on which these systems can be “adaptive” to learning: (1) on the level of the steps that are needed to complete a given task; (2) on the level of tasks, where the ITS is challenged to select the task that is most beneficial for a particular student; and (3) on the level of designing an ITS for a particular pedagogical challenge that has been identified across large numbers of students. The first level has been called “inner loop” or “step loop” because the tutor needs to be prepared to give feedback and hints on each step within a task; the second level “outer loop” or “task loop” (Vanlehn 2006); and the third level “design loop.” As Aleven et al. (2017) write with regard to the latter:

A system is adaptive at design time if it is designed in a way that is responsive to the learning demands that the domain produces that are largely the same for many learners (e.g., challenges or hurdles that are the same across learners). (p. 524)

The current AAT version is adaptive on the level of particular steps—because it responds differently in reaction to each step that a user takes when going through a task—and on the design level, because it has been designed in response to the need to provide student-tailored instruction to foster argument assessment skills. What is missing is adaptability on the task level.

At this point constraint-based modelling (CBM), on which the current AAT design is based, reaches its limits. As Fournier-Viger, Nkambou, & Nguifo (2010) stress, “one of the principal limitations of the CBM approach” is that it does “not support tutoring services such as to

... suggest the next steps to perform to the learner” (p. 86). In order to be able to select the task that is most helpful for a particular learner at a particular point in her development, it is necessary to keep track of individual student performance. This does not only require a “student model” but also the ability to track, over time, how well an individual student acquires each of the skills that are addressed by the tutor. The next goal is, thus, to develop a tutoring model that selects assessment tasks based on an analysis of individual learning needs.

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REFERENCES

- Aleven, V., McLaughlin, E. A., Glenn, R. A., & Koedinger, K. R. (2017). Instruction based on adaptive learning technologies. In R. E. Mayer & P. A. Alexander (Eds.), *Handbook of Research on Learning and Instruction* (2nd ed., pp. 522-559). New York: Routledge, Taylor & Francis Group.
- Aleven, V., Sewall, J., Andres, J. M., Sottolare, R., Long, R., & Baker, R. (2018). Towards adapting to learners at scale: integrating MOOC and intelligent tutoring frameworks. In *Proceedings of the Fifth Annual ACM Conference on Learning at Scale* (pp. 14): ACM.
- Corbett, A., McLaughlin, M., & Scarpinato, K. C. (2000). Modeling student knowledge: Cognitive tutors in high school and college. *User modeling and user-adapted interaction*, 10(2-3), 81-108.
- Diana, N., Stamper, J., & Koedinger, K. (2018). An Instructional Factors Analysis of an Online Logical Fallacy Tutoring System. In *International Conference on Artificial Intelligence in Education* (pp. 86-97): Springer.
- El Saadawi, G. M., Tseytlin, E., Legowski, E., Jukic, D., Castine, M., Fine, J., . . . Crowley, R. S. (2008). A natural language intelligent tutoring system for training pathologists: implementation and evaluation. [journal article]. *Advances in Health Sciences Education*, 13(5), 709-722. doi: 10.1007/s10459-007-9081-3
- Fournier-Viger, P., Nkambou, R., & Nguifo, E. M. (2010). Building intelligent tutoring systems for ill-defined domains. In R. Nkambou, J. Bourdeau & R. Mizoguchi (Eds.), *Advances in intelligent tutoring systems* (pp. 81-101). Berlin: Springer.
- Gross, S., Mokbel, B., Hammer, B., & Pinkwart, N. (2015). Learning Feedback in Intelligent Tutoring Systems. *KI - Künstliche Intelligenz*. doi: 10.1007/s13218-015-0367-y

- Hoffmann, M. H. G. (2018). The elusive notion of "argument quality". *Argumentation*, 32(2), 213-240. doi: 10.1007/s10503-017-9442-x
- Hoffmann, M. H. G., & Lingle, J. A. (2015). Facilitating Problem-Based Learning by Means of Collaborative Argument Visualization Software. *Teaching Philosophy*, 38(4), 371-398. doi: 10.5840/teachphil2015112039
- Johnson, R. H., & Blair, J. A. (2006 <1977>). *Logical self-defense*. New York: International Debate Education Association.
- Kahan, D. M. (2013). Ideology, motivated reasoning, and cognitive reflection. *Judgment and Decision Making*, 8(4), 407-424.
- Kulik, C.-L. C., Kulik, J. A., & Bangert-Drowns, R. L. (1990). Effectiveness of mastery learning programs: A meta-analysis. *Review of educational research*, 60(2), 265-299.
- Lynch, C. F., Ashley, K. D., Aleven, V., & Pinkwart, N. (2006). Defining ill-defined domains; a literature survey. In *8th International conference on Intelligent Tutoring Systems. Proceedings of the First International Workshop on Intelligent Tutoring Systems for Ill-Defined Domains* (pp. 1-10), Jhongli, Taiwan.
- Lynch, C. F., Ashley, K. D., Pinkwart, N., & Aleven, V. (2009). Concepts, Structures, and Goals: Redefining Ill-Definedness. *International Journal of Artificial Intelligence in Education*, 19(3).
- National Center for Education Statistics. (2007). The Nation's report card: Writing 2007. National Assessment of Educational Progress at grades 8 and 12 (pp. 67 p.). Retrieved from <http://nces.ed.gov/nationsreportcard/pdf/main2007/2008468.pdf>
- Nkambou, R., Bourdeau, J., & Mizoguchi, R. (Eds.). (2010). *Advances in intelligent tutoring systems*. Berlin: Springer.
- Ohlsson, S. (1993). The interaction between knowledge and practice in the acquisition of cognitive skills *Foundations of knowledge acquisition: Cognitive models of complex learning* (pp. 147-208): Springer.
- Ohlsson, S. (1994). Constraint-based student modeling. In J. E. Greer & G. I. McCalla (Eds.), *Student modelling: the key to individualized knowledge-based instruction* (pp. 167-189). Berlin, Heidelberg: Springer.
- Ohlsson, S. (2016). Constraint-Based Modeling: From Cognitive Theory to Computer Tutoring – and Back Again. *International Journal of Artificial Intelligence in Education*, 26(1), 457-473. doi: 10.1007/s40593-015-0075-7
- Peña-Ayala, A. (2013). *Intelligent and adaptive educational-learning systems : achievements and trends*. Heidelberg: Springer.
- Pinkwart, N., Aleven, V., Ashley, K. D., & Lynch, C. F. (2006). Toward legal argument instruction with graph grammars and collaborative filtering techniques. In M. Ikeda, K. D. Ashley & T.-W. Chan (Eds.), *Intelligent Tutoring Systems, 8th International conference, ITS 2006, Jhongli, Taiwan. Proceedings* (pp. 227-236). Berlin: Springer.
- Rittel, H. W. J., & Webber, M. M. (1973). Dilemmas in a general theory of planning. *Policy Sciences*, 4, 155-169.
- Sleeman, D., & Brown, J. S. (1982). *Intelligent tutoring systems*. London ; New York: Academic Press.
- Vanlehn, K. (2006). The behavior of tutoring systems. *International journal of artificial intelligence in education*, 16(3), 227-265.

Walkington, C. A. (2013). Using Adaptive Learning Technologies to Personalize Instruction to Student Interests: The Impact of Relevant Contexts on Performance and Learning Outcomes. *Journal of Educational Psychology, 105*(4), 932-945. doi: 10.1037/a0031882

Grice, Machine Head and the problem of overexpressed premises

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The natural language phenomenon of “unexpressed premises” (UP) – statements that protagonists do not explicitly utter, but to which they are nevertheless committed – is well documented. This paper argues that its contrary opposite “overexpressed premises” (OP) – statements that protagonists explicitly utters, but to which they are nevertheless not committed – frequently occurs in the usage of dialectical irony (as illustrated in Machine Head lyrics), and that reasonable OP interpretations require additional reconstructive tools beyond Gricean Maxims.

KEYWORDS: Grice, irony, maxims, overexpressed premises, reasonableness, reconstruction, unexpressed premises

1. INTRODUCTION

This paper uses a Gricean perspective to take a closer look at the reasonable interpretation of Socratic irony. Utilizing a Gricean, Post-Gricean or Neo-Gricean approach to understanding irony is an extremely well-trodden path that starts with Grice himself. He presents irony as the first example for the flouting of the first maxim of quality in his seminal paper (Grice 1989, 34). Trying to even list, let alone summarize or critique, the books and papers that have followed, extended or opposed him on that path would be a herculean task – one that I have no intention of undertaking in this essay. Instead I would like to concentrate on a particular subfield and shift the focus in two distinct regards to visit a part of this path that I believe still deserves additional attention.

The first shift regards the type of irony under scrutiny. Grice himself uses an example of contrary irony (“X is a fine friend” said about a known traitor, Grice 1989, 34) in his paper. Others have since added discussions of a number of related types of irony – most of which, are based on a contrary opposition between what is literally expressed and what is meant by the speaker. This type of irony is a fascinating

communicative phenomenon, but it is not the only type that deserves our attention. Leaning closer on the definitions of irony provided by Burke and Lausberg as well as the examples given by Plato, I will focus on a different kind of verbal irony that does not necessarily contain a contrary opposite at its core; namely dialectical or Socratic irony.

The second shift concerns the aim of studying the relationship between Gricean maxims and irony. Most recent works on Grice and irony seem to give a strong emphasis to the fundamental theoretical understanding of irony in communication. My aim here is more modest and applied. I believe one of the most beautiful aspects of the Gricean maxims for the argumentation theorist is their usefulness as reconstructive tools, in cases in which the interpretation of a statement is disputed and a protagonist¹ denies responsibility for statements that an antagonist² attributes to him. My question in this essay is thus not one of philosophical sense-making but of reasonable expectations about responsibility and deniability.

Given this aim, the current essay naturally falls into three main parts: a. the nature of Socratic irony, its markers and relationship to other figures, illustrated by examples of Socratic irony, b. the Gricean maxims as tools for reasonable reconstruction of contested meaning, and c. the application of the Gricean maxims to the special case of Socratic irony. Unfortunately, the third of these parts will be mainly aporetic, showing the limitations of an otherwise helpful tool without a clear solution to the problems posed.

Before approaching these three main sections, one important terminological problem deserves to be addressed. Colloquial language is ill-equipped for the discussion of some linguistic challenges, the main case in point here being the meaning of “say”. This has led Grice and many scholars since him to introduce terminological distinctions between “say” in “his favored sense” (Grice 1989, 25, 33; Dynel 2018, 34ff.) and “say” in a more general sense, as well as between “saying”, “making as if to say” and related terms such as “asserting”, “expressing”, “stating” etc. Very few of these distinctions correlate with ordinary language use, and significant parts of recent scholarship have been dedicated to clarifying or criticizing previous distinctions. Part of this discourse is helpful for the understanding of Grice and Gricean, post-Gricean, and neo-Gricean scholarship, but this essay is no attempt to make a contribution to either of these fields. So rather than entering this complex theoretical discourse, I will use simple indexing to distinguish between “saying_L” for literal statements independent of the modality of their expression or the kind of speech act employed, and “saying_R” for

¹ In this paper referred to as P and with male pronouns.

² In this paper referred to as A and with female pronouns.

the (implied or explicit) meaning of a statement for which the speaker or writer is reasonably expected to take responsibility. Where necessary this indexing will also be extended to “statement_L/statement_R” and similar terms.

2. SOCRATIC IRONY

“Irony” is one of the most notoriously ambiguous concepts in rhetorical theory, rivalled only by a handful of other terms (“*topos*”, “*ethos*”, “*parrhesia*” or “*enthymeme*” come to mind) in the race for largest number of contradictory definitions provided in the literature. Distinguishing between these definitions and analyzing their relationship to each other is a noble undertaking – but not one than can realistically be attempted by a single paper – let alone one with a different main aim.³ Providing a rough approximation of the location of Socratic irony within the plentitude of ironies, might nevertheless be useful for an understanding of the concept. To do this I will briefly introduce a set of four imperfectly concentric circles of irony. ‘Imperfectly concentric’ because while I think there is a good argument to be made about the order of vagueness and conceptual sizes of the respective circles, some of the following meanings include each other, while others can (also) be read as exclusive to one another.

(1) Irony in the widest sense – popular irony – refers to likely the most frequent understanding of irony. Irony in this sense, the sense of Alanis Morissette and countless internet memes, refers to a variety of conceptual fields, including “surprising”, “coincidental” or “unfortunate”, or even “just” (in the sense of payback of karma). The popular usage of the term in this sense is also one of the causes of some terminological and empirical challenges involved in the study of irony (Dynel 2018, 20ff., 137ff.; Simpson 2011, 36ff.; Burgers et al. 2011, 187ff.).⁴

(2) Irony in the wider sense – existential irony – is the irony of Hegel, Schlegel, Kierkegaard. It is better defined than popular irony, but like the latter, refers to concepts that lay mainly outside of the realm of rhetoric and communicative phenomena (Behler 1998, 607ff.; Braungart 2010, 323ff).

(3) Irony in the wide sense – situational irony – differs from the popular and existential irony in that it clearly refers to a communicative

³ Some excellent introductions into the various meanings of ‘irony’ are provided by Muecke 1969, 64ff.; Ibid. 1970, 7ff.; Behler 1998, 599ff.; Dynel 2018, 157ff.

⁴ Fogelin presents a strong case in favour of some cases of popular irony, namely poetic justice, structurally resembling irony in the narrow sense, thus providing a connection between the popular usage and the more theoretical terminology (2011, 22f.).

situation. Unlike verbal irony, the main communication concerned is not the one between protagonist and antagonist, but instead happens between a (real or imagined) author of the situation and his or her audience. Situational irony is thus marked by a tension between partially ignorant agents and a better-informed audience that observes the irony in the statements and actions of the agents (see also Fogelin 2011, 21ff.).

(4) Irony in the narrow sense – verbal irony – is the irony with which this essay is concerned. This type of irony describes a figure of speech or form of communication that is (like other tropes) marked by a contrast between what is literally expressed (said_L) and what is meant (said_R). The most common form of verbal irony is the contrary irony of the classical textbooks. Anaximenes describes it as “*calling things by the opposite of their real names*” (Rhet. ad Alex. 1434a, trans. H. Rackham) and Quintilian explains this irony, or *illusio*, as “*the type in which meaning and the words are contrary*” (Quint. Inst. Orat. VIII, 6, 54, trans. Russell). This is also the type of irony Grice is thinking of in his traitor example. Most modern definitions of verbal irony have a similar type in mind and centre around two necessary (but not always jointly sufficient) markers of irony: 1. a contrast between meaning_L and meaning_R – the marker of figurative language in general and 2. a relationship of contrary opposition between meaning_L and meaning_R.⁵ These core qualities are sometimes supplemented by additional markers, such as delivery clues in Quintilian (Inst. Orat. VIII, 6, 54), stylistic clues or internal conflicts in Booth (1974, 49ff.), or evaluative form and negatively evaluative implicature in Burgers, van Mulken & Schellens and Dynel respectively (Burgers et al. 2011, 189; Burgers et al. 2012, 293; Dynel 2018, 106ff.).⁶

While contrary irony is certainly an important variety of verbal irony, not all types of verbal irony are captured by the markers above. Notably, and most importantly for the purpose of this essay, the second core marker does not apply to another type of irony, Socratic or Dialectical irony. This type of irony is slightly harder to define, but clearly referred to in the works of Kenneth Burke and Heinrich

⁵ Frequently these authors refer to “opposition” rather than “contrary opposition” as the relevant second marker. Since other types of opposition – namely contradictory oppositions – would reduce the second marker to the logical core of the first marker, one can only assume that the contrary opposite is meant. See also Fogelins 2011, 9ff.

⁶ Not all types of verbal irony fit neatly into this summary. See for example Dynel’s forth type, surrealist irony, that seems to work without a contrary opposition between meaning_L and meaning_R. (Dynel 2018, 171ff.) Compare also Simpson 2011, 40ff.)

Lausberg. Burke famously equates irony with the dialectic and describes it as:

Hence, from the standpoint of this total form (this 'perspective of perspectives'), none of the participating 'sub-perspectives' can be treated as either precisely right or precisely wrong. They are all voices, or personalities, or positions, integrally affecting one another. When the dialectic is properly formed, they are the number of characters needed to produce the total development. [...] True irony, humble irony, is based upon a sense of fundamental kinship with the enemy, as one needs him, is indebted to him, is not merely outside him as an observer but contains him within, being consubstantial with him. (Burke 1941, 432ff.)

Lausberg offers a similar explanation. In his *Elemente der Literarischen Rhetorik* he writes *"Die simulatio besteht in der meist affektisch provozierenden, manchmal auch sich emphatisch harmlos gebenden (also die Wirkungs-Absicht dissimulierenden) positiven Vertretung der Meinung des Parteigegners."* (Lausberg 1949 §429) He further develops this description in the *Handbuch der Literarischen Rhetorik*:

"Die Ironie ist der Ausdruck einer Sache durch ein deren Gegenteil bezeichnendes Wort. Sie ist eine Waffe der Parteilichkeit: der Redner ist sich der Überzeugungskraft seiner eigenen Partei sowie der Sympathie des Publikums so sicher, daß er [...] die lexikalische Wertskala des Gegners verwendet und deren Unwahrheit durch den (...) Kontext evident werden läßt." (Lausberg 1960, §582).

While this later definition also references a relationship of opposition ("deren Gegenteil"), the emphasis in both descriptions lays on the invocation of the opinion of the opponent ("Meinung des Parteigegners") or the lexical values of the opponent ("die lexikalische Wertskala des Gegners"). In other words, Lausberg's and Burke's understanding of irony coalesce in the idea of the invocation of the opinion or the terminology of the antagonist (or a third party), and its incorporation into the protagonist's message. This usage of the other's voice or perspective thus becomes the defining quality of Socratic irony.

Several decades after Burke and Lausberg, and in apparent impudence of the former, Dan Sperber and Deidre Wilson develop a very similar concept of irony (Sperber & Wilson 1981; Ibid. 1995; Wilson & Sperber 2015). Sperber and Wilson understand (Socratic) irony as and echotic mention of the standpoint of a third party (Sperber & Wilson 1981, 306ff.). Their distinction between the 'usage' of a standpoint in literal (and some figurative) language versus the

‘mentioning’ of a standpoint without explicit attribution to the referenced party is very useful for the understanding of the reduced burden of proof that the protagonist assumes for an ironic utterance. The main difference between Sperber and Wilson’s concept of echotic irony and Burke’s and Lausberg’s explanations seems to lie in the formers’ limitations to ‘thoughts’ (Wilson & Sperber 2015, 125) or ‘contents’ (Ibid, 131) as opposed to the option of the invocation of either a thought or a diction or both in the latter. This distinction is of particular importance in examples two and three below.

3. EXAMPLES OF SOCRATIC IRONY

Since Socratic irony is less extensively discussed in the literature and its definition does not neatly align with the traditional ‘meaning_R is contrary to meaning_L’ structure, I will provide three brief examples of Socratic irony, which illustrate its core qualities and at the same time distinguish it from contrary irony. They also exemplify how irony can be used in very serious contexts and is not necessarily accompanied by a humorous or lighthearted context. To cover a wide breath of discourse types, the first example is taken from a Platonic dialogue, the second from a statement about a police shooting victim and the third from the lyrics of a heavy metal band.

(1) Plato’s Socrates states in the *Gorgias*:

I am certain that whenever you agree with me in any view that my soul takes, this must be the very truth. For I conceive that whoever would sufficiently test a soul as to rectitude of life or the reverse should go to work with three things which are all in your possession – knowledge, goodwill, and frankness. I meet with many people who are unable to test me, because they are not wise as you are; while others, though wise, are unwilling to tell me the truth, because they do not care for me as you do; and our two visitors here, Gorgias and Polus, though wise and friendly to me; are more lacking in frankness and inclined to bashfulness than they should be; nay, it must be so, when they have carried modesty to such a point that each of them can bring himself, out of sheer modesty, to contradict himself in face of a large company, and that on questions of the greatest importance. But you have all of these qualities which the rest of them lack: you have had a sound education, as many here in Athens will agree; and you are well disposed to me. (*Gorg.* 486e, trans. W.R.M. Lamb)

Interpreting Socrates literally here does not lead to immediate contradiction. The co- and context of this section strongly suggests however, that Socrates does not consider Callicles a perfect model of

highest wisdom, greatest goodwill towards Socrates and strongest frankness. Instead he is clearly speaking ironically. Yet, if the textbook definition of contrary irony were to be applied to this text, meaning_R of Socrates words should be claiming of Callicles that he is the perfect model of highest folly, greatest malevolence and strongest flattery or deception. This reading is certainly possible, but it doesn't match the context very well either. Instead it appears that Socrates is trying to echo Callicles' own opinion about himself by invoking his voice against him. If he thinks so highly of himself then he should be able to serve as the litmus test of truth, and if his claims will be rebutted in dialogue then that rebuttal will stand firmly.

(2) Terence Crutcher was shot by a police officer in 2016. The incident was filmed by a police helicopter and the helicopter police can be overheard calling Terence Crutcher a "big bad dude". Reacting to his passing, Dr. Tiffany Crutcher commented on the death of her unarmed twin brother by the hands of the police with "*That big bad dude was enrolled at Tulsa Community College. He just wanted to make us proud. That big bad dude loved God.*" (The Guardian 2016) Her statement is a very clear example of Socratic irony and an illustration that irony by now means it has to be humorous. Taken literally, calling a recently deceased victim of police violence, especially a close family member, a "big bad dude" is certainly offensive. The phrasing lacks sufficient respect for her late brother and would thus at face value be insulting. Contrary irony interpretation cannot heal this inappropriateness, as Dr. Crutcher certainly did not mean to call her brother a "small nice gal" or tried to insinuate that he was not wanting to make his family proud. Instead she is clearly invoking the word of the police officer to show the contrast between the officer's words and her message about her brother.

(3) The final example is taken from the lyrics of bay area metal band Machine Head. In their 2018 song "bastards" they sing "*So give us all your faggots, all your niggas, and your spics - Give us all your Muslims, your so-called terrorists - We'll welcome them with open arms, and put 'em in our mix - We're better off together now, embrace our difference.*" The song as a whole is a strong statement in favor of tolerance and inclusiveness, so using heavily laden expletives for some of the groups whose discrimination the song calls out, creates a face level discord. After all, the use of this widely shunned terminology usually serves as a marker of racism. As a result, the tension between message and terminology strongly suggests ironic intent, but once again contrary irony is not the right tool to reconstruct what the band is trying to say_R. Machine Head do not suggest to give them "all your straight, white and non-Hispanic people" nor do they ask to "take away all your gays, and black and Hispanic people", but instead they invoke the voice of the

(unnamed) homophobe and xenophobe to create a verbal contrast with their main message.

The examples illustrate the core functioning of Socratic irony. As a rhetorical figure it stands halfway between contrary irony and prosopopoeia. It differs from the former by not being translatable with the help of a simple inversion of (one axis of) its meaning_L, and from the latter in the lack of explicit attribution or citations. The main markers of Socratic irony are 1. the common marker of tropes (a contrast between meaning_L and meaning_R) and 2. an implicit reference to the content or wording of a (second or) third party (making it possible to insert a “as you said” or “as they might call it” to translate meaning_L into meaning_R). Socratic irony will also frequently share non-verbal or stylistic bonus indicators with other forms of verbal irony as well. Given these basic characteristics, the main challenge in the interpretation of Socratic irony is a reasonable reconstruction that leads to a defensible meaning_R given an instance of meaning_L.

4. GRICEAN MAXIMS IN REASONABLE RECONSTRUCTION

Interpreting a discursive partner or opponent in a reasonable manner is an essential component of any reasonable discussion. It features in a number of places within the pragma-dialectical model of a critical discussion, probably most prominently in the third and fifth commandments (and their rule counterparts). The former, the ‘standpoint rule’ stipulates that “*Attacks on standpoints may not bear on a standpoint that has not actually been put forward by the other party.*” (van Eemeren & Grootendorst 2004, 191; van Eemeren 2018, 59) and the latter, the ‘unexpressed-premise rule’, requires that “*Discussants may not falsely attribute unexpressed premises to the other party, nor disown responsibility for their own unexpressed premises.*” (van Eemeren & Grootendorst 2004, 192; van Eemeren 2018, 60). Of these, the third commandment primarily regulates the antagonist’s behavior, banning her from misinterpreting the protagonist’s statements, whereas the fifth commandment addresses the protagonist’s and antagonist’s discursive behavior equally, requiring them to not unduly add or subtract from P’s commitment set based on his statements (van Eemeren 2018, 63).

Under ideal and cooperative circumstances, discussion partners need no further explicit or dependable rules to guide their interpretations. Instead they can resort to a model order of 1) P stating X, 2) A interpreting X, 3) if necessary, A checking her interpretation with P, and 4) P truthfully confirming or correcting A’s interpretation. The pragmatic, linguistic, and psychological rules involved in this kind of interpretation are fascinating, but not the subject of this essay (comp. e.g. van Eemeren & Grootendorst 2004, 95ff.; van Eemeren 2015, 94ff.

Ibid. 2018, 89ff.; van Eemeren, F. H., et al. 1993, 37ff.; van Eemeren & Snoeck Henkemans 2017, 43ff.). I want to instead address a situation in which the circumstances are less ideal, and participants require more resilient rules.

There are a number of different reasons why the model order above might not be applicable. Without an attempt at an exhaustive organization of these reasons at least three groups of interactions immediately present themselves:

Group 1 including all kinds of mediated communication. If A is reading a book, watching a televised speech or is the recipient of similar, primarily monological communication, then asking P for confirmation of her interpretation will usually simply not be feasible. If her agreement or disagreement depends on a particular interpretative alternative, then she might require a way to test her initial intuitive interpretation. The principle of charity requires A to interpret P in the strongest reasonable way, but while this is a sensible and well-justified ideal, it does little to guide the choice between competing benevolent interpretations (comp. van Eemeren, F. H., et al. 1993, 49ff.; van Eemeren & Snoeck Henkemans 2017, 65ff.)

Group 2 includes situations in which P and A might indeed be in a dialogical face to face conversation, but P might not be entirely certain of the 'right' interpretation of his statement. It might well be possible that he states X without a very clear understanding of which interpretation of X should be taken. If this is the case, then he cannot confirm or reject any of A's interpretative proposals or requests.

Group 3 includes the countless dialogues in which both participants might well agree to discuss reasonably, and thus pursue a (pragma-)dialectical goal, but at the same time also maintain rhetorical aims that are not completely subordinate to the dialectical goals. Expressed in a soccer analogy, both players might want to play soccer with each other, be familiar with the rules and willing to play fair, but given that they also want to win, they will not go out of their way to volunteer an offside call against their own side, especially if they are not completely certain that their team has indeed committed the offense. Put in more technical terms, while P and A might be committed to the first order rules of reasonableness, the required second and higher order conditions might be imperfectly fulfilled, and the dialogue partners might be willing to test the limits of reasonable strategic maneuvering.

Under any of the above imperfect conditions the imperatives provided by the pragma-dialectical model on the large scale may require additional guidelines for their implementation. What does it mean for a standpoint to "have actually been put forward" and for an unexpressed premise to be present? Put in other words, how does one

justify a deviation from a literal interpretation or the leap from statement_L to statement_R?

One way of understanding the relationship between an individual literal statement and the matching content of the commitment set of the speaker is to think of them as being located on a continuum of speaker responsibility addition and subtraction from what is literally said. One end of this spectrum contains pure unexpressed premises (UPs), statements_R that enter the P's commitment set, even though they have no single statement_L that justifies them. Their reasonable existence can be reconstructed from the context but is not the result of an immediate interpretation of a single utterance. On the other end of this spectrum is located what I want to call, for want of a better term, overexpressed premises (OPs); statements_L that even though uttered, do not enter P's commitment set and do not produce a substitution. Thinking of reasonable reconstructions and interpretations in this manner would then allow us to locate most of figurative language between these two extremes, with figures such as metaphor sitting roughly in the middle, adding and subtracting in equal measure from statement_L to reach statement_R, allusions leaning more towards the left side (requiring more addition than subtraction) and hyperbolic expressions located further to the right (needing more subtraction than addition). I am keenly aware of the limits of understanding the reconstructive operations in this manner and I am far from advocating for a Lausbergian model of deviation categories for figurative language. I do however believe that this way of seeing can help to illustrate the different kinds of tools that are needed for a reasonable reconstruction under less than ideal conditions.

As mentioned above, these conditions require additional guidelines that justify a given reconstruction to a critical opponent. This is where the Gricean maxims and their Neo-Gricean counterparts can be a very helpful tool for reasonable reconstruction against resistance.⁷ Their strength is perhaps most evident in the case of pure unexpressed premises. Take the following example:

P: I am certain Peter is quite pig-headed. He has been a teacher for more than twenty years.

A: I don't think that teachers are generally pig-headed.

P: I never said they were.

⁷ Their practical usefulness is distinct from their theoretical status as ultimate reconstructive model. One thus does not need to take sides in the Gricean vs Neo-Gricean vs Post-Gricean vs Relevance Theory disputes to appreciate their utility for these purposes, but comp. Dynel 2018, 33ff. and Garmendia 2015, 40ff. for a defense of the Gricean group against some of the Relevance Theory challenges.

Leaving aside the more complicated question of the quantification of P's UP (i.e. are all teachers pig-headed or most, or the typical teacher?), it is clear that P's second turn violates the fifth commandment of the critical discussion by disowning P's UP. If requested to justify her reconstruction of P's UP against P's resistance, A can point to Grice's maxim of relevance ("Be relevant", Grice 1989, 27). Assuming the absence of any reasons for violations, clashes or opting out, A may infer that P has flouted this maxim and reasonably heal the apparent violation by inserting P's UP above. Grice's maxim thus creates a *prima facie* case in favor of A's reconstruction which requires P to produce compelling reasons if he wants to eliminate the UP from his commitment set.

Levinson's principles can be of similar use for reconstructing UPs, as in the following example:

P: I actually enjoyed some of the past dinners we had together.

A: Really, only some. Which ones didn't you enjoy?

P: Oh, I didn't say that there were any I didn't enjoy.

While there is no clear flouting of Grice's relevance maxim in this short section without additional context, P clearly violates Levinson's Q-principle: "*Do not provide a statement that is informationally weaker than your knowledge of the world allows, unless providing an informationally stronger statement would contravene the I-principle. Specifically, select the informationally strongest paradigmatic alternate that is consistent with the facts.*" (Levinson 2000, 76). A's recipient's corollary (ibid.) justifies her in presuming P's UP as "There were at least some dinners with you that I did not enjoy." Once again, P would need to provide independent reasons against this reconstruction if he wanted to disavow the UP in a reasonable manner.

While the practical utility of Grice's maxims and Levinson's principles is fairly evident for the more left, mostly addition-based, transfers, the case is more complicated for the middle and more right elements on the spectrum. Grice himself illustrates how his maxims can be used in the reconstruction of figurative language. His perhaps most famous examples in that regard are irony, metaphor, meiosis and hyperbole as flouting of the first maxim of quality ("Do not say what you believe to be false", Grice 1989, 27; Ibid. 34; comp. also Dynel 2018, 94ff.). Using this maxim for a justification of an interpretation against resistance leads to an evident problem at least in the case of irony.

The relevance maxim can produce a *prima facie* case in favor of an interpretation even against P's resistance because conversational relevance is a relatively objective standard.⁸ "Believing something to be

⁸ This is not to say that it might not require interpretation, but instead that it is principally open and accessible to both parties.

false” – as opposed to something actually being false – on the other hand, is a more subjective standard that gives P a considerable advantage. This is a minor problem for most figures (it is objectively highly unlikely that someone who calls Achill a “lion in the battlefield” believes that the Greek hero has four legs and is a feline, and someone who calls “all hands on deck” is almost certainly expecting the rest of the bodies to come along as well), but the case is more complicated for verbal irony. Grice’s own traitor example for irony works only because the contrast between statement_L and context is extraordinarily stark. Even for contrary irony this will not always be a reliable expectation, but in the case of Socratic irony it certainly becomes problematic.

4. RECONSTRUCTING SOCRATIC IRONY

Socratic irony is perhaps one of the clearest examples for a communicative phenomenon that is located on the far right of the interpretative spectrum, with the relationship of statement_L and statement_R being one of predominant subtraction and hardly any addition in some cases. In the first example introduced above, the content-based Socratic irony in Plato’s *Gorgias*, Socrates cannot reasonably be held to defend his claim_L that Callicles is an ideal model of knowledge, goodwill, and frankness, if challenged to do so by an antagonist (subtraction). He could however be reasonably expected to defend the claim that he thinks that Callicles thinks of Callicles as exemplary in these qualities (addition). He might also be reasonably held to his negative judgement of Callicles’ boisterous self-assessment.

In the second example, the case of clearly attributable content and lexicon-based Socratic irony, Tiffany Crutcher cannot be reasonably expected to actually believe that her deceased brother was a “big bad dude” (subtraction). If anything can be positively inferred from her statement_L at all, then it would be the evident fact that she is aware of the police recordings and their references to her brother, as well as her unsurprisingly negative assessment of the police statements (addition).

The final example provides a case of not clearly attributable, lexicon-based only, Socratic irony. Machine Head do not invoke a third party’s content, but instead only use the terminology of a vaguely defined group of racists and homophobes. The band cannot be reasonably expected to defend the racists and homophobe terminology (subtraction), and beyond a negative assessment of these groups, very little is reasonably added to their commitment set.

I hope that the above reconstructions of the three examples seem intuitively plausible to a benevolent reader – but they are lacking the kind of support against critical resistance that Grice and Levinson (and no doubt other similar models) can provide in the case of UP

reconstruction. If an uncooperative antagonist would demand of Socrates to justify his emphatic praise of Callicles, or of Dr. Crutcher to explain her insulting treatment of her brother, or of Machine Head the racists and homophobe vocabulary in their song, how can they reasonably defend themselves and disavow their OPs?

Given that these right spectrum reconstructions are more likely to deal with potential fifth commandment violations of A, rather than P, the protagonist might have the advantage of a privileged insight into his own meaning. In the absence of resilient reconstruction guidelines this insight allows for a “That’s not what I meant” at best – which is not a very satisfactory result. Can Grice and Levinson provide OP reconstruction guidelines similar to those we have for UPs?

The first maxim of quality is Grice’s own example for contrary irony, but it doesn’t quite work for Socratic irony. Sure, P might not fully (or at all) believe in the invoked content, but this lack of believe is only secondary to the principle positive believe in the truth of the implicit citation. P does believe that someone else holds what he says. The situation is even more complicated in the case of only lexicon-based Socratic irony, as here the content clearly does not have to be judged to be false, but rather the vocabulary to be inappropriate.

The maxim of relation and the maxims of quantity provide no evident starting point that could help with an OP reconstruction. The maxims of manner might occasionally help with the identification of supplemental irony markers especially in a literary context, where sudden obscurities or ambiguities may warn the reader of ironic subtext. However, the actual flouting that the author might commit is usually attached to stylistic effects that are parasitic or amplificatory to the actual irony and thus do not provide a reliable guideline either.

The situation isn’t much more promising with Levinson’s principles. His Q-principle and his I-principle have no discernible relationship to irony at all. His M-principle (*“Indicate an abnormal, nonstereotypical situation by using marked expressions that contrast with those you would use to describe the corresponding normal, stereotypical situation.”* Levinson 2000, 136) fulfills a similar role to that of Grice’s maxims of manner. It can help to detect bonus markers of irony or amplificatory elements, but not the Socratic irony itself.

5. NO CONCLUSION

What remains is an aporetic conclusion. The Gricean and Neo-Gricean maxims and principles are very helpful for the reasonable reconstruction of unexpressed premises against critical resistance, but they seem less useful for their counterpart, the reasonable interpretation of overexpressed premises. A protagonist in a discussion

under less than ideal circumstances, who uses of Socratic irony, is thus more vulnerable to (intentional or unintentional) fifth commandment violations of the antagonist than speakers who employ more easily decodable stylistic devices.

REFERENCES

- Rhetorica ad Alexandrum* (1957), trans. H. Rackham, Cambridge, MA: Harvard University Press.
- Behler, E. (1998) Ironie. In: G. Ueding (Ed.) *Historisches Wörterbuch der Rhetorik* Bd. 4, 599-624. Tübingen: Max Niemeyer Verlag.
- Booth, W. (1974) *A Rhetoric of Irony*. Chicago & London: University of Chicago Press.
- Braungart, W. (2010). Eironeia urbana. In A. Burkhardt & B. Nerlin (Eds.) *Tropical Truth. The Epistemology of Metaphor and Other Tropes*, 323-338. Berlin: De Gruyter.
- Burgers, C., van Mulken M. & Schellens P. (2011) Finding Irony: An Introduction of the Verbal Irony Procedure (VIP). *Metaphors and Symbol* 26 (3). 186-205.
- Burgers, C., van Mulken M. & Schellens P. (2012) Verbal Irony: Differences in usage across written genres. *Journal of Language and Social Psychology* 31 (3). 290-310.
- Burke, K. (1941). Four Master Tropes. *The Kenyon Review*, 3(4), 421-438.
- Dynel, M. (2018). *Irony, Deception and Humour*. Boston & Berlin: De Gruyter Mouton.
- Fogelin, R. (2011). *Figuratively Speaking*. Rev. Ed. Oxford: Oxford University Press.
- Garmendia, J. (2015). A (Neo)Gricean Account of Irony: An Answer to Relevance Theory. *International Review of Pragmatics*, 7(1), 40-79.
- Grice, P. (1989). Logic and Conversation. In P. Grice (Ed.), *Studies in the Way of Words* (pp. 22-40). Cambridge: Harvard University Press.
- Haugh, M. (2013). Speaker meaning and accountability in interaction. *Journal of Pragmatics*, 48(1), 41-56.
- Lausberg, H. (1949). *Elemente der literarischen Rhetorik*. München: Max Huber Verlag.
- Lausberg, H. (1960). *Handbuch der literarischen Rhetorik*. München: Max Huber Verlag.
- Levinson, S. (2000). *Presumptive Meanings: The Theory of Generalized Conversational Implicature*. Cambridge: MIT Press.
- Muecke, D. C. (1969). *The Compass of Irony*. London & New York: Methuen.
- Muecke, D. C. (1970). *Irony and the Ironic*. London & New York: Methuen.
- Plato (1925) *Lysis. Symposium. Gorgias*. W. R. M. Lamb (Trans.). Cambridge, MA: Harvard University Press.
- Quintilian, M. F. (2001). *The orator's education*. D. A. Russell (trans.). Cambridge, MA: Harvard University Press.
- Saul, J. (2012). *Lying, Misleading and What is Said*. Oxford: Oxford University Press.

- Simpson, P. (2011). "That's not ironic, that's just stupid" Towards an eclectic account of the discourse of irony. In M. Dynel (Ed.), *The pragmatics of humour across discourse domains* (pp. 33-50). Amsterdam: John Benjamins.
- Sperber, D., & Wilson, D. (1981). Irony and the use-mention distinction. In P. Cole (Ed.), *Radical Pragmatics* (pp. 295-318). New York: Academic Press.
- Sperber, D., & Wilson, D. (1995). *Relevance: Communication and Cognition*. 2nd ed. Malden: Blackwell Publishing.
- The Guardian (2016) *Video in Tulsa police shooting shows black man was unarmed with hands up*. Sep. 19, 2016. <https://www.theguardian.com/us-news/2016/sep/19/tulsa-oklahoma-terence-crutcher-police-shooting>. Retrieved on May 27, 2019.
- van Eemeren, F. H. (2015) Argumentation Studies' Five Estates. In: Ibid. (Ed.) Reasonableness and Effectiveness in Argumentative Discourse. Cham et al.: Springer.
- van Eemeren, F. H. (2018) *Argumentation Theory: A Pragma-Dialectical Perspective*. Cham: Springer Nature.
- van Eemeren, F. H. & Grootendorst, R. (2004) *A Systematic Theory of Argumentation. The pragma-dialectical approach*. Cambridge: Cambridge University Press.
- van Eemeren, F. H., Grootendorst, R., Jackson, S., & Jacobs, S. (1993). *Reconstructing Argumentative Discourse*. Tuscaloosa, AL: University of Alabama Press.
- van Eemeren, F. H. & Snoeck Henkemans, A. F. (2017) *Argumentation. Analysis and evaluation*. 2. rev. ed. New York & London: Routledge.
- Wilson, D., & Sperber, D. (2012). Explaining Irony. In D. Wilson & D. Sperber (Eds.) *Meaning and Relevance* (pp. 123-145). Cambridge: Cambridge University Press.

Commentary on Hoppmann's "Grice, Machine Head and the problem of overexpressed premises"

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Irony is probably one of the most fascinating issues for linguistics and pragmatics. Of course, there are different kinds of irony, which Micheal Hoppmann recalls at the beginning of the paper. I'm fascinated, like Michael Hoppmann, by the verbal irony, because the same utterance P ("what a beautiful dress" can mean (P) as well as (not-P) depending on its context, which is quite challenging for the logical law of non-contradiction.

Pragmatics have different approaches on irony. Mainly, we can find Oswald Ducrot's ideas on polyphony (Ducrot 1984) which states that irony is a double enunciation. This is to say that two voices, in quotation marks, are behind one single utterance: one voice is uttering (P), while another, which is the only one taken in charge by the speaker, is saying (non-P) in the same time. This double enunciation is tied with the classical and contested Gricean account of "communicating the opposite of the literal meaning"; to be clearer, (P) is said but means, in fact (non-P). There is a small problem with a Ducrotian point of view. When it's pouring down outside, and the speaker is saying "Nice weather"!, the double enunciation theory implies that an unknown and (rather stupid or blind) speaker is really saying "Nice weather" while a second voice, which is affiliated to the actual speaker is in fact meaning "Awful weather!". Pragmaticians as Sperber and Wilson solve this incongruity of the first blind "speaker" by developing another idea, which does not need the idea of a double enunciation, but states that irony is systematically referred to a stance which is taken in charge by the speaker relatively to another's one idea or utterance: "type of an echoing allusion to an attributed utterance or thought" (Wilson 2006, p 1724). "Nice weather" is echoing a past utterance, which is not relevant or clearly an opposite to the current situation and from which we can infer the critical and mocking attitude behind it. It may be described as a kind of reported speech, even if it's maybe too strong for a vague echo of the past... I will not go on with the nature of irony and with the differences of definitions and visions in different thought-stimulating papers on irony,

because, first, I am well aware that Michael Hoppmann isn't writing a paper on verbal irony and he doesn't need Relevance Theory's account on irony for his demonstration. He is explicitly supporting a Gricean approach which seems to be a perfect frame to describe peculiarities of the Socratic irony. Secondly, the nature of irony is maybe less relevant for this commentary than the process of locating irony. How can we recognize ironic utterances? I will use here another French theory on irony. Alain Rabatel is a French linguist whose ideas on irony are worth mentioning, since they are related to the main idea that Michael Hoppmann is using in his paper: overexpressed premises.

Rabatel has written some papers on irony vs. humor. In one of his papers, Rabatel uses Ducrot's ideas on double enunciation but refines it a bit: for him, a first point of view is pretended to be taken a charge just before the speaker let implicitly infer his real point of view, which is more relevant than the first one (2012, 43). While doing so, the ironist takes some distance from her target, and mocks the first point of view. And this is why, according to him, irony is tied with over-enunciation or over-expression. In order to let the audience infer the Meaning_R, the ironist needs to show a distance with the first point of view that she is mocking and therefore needs intonation markers, obvious movements and facial expressions, clear linguistic markers of distance or a clash between the utterance and its context to let the audience infer the other, often contrary or contradictory, point of view. In brief, it needs overexpression to let the real intended meaning_R be inferred from the meaning_L.

The main difference between classical irony and Socratic irony is the speaker's posture. And Rabatel mentions that an ironist must rely on 'a strong and indisputable feeling of axiological and/or cognitive superiority, a feeling that permits her to critique or to mock, more or less aggressively, the other point of view' (REF, my translation). In the Socratic irony, Socrates is not uttering his superiority: he proves it by flattering his targets' superiority, targets who do not understand that they are mocked. Socrates is showing his superiority while he is saying a pretended inferiority. In Hoppmann's first example, different linguistic markers permit us to infer the mocking utterances behind what has been said. Socrates is indeed overexpressing his flattery with universal qualifiers, comparisons and hyperboles: 'Whenever, in any view, whoever, all in your possession, not as wise as you are, do not care for me as you do, all of these qualities which the rest of them lack'. Here, it's not only a maxim of quality which is violated, but a maxim of quantity which helps us infer the hidden ironic point of view. In a Socratic irony, hearers are praised while the speaker is denigrating her own intelligence.

This is precisely the reason why I'm puzzled by Michael Hoppmann's second and third examples. In the second one, Sperber and Wilson's echoic theory has found a perfect example here since there is no

doubt that 'bug bad dude' is literally reported speech which highlights its own inadequacy to describe reality. In the third one, the Machine Head's song, 'faggots' 'niggas' and 'spics' are linguistic designations which are explicitly referred as not taken in charge by the speaker: YOUR faggots, YOUR niggas and YOUR spics', and 'YOUR SO-CALLED terrorists'.

Michael considers two criteria to define Socratic irony: a contrast between meaning_L and meaning_R, and an implicit reference to the content of a second or a third party'. In my vision of Socratic irony, I would put forth the question of pretended inferiority as a major criterion as well as a difference of targets: Socratic irony is targeting the statuses and roles of interlocutors in a communicative situation whereas classical verbal irony is targeting the content of what has been said, is more related to what has been said than about who has said it.

Therefore, for me, Tiffany Crutcher's and Machine Head's examples do not pretend inferiority and thus not examples of Socratic irony. Even if I consider Michael's criteria, the second one 'implicit reference to the content of the third party' seems not to apply in the Machine Head's lyrics since 'niggas faggots and spics' are explicitly said as 'not my words' but 'yours'.

I'd even go further: I wonder if these examples are ironic at all. Indeed, many scholars consider that irony is a sufficient condition of taunting. While every irony is taunting, taunting is not always ironic. What Tiffany Crutcher's and Machine Head's examples have in common is to be about metalinguistics. They target an inappropriate – to say the least – use of words and mock the people who use these words in this situation. The speakers pretend for a moment to borrow the words of the opposing parties to widen the gap between the words that have been said and the reality they are supposed to denote. There is, of course, a family resemblance with classical irony, if only because of the double enunciation and the pretence of adopting other people's words. And there is a resemblance with Socratic irony – as I envision it – since it's more targeting the opponent and his words than the content of what has been said. But the inference process is not the same. In classical irony, the content of (P) is not relevant with the context and this lack of relevance lets us infer non-P. In Hoppmann's examples, the inference is triggered because it is not relevant to imagine such words said by such a speaker. The clash is not between what is said and the situation of communication but between what is said what the speaker is supposed to take in charge.

My last words here are echoing Michael Hoppmann's words in his fourth section of the paper. I totally agree with him when he says, for example, 'Machine Head cannot be reasonably expected to defend the racists'. The main difference is that I only see taunting and not irony. More broadly, one of the merits of his paper is precisely to shed light on a mechanism of abductive inference, important in argumentation, which

is triggered by the 'overexpressed' premises. What is overexpressed is a sign which invites us to infer the hidden standpoint. This process seems to have links with Levinson's M-principle. But it makes me think about the relation between overexpressed premises and *ad personam* attacks as well. Although I do not seem to agree with what is at the heart of the article, I think that Michael Hoppmann has touched on a sore point in this paper and I thank him for the stimulating thoughts that his paper provokes.

REFERENCES

- Ducrot, O. (1984). Esquisse d'une théorie polyphonique de l'énonciation. *Le Dire et le Dit*. Paris: Minuit, (pp. 171-233).
- Rabatel, A. (2012). "Ironie et sur-énonciation". *Vox Romanica*, Francke/Narr, (pp.42-76).
- Wilson, D. (2006). The pragmatics of verbal irony: Echo or pretence? *Lingua* 116 (pp. 1722-43).

Standpoints and Commitments as Products of Argumentative Work: Micro/Macro-Analysis of an Infamous Press Conference

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Conversation analysis and computational methods are combined to analyze the arguments produced in a press conference centered on Donald Trump's views of extreme right-wing groups. Our methods allow exploration of connections between a single conversation and a vast argumentative polylogue in which ordinary citizens interact along with journalists, politicians, and government officials. Within this press conference, standpoints and commitments actually emerge from questioning and answering, and these products of argument extend out into other discussions.

KEYWORDS: argumentation, polylogue, conversation analysis, externalization, press conference, reconstruction

1. INTRODUCTION

On August 15, 2017, United States President Donald Trump called a press conference for the purpose of announcing a major infrastructure initiative. He delivered brief prepared remarks on the rationale for significant federal spending on transportation infrastructure while journalists listened quietly. But when asked if they had any questions, no one was interested in infrastructure. What followed was a fiery

exchange lasting about 17 minutes, in which reporters clamored for the chance to ask about Trump's response to events surrounding a White nationalist rally that erupted into violence and tragedy.

2. THEORETICAL OVERVIEW

Our research program (Jacobs & Jackson, 1982; 1989) involves collecting and analysing argumentation as it occurs naturally, with no preference for specimens of argument that contain neat packages of claims + reasons. Of equal theoretical interest are discussions conducted under well-defined rules of engagement (as in science and law) and rough-and-tumble exchanges where the rules are looser, rarely articulated, less specialized, less carefully monitored and enforced, and only dimly understood. At both extremes, argumentation involves challenging and defending positions.

Argument occurs as “expansion” around some conversational act subject to actual or potential disagreement (Jackson & Jacobs, 1980). Every conversational act has a structured expansion space around it that includes the possible things that might trigger disagreement (Jackson, 1992). This space includes anything actually said, but also anything presupposed, implicated, or otherwise assumed in order for the conversational act to make sense. Arguments get elaborated one way, and not another, through social processes that never exhaust the expansion space, exploring it quite selectively.

Expansion around disagreement includes a process by which arguments come to be elaborated over the course of interaction, identifying points of disagreement and developing content to address those points. In some strands of argumentation theory, argument is defined as claim + reason and theorized in terms of what can count as good reasons for various classes of claims. The idea that argument occurs as expansion around disagreement does not directly contradict this view, but sees the reasons offered as serving this disagreement management function.

A distinctive feature of our approach is the assumption that claims, reasons, standpoints, commitments, and the like are arguers' collaboratively produced work products, emergent from clash of actions—something created, very often on-the-fly, as people anticipate or call out problems in one another's contributions and as they generate responses. This means that our attention is not limited to claim + reason structures once they have emerged in recognizable form, but also with the work done to get them to emerge.

To underline how seriously we take the idea of emergence, we advance three broad observations about how we regard specific objects,

such as standpoints and commitments, that figure in many other treatments of argumentation.

2.1 Standpoints are interactionally and temporally emergent

Any time arguments are reconstructed, standpoints appear after the fact as the anchors organizing all of the rest, governing the relevance, meaning, and force of the arguments that justify or refute them. In such a reconstruction, it may appear as though, stated or not, the standpoints were there from the start, waiting to be externalized.

We assume instead that standpoints emerge from interaction, often formed as participants work against one another and learn what they themselves believe by encountering others with contrasting beliefs. This is normal in naturally occurring argumentation. Often, in actual argumentative activity, if standpoints emerge at all, they are the endpoints rather than the starting points of an exchange. Until and unless they are called out and articulated, they exist as hypothetical projections. Interactional emergence means that externalization of standpoints can be one possible deliverable of argumentative activity. Standpoints (and positions more broadly) get constructed through interaction as participants discover what they themselves are prepared to assert and as they work to pin down the commitments of others.

2.2 Commitment externalization is a practical accomplishment

Commitments are slippery. Externalization of commitments, like formulation of standpoints, is the product of argumentative activity. Very often, argumentative activity is actually aimed at producing externalized commitments, possibly with no further immediate purpose than getting someone to own up to a belief.

Analytic and methodological concerns for any principle of externalization follow from what Walton and Krabbe (1995; also Walton, 1984) call the "maieutic function" of argumentation. But in argumentative discourse, participants must manage who commits to what, when, and with what degree of explicitness. They must work out among themselves when externalization should be pursued at all. Participants may assume, suppose, expect, suspect, surmise and otherwise infer others' non-externalized beliefs, and they may strategize to disguise their "real" beliefs, attitudes, intentions, and motives. Fixing and avoiding commitment to what seemingly follows from prior commitments involves practical, interactional work.

2.3 Argumentative potential is omnipresent in human interaction

Virtually any speech act, sequence, or activity type can be conducted with argumentative relevance in view. Even under constraints of activity type, people can build any or all of the components for an argument—without quite openly making an argument. Still, all parties may understand and act upon the argumentative relevance and design of their contributions. They are more or less alert to possibilities for disagreement and strategic in managing them.

3. METHODS

The main object of our analysis is an interaction, in which President Trump takes questions from a large group of journalists. We examine the interaction using a combination of methods: precise transcription and turn-by-turn conversation analysis (Jackson, 1986; Jacobs, 1986; 1988; 1990), combined with computational methods that allow us to relate the discourse to a background network of arguments unfolding in a massive polylogue (Aakhus & Lewiński, 2017) that is partly preserved in social media and in various forms and formats of journalism.

Starting from multiple video-recordings and vernacular transcripts published by various news organizations, we created a technical transcript conforming with standard notation used in conversation analysis. The technical transcript contains important features usually omitted from content-focused representations.¹

The transcript contained many references to prior events and phrases suggesting shared background knowledge. Systematic searches of prior discourse were launched around these elements, using queries against news databases and social media. Results returned from these queries were analyzed quantitatively (e.g., phrase counts) and samples of texts were analyzed qualitatively.

4. CONTEXT

In the days just prior to the press conference, a protest rally had been held in Charlottesville, Virginia, instigated by Unite the Right (a movement embraced by ultra-right-wing organizations, including self-

¹ All excerpts of the press conference and turn numbering come from our publicly available transcript (Jacobs, Zhang & Jackson, 2019). Intervening turns, unconnected overlap brackets, pauses, and other transcription notation have been deleted when possible for reading clarity and to save space. When timing, repetition, overlap, and other details are important, the transcript segment retains these features. We recommend reading this paper while following along with the full transcript (which also contains links to video sources).

identified Nazis and White Nationalists). Nominally, the rally was to protest removal of a statue of Robert E. Lee, the iconic commander of Confederate forces during the American Civil War. Publicity before the event drew both rally protestors and counterprotestors.

The rally was planned for Saturday, August 12, but organizers called protestors to an impromptu Friday night gathering. Carrying torches, the protestors marched to the statue chanting racist slogans (e.g., "Jews will not replace us," "Blood and soil," "Into the ovens," and "Blacks will not replace us"). A crowd of counterprotestors gathered, and amidst shouting back and forth, the two sides began shoving, punching, kicking, sometimes using spray cans and cigarette lighters. Injuries were reported on both sides.

Saturday morning both sides re-assembled and resumed hostile confrontations. Before noon, the Governor of Virginia declared a state of emergency and law enforcement ordered the crowds to disperse. But a little after 1 p.m., a neo-Nazi protestor ploughed his car into a crowd of dispersing counterprotestors, causing multiple injuries and the death of Heather Heyer. Video of the event was televised and spread quickly on social media.

President Trump, or his staff, prepared a statement on the incident to make at a previously scheduled appearance. The statement included a brief passage in which Trump appeared to go off-script: Reading from text, he said "We condemn in the strongest possible terms this egregious display of hatred, bigotry, and violence." Then, gesturing as he looked upward, he added "on many sides. . . on many sides" (see Holan, 2017, for full statement).

For the next two days, Trump's remarks drew fierce criticism for blaming all sides and for making no condemnation of, or even naming, the right-wing hate groups who organized the rally and whose views the killer stood for. Queries on the phrase "on many sides" retrieved about 13,000 tweets (excluding retweets) and over 2200 news stories.

After heavy criticism, on Monday, August 14, Trump issued a stronger statement which included this very explicit condemnation: "Racism is evil. And those who cause violence in its name are criminals and thugs, including the KKK, neo-Nazis, White supremacists, and other hate groups that are repugnant to everything we hold dear as Americans." (See Rubin, 2017, for full statement.) On neither day would Trump take questions from the press. For many, the Monday condemnation seemed grudging and insincere.

The infrastructure press conference occurred Tuesday afternoon. Given the buildup, the press conference is easily seen as a continuation of ongoing discourse about why Trump seemed so reluctant to condemn racist, White supremacist attitudes.

5. STANDPOINT EMERGENCE, TURN BY TURN

In American press conferences, reporters are expected to adopt a "neutralistic," politically non-partisan footing toward the issues at hand and the answers given (Clayman & Heritage, 2002). Reporters themselves should not, and normally do not, openly make accusations, criticisms, disagreements and the like, though they may report such acts by others and ask for response. In answering, the questioned President is free to act as though all present are cooperative collaborators, simply constructing the public record.

Everyone participating in this press conference understood those norms but also understood the argumentative relevance of their contributions. Reporters designed their questions and answers with attention to this relevance, trying to control the issues on which Trump was took positions, and undertaking to constrain the commitments Trump could and should take in externalizing those positions. Trump's responses show the same sensitivity to position and commitment.

All parties know what is really going on here (challenge and defense), but all cooperate in maintaining a pretense that what is going on is question and answer. Glaser and Strauss (1967) coined the term "pretense awareness context" for this sort of situation. Maintaining a pretense awareness context is hard work, and eventually this pretense breaks down.

The first question, from ABC's Mary Bruce, has at least pro forma topical relevance to Trump's prepared statement, and it is an open-ended WH-question that is in line with the characteristically deferential stance press reporters take toward the President: "Why do you think these CEOs are leaving your manufacturing council?" It gives the President wide latitude. The question nevertheless makes obvious that there is some background indexed by reference to "these CEOs" "leaving your manufacturing council." The reporter not only knows something about these CEOs leaving the council but assumes Trump does also.

Queries against news and social media expose more: Trump's own tweets show that he was closely following a series of CEO resignations announced as acts of protest against Trump's stance toward Charlottesville. The first resignation came early Monday morning, before Trump's "racism is evil" statement. Merck CEO Ken Frazier resigned from the President's Manufacturing Council to "take a stand against intolerance and extremism." Trump had responded to this resignation immediately by tweet. As other CEOs joined Frazier, Trump continued to respond with more tweets.

So Trump could not have been confused about the significance of the question. The point was to make the CEOs' reasons for resigning an issue to address. Trump's response (turns 03/05 in the transcript)

evasively takes the question in a direction other than what was obviously intended. He attacks the CEOs for not bringing jobs back into the country (in an apparent effort to redirect attention to his economic growth initiatives).

But Bruce stays on her own path, following up (turns 06/08) with "Let me ask you (a different way) Why- Why did you wait so long to (blast) neo-Nazis?" This presupposes that Trump waited longer than standard ("so long"), and perhaps also implicates that a President should "blast neo-Nazis" and should not have to wait so long to do so. Trump seemingly accepts the implicature that he should "blast neo-Nazis" by failing to deny it, but he emphatically denies the presupposition that he waited too long to respond (repeating "I didn't wait long" three times, in turns 10, 12, and 14). He goes on (turn 16) to explain that the wait was justified by the need to "know the facts," a claim he repeats throughout the initial segment of the press conference (turns 28, 37, 58/60, 67, 70/71, 73).

On the face of it, it is reasonable to want the facts before making public statements. And this might take more time than normal. But the reporters clearly do not buy this argument, as is clear from challenges peppered throughout the press conference to Trump's position that he did not know enough initially to deliver an immediate condemnation. For example, reporters simply assert that "White supremacists," "White nationalists," "Nazis," and "violence" were there, as though this was common knowledge and sufficient. (See turns 17, 31, 36, 43, 45, 62/65, 64/66, 69, and 75). After the event, news analysts repeatedly brought up Trump's "fast" statements condemning non-White attackers and his consistent silence on terrorist acts by White attackers (See Bump, 2019 for an ongoing list of such cases; also Calmes, 2017). Trump's need for "the facts" *in this case* only appears to be further evidence of a bias already suspected and widely noted.

25 DT: As I said on, remember this, Saturday, "We condemn
in the strongest possible terms this egregious display
of hatred, bigotry and violence. It has no place in
America." And then I went on from there. (.)
[Now here's the=
[
26 Rs: [((CLAMOR))
27 R1: =[and on many s:i:des]

Figure 1 – Transcript segment. Trump re-reads his Saturday statement, omitting mention of "on many sides."

Trump is keenly aware of the background controversies, and also well aware that his Saturday and Monday statements served as flashpoints for the most recent controversy. This is evidenced by the fact that he actually brought with him a written version of his Saturday statement and pulled it from his pocket to read aloud, as shown in Figure 1. Trump's reading omits the ad-libbed remark that was the flashpoint for subsequent public condemnations. Immediately, Bruce interjects "and on many sides," the incendiary phrase Trump had added ad lib when first reading the statement. But Bruce gets no response from Trump (nor when she again raises the phrase in turn 75: "Whyd'ju (say) many sides?").

Reporters' subsequent questions draw in other background knowledge and assumptions. For example, *New York Times* reporter Maggie Haberman repeatedly shouts out "Was it terrorism?" (turns 19, 21, 48) and another reporter shouts out the taunt, "Why do Nazis like you?" (turns 09, 11, 39, and 41). All know that Trump has a difficult choice in answering: Answering one way, he would expose his support for racist White supremacists and neo-Nazis; answered another way, he would offend these groups and risk loss of their support for him.

In a more delicate probe, a reporter asks (in turn 51) "The CEO of Walmart said you missed a critical opportunity to help bring the country together. Did you?" Trump again ignores what the reporter is really asking, instead touting the booming economy and stock market as what will bring the country together. But Trump is hearing what is at issue. As shown in Figure 2, when asked by the next reporter what he would do if he "had to do it all over again," Trump takes "it" as referring to his Saturday and Monday statements, reiterating his claim that he had to wait until Monday to make a statement in order to see the facts:

54 Rx₁: If you had to do it all over again how would you do it?

56 DT: I'd do it the same way. And you know why?

57 Rx₂: (If you had to do it) all over again?

58 DT: Because I want to: (1.2) make sure, when I make a statement, that the statement is correct.

59 Rx₂: Why [did you (wait two)

[
60 DT: [And there was NO WA:::y, (1.3 sec.) There was no way of making a correct statement that early. I had to see the facts, [unlike a lot of reporters

Figure 2 – Transcript segment. Trump defends his choices of when and how to respond to the Charlottesville events.

Until this point, Trump’s emerging standpoint seems to be that his Charlottesville statements were very good, not deserving of criticism. The reporters have introduced at least five lines of argument that are in one way or another reasons for judging his statements negatively. Figure 3 summarizes the reporters’ collective critique, and Figure 4 shows Trump’s argument as developed to this point. All indications are that he has backed away from blaming all sides and is trying to assert that he just needed more facts before making an unequivocal condemnation of the protestors on the right.

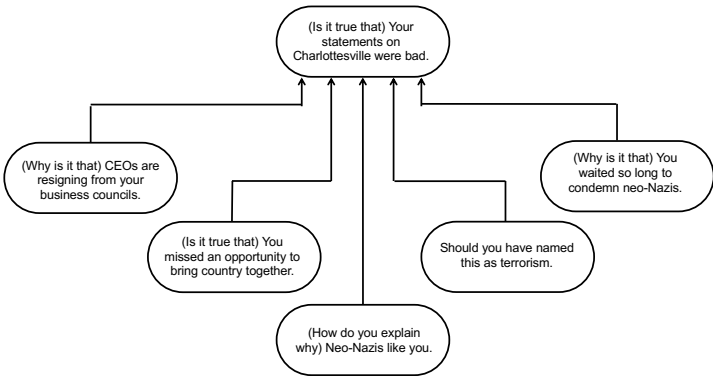


Figure 3 – Argument graph. Press criticisms of Trump’s statements.

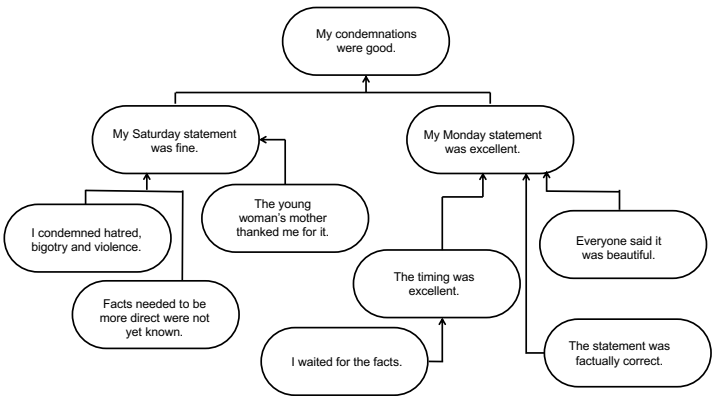


Figure 4 – Argument graph. Trump’s defense.

But at this point (in response to turn 60), reporters begin shouting out bald-on-record counterarguments to Trump’s apparent position that he did not have enough facts until Monday, pointing out the known presence of a leading White supremacist, David Duke. He denies

knowing that David Duke was at the rally, reasserts that he needed to know "all of the facts," and claims his Monday statement was "well stated," "beautiful," and made "with great knowledge."

Out of the subsequent clamor of shout-outs, Maggie Haberman is finally recognized to ask, "Was this terrorism?" and also asks a seemingly unrelated question: "And can you tell us how you're feeling about your chief strategist, Stephen Bannon?" (turn 77). The first of these questions circles back to why Trump refuses to see racially motivated violence by Whites as terrorism. The second invites comment on an article she and Glenn Thrush had published the preceding day titled "Bannon in Limbo as Trump Faces Growing Calls for the Strategist's Ouster." The article had portrayed the president as wanting to distance himself from Bannon but as unable "to follow through." Bannon's association with the alt-right had been highlighted, along with his efforts to dissuade the president from "antagonizing a small but energetic part of his base" by criticizing alt-right activists. Trump's ambivalence toward Bannon had been portrayed as a tension between "a foxhole friendship forged during the 2016 presidential campaign and concerns about what mischief Mr. Bannon might do once he leaves." Haberman and Thrush reported that many people regarded Bannon as "the mastermind behind the rise of a pliable Mr. Trump," as "the real power and brains behind the Trump throne," and as taking credit for Trump's election.

Trump deflected the terrorism question with a digression about legal semantics, and seemed ready to move on without addressing the question about Bannon. When Haberman follows up, as shown in Figure 5, Trump ignores her to call on a new reporter. That reporter chooses not to allow the president to escape: Whatever he intended to ask, the reporter uses his opportunity to insist on an answer to "Maggie's question." Trump shows that he understands he is being asked about a whole bundle of circumstances discussed in the Haberman and Thrush article, and his choices of what to respond to are revealing. He starts in turn 81 by saying that he "never spoke to Mr. Bannon about it," though there is no obvious antecedent for "it." Presumably, he means that it is not true that he was in close communication with Bannon about how to respond to Charlottesville, a claim made in the article. But he also takes time to rebut several other claims in the article (that Bannon helped him win the Presidency, that Bannon is a racist), while remaining noncommittal about whether he still has confidence in Bannon.

Interestingly, despite the reporter's reference to Bannon as "Steve," five times Trump refers to his "friend" as "Mr. Bannon," seemingly distancing himself from Bannon (Jennings & Stevenson, 2017). Again, what is at issue leaks out into on-record statements as Trump and press navigate what they take to be the relevant but

unstated argumentative fields. Still in the offing is the unstated charge that the Charlottesville statements reflect racist sympathies and motives.

- 81 R2: Can you tell us how you're feeling about your chief strategist, Mr. Bannon? Can you [talk about that?
[
- 82 DT: [Go ahead ((pointing at R5))
- 83 R5: I wou- I would echo Maggie's question. Uh- Steve Bannon has [come under
[
- 84 DT: [I never spoke to Mr. Bannon about it.
- 85 R5: (But) can you tell us broadly what your v- Do you have- still have confidence in [Steve?
[
- 86 DT: [Well, we'll see and, Look. Look. (.) I like Mr. Bannon. He's a friend of mine. But (.) Mr. Bannon came on very late. You know that. I went through:: seventeen senators, governors, and I won all the primaries. Mr. Bannon came on very much later than that. Uh and I li:ke him:. He's a good man. Uh, he is:: not a racist, I can tell you that. He's a good person. He actually gets a very unfair press in that regard. (.) But, we'll see what happens with Mr. Bannon. But, he's a good person and I think the press treats him frankly very unfairly.

Figure 5 – Transcript Segment. Trump ducks a question, then changes course.

The next question recognized by Trump, shown in Figure 6, seems at first unrelated to Charlottesville. The topic is Trump's relationship with his National Security Advisor, H. R. McMaster. McMaster had no involvement in Charlottesville. The point of asking about Trump's support for McMaster is to further probe his willingness to side with White nationalists.

Goodwin (2019) provides a useful way to think about the relevance of McMaster to the rest of the exchange. Her idea is that positions with no strict logical connections will group into constellations, allowing people to infer leanings on one issue from what is actually expressed on another. Positive attitudes toward Bannon and negative attitudes toward McMaster had become constellated with the alt-right; with belief in a "deep state" that opposed Trump's agenda from within; with populism and White nationalism; and with the "Unite

Until now, Trump would appear to have taken the limited stance that he had made fitting and appropriate statement(s) on Charlottesville, judiciously waiting for “the facts” before pronouncing any judgments. He had ignored his “on many sides” ad-lib of the first day, suggesting at least a tacit withdrawal of that claim. And together with his Monday “racism is evil” statement and his re-reading of the Saturday statement (omitting “on many sides”), he might have been taken as at least implying that he would denounce the Charlottesville protestors for racism, blame them for the death and the violence, and disavow the White supremacist agenda of the alt-right. Finally, he had kept his distance from Steve Bannon. Of course, none of this was explicit—but the questioning seems to be pushing him in this direction. But just at this point Trump shifts apparent argumentative direction. In the sequence shown in Figure 6, Trump dismissively avoids confirming anything McCain said about the alt-right and aggressively demands that reporter R6 define “alt-right” (turns 97/99). When, in turn 100, R6 maintains frame and reiterates the accusation that they are “the same groups that were behind the attack in Charlottesville,” Trump cuts her off. To the audible gasp of the press corps, he asks, “What about the alt-left”, “Do they have any semblance of guilt?” Then later (turn 106): “Do they have any problem?” and he rapidly blurts out the answer to his own rhetorical question: “I think they do.”

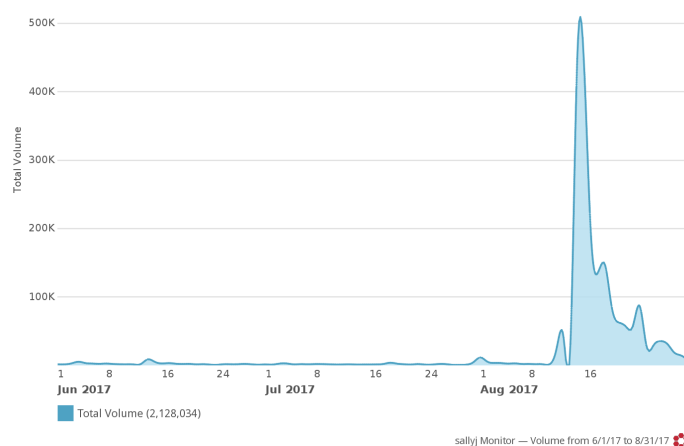


Figure 7 - Tweets mentioning ‘alt-left’ before and after the August 15 press conference.

Trump's use of the term ‘alt-left’ here is very significant for inferences about his alignments. Trump could have said, “What about the counterprotestors?” but instead chose a term exclusively used at the

time by the far right. 'Alt-left' was not a term commonly used at the time of the press conference, and Trump's use of the term aligns him with those few who were using it. Figure 7 shows results from a query (using a commercial social media analytics tool, Crimson Hexagon) that establish that 'alt-left' had little presence on twitter until Trump used the term. Qualitative review of the earlier uses show that it was used primarily by alt-right sympathizers to describe their opposition. 'Alt-right' is a term of self-reference; 'alt-left' is an epithet.

The press, with alarmed consternation, responds with a flurry of calls for Trump to take back the standpoint they now hear him adopting. Figure 8 contains some of what we could make out. Trump had seemed to be walking back his Saturday comments about "hatred, bigotry, and violence on many sides," but now he launches a defense in which violence becomes the main cause for condemnation. He has, in the eyes of the press corps, backed down from the kind of condemnation they presumed was called for—and that his Monday "racism is evil" statement, the one that was "so late," seemed to contain.

- 108 R6: Sorry are you saying (sir)
- 111 R3: (But) you're]not putting the () on the same level
as the Neo-Nazis and White supremacists.] Sir.
- 115 R3: You're saying- you're not putting these protestors on
the same level [as neo-Nazis and White supremacists
[
- 116 R4: [Is the alt-left as bad as White
supremacy?
- 123 R1: Are you saying the left is the same as the () with
White supremacy? Are you saying () is

Figure 8. Transcript segments. Reporters show their dismay.

The noisy calls are so unrelenting that the President first tries to shush the clamor, then stops speaking and simply gazes off to the ceiling.

- 128 R1: Do you think that the- what you call the alt-left is the
same as neo-Nazis?
- 129 **DT**: I uh those people- all of those people- Excuse me. I've
condemned neo-Nazis. I've condemned many
different groups. But not all of those people were (.)
neo-Nazis believe me. Not all of those people were
White supremacists, by any stretch.

Figure 9 – Transcript Segment. Trump limits the scope of his condemnation.

Finally (as shown in Figure 9) Trump chooses one of the many questions and gives an answer that further distinguishes neo-Nazis and White supremacists from the Charlottesville protestors as a whole. He condemns the former, but denies that all those people were neo-Nazis and White supremacists "by any stretch."

- 130 R1: (They) were White national[ists]
[
- 131 DT: [Those people (.) were
also there because they wanted to protest the taking
down of a statue Robert E. Lee. So
- 132 Rx1: Should that statue be taken down?=-
- 133 DT: =Excuse me. If you
take a look at some of the groups, and you see- and
you'd know it if you were honest reporters, which in
many cases you're not. But many of those people were
there to protest the taking down of the statue of
Robert E. Lee. So. This week it's Robert E. Lee, I
noticed that Stonewall Jackson's coming down. I
wonder, is it George Washington next week and is it
Thomas Jefferson the week after. You know, you all-
You really do have to ask yourself, where does it stop?
- 134 Rx1: Should they take it down?
- 137 DT: But they were there to protest- Excuse me. You take a
look, the night before they were there to protest the
taking down of the statue of Robert E.
Lee=Infrastructure question. Go ahead.
- 138 Rx3: Should statues of Robert E. Lee stay up?
- 139 DT: I would say that's up to a local (.) town, (.) community,
or the federal government depending on where it is
located.

Figure 10 - Transcript Segment. Trump rationalizes statue protests.

In the next turn (130, see Figure 10), Bruce contradicts the President ("They were White nationalists"). Either continuing his own train of thought or responding to Bruce, Trump interrupts to add (in turns 131/133/137) that people "were also there" not demonstrating in favor of White nationalism but "to protest the taking down of the statue of Robert E. Lee". He then develops an argument for that protest,

seeming to suggest that he agrees with the protesters. But, when a reporter's follow-up in turn 138 presses Trump to explicitly confirm his agreement with the protestors, he adopts a weaker kind of alignment. Trump's answer is noncommittal regarding the protestors' demand. In effect, he has only committed to believing that they have a legitimate rationale for protest, not to sharing their views.

Dodging an even more pointed follow-up (turn 141: "Are you against the Confederacy?"), Trump then takes a more general question about race relations (turn 143: "How concerned are you about race relations in America? And do you think things have gotten worse or better since you took office?"). He returns to the infrastructure theme for the press conference, saying the "millions of jobs" he has "brought back into the country" will have "a tremendous impact on race relations" (turn 144).

The infrastructure theme, however, is again ignored by reporters (see Figure 11). Mary Bruce all but repeats her earlier questions (in turns 123 and 128), this time drawing out an inferential consequence of what Trump has just done. Trump denies it and restates "what I'm saying."

147 R1: Mr. President, are you (putting) Mr. President
are you putting what you're calling the alt-left and
White supremacists on the same moral plane?

148 DT: ((looking at R1, arm extended with palm facing her))
I'm not putting anybody on a moral plane, what I'm
saying is this. You had a group on one side and you
had a group on the other, and they came at each other
with clubs and it was vicious and it was horrible and it
was a horrible thing to watch. But there is another
side. There was a group on this side. You can call them
the left, you've just called them the left, that came
violently attacking the other group. So you can say
what you want, but that's the way it is.

Figure 11 – Transcript segment. Trump denies putting
anybody on a moral plane.

Again Trump's answer does not go unchallenged. Reporters persist with variations on Bruce's line, as with the follow-up in 152 (Figure 12. See also turn 185 in the full transcript).

152 Rx: () on both sides, sir. You said there was
 hatred, there was violence on both sides. Are- Are
 [(you saying)()](I'm trying)
 [
 153 DT: [Well I do think there's blame. Yes, I think there's
 blame on both sides. [You look at-] You looks at=

 155 DT: =both sides, I think there's blame on both sides. And I
 have no doubt about it. And you don't have any doubt
 about it either.

Figure 12 – Transcript segment. Trump attributes blame on both sides.

In the clamor subsequent to Trump's insistence on "blame on both sides", Trump is cut off again, and reporters resort to bald disagreement and objection. Mary Bruce (turn 160) simply exclaims "Both sides!" and then shouts out, "They killed a person. Heather Heyer died." Other reporters can be heard shouting "But own- only the Nazis took a life" (turn 156) and "But they're Nazis" (turn 159). CNN's Jim Acosta objects: "Neo-Nazis started this thing. They showed up at Charlottesville. They star- They showed up at Charlottesville to protest the removal of that statue" (turn 161). Trump attempts to explain the protestors' point of view, and he and the reporters spar for a few turns over whether Robert E. Lee is any worse than other historical leaders (Figure 13).

Trump has reiterated his rationalization of protests against taking down the statue of Robert E. Lee. He frames it as a concern with "history" and "culture" rather than an expression of White supremacy, allowing him to convey sympathy with their cause without openly endorsing racist attitudes and beliefs that are at the center of that cause.. He distinguishes the protestors in general from the neo-Nazis and White nationalists. He acknowledges "some fine people" on both sides, but insists that there were "troublemakers" and "a lot of bad people" among the counterprotestors. Moreover, he has re-asserted that the press has treated the legitimate protestors "absolutely unfairly."

169 R3: George Washington and Robert E. Lee are not the
same [because-]
[]

170 DT: [Well no,] George Washington was a slave
owner. (.) Was George Washington a slave owner?

172 Rx: [He was a sl[ave owner.
[]

173 DT: [So will George Washington now lose his
status? Are we going to take down- Excuse me.

175 DT: Are we going to take down- Are we going to take
down statues to George Wash-

177 DT: How about Thomas Jefferson? What do you think of
Thomas Jefferson? You like him?

178 R3: I do love Thom[as Jefferson.]
[]

179 DT: [Okay, good.] Are we going to take
down the statue? because he was a major slave owner.
Now, are we going to take down his statue?

181 DT: So you know what, it's fine. You're changing history.
You're changing culture. And you had people, and I'm
not talking about the neo-Nazis and the White
nationalists, because they should be condemned
totally. But you had many people in that group other
than neo-Nazis and White nationalists, okay? And the
press has treated them (.) absolutely unfairly.

183 DT: Now, (.) in the other group also, you had some fine
people. But you also had troublemakers. And you see
them come with the- with the (.) black outfits and
with the helmets, and with the baseball bats. You got-
you have a lotta of bad- you had a lot of bad people in
the other group too.

Figure 13 - Transcript segment. Trump reiterates protestors' rationale.

The reporters' follow-up questions indicate the difficulty they are having even processing Trump's standpoint (in particular, his insistence that not all of the protestors were racists, White nationalists, or neo-Nazis). One reporter shouts out, "Who are the good people? Who are the good people?" (turn 184). Trump calls on another who queries, "Who was treated unfairly? Sir, I am sorry. I just didn't understand what you were saying. You were saying the press has treated White

nationalists unfairly? I just didn' understand what you were saying." (turn 185). Trump reiterates his position, that there were "bad people" among the protestors, but also people "quietly" and "innocently" protesting the taking down of the Robert E. Lee statue. He concludes that "There are two sides to a story" and "two sides to the country."

Trump's emergent position can be summarized as shown in Figure 14.

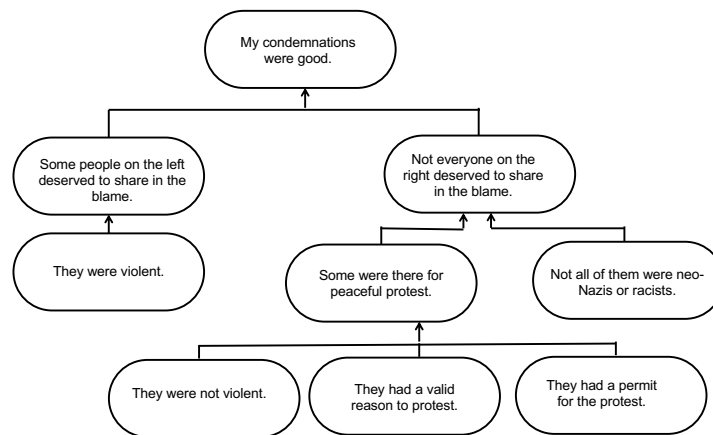


Figure 14 – Argument graph. Trump's emergent standpoint and supporting arguments.

Notice the consistency between the emergent standpoint in Figure 14 and what Trump argued from the first moments of the exchange: Trump is still insisting that his statements were perfectly fine, but the sense in which they were fine is quite different. At first, it seemed they were fine because he condemned the various groups that make up the alt-right; now, they appear fine because he stopped short of condemning all of the protestors and because he fairly judged those on the left as well the right.

6. OCCASIONS FOR ARGUMENT EXTENSION

In debate theory, the term 'extension' refers to the progressive back and forth of argument and counterargument in answer to the opponent's input, a process of responsive rebuttal and refutation. It has to do with temporal unfolding of a case in response to a clash of views—with the interactional emergence of argumentative content. Every topic mentioned in the press conference had already been a matter of discussion during August 2017, both in news/opinion journalism and in social media, leaving a residue of argumentative content to be recycled, refashioned, reconsidered, or otherwise extended. Both the President

and the reporters draw from and build on existing stores of argumentative content to extend the conversation along lines advantageous to their own views.

Both Trump and press corps signal their awareness of this vast pre-existing network of other content that contributes sense and significance to their exchange. Four separate sequences show how this works: (1) the opening line of questioning around why top corporate executives were resigning from Trump's business council; (2) questions asking how Trump felt about his chief strategist Steve Bannon; (3) a similar line of questioning about whether Trump would defend his National Security Advisor H. R. McMaster against attacks by the alt-right; and (4) a volley of questions about Trump's position on Confederate monuments. At the outset, reporters think they know, at least generally, what Trump's position will be, but anything that might be taken as his standpoint by the end is as much a product of the reporters' work as of his own—emergent from their choices of what to ask and his choices of how to answer.

Trump had already argued (on Saturday) that many sides shared blame for what happened in Charlottesville, seeming to back down on Monday. In the press conference, he extended his argument in two important ways: clarifying that not all of the protestors were part of the hate groups that he condemned on Monday, and explicitly arguing that among the counterprotestors were violent extremists on the left whose actions merited the same condemnation.

7. CONCLUSION

We have long argued that the structure of argumentation (including anything reconstructible as claims + reasons) emerges from the work participants do to manage disagreement. This work—like all human activity—can be chunked in many ways, at many scales. Sometimes, a narrow disagreement is called out and resolved all in a moment, and participants move on to some next task. Other times, a disagreement may be so deep, so complex, and so consequential that its management becomes a massive project extending over a long period of time and involving accumulated work products of a large and dynamically changing set of participants. The press conference we have analysed turn-by-turn is one occasion within an ongoing disagreement management project.

REFERENCES

- Aakhus, M., & Lewiński, M. (2017). Advancing polylogical analysis of large-scale argumentation: Disagreement management in the fracking controversy. *Argumentation*, 31, 179-207. doi.org/10.1007/s10503-016-9403-9
- Bump, P. (2019, March 18). How Trump talks about attacks targeting Muslims vs. attacks by Muslims. *Washington Post*. URL: https://www.washingtonpost.com/politics/2019/03/18/how-trump-talks-about-attacks-targeting-muslims-vs-attacks-by-muslims/?utm_term=.323d083d515e
- Calmes, J. (2017, August 12). Trump responds to Charlottesville violence with vague statements blaming 'many sides'. *Baltimore Sun*. <https://www.baltimoresun.com/la-pol-updates-trump-tweets-charlottesville-violence-htmlstory.html>
- Clayman, S., & Heritage, J. (2002). *The news interview: Journalists and public figures on the air* (Studies in interactional sociolinguistics). Cambridge: Cambridge University Press. doi:10.1017/CBO9780511613623.
- Glaser, B. G., & Strauss, A. L. (1967). Awareness contexts and social interaction. *American Sociological Review*, 29(5), 669-679. doi.org/10.2307/2091417
- Goodwin, J. (2019). Re-framing climate controversy: The strategies of The Hartwell Paper. In B. Garssen, D. Godden, G. R. Mitchell & J. H.M. Wagemans (Eds.), *Proceedings of the ninth conference of the International Society for the Study of Argumentation* (pp. 434-442). Amsterdam: SICSAT. URL: http://cf.hum.uva.nl/issa/ISSA_2018_proceedings.pdf
- Haberman, M., & Thrush, G. (2017, August 14). Bannon in limbo as Trump faces growing calls for the strategist's ouster. *New York Times*. URL: <https://www.nytimes.com/2017/08/14/us/politics/steve-bannon-trump-white-house.html>
- Holan, A. D. (2017, August 14). In Context: President Donald Trump's statement on 'many sides' in Charlottesville, Va. *PolitiFact*. Poynter Institute. URL: <https://www.politifact.com/truth-o-meter/article/2017/aug/14/context-president-donald-trumps-saturday-statement/>
- Jackson, S. (1986). Building a case for claims about discourse structure. In D. G. Ellis & W. A. Donohue (Eds.), *Contemporary issues in language and discourse processes* (pp. 129-147). Hillsdale, NJ: Erlbaum.
- Jackson, S. (1992). "Virtual standpoints" and the pragmatics of conversational argument. In Frans H. van Eemeren, Rob Grootendorst, J. Anthony Blair & Charles A. Willard (Eds.), *Argumentation illuminated* (pp. 260-269). Amsterdam: SICSAT.
- Jackson, S., & Jacobs, S. (1980) Structure of conversational argument: Pragmatic bases for the enthymeme. *Quarterly Journal of Speech*, 66, 251-265. doi.org/10.1080/00335638009383524.

- Jacobs, S. (1986). How to make an argument from example in discourse analysis. In D. G. Ellis & W. A. Donohue (Eds.), *Contemporary issues in language and discourse processes* (pp. 149-167). Hillsdale, NJ: Erlbaum.
- Jacobs, S. (1988). Evidence and inference in conversation analysis. In J. A. Anderson (Ed.), *Communication yearbook 11* (pp. 433-443). Newbury Park, CA: Sage. doi.org/10.1080/23808985.1988.11678700.
- Jacobs, S. (1990). On the especially nice fit between qualitative analysis and the known properties of conversation. *Communication Monographs*, 57, 243-249. doi.org/10.1080/03637759009376200.
- 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. (1989). Building a model of conversational argument. In B. Dervin, L. Grossberg, B. O'Keefe, & E. Wartella (Eds.), *Rethinking communication, vol. 2: Paradigm exemplars* (pp. 153-171). Newbury Park, CA: Sage.
- Jacobs, S., Zhang, X., & Jackson, S. (2019). Transcript of President Donald J. Trump's press conference of August 15, 2017, Trump Tower lobby, New York. [PDF document deposited for open access at *IDEALS: Illinois Digital Environment for Access to Learning and Scholarship*.] URL:
- Jennings, N., & Stevenson, P. W. (2017, August 15). Trump's off-the-rails news conference on Charlottesville, the 'alt- left' and infrastructure, annotated. *Washington Post*. URL: https://www.washingtonpost.com/news/the-fix/wp/2017/08/15/trumps-off-the-rails-news-conference-on-charlottesville-the-alt-left-and-infrastructure-annotated/?utm_term=.b73584ebc7fe
- Rubin, M. (2017, August 14). He finds the words. Full text: Donald Trump says "racism is evil" in his latest statement on Charlottesville. *QUARTZ*. URL: <https://qz.com/1053270/full-text-donald-trumps-statement-on-charlottesville/>
- Walton, D. N. (1984) *Logical dialogue-games and fallacies*. Lanham, MD: University Press of America.
- Walton, D. N., & Krabbe, E. C. W. (1995). *Commitment in dialogue: Basic concepts of interpersonal reasoning*. Albany: State University of New York Press.

A wanting analysis.
Commentary on S. Jackson, S. Jacobs, Y. Zhang:
“Standpoints and Commitments as Products of
Argumentative Work: Micro/Macro-Analysis of an
Infamous Press Conference”

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1. INTRODUCTION

In their paper the authors want to “illuminate what happened” in that spectacular press conference and at the same time “augment our theoretical account on argument as disagreement management”. With regard to the first aim I consider success, whereas to the second, I find myself rather skeptical. I will speak about two points: First, the general concept of “argument” that is exposed in the paper; and second, two pairs of terms: Standpoint - Position and Extension - Constellation. I think they indicate distinctions that deserve to be sharpened.

2. CONCEPT OF ARGUMENT

Concerning the paper’s concept of argument, I consider three points somehow weak.

(1) argument is not only concerned with disagreement, but is also, and even more fundamentally, concerned with deliberation.

(2) argument can be performed on different levels of intensity and elaboration. “Natural argument” (argument as it occurs in natural conversation) is the lowest level. But to identify it as a specific activity we rely on the background of a more stylized form of argument (like in science and philosophy).

(3) for an analysis of a communicative process as an argumentation we have to apply at least a minimal argumentation-theoretical kernel. Even this seems to be absent in the paper.

About these three points the presented analysis remains unclear. Consequently, the actual result is extremely unspecific: namely that this

clash between the President and the reporters during the press conference shows the “deep difference of views on race in North America” (Conclusion of the paper).

2.1 Disagreement management

Argument is circumscribed as “disagreement management”. It “includes challenging and defending positions” and it is exposed in the “expansion space” around conversational acts that are undertaken to manage disagreement.

This is a very wide notion of argument. Any frowning, blink or smile can be seen as serving for disagreement management. On the other hand, it is highly unspecific, because it does not refer to the particular virtues and potentials of argument. It stresses the adversarial, leaving out the epistemological side.

However: Argument is not only a medium for managing disagreement. It is also a medium for deliberating about maintenance, correction and improvement of our understanding the world and ourselves.

In the authors’ “Theoretical Overview” (Top 3.) a more specific conception of disagreement lights up, a kind of metaphysical condition: Human beings have different preferences and are inclined to put them through. Thus, anything in the world that can get some attention by anybody is a source or a possible subject of disagreement. In consequence, we may find ourselves in a global “polylogue” of contradicting opinions on most given matters.

I will not deny this, but I like to stress, that this is just one side of what we experience. Agreement and cooperation is the other side and, once again, it is the basis of the game (nobody could grow up in fundamental disagreement).

2.2 Natural argument

We are used to identify argumentative features in naturally occurring conversation.

This is so because we have some pre-concept of argument. That pre-concept is, however, the remnant of millenniums of intellectual work on argument (logic, dialectic, rhetoric). With this pre-concept in mind we can certainly participate in natural argumentative activities. We can ask ‘why’, answer ‘because’, reply with ‘but’, etc. etc.

If, however, we want to engage for an analysis we need a theoretical apparatus, in order to safely identify which parts of the (verbal and nonverbal) communication belong to the argument – and which ones do not. This apparatus is by no means available in our

everyday talk about argument. It needs a reflective endeavor, enriched with critically adapted knowledge of the theory that has been accomplished so far.

2.3 Theoretical kernel of argumentation theory

My research group in Hamburg was for some 20 years preoccupied with argument analysis. Gradually we developed something like a theoretical kernel which we considered indispensable for analyzing a given material. It consists of three basic operation forms:

- *Asserting* is claiming something which is proposed to be accepted (as valid, viable, true, good).
- *Justifying* is basing a claimed thesis as far as possible on established theories (expanding them, if necessary, with assumptions, that are, *prima facie*, again assertions).
- *Criticizing* is advancing something that contradicts (parts of) the asserted material.

Besides these basic operations we developed a simple criterion for a “*valid*” conclusion: that it is justified and any criticism has been settled (“Absence of Open Objections”, see: Wohlrapp (2014, Chap. 7.)). This theoretical kernel can be specified and differentiated according to specific circumstances in the material. For those specifications a wealth of theoretical tools and proposals are available in argumentation theory.

In close relation to the only vaguely exposed argumentative side of the analysis, I stumbled, when studying it, over the following question: What about the identified arguments? Why did the authors not care for evaluating the few real argumentative structures that they have exposed? In particular I think about the complex justification of Trump’s claim concerning the excellence of his statements. Furthermore, I mean the slippery slope argument from taking down the Robert E. Lee statue to the taking down of the statues of Washington and Jefferson. I would definitely consider that a worthwhile preoccupation.

3. SHARPENING SOME DISTINCTIONS

3.1 Standpoint and Position

The most frequent terms in the analysis are “position” and “standpoint”. They seem to mean something different but their meanings are not clearly distinguished, overlapping with “claim” and “attitude”. One of the authors’ points is that a “standpoint” is typically not stated at the

beginning but it “emerges” as a result of “argumentative work” (“standpoint not at the start, but at the end”).

On the other side we learn about Trump’s “position” that it is “elaborated” (in turn 58), whereas his “standpoint”, as he claims that Bannon is not a racist (in turn 82), is “transformed”. Standpoints when they are readily “produced” can be “externalized” (Theoretical Overview, Top 1.). An externalized standpoint becomes “apparent”; but, when Trump claims that “he did not have enough facts”, this is not called his “apparent standpoint” but “his apparent position” (cit. in comment before turn 63).

I think this vagueness can be banned if we distinguish between two doxastic units:

One for a single, specific claim, and a second one for a whole cluster or web of claims hanging together, nor necessarily verbalized, in the habit of a person or a group. The single thing could be named “standpoint” and the cluster “position” (or, as before turn 53: “positional space”). An argumentative exchange would then appear as an interactive checking of standpoints which are claimed – maybe at the start, maybe somewhen during the process, or maybe at the end. They can be sharpened and modified with the help of the respective positions that they are externalizing.

In this picture the concern of the authors about the “maieutic function” of argument would also be present: We may more or less clearly know what we mean and believe when we enter a discourse. But we usually do not know what that looks like from the perspective of a new discourse partner. Therefore, a controversial discourse is an opportunity to not only elaborate but to also develop and advance one’s position about a given problem.

If the distinction between standpoint and position is determined in this way we gain a theoretical tool that enables us to conceive the dynamics of argumentation. Changes and transformations can be further cleared up if we apply Lakatos’ distinction between a “hard kernel” and a “protective belt” to positions (as I have shown it in Wohlrapp (2014), Chaps. 2. & 6.).

3.2 Extension and Constellation

The expression “extension” is also used in a merely colloquial way. As it is supposed to designate the (result of the) subliminal process of enlarging and enriching a more or less clearly identified position it should be made transparent how something acquires the quality to be

an “extension” of some other thing. What is the precise relation between the two and how is it produced in the interaction? Speaking of “clamor” and “hammering” is not very instructive for the argumentative process; and in figure 8 of the analysis a merely intuitive picture of “extensions” is given.

The term “constellation” is even wider. It designates something which appears in line with some position or standpoint, where the connection is completely undetermined (Jean Goodwin called it “non-logical”; Goodwin (2109)). The message in using that term seems to be: The discussion extends here into a new area which can be taken as “somehow” related. Yet, we should certainly ask if there are any criteria or limits for the designation of an appearing new idea as being an extension or being constellated to the position in question.

As the paper gives no answer, I propose the following idea: These terms are provisional designations for what I have called “the dynamics of argumentation”. In Wohlrapp (2014), Chap. 4. and 6. a proposal is developed for being more definite here. There is a difference shown between two kinds of “follower theses” – one (called “successor”) is a modified version of the original thesis, whose modification is clearly discernable as a reaction to a foregoing argument. The other one (called “connector”) is a new thesis, which is concerned about a new aspect of the content of the thesis which had come into attention; again: because of a foregoing argument.

4. CONCLUSION

The paper of S. Jackson, S. Jacobs, and Y. Zhang is certainly a vivid illustration of the distorted relationship between the current president of the United States of America and the critical public. However, if this was meant to serve as an argumentation analysis it appears, with regard to its theoretical endowments, as wanting.

REFERENCES

- Goodwin, J. (2019), Re-framing climate controversy: The strategies of *The Hartwell Paper*, in: Garssen, B. et al. (eds.), *Proceedings of the 9th ISSA-Conference 2018*, Amsterdam: Sic Sat
- Wohlrapp, H. (2014), *The Concept of Argument. A Philosophical Foundation*, Dordrecht: Springer

Speech act pluralism in argumentative polylogues

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This paper addresses the following question: Can one and the same utterance token, in one unique speech situation, intentionally perform a plurality of illocutionary acts? While some of the recent pragmatic literature has defended such a possibility for speech acts in general (Sbisà, 2013; Johnson, 2019), I build a case for argumentative speech acts in particular. This case is based on a critical redefinition of a communicative context in which argumentative speech acts are exchanged.

KEYWORDS: illocutionary force, polylogue, pragmatics, speech acts

1. SIMPLE FACTS, DIFFICULT QUESTIONS

I will build my argument the inductive way. That is, rather than introducing a theoretical problem and then adducing some examples while elucidating the problem, I will start with a simple example. This example will lead me to a hard question and, thereby, to a theoretical problem I aim to discuss here.

Example 1

Imagine an argumentation scholar, Michael H., commenting on a conference paper. At a conference dinner, having a one-on-one cigarette with the author, Marcin L., H. says:

1.1 This was the best paper of ECA Groningen I've seen.

Assuming that "this" refers to L.'s paper, of all things imaginable, this is a compliment, and a felicitous one: it expresses sincere praise over the hearer's characteristics, actions, or products that are considered

undeniably praiseworthy, especially if these are rare or unique (see Aakhus & Aldrich, 2002). Sacks (1992) calls such compliments “safe” and “strong”: they would make the only addressee—L.—feel good and risk hardly anything for H. We don’t feel anything much peculiar about it, this is just a part of the social academic business, full of strategic niceties, etc.

Now, for contrast, imagine an argumentation scholar, Michael H., commenting on a conference paper. During his commentary in a conference room with just a few other scholars present, H. says:

1.2 This was the best paper of ECA Groningen I’ve seen.

So it happens that H. is member of a panel evaluating papers for a prize. He’s had quite a few discussions about it with two other panel members present in the room. One of them, A, had all along claimed L’s paper is weak beyond discussion, the other, B, staunchly defended it. H. was hesitant (“Let’s wait and see the last version...”). Beyond this complication, H’s colleague C who yesterday was a little bit too smart—arrogant, even—in discussing *his* paper is also in the room. H. knows the trade of academic diplomacy, and has the following *overt* communicative intentions:

- a) Compliment L.
- b) Externalize a difference of opinion with A.
- c) Concede an argument (and perhaps also agree on the conclusion) of B.

He might also have the *covert* and therefore not exactly *communicative* intention, namely to:

- d) Insult or otherwise put C down.

Finally, he might also *inadvertently*:

- e) Denigrate or offend other audience members (whose natural reaction could be: “How about my paper you attended earlier today? You think it was dumb, huh?”)

Because of possibilities d) and e), Sacks (1992) called such compliments in a multi-party conversation “unsafe”: being comparative ascriptions of personal qualities or achievements, while complimenting one person, they might also insult or offend another.

The hard question announced before, is: Which *illocutionary* act has Michael H. performed?

As a first approximation of an answer, let me now organize this via a somewhat pedantic speech act analysis:

Level 1: By means of an assertion (representative): “This was the best paper of ECA Groningen I’ve seen.”

Level 2: H. is complimenting L. (another representative), by means of which he is:

Level 3:

- 1) Externalizing a difference of opinion with A. (By the pragma-dialectical reading, this would be a commissive of stage I: non-acceptance of a standpoint.)
- 2) Conceding an argument (and perhaps also agreeing on the conclusion) of B. (Again, for pragma-dialecticians this would be a commissive of stage III or IV: acceptance of argumentation or a standpoint, respectively.)
- 3) Insulting C (a representative).

(Option e) would on the most standard analysis be considered a *perlocutionary* effect rather than an illocutionary act—or at most an unintended illocution taken up as such by the audience. To “insult”, similarly to “threaten”, are performative verbs that can have both illocutionary and perlocutionary reading. I use the illocutionary one here.)

Let me conclude this analysis of the example with two basic take-away points. In a simple utterance—*This was the best paper of ECA Groningen I’ve seen*—we see a plurality of speech acts, or better: illocutionary acts. This plurality spreads over two axes:

- 1) *Vertical:* we can distinguish at least 3 levels of by-means-of illocutionary indirectness (cf. Sbisà, 2013: 241, “It’s cold here” example: level 1: assertion; level 2: complaint; level 3: suggested, weak request (e.g., to close the window) (if a complaint *to*, rather than a complaint *about*))
- 2) *Horizontal:* at one and the same level (here: level 3) a speaker can still intentionally and conventionally perform more than one illocutionary act (non-acceptance of a standpoint, acceptance of a standpoint, insult).

As promised, time to move from the empirical observations to a theoretical point. These facts about conversation will guide my basic arguments for speech act pluralism. More in particular, while the vertical plurality has a long tradition in the speech act theory under the concept of *indirect speech acts* (see Searle, 1975b), the horizontal one doesn't. In what follows, I will try to explain why it doesn't, and to argue that it should. The argument will hinge on a redefinition of a notion of a conversational context: rather than treating dyadic conversation as an unmarked context for speech act exchange, I will argue for a polyadic exchange as a normal state of conversation. If—as originally outlined by Austin (1962/1975)—the audience's *uptake* is an essential element in determining an illocutionary force of a speech act, then (1) multiple ascription by the same respondent in a dyadic exchange (see Sbisà, 2013; Johnson, 2019) or (2) multiple ascriptions by various respondents in a polyadic exchange both open the door for pluralism.

2. PROVISIO: SPEECH ACT PLURALISM AS ILLOCUTIONARY PLURALISM

It is important to clarify that the speech act pluralism discussed here amounts to illocutionary pluralism. Austin famously distinguished between three levels or aspects of “the total speech act in the total speech situation” (1962: 147): *locution* (the performance of an act of saying something with a certain meaning, that is, with a certain sense and reference: *She said “x”*); *illocution* (the performance of an act *in* saying something, the conventional force or function for which locution is used: *She argued that x*); and *perlocution* (the performance of an act *by* saying something, that is, “consequential effects upon the feelings, thoughts, or actions of the audience, or of the speaker, or of other persons”: *She convinced me that x*) (Austin, 1962/1975, Lecture VIII-IX). The crucial concept is that of illocution—indeed, some followers of Austin (esp. Searle, see Searle, 1975a), straightforwardly identify speech acts with illocutionary acts. Above, I have accordingly formulated the main question of the paper as: Which *illocutionary* act has Michael H. or Barbara performed?

This sounds clear enough, but the way things are, the term “speech act pluralism” is most commonly used for *locutionary* pluralism (Cappelen & Lepore, 2005; Seymour, 2010; Cappelen, 2011). The chief idea is that the same speech act can express an indefinite number of propositions, most importantly, a minimal proposition (fixed, grounded in literal meaning of non-indexical expressions) and a maximal proposition (contextually-variant, open to contextually-relevant pragmatic enrichment, especially in the case of indexicals). This basically extends the classic discussion of semantic underdetermination (as per Quine, Davidson, and many others) and is an argument

supporting semantic minimalism vs. contextualism, to the effect that it is not the case that a specific context determines the contextually unique propositional meaning of a specific utterance.

In her commentary on Cappelen and Lepore's discussion of semantic speech act pluralism, Sbisà notices that "underdetermination invites interactional negotiation and selection by the audience, whereas plurality aims at multiple recognition and is confirmed by it" (Sbisà, 2013: 240). There is thus an additional argument to delimit specifically illocutionary aspect of speech act pluralism—it is not only central to speech act theory but also genuinely pluralistic.

Finally, one sentence on the possibility of seeing speech act pluralism in terms of perlocutionary pluralism. That is exists is trivially obvious per definition of (distal) perlocutionary effects (Austin, 1962/1975; Sbisà, 2013) and doesn't seem to need any serious discussion beyond, perhaps, empirical studies (compliments can surely please addressees, but can they also bore or enrage them, or make them blush, or laugh, or go to the bathroom? If so, when and how?).

3. *SPEECH ACT MONISM AND DYADIC REDUCTION*

So what's exactly the problem? Well, the problem is that the classic speech act theory doesn't seem to care much about plural, multi-functional illocutionary acts performed in the context of multi-party conversation, such as in our examples 1 and 2. Instead, it offers an image of communication reduced to two parties (speaker and hearer) which trade mono-functional illocutions:

The speech act scenario is enacted by its two great heroes, "S" and "H"; and it works as follows: S goes up to H and cuts loose with an acoustic blast; if all goes well, if all the appropriate conditions are satisfied, if S's noise is infused with intentionality, and if all kinds of rules come into play, then the speech act is successful and [...] is concluded and S and H go their separate ways. (Searle, 1992: 7)

On this image, illocutionary acts are performed in a neat dyadic exchange built of speech act pairs (adjacency pairs): in one-on-one exchange, a Speaker "infuses" her utterance with a determined intention, which is then recognized by Hearer, who in return produces his own utterance, starting where the previous speaker finished and expecting her to start where he finishes. Questions are responded to with answers, answers with doubts, doubts with arguments, arguments with counterarguments, and, step-by-step, emerges a dialogue, where the felicity conditions for speech acts in pairs are nicely dovetailed.

This image is grounded in two crucial and interrelated assumptions that are broadly and unreflectively accepted:

- (1) *Speech act monism*: each speech act has basically a *unique* primary force or function, something to be recognized and responded to appropriately;
- (2) *Dyadic reduction*: conversation or communication can be fully grasped by a model consisting of two and only two interlocutors (Speaker and Hearer), other forms of multi-party conversation are derivatives of it.

Regarding (1), a recent account of Johnson is a good illustration:

Searle's discussion also suggests there is a unique force fact for each utterance. [...] Searle is an illocutionary monist insofar as he assumes there is at most one primary force for each utterance. For indirect speech acts, admittedly, the story is more complicated than it was for direct speech acts: Searle is committed to there being at most one primary force, at most one secondary force. But he nonetheless assumes that there is a single order of illocutionary forces. For direct speech acts the force is simple and unique. For indirect speech acts, the force is more complicated but is still unique at each level. (Johnson, 2019: 1153-1154).

Regarding (2), more elaborate critiques have been furnished by a number of scholars for some time now (Goffman, 1981; Haviland, 1986; Levinson, 1988). However, the gist is that "the standard [speech act] theories say nothing about illocutionary acts directed at hearers other than the addressees" (Clark & Carlson, 1982: 341)—while such acts clearly exist, as shown in examples 1 and 2 above.

Such critiques would very well serve my argument here—if only they were somewhat more correct. More precisely: they correctly expose both the illocutionary monism and the dyadic reduction, but only at a theoretical, rather than a literal and historic sense. To see this, let me engage some early speech act work. In his 1969 monograph, Searle observes this:

Both because there are several different dimensions of illocutionary force, and because the same utterance act may be performed with a variety of different intentions, it is important to realize that *one and the same utterance may constitute the performance of several different illocutionary acts*. There may be several different non-synonymous illocutionary verbs that correctly characterize the utterance. For example suppose at a party a wife says "It's really quite

late". That utterance may be at one level a *statement* of fact; to her interlocutor, who has just remarked on how early it was, it may be (and be intended as) an *objection*; to her husband it may be (and be intended as) a *suggestion* or even a *request* ("Let's go home") as well as a *warning* ("You'll feel rotten in the morning if we don't"). (Searle, 1969: 70-71; emphasis added)

As is well known, Searle later took on and meticulously analyzed the problem of "several different dimensions of illocutionary force", namely, in his discussion of the taxonomy of illocutionary acts, where no less than twelve such dimensions (or differences between various acts) are distinguished (Searle, 1975a; see Searle & Vanderveken, 1985 for further refinements). However, how a variety of speaker's intentions can be formed to perform several different illocutionary acts in the context of—or shall we rather say, for the sake of—multiple and differentiated hearers has never become an issue. Not only that, the presence of multiple and differentiated hearers—while clearly salient—is not even acknowledged as a possible explanans here (as it would be in the "for the sake of" case).

Austin's theory—earlier and in a more complex way—also clearly recognizes various forms of speech act plurality (1962/1975; for an in-depth discussion see Sbisà, 2013). As already mentioned, the very description of "the total speech act in the total speech situation" includes three levels—locution, illocution and perlocution—and further within locution itself three additional levels: phonetic, phatic and rhetic acts. Furthermore, and significantly for my argument, Clark & Carlson (1982: 340ff.) have also remarked that Austin's first and most classic examples of performatives—marrying someone, christening (a boat, a baby), or bequeathing a watch—in order to be felicitous, all necessarily require some "institutional witnesses": a public official, naval officers, a priest, notary public, etc. In other words, such acts do need hearers other than direct addressees in order to succeed (in the illocutionary sense). Consider the marriage vow:

I, John, take you, Mary, to be my wife, to have and to hold from this day forward [etc.]

While this locution of John (Speaker) explicitly addresses Mary as its target Hearer, it can only count as a valid marriage vow—for instance in the Roman Catholic tradition—if uttered in the presence of at least two witnesses. (So the distinction between speaking *to* and speaking *before* is not so easy to make: a direct addressee might be designated merely at the superficial linguistic level, and as such be a mere means to speak to someone else, the ultimate target of the speech act; see Levinson, 1988).

If performed without them, that is, in a dyadic “speech act scenario” between John and Mary, it is either:

- 1) An Austinian *misfire* of the type A.2 – a *misinvocation* by virtue of *misapplication*, one that violates the condition that: “the particular persons and circumstances in a given case must be appropriate for the invocation of the particular procedure invoked” (1962/1975: 15; Lecture II)
or
- 2) Simply a stylized marriage *proposal*, or some other linguistic practice (play-acting, perhaps)

The upshot of it is that, contrary to some critics such as Johnson, the founding figures in the speech act theory acknowledge, even if somewhat parenthetically, illocutionary pluralism. Nonetheless, they do not ever seriously pursue pluralism—and in particular pluralism related to multiplicity of participants—in their investigations. Why?

One simple argument may be that multi-party exchanges are simply *not common*. Normally, we talk dyadically—much in the way “the speech act scenario” projects—and the examples adduced here are somewhat fanciful. Indeed, empirical data amassed over the 50 years of Conversation Analysis (see, e.g., Schegloff, 1968; 2002; Mondada, 2013) seem to clearly demonstrate the predominance of dyadic conversational structures. This, of course, is an empirical question, and one hard to be decidedly answered: what the percentage of dyadic vs. polyadic conversations is in any culture requires the kind of evidence we should be very unlikely to obtain. Some argued that dyadic exchanges are only typical of individualistic Western cultures, while other, collective, cultures are clearly dominated by multi-party conversations (e.g., Haviland, 1986; Levinson, 1988; Walsh, 1997). Goffman, and others in the empirical tradition of analyzing “forms of talk”, tend to make yet bolder claims: “in any society, dyadic exchanges tend, in fact, to be in the minority” (Kerbrat-Orecchioni, 2004: 2; see also Levinson, 1988). Others might additionally point to the way one-on-one telephone conversations have been selected as the central object of research for early conversation analysts. For good methodological reasons— isolation of the auditory channel intrinsic to conversation, ease of recording—much of research has turned to telephone exchanges as chief sources of data for investigating conversations (see esp. Schegloff, 2002). In this way, methodological expediency has inadvertently turned dyadic telephone conversation into a model for a *normal conversation* writ large. Whatever the exact facts, empirical analysts pose the following challenge to model philosophical analyses of conversation in terms of a dyadic scheme of a Speaker and a Hearer: “Even if such a

scheme is intended to be a model, for descriptive work it cannot be" (Hymes, 1972: 58). This challenge should, at least, be seriously addressed with some argument, empirical or otherwise.

One possible non-empirical argument is that the multi-party complication is, in the end, *not important*. It is not important, basically, because it is a contingent feature of context or a variation that can easily be explainable from the dyadic model. As we have seen, Austin mentions "the particular persons and circumstances" as background conditions for a felicitous procedure. In this way, possible illocutionary pluralism related to multiple participants is relegated to idiosyncratic contextual circumstances. Also, as already mentioned, his acute awareness of speech act pluralism is channeled instead to the distinction of various levels or aspects of speech acts, most notably locution, illocution, and perlocution (see Sbisà, 2013).

Searle, as is well known, resorts to the concept of indirect speech acts to account for the undeniable cases of illocutionary dualism, that is, cases where one and the same utterance in one and the same context expresses two illocutionary forces: *Can you pass me the salt?*, while obviously being a question also functions as a request; obviously and, in fact, primarily so. There is thus a certain hierarchy: primary illocutionary act (here: a request) is performed "by way of" a secondary illocutionary act (here: a question), which, in turn, is performed "by way of uttering a sentence the LITERAL meaning of which is such that its literal utterance constitutes a performance of that illocutionary act" (Searle, 1975b: 62). Because of this chain of "by way of" (or "by means of", see Clark & Carlson, 1982), I call this form of illocutionary plurality *vertical* plurality.

Again, there are nuances of the indirect speech act approach directly relevant to any analysis of illocutionary pluralism (Sbisà, 2013), not least the uptake of the hearer which, typically—even in the case of most conventional, idiomatic expressions—can be non-defectively related to the literally encoded secondary force, or both forces at once:

Can you pass me the salt?

Yes... Ooops, well, actually, I cannot, John just took it. Sorry.

Given that this is a well-researched topic, I will not delve any further into these nuances. Instead, I will briefly discuss two extensions of the indirect speech act plurality. The first of them further complicates the *vertical* axis of plurality while the second introduces a *horizontal* axis, something that I think should be considered as the illocutionary pluralism proper.

4. VERTICAL AND HORIZONTAL EXTENSIONS OF SPEECH ACT THEORY

4.1 Levinson's conversational projects

We have already seen in the two opening examples that Searle's two levels might not suffice: we can conventionally and recognizably perform three levels of illocutionary forces. Levinson goes a step further, perhaps even two steps, in his concept of conversational *projects*:

The notion of project we need for action ascription is not 'thematic thread' but 'plan of action'—that is, a course of action that at least one participant is pursuing, which may at first be opaque to others then retrospectively discernible [...] and then prospectively projectable. (Levinson, 2013: 122)

The crucial point is that in conversation speakers orient to each other's projects:

Clearly, in conversation, projects are interactionally negotiated, jointly launched, diverted or aborted. Actions then are in the service of projects, and projects are themselves actions to accomplish. That is why there is no simple answer to what action this turn is doing: it is doing something local, which governs its response types, but also part of something more global, which, as soon as it is recognizable, also plays a role in fashioning responses (as in the 'go ahead' or 'blocking' responses to pre-s). In short, there is a hierarchy of actions within a project. (Levinson, 2013: 126-127)

To demonstrate the working of conversational projects, Levinson analyzes the following exchange between a teenage daughter—Virginia—and her mom:

(20) Virginia, p. 8.
12 Vir: But - you know, you have to have enough mo:ney?, I think
13 ten dollars 'ud be good.
14 (0.4)
15 Mom: .hhh Ten dollahs a week?
16 Vir: Mm hm.
17 Mom: Just to throw away?
18 (0.5)
19 Vir: Not to throw away, to spe:nd.
20 (.)
21 Mom: ((shrilly)) On [WHAT? That 's what I been tryin ' a fi nd =
22 Pr?: [eh hih hih
23 Mom: = out. besides McDo:nalds?,

Mom's "Ten dollahs a week?" (line 15) is ostensibly locally a clarification question (per week or per month?) to a proposal for more money; but also, querying the amount produces an opportunity for daughter Virginia to justify the amount, where, if those justifications prove inadequate, grounds are thereby provided for rejecting the proposal. Virginia's project, asking for more pocket money (earlier more clothes), is countered by Mom's project of holding the status quo. Other-initiated repair, an information request, a challenge to produce reasons, a pre-accusation and thus likely refusal to grant the request, are all visible in the one turn. (Levinson, 2013: 126-127)

In discussing Levinson's nuanced approach to action ascription in conversational activities (see also Levinson, 1979; 2006), Sbisà (2013: 239) identifies his speech act pluralism with "the plural potentialities of sequential positioning" for speech acts in conversation. We thus have a certain possible sequence of acts more or less rationally and recognizably linked in an overarching project, a sequence we can possibly project from any speech act utterance in conversation. This is a flexible and sophisticated approach to vertical plurality, far exceeding the limits of Searle's conventional approach in the way ascriptions are made and in their complexity (2 vs. n-levels). In this way, it goes quite some way to undermining the classical speech act theory's possible counter-argument that illocutionary pluralism is not so important, because it can be, in the end, explained away by the tools developed in the theory's salad days: chiefly, the concept of indirect illocutionary forces. However, it is still a vertical model: it is based on a projection of various illocutionary forces linked in a "by way of" or "by means of" manner to the literally uttered act through some kind of a sequential hierarchy.

4.2 Clark's lateral speech acts

Another approach to illocutionary pluralism, which I have already called *horizontal*, has been proposed by Clark. Clark (1992; Clark & Carlson, 1982) departs from Searle's standard concept of indirect speech acts. Examples such as this:

Ann to Barbara, in front of Charles: Barbara, I insist that you tell Charles who we met at the museum today.

function much in the way described by Searle (1975b): an indirect, although function-wise primary, speech act (here: request) is performed by way of (Searle) or by means of (Goldman, Clark) a secondary, literally

expressed speech act (here: assertion). Since both these illocutionary forces are directed to the same addressee (here: Barbara), Clark calls this *linear* indirectness.

However, slight, and entirely familiar, change in the addressed party, produces a wholly different type of indirectness, namely, *lateral* indirectness (Clark & Carlson, 1982):

Ann, to Charles, in front of Barbara: Charles, I insist that Barbara tell you who we met at the museum today.

Here, the primary speech act is performed to a non-addressee hearer Y (Barbara) by means of / by way of the secondary speech act performed to the addressee hearer X (Charles). While it is Charles who is linguistically addressed, it is Barbara who is expected to produce the conventional uptake (that is, to understand she is requested to tell the story and react accordingly) to the conventional request (please tell the story). Importantly, Ann is openly exhibiting her recursive communicative intention (see Grice, 1989): while ostensibly addressing Charles, she wants Barbara to recognize her intention that she wants to communicate her request to Barbara by means of Barbara's recognition of that intention, etc.

The consequences of such lateral indirectness for understanding speech acts in actual conversations are wide-ranging:

With ordinary linear indirectness, utterances can become very complicated; but with lateral indirectness, the possibilities almost defy imagination. For a relatively simple example, consider this:

(67) *Ann, to Barbara, in front of Charles, David, and Ewan:*
Barbara, I insist that Charles tell you the joke about the two Irishmen. (Clark & Carlson, 1982: 364)

According to Clark & Carlson's analysis, Ann performs a direct but secondary assertive to Barbara, indirect but primary request to Charles, as well as possibly indirect but primary warning to David (who hates jokes about Irishmen or Charles's jokes, and is duly warned, e.g., *you don't want to hear this, so you better go get a beer now, David*). We can further imagine that due to a particular agreement between Ann and Ewan (*you go and prepare the birthday cake when I ask Charles to tell a joke*), this can be a command to Ewan. While for Searlean speech act heroes this can indeed defy imagination, it seems natural enough for actual communicators who tend to be competent in such plural speech act performance from a very young age (see Tomasello, 2008).

Clark's idea to bridge the gap between such conversational complexities and the classic speech act theory—beyond defining lateral indirectness—is to stipulate *the speech act of informative*: “an informative is an act by the speaker to make it known to the participants what illocutionary act he is performing for the addressees” (Clark & Carlson, 1982: 350; see p. 351 for a proper definition of the informative in terms of felicity conditions). The most obvious—and most striking—consequence of this additional type of an illocutionary act can be briefly summarized as follows:

In our proposal, the speaker performs two types of illocutionary act with each utterance. One is the traditional kind, such as an assertion, promise, or apology; this is directed at the addressees. The other, called an informative, is directed at all the participants in the conversation—the addressees and third parties alike. It is intended to inform all of them jointly of the assertion, promise, or apology being directed at the addressees. We present evidence that every traditional illocutionary act is performed by means of an informative. (Clark & Carlson, 1982: 332)

Therefore, every speech act, even a simple request uttered by A to B in a one-on-one exchange would have the form:

I, the Speaker, hereby *inform* you, all the Participants to the current conversation (= the Addressee and, potentially, other non-addressed Hearers), that I hereby perform an illocutionary act *I₁* to the Addressee.

Two critical points on that. First, Clark (see also Clark, 1992) unduly limits the primary illocutionary acts to the Addressee. As could be seen in Clark's own examples, such acts might just as well be performed to the non-addressed participants. Second, the solution seems too complex, too unwieldy and, simply, too Occam razor's prone. While it does reveal speech act pluralism in multi-participant conversations, it resorts to a disposable layer of illocutionary force. Do we really need to read: *I hereby inform that I ask you what the time is?*

Instead, in what follows, I would suggest a solution too hastily dismissed by Clark & Carlson (1982: 336), namely, “a drastic revision of the notion of addressee” grounded in a more fundamental redefinition of the conversational context.

5. PLURAL SPEECH ACTS IN A POLYLOGUE

The argument so far runs as follows:

Speech act pluralism = locutionary, illocutionary, or perlocutionary pluralism

Focus here is on *illocutionary pluralism* (locutionary pluralism belongs to a semantic debate over underdetermination and contextualism; perlocutionary pluralism is obvious and trivial per definition of perlocution)

Illocutionary pluralism = vertical or horizontal pluralism

Focus here in on *horizontal* illocutionary pluralism (vertical pluralism is well-established via the notion of indirect speech acts and also conversational projects)

Horizontal illocutionary pluralism = 1) multiple ascription of illocutionary forces by the speaker and the hearer or by the same hearer or 2) by multiple hearers

1) = *illocutionary ambiguity* (force ambiguity) possibly leading to a metalinguistic negotiation (Ludlow, 2014; Plunkett & Sundell, 2013, 2019; Plunkett, 2015) over force between the speaker and the hearer (see Johnson, 2019; Kukla, 2014; Lance & Kulka, 2013; for good examples)

2) =

2a) *illocutionary relativism* grounded in various ascriptions by various audience members (see Johnson, 2019 and Sbisà, 2013 who both deny this label but eventually furnish arguments to this effect)—this, again, can lead to a metalinguistic dispute

2b) *illocutionary pluralism proper*, where different communicatively intended and conventionally recognized illocutionary forces are directed to different audience members

Focus here is on 2b: *illocutionary pluralism proper*

Following different paths than I do, Clark and Carlson, in their discussion of lateral indirectness via informatives, get as far as to 2b. However, the limitations of informatives discussed above prevent them from producing a comprehensive account of illocutionary pluralism. To this end, a different notion of the basic context of conversation is needed.

I see this notion in the concept of *polylogue*. For the basic understanding of the concept it suffices to unpack its Greek

etymology—*poly-logos* signifies discourse (λόγος) between many (πολύ). For the current purposes, let's divide all verbal activities into either mono-logues or dia-logues. *Dia-logues* comprise all interactive uses of language (to be precise: *actual* or *explicit* dialogues; *internal* or *implicit* dialogues are monological renderings of actual interactions). Based on the number of speakers, dia-logues are a genus that can be, quite straightforwardly, divided into the species of: *di-logues* (2 speakers), *tri-logues* (3 speakers), *tetra-logues* (4 speakers), etc. *Poly-logues* are thus all dia-logues which are not di-logues, that is, those that involve three or more speakers.¹

While the numbers of speakers are significant for how conversation—and argumentation in particular—develops, many further characteristics define the concept, occasionally used by others who analyze many-to-many communication.² From a traditional perspective of the speech act theory or conversation analysis, conversation goes wild. The very basic notions—relevance, coherence, sequential organization, adjacency pairs—are challenged. Instead of even briefly describing the empirical results of conversational characteristics of polylogues, let me provide a list of basic features of polylogues, and then focus on three of them directly relevant to the study of illocutionary pluralism.

Basic features of a polylogue:³

- (1) Much increased complexity of exchanges (multiple responses, parallel sub-discussions which might criss-cross, overlap, and reunite)
- (2) Problems in determining the relevance and completeness of exchanges

¹ It's important to stress the distinction between dia-logues and di-logues. They are often confused due to: 1) the easily overlooked difference in Greek terms (*dia*-logue: 'through' discourse; *di*-logue: discourse between 'two'); 2) the practice, deeply entrenched in both ordinary and academic parlance, of limiting a dia-logue to a di-logue.

² See Sylvan, 1985; Kerbrat-Orecchioni, 2004; Wimmer, 2007; Bou-Franch & Blitvich, 2014. Others simply speak of multi-party, multi-participant, or n-party conversations.

³ See Aakhus & Lewiński, 2017; Bou-Franch & Blitvich, 2014; Bruxelles & Kerbrat-Orecchioni, 2004; Clark, 1992; Clark & Carlson, 1982; Egan, 2009; Goffman, 1981; Goodwin & Goodwin, 1990; Haviland, 1986; Kerbrat-Orecchioni, 1997, 2004; Lewiński, 2013, 2014, 2017; Lewiński & Aakhus, 2014; Levinson, 1988; Marcoccia, 2004; Maynard, 1986; Sacks, 1992; Simmel, 1910/1951; Sylvan, 1985; Traverso, 2004.

- (3) Distributed or delegated responsibility for talking (who of the addressed is to answer a difficult question?)
- (4) Different sequential patterns, e.g., for coherence management
- (5) Multiple-recipient design (conveying different, even inconsistent, messages to different participants)
- (6) Various forms of co-production of discourse that may lead to strategic coalition-building
- (7) Majority-minority divisions
- (8) Continuation possible after one party departs (so the real collective begins at three)
- (9) Various forms of mediation, arbitration, etc.
- (10) Difficulties in gauging and establishing the common ground among all the participants

For feature (2) consider a simple question of A asked to B, C, and D.

Example 2 A: What time is it?
 B: Three thirty.

Example 3 A: What would you like to drink?
 B: Red wine.

In a dyadic exchange these are entirely analogous, and in this case felicitous and complete exchanges. However, in a polylogical context we clearly see the difference: Example 2 is a *collective question/request*, where one collective action or even one individual action of whichever hearer (B, C, D) constitutes a satisfying and complete response. By contrast, 3 is a *distributive question/request*, where an individual action of *each* hearer is needed to complete the exchange (unless, of course, B is the group's spokesperson authorized to speak on behalf of C and D, or C and D are already standing with glasses of caipirinha, etc.). In the distributive case, de facto three individual requests to three different individuals are thus performed—which constitutes the simplest form of illocutionary pluralism as delimited above.⁴

To see how features (5) and (10) are interrelated in enabling illocutionary pluralism, consider the following case:

⁴ See Egan, 2009, for a semantically-focused discussion of similar cases, which brings him to the concept of *utterance-proliferation*, also with respect to speech acts other than assertives (see Egan, 2009: 269-271).

Example 4

A group of friends in a restaurant, about to order desserts after dinner:

Ann, to Barbara, Chiara, Daniel, and Edward, after consulting the waiters:

At this hour, they only have chocolate mousse!

Ann's simple *assertion* obviously becomes part of the public conversational score (Lewis, 1979) in this five-participant polylogue. However, we can also easily imagine that this assertion is merely a secondary speech act, which serves as a vehicle to convey a number of indirect but primary speech acts. For instance, considering that:

- A, B, and C also shared their love of chocolate mousse before, so that it's their *shared* ground—A performs a *recommendation*, or perhaps some joyful expressive;
- A and D discussed D's chocolate allergy: in their *shared* ground, this would be a *warning* or even an *apology*;
- A had an argument with E in which E claimed the restaurant never serves chocolate mousse at a late hour: in their shared ground, this is a *refutation*.

So, we have a conversational score *common* to all participants, and conversational scores *shared* by subsets of participants.⁵ The former is linked to an evolving common ground, while the latter to what can better be called a shared ground, limited to a sub-set of participants.⁶ These shared sub-scores have two varieties: they can either be 1) *inclusive sub-scores* shared with others as proper subsets of public conversational score: so everybody can know that Daniel is allergic to chocolate and aware that Ann's assertion is primarily a warning or apology to him; or 2) *exclusive sub-scores* limited to a subgroup of participants—so in the joke example it should be only David who's warned of Charles's bad jokes and, here, it could only be known to Ann and Edward that he was refuted (and further, as the one who lost the bet, needs to buy Ann a stash of chocolate for the coming week).

Now, the crucial argument to be made here is the following: *It is this multiplicity of simultaneously evolving scores that allows for illocutionary pluralism proper in a polylogue: with one and the same*

⁵ Cf. Goffman's (1981) description of *byplay*: "subordinated communication of a subset of ratified participants".

⁶ See Camp (2018) for a distinction between Lewis-type (1979) *conversational score or record* and Stalnaker-type (2002) *common ground*.

locution we can advance different illocutionary moves in different scores kept with different participants. Further, the crucial condition here, already hinted at, is that in all these scores the speaker intends his intention to do *x, y, z* to different speakers to be recognized as intended. These plural illocutionary forces are not only conventionally recognized but also intentionally performed—in the sense of recursive communicative intentions (Grice, 1989; Strawson, 1964). This is different from intending to deceive an eavesdropping spy or concealing some information from a child: in such cases, our intention works only in cases where our intention is *not* recognized.

6. CONCLUSION

As I have shown before in a number of places (Lewiński, 2013, 2014, 2017; Lewiński & Aakhus, 2014; Aakhus & Lewiński, 2017), specifically *argumentative* polylogues have particular properties directly observable in the reality of multi-party argumentation. These properties can be described from various interlinked perspectives. Here, I endeavoured to drill to the very bottom of it, and present polylogical properties as speech act properties. The crucial message is: there exists *illocutionary pluralism proper*, where different communicatively intended and conventionally recognized illocutionary forces are directed to different audience members.

If this message holds, this is very significant for argumentation theory. Speech act theory is a widely accepted conceptual background in the discipline: from rudimentary understanding of speech acts in formal models of argumentation (e.g., Prakken, 2000, 2009) to elaborate proposals of pragma-dialecticians (van Eemeren & Grootendorst, 1984, 2004). If speech act theory is challenged and extended—for instance by embracing the illocutionary pluralism advocated here⁷—then the theories of argumentation which are built of speech act blocks need to be challenged and extended too. Perhaps there is a world of argumentative speech acts dynamics yet to be seen, understood, and evaluated?

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⁷ See Fogal, Harris, & Moss (ed., 2018), for current challenges, updates and extensions of the speech act theory. See Jacobs (1989) for specific challenges to the argumentative treatment of speech acts.

REFERENCES

- Aakhus, M., & Aldrich, A. (2002). Crafting communication activity: Understanding felicity in "I wish I..." compliments. *Research on Language and Social Interaction*, 35(4), 395–425.
- Aakhus, M., & Lewiński, M. (2017). Advancing polylogical analysis of large-scale argumentation: Disagreement management in the fracking controversy. *Argumentation*, 31(1), 179–207.
- Austin, J.L. (1962/1975). *How to do things with words*. 2nd ed. Oxford: Clarendon Press.
- Bou-Franch, P., & Garcés-Conejos Blitvich, P. (2014). Conflict management in massive polylogues: A case study from YouTube. *Journal of Pragmatics*, 73, 19–36.
- Bruxelles, S., & Kerbrat-Orecchioni, C. (2004). Coalitions in polylogues. *Journal of Pragmatics*, 36(1), 75–113.
- Camp, E. (2018). Insinuation, common ground, and the conversational record. In D. Fogal, D.W. Harris, & M. Moss (eds), *New work on speech acts* (pp. 40–66). Oxford: Oxford University Press.
- Cappelen, H. (2011). Against assertion. In J. Brown & H. Cappelen (Eds.), *Assertion: New philosophical essays*. Oxford: Oxford University Press.
- Cappelen, H., & Lepore, E. (2005). *Insensitive semantics. A defense of semantic minimalism and speech act pluralism*. Oxford: Blackwell.
- Clark, H.H. (1992). *Arenas of language use*. Chicago: Chicago University Press.
- Clark, H. H., & Carlson, T. B. (1982). Hearers and speech acts. *Language*, 58(2), 332–373.
- Eemeren, F. H. van, & Grootendorst, R. (1984). *Speech acts in argumentative discussions*. Dordrecht: Floris.
- Eemeren, F. H. van, & Grootendorst, R. (2004). *A systematic theory of argumentation*. Cambridge: Cambridge University Press.
- Egan, A. (2009). Billboards, bombs and shotgun weddings. *Synthese*, 166(2), 251–279.
- Fogal, D., Harris, D.W., & Moss, M. (Eds.) (2018). *New work on speech acts*. Oxford: Oxford University Press.
- Goffman, E. (1981). *Forms of talk*. Oxford: Blackwell.
- Goodwin, C., & Goodwin, M. H. (1990). Interstitial argument. In A. D. Grimshaw (Ed.), *Conflict talk: Sociolinguistic investigations of arguments in conversations* (pp. 85–117). Cambridge: Cambridge University Press.
- Grice, P. (1989). *Studies in the way of words*. Cambridge, MA: Harvard University Press.
- Haviland, J. B. (1986). 'Con Buenos Chiles': Talk, targets and teasing in Zinacantan. *Text*, 6(3), 249–282.
- Hymes, D. (1972). Models of the interaction of language and social life. In J. J. Gumperz & D. Hymes (Eds.), *Directions in sociolinguistics: The ethnography of communication* (pp. 35–71). New York: Holt, Rinehart and Winston.
- Jacobs, S. (1989). Speech acts and arguments. *Argumentation*, 3(4), 345–365.
- Johnson, C.R. (2019). Investigating illocutionary monism. *Synthese*, 196(3), 1151–1165.

- Kerbrat-Orecchioni, C. (1997). A multilevel approach in the study of talk-in-interaction. *Pragmatics*, 7(1), 1–20.
- Kerbrat-Orecchioni, C. (2004). Introducing polylogue. *Journal of Pragmatics*, 36(1), 1–24.
- Kukla, R. (2014). Performative force, convention, and discursive injustice. *Hypatia*, 29(2), 440–457.
- Lance, M., & Kukla, R. (2013). ‘Leave the gun; take the cannoli’: The pragmatic topography of second-person calls. *Ethics*, 123(3), 456–478.
- Levinson, S. C. (1979). Activity types and language. *Linguistics*, 17(5-6), 365–400.
- Levinson, S. C. (2006). On the human “interactional engine”. In N. Enfield & S. C. Levinson (ed.), *Roots of human sociality. Culture, cognition and human interaction* (pp. 39-69). Oxford: Berg Publishers.
- Levinson, S. C. (1988). Putting linguistics on a proper footing: Explorations in Goffman’s concepts of participation. In: P. Drew & A. Wootton (Eds.), *Erving Goffman: Exploring the interaction order* (pp. 161–227). Cambridge, MA: Polity Press.
- Levinson, S.C. (2013). Action formation and ascription. In T. Stivers & J. Sidnell (Eds.), *Handbook of conversation analysis* (pp. 103-130). Malden, MA: Wiley-Blackwell.
- Lewiński, M. (2013). Debating multiple positions in multi-party online deliberation: Sides, positions, and cases. *Journal of Argumentation in Context*, 2(1), 151–177.
- Lewiński, M. (2014). Argumentative polylogues: Beyond dialectical understanding of fallacies. *Studies in Logic, Grammar and Rhetoric*, 36(1), 193-218.
- Lewiński, M. (2017). Practical argumentation as reasoned advocacy. *Informal Logic*, 37(2), 85-113.
- Lewiński, M., & Aakhus, M. (2014). Argumentative polylogues in a dialectical framework: A methodological inquiry. *Argumentation*, 28(2), 161-185.
- Lewis, D. (1979). Scorekeeping in a language game. *Journal of Philosophical Logic*, 8(1), 339–359.
- Ludlow, P. (2014). *Living Words: Meaning Underdetermination and the Dynamic Lexicon*. Oxford: Oxford University Press.
- Marcoccia, M. (2004). On-line polylogues: conversation structure and participation framework in internet newsgroups. *Journal of Pragmatics*, 36(1), 115–145.
- Maynard, D. W. (1986). Offering and soliciting collaboration in multi-party disputes among children (and other humans). *Human Studies*, 9, 261–285.
- Mondada, L. (2013). The conversation analytic approach to data collection. In T. Stivers & J. Sidnell (Eds.), *Handbook of conversation analysis* (pp. 32-56). Malden, MA: Wiley-Blackwell.
- Plunkett, D. (2015). Which concepts should we use? Metalinguistic negotiations and the methodology of philosophy. *Inquiry*, 58 (7-8), 828–874.
- Plunkett, D., & Sundell, T. (2013). Disagreement and the semantics of normative and evaluative terms. *Philosophers’ Imprint*, 13 (23), 1–37.
- Plunkett, D., & Sundell, T. (2019). Metalinguistic negotiation and speaker error. *Inquiry*, DOI: 10.1080/0020174X.2019.1610055.

- Prakken H. (2000). On dialogue systems with speech acts, arguments, and counterarguments. In M. Ojeda-Aciego, I.P. de Guzmán, G. Brewka, & L. Moniz Pereira (eds.), *Logics in Artificial Intelligence. JELIA 2000. Lecture Notes in Computer Science, vol 1919* (pp. 224-238). Berlin: Springer.
- Prakken, H. (2009). Models of persuasion dialogue. In I. Rahwan & G. R. Simari (Eds.), *Argumentation in Artificial Intelligence* (pp. 281-300). Dordrecht: Springer.
- Sacks, H. (1992). *Lectures on Conversation. Vol. I & II*. Oxford: Blackwell.
- Sbisà, M. (2013). Some remarks about speech act pluralism. In A. Capone, F. Lo Piparo, & M. Carapezza (Eds.), *Perspectives on pragmatics and philosophy* (pp. 227-244). Cham: Springer.
- Schegloff, E. A. (1968). Sequencing in conversational openings. *American Anthropologist*, 70, 1075-1095.
- Schegloff, E. A. (2005). Beginnings in the telephone. In J. E. Katz & M. Aakhus (eds.), *Perpetual Contact: Mobile Communication, Private Talk, Public Performance* (pp. 284-300). Cambridge: Cambridge University Press.
- Searle, J. R. (1969). *Speech acts: An essay in the philosophy of language*. Cambridge: Cambridge University Press.
- Searle, J. R. (1975a). A taxonomy of illocutionary acts. In K. Gunderson (Ed.), *Language, mind, and knowledge, vol. 7* (pp. 344-369). Minneapolis: University of Minnesota Press.
- Searle, J. R. (1975b). Indirect speech acts. In P. C. J. L. Morgan (Ed.), *Syntax and semantics, 3: Speech acts* (pp. 59-82). New York: Academic Press.
- Searle, J. R. (1992). Conversation. In J.R. Searle et al. (eds.), *(On) Searle on conversation* (pp. 7-29. Amsterdam John Benjamins.
- Searle, J. R., & Vanderveken, D. (1985). *Foundations of illocutionary logic*. Cambridge: Cambridge University Press.
- Seymour, M. (2010). Speech act pluralism, minimal content and pragmemes. *Journal of Pragmatics*, 42, 2870-2881.
- Simmel, G. (1950/1910). *The Sociology of Georg Simmel*. Wolff, Kurt H. (trans. & ed.). Glencoe, IL: The Free Press.
- Stalnaker, R. (2002). Common ground. *Linguistics and Philosophy*, 25(5-6), 701-721.
- Strawson, P.F. (1964). Intention and convention in speech acts. *The Philosophical Review*, 73(4), 439-460.
- Sylvan, R. (1985). Introducing polylogue theory. *Philosophica*, 35(1), 89-112.
- Tomasello, M. (2008). *Origins of human communication*. Cambridge, MA: MIT Press.
- Traverso, V. (2004). Interlocutive 'crowding' and 'splitting' in polylogues: The case of a researchers' meeting. *Journal of Pragmatics*, 36(1), 53-74.
- Üzelgün, M.A., Mohammed, D., Lewiński, M., & Castro, P. (2015). Managing disagreement through *yes, but...* constructions: An argumentative analysis. *Discourse Studies*, 17(4), 467-484.
- Wimmer, F.M. (2007). Cultural centrisms and intercultural polylogues in philosophy. *International Review of Information Ethics*, 7(9), 1-8.

Evaluating relevance in analogical arguments through warrant-based reasoning

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Arguments by analogy are particularly difficult to teach, assess, and implement computationally, in part because of the requirement of relevance. Our goal in this paper is an algorithm for assessing arguments by analogy, which: (1) lends itself to computational implementation using currently available tools, and (2) can be applicable to the kinds of arguments typically made by minimally trained arguers. We describe such an algorithm, through what we call warrant-based reasoning.

KEYWORDS: warrants, analogies, analogical arguments, warrant game, WG-A

Arguments by analogy are particularly difficult to teach, assess, and analyze computationally, in part because of the requirement of relevance. For example, consider the argument “the sun is round, the sun is extremely hot, and a compact disc is round; therefore compact discs are extremely hot.” Trivially, this is a poor analogical argument, since the property of being round is not directly relevant to its temperature.

Determining relevance, however, is rather difficult in practice. If a group of minimally trained participants are asked to assess a given analogical argument, the resulting argumentative dialogue will tend to contain many statements of questionable relevance. A trained moderator of such a dialogue might be able to manage this, by only allowing statements that are relevant to the analogical argument being

discussed. But such moderation can be labor-intensive, requires a high degree of training for the moderator, and has little to no guarantee that the moderator will act in accordance with norms of rationality (whichever those might be).

Nevertheless, it is worthwhile to explore whether there exists a method for identifying the strengths and weaknesses of analogical arguments, particularly one lending itself to computational implementation, so that it can be carried out by, or with the assistance of, an artificially intelligent system. Even if such a system might occasionally rely on human input, its potential benefits are tremendous. E.g., arguments by analogy are prevalent in online discussions, and automatically evaluating argumentation might enable discussions where bad argumentation is filtered out or critiqued for educational purposes.

In this paper, we propose a framework for the dialogical evaluation of analogical arguments whose method of ensuring relevant utterances is built-in. This is done through what we call warrant-based reasoning, a framework for assessing an informal argument's quality by evaluating the strongest warrants that can be found in its support. We have created a computer program which restricts the "moves" participants can make to those which focus on the common warrant shared by the source and target domains of the analogy. The program is called WG-A (for "Warrant Game - Analogy"), and we describe its details in Section 2.

Our long-term goal in this project is a method for assessing arguments by analogy satisfying two desiderata: (1) it lends itself to computational implementation using currently available tools, and (2) it can be used by minimally trained arguers, with a minimum of external moderation. WG-A has been played by undergraduate students with under an hour of training, and we ultimately hope it will be playable by artificially intelligent systems.

1. BACKGROUND

1.1 Arguments by Analogy

We take as our starting point Bartha's (Bartha, 2010) general schema for analogical arguments. An analogical mapping is a systematic, one-to-one correspondence between two groups of propositions: a source domain, and a target domain. On the basis of this mapping, an analogical argument concludes that some hypothetical proposition holds in the target domain. Borrowing terms from Keynes (Keynes, 1921), an analogical argument can be seen as consisting of four parts:

- Positive analogy (**P**) – Proposition groups P in the source domain and P^* in the target domain that correspond to “known similarities”.
- Negative analogy (**N**) - Proposition groups $A, \neg B$ in the source domain and $\neg A^*, B^*$ in the target domain corresponding to “known differences” between the domains. For example, the facts “Earth has an atmosphere” / “Mars does not have an atmosphere” would be in A and $\neg A^*$, respectively.
- Neutral analogy (**O**) - A set of propositions in the source such that the truth values of analogous propositions in the target are not known, and vice versa.
- Hypothetical analogy (**Q**) - A single proposition Q known to hold in the source and a hypothetical proposition Q^* in the target whose truth value is not known but is the conclusion of the analogical argument.

An argument from analogy might thus be a claim of the following form: “It is prima facie plausible that Q^* holds in the target because of certain known (or accepted) similarities with the source domain, despite certain known (or accepted) differences” (Bartha, 2013). Conformance to this schema alone is insufficient to determine the quality of an analogical argument; Bartha’s schema is meant to be entirely general, intended to represent both good and bad analogical arguments. Bartha’s articulation model (Bartha, 2010) is based on the idea that a successful analogical argument is one which identifies a prior association and a potential for generalization:

- **Prior Association.** “There must be a clear connection, in the source domain, between the known similarities (the positive analogy) and the further similarity that is projected to hold in the target domain (the hypothetical analogy). This relationship determines which features of the source are critical to the analogical inference.”
- **Potential for Generalization.** “There must be reason to think that the same kind of connection could obtain in the target domain. More pointedly: there must be no critical disanalogy between the domains” (Bartha, 2013).

The articulation model describes how the prior association and potential for generalization can be made explicit and assessed through a dialogue between an advocate and critic, whose goals are to defend and attack the analogical argument, respectively. Because such a dialogue is meant to reflect real-world dialogues which take place to assess analogical arguments, the standards for what constitutes an acceptable

prior association is dependent on the kind of vertical relations (i.e., the relations that hold between the elements in the source domain) being considered. Mathematical analogies may require such relations to be proof-theoretic, whereas for certain informal arguments, associations or weak causal relationships may suffice.

We take Bartha's work as a starting point and assume that a good analogical argument has a good prior association and potential for generalization.

1.2 Warrants

A warrant, in Stephen Toulmin's model of argumentation, is a statement connecting the premises¹ and conclusion of an argument, showing how the former permits the inference of the latter (Toulmin et al., 1984; Toulmin, 2003). Whereas premises may be facts, evidence, or pieces of data that support a conclusion, a warrant is typically a broad principle of reasoning which might range from truth-preserving inference rules drawn from formal, deductive models, to unreliable heuristic norms.

For example, given the premise "Socrates is a man" and the conclusion "Socrates is mortal," two possible warrants are W_1 : "Anyone who is a man is also mortal," and W_2 : "Typically, men are mortal." These two warrants differ in the degree to which they allow the premise to support the conclusion. They also differ in the ways they can be challenged: W_1 can be refuted with a single example of an immortal man; whereas W_2 requires data showing that a majority of men are, in fact, immortal. Given these differences in weak points, it behooves an arguer to ensure the strongest possible warrant is used for their arguments.

The warrant, when made explicit, makes it easier to determine key features typically associated with argument strength, not limited to: (1) what kind of attacks can be used against the argument, (2) whether the premises are relevant or necessary to the argument, and (3) whether, and with what strength, the conclusion follows from the premises. Furthermore, whether or not a warrant was used in the creation of an argument, the process of making a warrant explicit and evaluating its connection to the premises and conclusion is a highly useful exercise in the assessment of that argument. Despite this level of utility, the warrant is often left implicit. This difficulty has led researchers in AI and

¹ We are following (Hitchcock, 2005) in using the term 'premises' to refer to what others, including Toulmin, might call the 'data' or 'evidence,' to reflect the position that warrants should be distinguished from premises. We do not defend that position here, and instead refer the reader to (Hitchcock, 2005)

computational argumentation to omit warrants from their models and datasets (Besnard et al., 2014; Habernal et al., 2014), and educators to leave warrants out of their lesson plans (Lunsford et al., 2002; Rex et al., 2010; Harrell & Wetzel, 2015). It has been observed that this omission is to the detriment of automated reasoning in the former case, and to students in the latter (Warren, 2010; Beach et al., 2016).

We will collectively refer to the kinds of reasoning processes which create, improve, or otherwise evaluate arguments by focusing on their warrants and how those warrants connect to the other parts of the arguments as “warrant-based reasoning.”

You are the **advocate** of this argument.

| Src scenario | Current Rule | Tgt scenario |
|---|---|---|
| Private communications are made through the mail A piece of mail is a physical object The post office is a government entity And: [Reading someone else's mail without permission is immoral] <- (No moves have been made yet) | --> IF <-- implies THEN --> | Private communications are made through home phones A phone call is not a physical object Phone companies are not government entities And: [Listening to someone else's phone call without permission is immoral] |

Your move:

You must create a rule that you think explains the two conclusions given. Your rule must be in **IF x THEN y** form.

[Click here to see an example](#)

| | |
|--|------------|
| Antecedent (IF part of the rule): | antecedent |
| Consequent (THEN part of the rule): | consequent |

Figure 1: Starting screen, as viewed by the advocate

2. THE WARRANT GAME AND WG-A

Given the benefits of warrant-based reasoning, our research lab recently developed a classroom activity to introduce students of critical thinking to warrant-centered argumentation called “the Warrant Game” (WG). In WG, teams of students put forth opposing arguments. They must carefully phrase the warrants for their arguments, because warrants and their connections to the rest of the argument can be attacked by other teams using one of a predefined set of allowed attacks. If an attack is successful (as determined by a moderator), the attacking team gains points, whereas the attacked team loses points and has the opportunity to revise the wording of their warrant to prevent (or inadvertently open themselves up to) further attacks.

WG provides a model for how to create, and iteratively improve on, a warrant: First, create an initial warrant by joining the premises and conclusion in a conditional statement (“If [*premises*], then [*conclusion*]”). Second, determine whether the warrant is subject to any of the pre-determined allowed attacks. If so, revise the warrant so it will be more resistant to these attacks, and then iterate until the warrant is sufficiently strong (in WG, this tends to be limited by time considerations or the skill level of the players). Thus, the measurement

of argument strength used here is qualitative: an argument is considered strong if its components are resistant to relevant attacks. An argument's maximal warrant strength is determined by the strongest warrant that can be found for it, and the strength of that warrant in turn is determined by how resistant it is to the attacks that can be found against it. This qualitative notion of argument strength allows us to define a partial ordering between arguments: Given two arguments, if one is subject to a subset of the attacks that another one is, then the first is stronger. Maximal warrant strength is meant to maintain some compatibility with the approaches derived from argument acceptability semantics (Dung, 1995; Mogdil & Prakken, 2013; Besnard et al., 2014; Reed et al., 2017) and Walton's argumentation schemes (Walton, 1985; Walton, 1999; Walton et al., 2008).

The notion of maximal warrant strength has several strengths as a formalization of argument quality, with respect to our stated desiderata: (1) It can be assessed on the spot, without requiring one to wait to see if the argument's conclusion is correct or not; (2) it is a property of arguments as a whole, rather than of individual premises or conclusions; and (3) it encourages reasoners to focus more on the connection between premises and conclusions. However, it should be noted that we do not claim the maximal warrant strength standard is the only measure of argument quality, nor that it is the best measure in all circumstances. Rather, it is a standard that lends itself to our desiderata by providing a way for arguments to be assessed by automated reasoners.

The warrant game breaks down the task of warrant evaluation into simpler tasks, represented by the allowed attack types. For example, instead of detecting the gap between premises and conclusions (as in Boltužic and Šnajder (2016)), one allowed attack is to focus on the much smaller gap between premises and a warrant's antecedent. When explaining this attack type to students, we might ask, "is it reasonable for you to believe the premises but not the warrant's antecedent?" Although drawing on an intuition of what it means for an inferential leap to be "reasonable" is not yet fully achievable through AI, we suspect it might be approximable through natural language inference tools, the state-of-the-art of which is currently achieved by deep neural networks (Lai & Hockenmaier, 2017; Chen et al., 2016; Cheng et al., 2016; Rocktäschel et al., 2015); and for this reason, this approach to warrant evaluation is in line with our first desideratum.

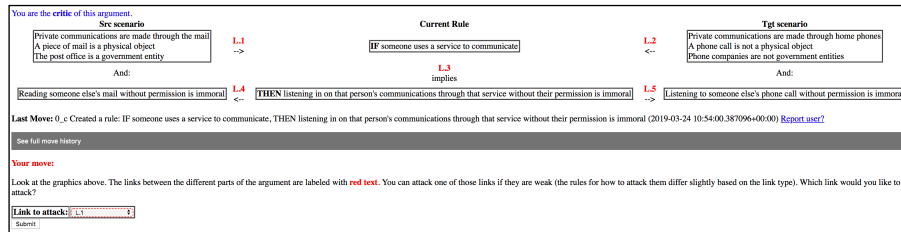


Figure 2: When deciding to attack, the critic is given a detailed image showing links in the argument which are open to attack.

2.1 Warrant Game – Analogy (WG-A)

Our underlying approach to combining Bartha’s articulation model and WG is based on the supposition that given an analogical argument A , the process of extracting a single warrant which applies to both the source and target domains of A : (1) is a task which is accessible to many and does not require excessive training and study, and (2) will tend to elicit reasoning and moves which are relevant to the evaluation of A . The resulting model based on, and designed to test, this supposition is called WG-A (Warrant Game for Analogies). Of course, there are quite a few functional differences between Bartha’s prior generalizations and Toulmin’s warrants, which affect the kinds of analogical arguments that A works best with. We describe some of these difficulties in Section 3. But for the most part, WG-A is a framework that helps us achieve the desiderata stated in the beginning of this paper.

WG-A is a Django-based² web app which allows for participants to productively engage in a dialogue assessing an analogical argument with minimal training. Each instance (or “game”) involves two participants, who play the roles of advocate and critic and are each given a unique and customized URL. Prior to the game starting, a short video is shown to participants explaining the basic structure of an analogical argument, the concept of a warrant (referred to within WG-A as a ‘rule’), and simple examples for how to attack a link between components of an argument. For the latter, we focus on links as if they were antecedents and consequents of a material implication and encourage participants to attack them by finding defeating counterexamples—examples where the antecedent holds, but the consequent does not.

At the beginning of the game, an analogical argument is first presented in the form of source facts ($P \cup A \cup \neg B$) a source hypothetical (Q), target facts ($P^* \cup \neg A^* \cup B^*$), and a target hypothetical (Q^*). Players are told that Q is to be considered established fact, and the goal of the advocate is to show that A supports Q^* , whereas the critic’s goal is to

² For more info, visit <https://www.djangoproject.com/>

show that A doesn't support Q^* . The advocate begins by stating a candidate warrant which simultaneously explains the connection between the source facts and source hypothetical, and between the target facts and target hypothetical (Figure 1). A detailed example is available to the advocate at that point for further clarification on what is expected.

When the advocate completes their action, control reverts to the critic, and the move is recorded in a log that is always accessible to both participants. The critic receives a notification saying that it is their turn, and they are given the choice to either update the source / target facts, send an attack, or pass (passing is only an option after a certain number of moves have been made). When two passes are made consecutively, the game is terminated.

If a critic decides to attack, the five links which are possible to attack are labeled as in Figure 2. Note that there are no attackable links between the source domain's facts and its conclusion, and likewise for the target domain. This is in keeping with the guiding principles of warrant-based reasoning: attacks should be allowed only if they address a flaw in the warrant or the ways in which it connects to other parts of the argument.

When the critic selects one of the attackable links, the two linked argument components are displayed to the user, along with instructions for what constitutes a valid attack. These directions treat the two linked argument components almost as if they were the antecedent and consequent of a material inference. For example, consider the link summarized in Figure 3a. The critic is asked to explain how the rule's antecedent fails to lead to its consequent, and is given suggestions for how to do so, e.g.: show that the "logical leap" between them is too far, or describe an example where the antecedent holds but the consequent does not. In this case, the critic chose the latter, and Figure 3b shows the screen that is subsequently shown to the advocate.

The advocate then has a choice of either rejecting or accepting the attack. If the attack is rejected, a reason must be provided, and the advocate is encouraged to write a reason grounded in the instructions the critic was given when creating this attack. An attack rejection effectively ends that attack, but the critic can submit a similar attack later (indeed, they can do so directly after if necessary). On the other hand, if the advocate decides to accept the attack, they are rewarded with the opportunity to make another move. Though it is not required to, this additional move is meant to be used to modify the rule or facts in order to defend against similar attacks in the future.

Only the advocate can make edits to the rule, and such edits are not subject to approval by the critic. Modifications to the source or target facts, however, can be initiated by either the critic or advocate.

Your move:

You have selected to attack the link between:

- **The rule's antecedent:** someone uses a service to communicate
- **The rule's consequent:** listening in on that person's communications through that service without their permission is immoral

In order to attack this successfully, you must demonstrate that the rule's antecedent implies the rule's consequent. Consider *only* the rule's antecedent and consequent as worded above. Is the logical leap between the two too much? Is it possible for the rule's antecedent to be true but the rule's consequent to be false?

Explain your reasoning below. Explain carefully; this will be reviewed by your opponent and rejected if they believe it is unfair. To cancel this attack and go back, type "back".

Explanation of weakness:

Figure 3a: The critic is provided an easy-to-read explanation of how to justify their attack and asked to elaborate on the reasoning behind their attack.

Your move:

Your opponent has pointed out a weakness in the argument structure. They were given the following instructions:

- **The rule's antecedent:** someone uses a service to communicate
- **The rule's consequent:** listening in on that person's communications through that service without their permission is immoral

In order to attack this successfully, you must demonstrate that the rule's antecedent implies the rule's consequent. Consider *only* the rule's antecedent and consequent as worded above. Is the logical leap between the two too much? Is it possible for the rule's antecedent to be true but the rule's consequent to be false?

The explanation they gave was: *"the communicator might be a known terrorist and might be giving information that could save thousands of lives"*.

Is their critique reasonable? Decide whether to accept or reject this critique. Explain your decision carefully; this will be reviewed by your opponent. If you decide to accept this critique, you will be allowed to revise the rule to fix the problem in the future, and you will be given another turn.

Choose one ☒ Accept this change ☐ Reject this change

Figure 3b: When attacked, the advocate is given a summary and asked whether or not the attack is in accordance with the guidelines for that attack type.

They can either add a new pair of facts (one to the source domain, one to the target domain) or edit an existing pair of facts. It is explained to the user that such fact pairs must be analogous, and can either both refer to positive analogous properties (e.g., "the chicken crosses the road" / "the boat crosses the stream") or opposite analogous properties (e.g., "the chicken lives near the road" / "the boat is not housed near the stream"), as long as they are factual and that mappings of concepts are

consistent³ with the rest of the fact pairs. To ensure this factuality and consistency, all suggested fact pair changes by one user require approval by the other user. If the other user decides to accept a fact pair change, the player who made the acceptance is rewarded with another turn. If not, they are required to explain why they did not accept and are given the option of suggesting an alternate change instead, which is passed back to the other player for approval or rejection. In the current version, this back-and-forth is allowed to continue indefinitely, or until the user who initially suggested the change withdraws the motion.

2.2 Comparing Warrants and the Prior Association

With WG-A, we propose that by trying to find a common warrant that justifies both the source and target hypotheticals, we perform many of the same functions achieved by Bartha's articulation model, namely: the extraction and clarification of a prior association, and the evaluation of its potential for generalization. But it may be noted by the reader that this alignment is not perfect; indeed, there are quite a few differences between Bartha's prior association and what we are calling the warrant of an analogical argument (which itself is a simplification of Toulmin's warrants, e.g. we do not explicitly represent the warrant's backing).

Let us therefore briefly discuss some of the differences. Perhaps most importantly, the warrant is inherently inferential and directional; it is meant to show how a particular inference is warranted given a set of premises. A prior association, on the other hand, might go in the opposite direction, it might be bi-directional, or an undirected relationship between P and Q . Bartha uses these directions to distinguish between four types of prior associations (Bartha, 2010), most of which we can approximately capture through warrants by changing their qualifiers:

- Predictive analogies ($P \rightarrow Q$). The hypothetical Q is a consequence of P . We can express this with the warrant "If P_G , then Q_G ," where P_G is a generalization of P and P^* , and Q_G is a generalization of Q and Q^* . If the relationship is causal, we might use "If P_G , then it will cause Q_G ."
- Explanatory analogies ($P \leftarrow Q$). Q explains P . We can approximately capture this with the warrant "If P_G , then it can be explained by Q_G ."

³ I.e., in these examples, 'chicken' is clearly mapped to 'boat,' 'living' to 'being housed', and 'road' to 'stream.' A suggested fact pair that violates this mapping, such as "chickens are often found on roads" / "boats are often found in boathouses," could be rejected on this basis.

- Functional analogies ($P \leftrightarrow Q$). There is an association in each direction (but not necessarily the same type). Both directions can be expressed through warrants using the methods described above, but in many cases it is not clear whether it is possible to express more than one direction at a time with a single warrant.
- Correlative analogies (P and Q have no known direction of priority). For example, we might have no more than knowledge of a statistical correlation between P and Q . We might express this as “If P_G , then it’s likely that Q_G .”

The above list suggests that WG-A is best suited to non-functional, and perhaps non-explanatory analogical arguments. In our initial tests of WG-A, we used starting fact pairs that had moral or ethical analogical arguments. WG-A requires warrants to be expressed as “if-then” statements. To our knowledge, this is not something that was required by Toulmin or others, but it is a useful way to informally express many warrants, and as such is a helpful “starting point” for students still learning how to write warrants.

Another important distinction is that Bartha’s articulation model first elaborates the prior association in the source domain, and then assesses its potential for generalization by applying it to the target. The warrants we propose here instead begin their lives as generalized statements, and have that generalizability tested iteratively through attacks and rewrites.

3. ENSURING RELEVANCE

WG-A is designed to ensure relevance in argumentative dialogues whose goals are to assess analogical arguments. In this section, we sharpen our claims towards meeting that goal. First, we adopt Bartha’s idea that a good analogical argument has a clear prior association and potential for generalization. Then a relevant move (with respect to some analogical argument A) is a move which affects the clarity of the prior association or its potential for generalization, either by affecting it directly or by implying a direct effect (using some measure of inferential distance). We are only dealing with the relevance of moves and are not addressing whether relevance is also a property of general utterances or other in-person actions (e.g., using voice tones to make implicit suggestions, wearing a t-shirt with printed text priming certain semantic frames, using body language to intimidate, etc.).⁴

⁴ We will only briefly state here that although such utterances or non-verbal actions might indeed have a non-negligible effect on how minimally-trained participants assess analogical arguments, it is a separate issue whether they should be included in WG-A, given our desiderata.

Let us assume there is an argumentative dialogue *D* between minimally-trained participants, whose goal is to assess the quality of some analogical argument *A*. If *D* is unrestricted and face-to-face, it is extremely difficult to ensure participants only make utterances and actions that are relevant to assessing *A*. And it is also extremely difficult for some moderator to assess relevance of utterances in real-time. In American courts, for example, trial judges have “broad discretion when ruling on the relevance of evidence” (Blinka, 2006). Yet, overconfidence in their own ability to stay unbiased can lead to their ignoring of rules of evidence (Chortek, 2013), and there is evidence to show that judges exposed to inadmissible biasing evidence were, unknowingly or not, affected by it (Eren & Mocan, 2018; Landsman & Rakos, 1994; Rachlinski et al., 2015; Wistrich et al., 2005; Wistrich et al., 2015).⁵ Furthermore, in adversarial trials, many objections of irrelevance “are simply missed because opposing counsel did not recognize the issue within the time limits demanded by the rules” (Blinka, 2006); other times, objections are used to “intimidate or confuse a lawyer of lesser skill, knowledge, and experience” (ibid). As an attempt to combat such problems, WG-A operates through an in-browser app, separating the players physically and only allowing them to make moves through the game, giving them more time to carefully choose their next moves. No other communication between players is allowed.

In a game like WG-A, a move might consist of changes made over one turn, in the same turn as other moves, or across multiple turns. The rules of WG-A restrict the moves that are permitted, and this paper’s central claim is that those allowed moves tend to be relevant to assessing *A*, since they tend to either strengthen the prior association or potential for generalization, or point out their flaws. To support this claim, let us first note that meaningful changes to the warrant correspond to meaningful changes to the prior association or its potential for generalization. Consider a warrant of the form “If $\varphi_1 \wedge \dots \wedge \varphi_n$ then $\gamma_1 \wedge \dots \wedge \gamma_m$,” where all φ_i, γ_j are open formulae. Then adding new conjuncts to the warrant’s antecedent or removing conjuncts from the consequent will tend to reduce the space of counterexamples to the warrant—i.e., the domain of objects for which the antecedent is true but the consequent is false. Likewise, removing from the antecedent or adding to the consequent will tend to increase the space of counterexamples. A change in the space of counterexamples to a

⁵ Wistrich et al. (2005) noted that in some situations, some judges displayed a “surprising ability” to avoid being influenced by relevant but inadmissible information. To our point, however, this is a difficult skill to acquire, maintain, and externally ensure.

warrant is a change in the ways in which the warrant can be directly attacked on the basis of its generality. Furthermore, any change in the antecedent may affect the degree to which it is applicable to the source or target domain facts (and likewise for the consequent's applicability to the source or target hypothetical).

As a WG-A game goes on, the set of conditions φ_i in the warrant's antecedent will tend towards describing factors which are relevant, in the sense that they are necessary to describe the prior association claimed to hold in both the source and target domains. If any conditions in the antecedent are relevant but missing, then the space of possible counterexamples will be too large, and the advocate will be motivated to narrow it through WG-A's attack-edit mechanism. The advocate is discouraged from adding conditions to the antecedent that they believe are irrelevant, because it will unnecessarily cost them a turn.

A player might propose to edit or add a new fact pair. Such modifications must be approved by both players, in order to help ensure that the wording used for the fact pairs reflects uncontroversial details about the source and target domains. Players are encouraged to accept proposed edits or additions by being rewarded with an additional turn after accepting. Furthermore, because proposing an edit or addition costs a valuable turn (or an arbitrarily large number of turns), users are discouraged from making frivolous, unnecessarily argumentative, or loaded modifications. Our assumption is that this set of constraints will push players to only make fact pair modifications if they affect the logical connection between the fact pairs and the rule's antecedent, or open up possibilities for attacks or warrant edits later.

If a player is being unnecessarily abusive, clearly not following the rules of the game, or behaving in a way that is too far outside of what might be considered acceptable (in the opinion of the other player), the option to report their actions is always available to both players. When a report is submitted, the game is paused until a human moderator can review it and decide how to best resolve the dispute.

Only five attack types are allowed, all of which are encouraged to come in the form of counterexamples. An attack on the link between the rule's antecedent and consequent is thus a challenge to its generalizability. Attacks on the links connecting the rule to the source facts (L1 and L4 in Figure 2) identify flaws in the rule's applicability to the source domain, whereas attacking links L2 and L5 do the same for the target domain. Our assumption here is that most weaknesses in the prior association or its potential for generalization can be expressed in the form of attacks through one of the five links we have identified.

3.1 Disallowed Moves

Thus, the three major types of allowed moves in WG-A (edits to the warrant, revision of the source/target fact pairs, and attacks) all tend to affect the strength of the prior association or its potential for generalization. However, we do not claim all possible moves relevant to assessing A can be made using allowed moves of WG-A. Our approach to introducing moves to WG-A must be a slow and careful one, else we risk allowing the irrelevant or deceptive argument tactics that WG-A was designed to prevent. Our decisions on which move types or forms of dialogue to omit were made on a case-by-case basis, by estimating the tradeoff between a move's ability to introduce relevant moves and its likelihood of allowing irrelevant moves and comments. All such decisions are subject to change based on the results of future empirical evaluations. That being said, notable features intentionally omitted from the current version of WG-A include:

Limitations on editing. Both the advocate and critic have the option of editing the fact pairs in the source and target, and such edits are subject to approval by both sides. However, neither has the ability to make edits to the source or target hypotheticals Q. In very early versions of WG-A, players would sometimes edit the hypotheticals to be uninformative, uninteresting, uncontroversial statements. For example, the target hypothetical in Figure 1 might be changed to "Listening to someone else's phone call without their permission can be immoral in some situations."

Indeed, in real-world dialogues, a participant might backtrack and weaken the scope of their claim in order to make it more defensible. But the intended players of WG-A do not necessarily deeply believe the truth or falsity of Q*. As such, the ability to modify Q may introduce too much of a temptation to make them easier to defend. A future update might allow the advocate to update Q, but it would likely need to penalize the player for modifications that make Q too tautological.

We also do not allow the critic to propose edits to the warrant, nor do we require the critic to approve warrant edits. We did not find any instances in which the advocate would benefit from the critic's suggesting a change to the warrant which could not be expressed through one of the allowed attacks.

Related arguments. In real-world, unrestricted dialogues meant to assess some analogical argument, there are many argumentative tactics which are regularly employed which WG-A explicitly disallows. The first is the use of multiple analogical arguments to either reinforce or undermine Q*. Again, here we follow Bartha in noting that although

the assessment of an analogical argument may involve assessing how coherent it is with alternate analogies, the ability to assess individual analogical arguments should be considered a more fundamental reasoning task (Bartha, 2010).

Another common argument pattern is to use something resembling a high-level argumentum ad absurdum to attack the mapping of elements within an analogical argument by showing it leads to some absurdity:

1. The sun is round, and compact discs are round.
2. The sun is extremely large.
3. The sun is extremely hot.
4. From (1) and (3), compact discs are extremely hot.
5. If the sun and compact discs were analogous, then from (1) and (2), compact discs would be extremely large.
6. Compact discs are not extremely large. Therefore, the analogy fails, and (4) is false.

In our reading of such arguments, such moves are equivalent to introducing multiple analogical arguments—in this case, one which replaces a fact pair and hypothetical pair about extreme temperature with those about extreme size. Such an argument pattern, then, is not within the scope of the current version of WG-A.

Multi-step moves. It might be noted by the reader that many notions of argumentative relevance involve allowing actions or utterances that are indirectly relevant, in the sense that they set the stage for directly relevant moves later. The current version of WG-A has a clear preference towards moves which have immediate, observable effects on the warrant or source/target facts. Our experience so far is that a sufficiently large subset of such multi-step argumentative moves can be captured with the moves WG-A already has available. But the possibility remains open that perfectly legitimate moves may be required, particularly with complex analogical arguments, which require multiple iterations before they will bear fruit. Our suspicion is that these are (1) minimal, or (2) can be restructured to work within the confines of WG-A's rules. For example, a great deal of setup can be obtained by continually adding to and editing the source/target facts until they are ripe for an allowed attack. Future work may explore incorporating some notion of inferential distance, such as that described by (Macagno, 2018) based on argumentation schemes.

3.1 Antagonism Between Advocate and Critic

The roles of advocate and critic are contrary to one another, but it would be a mistake to imagine their roles as entirely antagonistic.

Bartha explains that their roles are differentiated in terms of the features they want to maximize in an analogical argument.

[A]n enthusiastic advocate presents the analogical argument to a polite but moderately skeptical critic. Introducing this framework highlights the need to balance two competing pressures at work in representing and evaluating arguments from analogy: explicitness and economy. On the one hand, the critic wants the argument to be as explicit as possible, noting every factor that might be relevant to the conclusion, since the inclusion of detail increases the chance of exposing a weakness in the argument. On the other hand, the advocate wants to be economical about what counts as relevant (Bartha, 2010, p.102).

So, these roles should be seen as collaborating in the creation of an analogical argument, even while they compete to determine the qualities of the resultant argument. Understanding these roles is important for avoiding the problems that might result from a straightforwardly antagonistic relationship, which treats the loss of the opponent as a goal to be achieved.

A bad-faith advocate, imagining their duty to make a strong comparison, might refuse to focus in on an area of relevance. Instead, this advocate might try to draw a multitude of connections in the source and target domain, hoping to make the connection stronger that way. This would lead to an unhelpful list of similarities that cannot cohere to any rule. A bad-faith critic, in response, might refuse any and all additions to the source and target domains as irrelevant, at which point no progress could be made. These framing problems are arguably the result of the participants not appreciating the collaborative nature of the work.

Analogical reasoning might be restrained from such bad-faith excesses by the addition of a trained moderator, like a judge, who can call foul when one side is being unreasonable. WG-A allows for a moderator, but the need for intervention or oversight is minimized by the program's structure, which limits the acceptable moves to those that generally produce good results and provide regular opportunities for each participant to challenge the other's work. In the rare case that these remedies aren't enough, the participants have the option of reporting their interlocutor to the moderator. Initial testing shows minimal use of the report function, suggesting that most issues are resolved without the need for moderation.

4. DISCUSSION

WG-A helps us satisfy the desiderata of being implementable and requiring minimal training. It lends itself to computational implementation in several ways: It can be played remotely by two human players, or between a human player and some future AI, or perhaps later between two artificial reasoners. By structuring a cooperative dialogue so that it mostly contains moves that are relevant to the dialogue’s goal, and by only allowing a finite number of types of moves, we have an easy way to generate a large dataset which can be analyzed, and used to train both people and artificial reasoning systems to reason better—indeed, such dataset building is a next step of this work.

Secondly, it satisfies our desideratum of being usable by minimally trained arguers, with minimal external moderation. Our initial results suggested that the ‘report’ function was used very rarely (roughly once per 20 games), thus allowing many WG-A instances to complete successfully without laborious manual oversight. Participants in our informal test runs were given less than 20 minutes of instruction prior to starting. Certainly, more evidence is required; as such we are in the process of performing empirical evaluations of WG-A on minimally-trained participants. This will satisfy two goals: it will allow us to demonstrate WG-A’s strengths and weaknesses, and it will also allow us to collect large amounts of dialogues from actual games.

We expect that the development of WG-A will continue to iterate as we learn more about its strengths and weaknesses. In the remainder of this section, we report some of our observations from our informal test runs, along with ideas for future WG-A modifications.

Infrequent warrant edits. As expected, games were largely attack-driven. However, we also expected that successful attacks would be followed up with edits in order to prevent similar attacks in the future, made primarily to the warrant. This turned out not to be the case.

In the original warrant game described in Section 2, participants were given points for successful actions. A successful attack could be immediately followed up by another very similar attack, if the advocate did not make an effective move to edit the warrant to defend against it. In WG-A, we removed the point system entirely. This might simultaneously explain why we did not see advocates prioritize warrant edits, and why we did not see similar attacks re-occurring. In our next version of WG-A, our instructions will also make it clearer that warrant edits are encouraged to defend against future attacks, and that repeated

attacks (as long as they are still valid attacks) are allowed, even encouraged.

Hyper-specific warrants. In Section 3 we explained that the desire to not waste moves unnecessarily puts pressure on the advocate to not introduce irrelevant conditions into the warrant's antecedent. However, overcoming these pressures are still possible in the current version of WG-A. For example, given the game in Figure 2, imagine that the players somehow agree to add the fact pair "'piece of mail' starts with the letter 'p'" and "'phone call' starts with the letter 'p'," and then the advocate decides to modify the warrant to be "If someone uses a service to communicate and the service starts with the letter 'p', then listening on that person's communications through that service without their permission is immoral." Such a move severely restricts the warrant's generalizability, virtually ensuring that it only applies to the source and target domain as they are represented by the currently stated fact pairs. Clearly, more pressure is required to discourage such hyper-specific warrants.

It is worth noting that the hyper-specific warrant problem, as it is described here, did not appear once in our informal tests. However, it is worthwhile to try to prevent it and similar problems in the future. We expect that the introduction of a competitive point system may reward advocates for shortening their warrants. Another possibility is to introduce a new attack type, which allows critics to call out warrants that are hyper-specific. However, it is not clear at present how to define such attacks so that they can fit nicely within the constraints defined by WG-A.

Infrequent fact edits. In our informal tests, participants were provided with instances of WG-A, which started with only 3 or 4 initial fact pairs. It was expected that as games continued, players would add fact pairs corresponding to details of the source and target domain they felt were relevant to the analogical argument. That in turn would lead to a re-shaping of the warrant in order to defend against attacks. However, in practice, players rarely suggested adding new fact pairs, thus raising questions about the effects of the initial fact pairs.

Much more research is required to determine how to encourage more fact pair addition and editing, and on whether they are actions that are worth encouraging in the first place. It is not immediately clear what immediate effects this would have on WG-A. Two ideas we are exploring are (1) experimenting with instances of WG-A which contain a large number of initial fact pairs, particularly those which evoke different frame-semantic suggestions (Fillmore, 1976); and (2) having an initial game phase where players only have the option of adding, editing, and approving fact pairs.

REFERENCES

- Bartha, P. F. (2010). *By Parallel Reasoning: The Construction and Evaluation of Analogical Arguments*. Oxford University Press.
- Bartha, P. F. (2013). *Analogy and Analogical Reasoning*. In Zalta, E. N., editor, *The Stanford Encyclopedia of Philosophy*. <http://plato.stanford.edu/archives/fall2013/entries/reasoning-analogy/>, fall 2013 edition.
- Beach, R., Thein, A. H., and Webb, A. (2016). *Teaching to Exceed the English Language Arts Common Core Standards: A Critical Inquiry Approach for 6-12. Classrooms*. Routledge, 2 edition.14
- Besnard, P., Garcia, A., Hunter, A., Modgil, S., Prakken, H., Simari, G., and Toni, F. (2014). Introduction to structured argumentation. *Argument and Computation*, 5(1):1–4.
- Blinka, D. D. (2006). Ethics, evidence, and the modern adversary trial. *Georgetown Journal of Legal Ethics*, 19(1).
- Boltužić, F. and Šnajder, J. (2016). Fill the gap! Analyzing implicit premises between claims from online debates. In *Proceedings of the 3rd Workshop on Argument Mining*.
- Chen, Q., Zhu, X., Ling, Z., Wei, S., and Jiang, H. (2016). Enhancing and combining sequential and tree LSTM for natural language inference. *CoRR*, abs/1609.06038.
- Cheng, J., Dong, L., and Lapata, M. (2016). Long short-term memory networks for machine reading. *CoRR*, abs/1601.06733.
- Chortek, M. (2013). The psychology of unknowing: Inadmissible evidence in jury and bench trials. *The Review of Litigation*, 32(117).
- Dung, P. (1995). On the acceptability of arguments and its fundamental role in nonmonotonic reasoning, logic programming and n-person games. *Artificial Intelligence*, 7(2):321–358.
- Eren, O. and Mocan, N. (2018). Emotional judges and unlucky juveniles. *American Economic Journal: Applied Economics*, 10(3):171–205.
- Fillmore, C. J. (1976). Frame semantics and the nature of language. In *Annals of the New York Academy of Sciences: Conference on the Origin and Development of Language and Speech*, volume 280, pages 20–32.
- Habernal, I., Eckle-Kohler, J., and Gurevych, I. (2014). Argumentation mining on the web from information seeking perspective. In Cabrio, E., Villata, S., and Wyner, A., editors, *Proceedings of the Workshop on Frontiers and Connections Between Argumentation Theory and Natural Language Processing*, volume 1341 of *CEURWS*.
- Harrell, M. and Wetzel, D. (2015). Using argument diagramming to teach critical thinking in a first-year writing course. In Davies, M. and Barnett, R., editors, *The Palgrave Handbook of Critical Thinking in Higher Education*, chapter 13. Macmillan.
- Hitchcock, D. (2005). Good reasoning on the toulmin model. *Argumentation*, 19(3):373–391.
- Keynes, J. (1921). *A Treatise on Probability*. Macmillan, London.
- Lai, A. and Hockenmaier, J. (2017). Learning to predict denotational probabilities for modeling entailment. In *Proceedings of the 15th*

- Conference of the European Chapter of the Association for Computational Linguistics.
- Landsman, S. and Rakos, R. F. (1994). A preliminary inquiry into the effect of potentially biasing information on judges and jurors in civil litigation. *Behavioral Sciences & the Law*, 12(2):113–126.
- Lunsford, K. J. (2002). Contextualizing toulmin’s model in the writing classroom: A case study. *Written Communication*, 19(1):109–174.
- Macagno, F. (2018). Assessing relevance. *Lingua*, 210-211:42 – 64.
- Modgil, S. and Prakken, H. (2013). A general account of argumentation with preferences. *Artificial Intelligence*, 195:361–397.
- Rachlinski, J. J., Wistrich, A. J., and Guthrie, C. (2015). Can judges make reliable numeric judgments? distorted damages and skewed sentences. *Indiana Law Journal*, 90.
- Reed, C., Budzynska, K., Duthie, R., Janier, M., Konat, B., Lawrence, J., Pease, A., and Snaith, M. (2017). The argument web: an online ecosystem of tools, systems and services for argumentation. *Philosophy and Technology*, 30(2):137–160.
- Rex, L. A., Thomas, E. E., and Engel, S. (2010). Applying toulmin: Teaching logical reasoning and argumentative writing. *English Journal*, 99(6):56–62.
- Rocktäschel, T., Grefenstette, E., Hermann, K. M., Kociský, T., and Blunsom, P. (2015). Reasoning about entailment with neural attention. *CoRR*, abs/1509.06664.
- Toulmin, S., Rieke, R., and Janik, A. (1984). *An Introduction to Reasoning*. Macmillan Publishing Company, New York, New York, 2 edition.
- Toulmin, S. E. (2003). *The Uses of Argument* (Updated Edition). Cambridge University Press, updated edition.
- Walton, D. (1985). *Arguer’s Position: A Pragmatic Study of Ad Hominem Attack, Criticism, Refutation, and Fallacy*. Greenwood Press.
- Walton, D. (1999). *One-Sided Arguments: A Dialectical Analysis of Bias*. State University of New York Press.
- Walton, D., Reed, C., and Macagno, F. (2008). *Argumentation Schemes*. Cambridge University Press.
- Warren, J. E. (2010). Taming the warrant in toulmin’s model of argument. *English Journal*, 99(6):41–46.
- Wistrich, A. J., Guthrie, C., and Rachlinski, J. J. (2005). Can judges ignore inadmissible information? the difficulty of deliberately disregarding. *Cornell Law Faculty Publications*, 20.
- Wistrich, A. J., Rachlinski, J. J., and Guthrie, C. (2015). Heart versus head: Do judges follow the law or follow their feelings?. *Texas Law Review*, 93(4):855 – 923.

Commentary on Licato & Cooper's Evaluating Relevance in Analogical Arguments Through Warrant-based Reasoning

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1. INTRODUCTION

This paper introduces a computer programme that sets procedural rules for analogical reasoning between two people. The rules are aimed at improving the quality of analogical argumentation by trying to ensure the relevance of argumentative moves. This is done by making explicit the features that connect the components of an analogy. In the programme, one person tries to defend an analogy while the other tries to undermine it by pointing to counterexamples. The defender can then revise the analogy to strengthen it against counterarguments in an iterative process. This process is overseen by a moderator who can resolve disputes about the acceptability of argumentative steps.

The authors state that their longer term goals in developing the programme are for it to be implementable computationally with currently available tools, for it to be usable by minimal trained reasoners with a minimal amount of external moderation, and for it to be used not only by people but also by artificially intelligent systems. At this point, the programme, called WG-A (for "Warrant Game – Analogy") has been tested with university students receiving less than one hour of training.

2. THEORETICAL BACKGROUND

The authors follow Bartha's (2010) characterisation of an analogy as a one-to-one correspondence between a source and a target domain, on the basis of which the reasoner concludes that a statement that holds in the source domain also holds in the target domain. For an analogy to be good in this context, there must be a clear connection between the statement in the source domain and the corresponding statement in the target domain, and there must not be a critical difference between these two statements.

The connection between the source and target domain, or more generally between the premises and conclusion of an argument, is referred to as the arguments' *warrant* (Toulmin, 2003). Depending on the type of argument, the warrant could consist in e.g.

logical/probabilistic structure, causal relations, or similarity based relations.

The authors argue that making the warrants of an argument explicit can be difficult, but is very useful because it helps determine features of argument strength such as what kind of attacks can be used against the argument, whether the premises logically imply the conclusion, or whether the conclusion is more plausible given the premises than when standing on its own (e.g. Oaksford & Chater, 2013; Oaksford & Hahn, 2007; Stern & Hartmann, 2018; Over & Cruz, 2019). They call reasoning that focuses explicitly on such warrants "warrant based reasoning".

3. IMPLEMENTATIONAL ASSUMPTIONS

When implementing analogical reasoning in the WG-A software, the authors make a number of decisions that differ from the theoretical approaches described above. Bartha (2010) characterises analogies as referring to an association that is generalised to a new domain. But in WG-A the association that people reason about is already generalised, and the task is to assess whether this generalisation is justified. Further, in Bartha the association to be generalised can be a predictive relation from p to q , a diagnostic or explanatory relation from q to p , a bidirectional relation between p and q , or an unspecified, correlational relation between p and q . In contrast, in WG-A the association is always predictive.

Moreover, the authors phrase the predictive relation from p to q as a conditional, *if p then q* , and reasoners are instructed to treat this conditional "almost as if it were" the material conditional of classical logic. The material conditional is false when p is true but q is false, and it is true in all other cases (i.e. when p and q are both true, and whenever p is false). This makes the material conditional *if p then q* equivalent to the disjunction *not- p or q* . The material conditional has come under strong critique as a representation of natural language conditionals in the last decades, first in philosophical logic and then in the psychology of reasoning, and there is very strong, consistent empirical evidence against it within psychology (for overviews see Edgington, 1995; Evans & Over, 2004; Oaksford & Chater, 2007). As an example of how material conditionals can lead us astray when applied to actual reasoning, consider the conditional "If I take up smoking, my health will improve." I might consider this conditional implausible and therefore not take up smoking. But if it is a material conditional, then as I become more and more determined not to take up smoking, it will become more and more likely that if I did take up smoking, my health will improve, for the material conditional is true whenever its antecedent is false.

It is not clear to me why the authors adopt the material conditional in their work, when there are a number of alternatives with arguably more realistic properties when applied to reasoning and argumentation. Examples of alternatives currently advocated in psychology, philosophical logic and linguistics are the probabilistic conditional (de Finetti, 1936/1995; Edgington, 1995; Coletti & Scozzafava, 2002; Jeffrey, 1991; Ramsey, 1926/1990), the strict conditional (Cariani & Rips, 2017; Kratzer, 1991), and the inferentialist or causal conditional (Cruz, Over, Oaksford, & Baratgin, 2015; Douven, 2015; Oberauer, Weidenfeld, & Fischer, 2007; Skovgaard-Olsen, Kellen, Krah, & Klauer, 2017; Sloman & Lagnado, 2005).

More generally, basing the software on general, material conditionals whose truth or falsity has to be evaluated by coming up with or refuting counterexamples to them, makes it unclear to me to what extent the programme implements analogical reasoning, as opposed to conditional reasoning.

Further, the instructions given to participants, to assume that the association in the source domain (resp. the antecedent of the conditional) is certain, and that the conditional can be refuted by a single counterexample, seems to imply a binary approach to reasoning. In a binary approach it is possible to assess whether or not something follows logically from a given assumption. But it fails to scale up to the arguably more realistic situations in which we are uncertain about the information we start out with, and yet need to make decisions about which conclusions it is reasonable to infer from them with which degree of confidence (Adams, 1998). More recent probabilistic and Bayesian approaches to reasoning, and to cognitive science more generally, might be worth considering as potential generalisations of the binary case modelled by the authors (e.g. Gilio, Over, Pfeifer, & Sanfilippo, 2016; Hahn, 2011; Oaksford & Chater, 2020).

A minor question in connection with this is why the authors describe their approach as involving conditionals that are treated "as if" they were material conditionals, rather than treating them as material conditionals simpliciter. What is the gap that separates the "as if" situation from the actual situation of using material conditionals composed of?

4. AUTOMATION AND THE PROBLEM OF DEFINING GOOD (ANALOGICAL) REASONING

The authors state that they aim to automate the software in two respects: on the one hand, they aim to minimise the role of moderators, so that people could use the software for analogical discussion largely on their own. On the other hand, they aim to make the software usable

not only by people, but also by hypothetical future artificially intelligent agents.

What goals would automation in these two respects achieve? And how does this aim fit with the further aim of the authors for the software to work using currently available computational tools? Further, what would have to be in place for these forms of automation to be achievable?

The authors refer to deep neural networks, and to the large amount of data that can in principle be generated by users of the software. But if a data driven approach is followed, then how can the authors identify when the analogies developed by users are of high or low quality? How could they prevent the neural networks from just reproducing the biases and irrelevancies of human participants (Constantinou & Fenton, 2017)?

An answer to this latter question requires a definition of argument strength. The authors advocate a procedural definition, according to which an analogy becomes stronger, the more attacks it has withstood. Such a definition has the advantage of facilitating automatized attribution of argument quality. However, it seems unable to differentiate arguments that have survived criticism because the criticism was weak, from those that have survived criticism because their high quality makes them difficult to criticise. It also seems unable to ascertain the strength of an argument that has not yet been subjected to criticism. Further, this radical context relativity of argument strength appears at odds with the instructions given to participants to assess logical entailment relations.

When developing an account of argument strength, a further question relevant to automation processes is to what extent the strength of an argument can be determined without understanding its content. If at least some aspects of argument strength are content specific (Hahn & Oaksford, 2007), then a software programme would only be able to categorise arguments on the basis of their quality if it solved the frame problem (of determining what information is relevant to a task) and the Chinese room problem (of establishing a mapping from syntactic rules to semantic content). These long standing open issues would constitute vast challenges going far beyond the author's aim for the software to work using currently available tools.

5. THE NEED FOR A COMMON GOAL

The authors state that a central goal of the restrictions that the software places on the argumentative process is to prevent reasoners from "playing the system", using irrelevant or deceptive tactics to maximise their personal benefit, rather than working together to achieve the common goal of developing a high quality piece of analogical reasoning.

The proposal that such tactics can be reduced through procedural restrictions is very interesting, and could potentially be generalised to real world argumentative contexts not mediated by software. It may be interesting to enquire about empirical work conducted e.g. in the field of politics about the impact of following, or violating, procedural rules and conventions about respect and politeness in argumentative interactions. Further work in this area could also explore the limitations of procedural restrictions when taken on their own, and the need to promote the development of common goals and willingness to cooperate at a more general level, e.g. by pointing out the different factors, including mathematical ones, that generally make it a win-win endeavour (Page, 2007).

6. CONCLUSION

In this interesting paper, the authors present a software programme aimed at improving analogical reasoning by placing procedural restrictions on the moves allowed in an argumentative dialog. These rules aim to focus the reasoners' attention on the warrants of an analogy, i.e. on the type and strength of the link between its source and its target domain. By making this link explicit, as well as requesting reasons for different moves made and rewarding cooperative behaviour with additional turns in the dialog, the programme aims to promote constructive argumentation towards the common goal of formulating analogies that are relevant and robust in the face of criticism.

Potential avenues for further specification and development could be a generalisation of the types of argument modelled to situations in which agents have to draw reasonable conclusions from uncertain information, and consider alternatives to the material conditional that can capture this uncertainty. It might also be useful to explore limits and alternatives to procedural definitions of argument strength, as well as ways of promoting cooperative reasoning towards common goals beyond the placement of procedural restrictions. A further advantage of the latter may be to avoid a "homunculus problem" regarding who gets to be a moderator and is allowed to determine the criteria for valid argumentative moves.

REFERENCES

- Adams, E. (1998). *A primer of probability logic*. Stanford, US: CLSI publications.
- Bartha, P. F. A. (2010). *By parallel reasoning: The construction and evaluation of analogical arguments*. Oxford University Press.
- Cariani, F., & Rips, L. J. (2017). Conditionals, context, and the suppression effect. *Cognitive Science*, 41(3), 540-589.
- Coletti, G., & Scozzafava, R. (2002). *Probabilistic logic in a coherent setting*. Dordrecht, NL: Kluwer.

- Constantinou, A., & Fenton, N. (2017). Towards smart-data: Improving predictive accuracy in long-term football team performance. *Knowledge-Based Systems*, 124, 93-104.
- Cruz, N., Over, D., Oaksford, M., & Baratgin, J. (2016). Centering and the meaning of conditionals. In A. Papafragou, D. Grodner, D. Mirman, & J. C. Trueswell (Eds.), *Proceedings of the 38th Annual Conference of the Cognitive Science Society* (pp. 1104– 1109). Austin, US: Cognitive Science Society.
- De Finetti, B. (1936/1995): The logic of probability. *Philosophical Studies*, 77, 181–190.
- Douven, I. (2015). How to account for the oddness of missing-link conditionals. *Synthese*. DOI: 10.1007/s11229-015-0756-7.
- Edgington, D. (1995). On conditionals. *Mind*, 104, 235-329.
- Evans, J. St. B. T., & Over, D. E. (2004). *If*. Oxford, UK: Oxford University Press.
- Gilio, A., Over, D. E., Pfeifer, N., & Sanfilippo, G. (2016). Centering and compound conditionals under coherence. In M. B. Ferraro, P. Giordani, B. Vantaggi, M. Gagolewski, M. A. Gil, P. Grzegorzewski, & O. Hryniewicz (Eds.), *Soft methods for data science* (pp. 253-260). Springer.
- Hahn, U. (2011). The problem of circularity in evidence, argument, and explanation. *Perspectives on Psychological Science*, 6(2), 172-182.
- Hahn, U., & Oaksford, M. (2007). The rationality of informal argumentation: A Bayesian approach to reasoning fallacies. *Psychological Review*, 114, 646-678.
- Jeffrey, R. C. (1991). Matter of fact conditionals. *Proceedings of the Aristotelian Society, Supplementary Volumes*, 65, 161-183.
- Kratzer, A. (1991). Conditionals. In A. von Stechow, & D. Wunderlich (Eds.), *Semantics: An international handbook of contemporary research* (pp. 651–656). Berlin: de Gruyter.
- Oaksford, M., & Chater, N. (2007). *Bayesian rationality: The probabilistic approach to human reasoning*. Oxford, UK: Oxford University Press.
- Oaksford M., & Chater, N. (2013). Dynamic inference and everyday conditional reasoning in the new paradigm. *Thinking & Reasoning*, 19, 346-379.
- Oaksford, M., & Chater, N. (2020). New paradigms in the psychology of reasoning. *Annual Review of Psychology*, 71, 12.1-12.26.
- Oaksford, M., & Hahn, U. (2007). Induction, deduction, and argument strength in human reasoning and argumentation. In A. Feeney, & E. Heit (Eds.), *Inductive Reasoning* (pp. 269-301). Cambridge: Cambridge University Press.
- Oberauer, K., Weidenfeld, A., & Fischer, K. (2007). What makes us believe a conditional? The roles of covariation and causality. *Thinking & Reasoning*, 13(4), 340-369.
- Over, D., & Cruz, N. (2019). Philosophy and the psychology of conditional reasoning. In A. Aberdein, & M. Inglis (Eds.), *Advances in Experimental Philosophy of Logic and Mathematics*. London, UK: Bloomsbury Publishing Plc.
- Page, S. E. (2007). *The difference: How the power of diversity creates better groups, firms, schools, and societies*. Princeton, New Jersey: Princeton University Press.

- Ramsey, F. P. (1926/1990). Truth and probability. In D. H. Mellor (Ed.), *Philosophical papers* (pp. 52-94). Cambridge, UK: Cambridge University Press.
- Skovgaard-Olsen, N., Kellen, D., Krah, H., & Klauer, C. K. (2017). Relevance differentially affects the truth, acceptability, and probability evaluations of "and", "but", "therefore", and "if-then". *Thinking & Reasoning*, 23(4), 449-482.
- Sloman, S. A., & Lagnado, D. A. (2005). Do we "do"? *Cognitive Science*, 29, 5-39.
- Stern, R., & Hartmann, S. (2018). Two sides of Modus Ponens. *The Journal of Philosophy*, 115(11), 605-621.
- Toulmin, S. E. (2003). *The uses of argument*. Cambridge University Press.

Arguments from expert opinion – An epistemological approach

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In times of populist mistrust towards experts, it is important and the aim of the paper to ascertain the rationality of arguments from expert opinion and to reconstruct their rational foundations as well as to determine their limits. The foundational approach chosen is probabilistic. However, there are at least three correct probabilistic reconstructions of such argumentations: statistical inferences, Bayesian updating, and interpretive arguments. To solve this competition problem, the paper proposes a recourse to the arguments' justification strengths achievable in the respective situation.

KEYWORDS: argument from expert opinion, Bayesian updating, epistemological approach to argumentation, interpretive arguments, probabilistic arguments, statistical arguments

1. INTRODUCTION: KNOWLEDGE AND COGNITION FROM EXPERT OPINION

Verifying procedures, i.e. introspection, observation and deduction, are rather limited in their reach. How can our relevant knowledge ¹ be extended beyond them? Besides e.g. the collection of pieces of evidence, documents etc. available to others, there are above all three, argumentation-theoretically, interesting extensions.

(1) The first way to expand the set of our justified beliefs is the use of indirect and uncertain, therefore also defeasible and non-monotonic justification procedures such as inductive, probabilistic and practical justifications.

(2) A second way is the social transmission of justified beliefs through primary arguments, i.e. arguments that guide the addressee to carry out

¹ 'Knowledge' (or 'cognition') is used here in the broad sense of: rationally justified (acceptable) belief, i.e. not in the narrower, technical sense of: certainly justified and not deviantly acquired true belief.

the aforementioned individual verification or uncertain justifications by specifying to him those facts which he must check in such a justification. (Lumer, 2005a, sect. 5 (= pp. 221-224); 1990, pp. 43-51.)

(3) The third way to expand our relevant knowledge are assertions by informed persons and the secondary arguments based on them. With this third way we rely on the fact that another subject has gained a certain knowledge, but without us tracing and reproducing his cognition – as with the primary arguments. *Secondary* (or *genesis of knowledge*) *arguments* substantiate their thesis by referring to a primary subject of knowledge and by describing (in more or less detail) that and how this subject recognized the thesis as acceptable and how this knowledge was then passed on to the moment of argumentation; and they can supplement these descriptions with assessments of the reliability of the steps taken (Lumer, 1990, pp. 246-260). Special cases of such secondary arguments are arguments from testimony, argument from expert opinion or proof by citing historical sources (Lumer, 1990, pp. 248-257).

The enormous evolutionary success of humans is essentially based on these three extensions of knowledge, in particular also the social transmission of knowledge (ways 2 and 3). For this also allows new insights to be gained through the division of labour, where the insights can then be socially disseminated and thus accumulated. This article deals with secondary cognitions based on expert opinions and arguments to expert opinion. Recently, the dissemination of social media and populism have plunged expert-based knowledge into crisis. On the one hand, the objectivity of knowledge in general, experts' advance in knowledge and their trustworthiness are being questioned. On the other hand, far too few requirements are placed on the sources of socially conveyed opinions and in particular on experts; and unjustified trust is credited to certain "experts". This article develops criteria for good arguments from expert opinion and acceptable secondary cognitions, and thus also criteria for when trust in experts is epistemically rational, i.e. when it leads to acceptable beliefs and when it does not.

2. WHAT ARE ARGUMENTS FROM EXPERT OPINION AND WHY DO WE NEED THEM?

Direct cognition based on expert opinion consists in:

1. A subject *s* directly perceives a statement of a person *e*, that *p*, where
2. *p* is from the field of knowledge *f*, and
3. the subject *s* justifiably believes that *e* is an expert in the field of knowledge *f*, and
4. *s* then (on the basis of 1, 2, 3) believes in *p* itself.

This is e.g. the situation of a judge or a member of a parliamentary commission who is directly informed by an expert. In the case of *arguments from expert opinion* (in the narrow sense), (at least) one further instance is involved: The arguer *a* reports to an addressee the statement *p* made by the expert *e* and adds to it (if necessary or appropriate) information about *e*'s expert status – basic form:

'[P1] *e* asserts (at that and that occasion) that *p* is true.
[P2] *e* is an expert in the field of *f*,
[P3] containing the proposition *p*.
[T] Therefore, *p* is (very likely) true.' (See e.g. Walton, Reed & Macagno, 2008, p. 310.)

In the simplest case, the arguer *a* has directly perceived the expert's statement; in more complicated cases, *a* himself has again only indirectly learned of the expert's statement. Cognition based on an argument from expert opinion always includes a *cognition* based on expert opinion; but a further cognitive step is added, i.e. the assessment of the reliability of the arguer's not directly verifiable statements (P1 and P2). (Premise P3 can usually be judged by the arguer on the basis of his analytical knowledge; its acceptance then does not presuppose trust in the arguer. It is therefore usually omitted.) In order to simplify the epistemological discussion, this additional step (assessment of the arguer's reliability) is occasionally disregarded in the following, i.e. only the cognition from expert opinion is dealt with.

Expert based cognition is, as already mentioned, a *secondary cognition* which is based on the (possibly only alleged) primary cognition of the expert (e.g. a scientific investigation or a mathematical proof) and does not consist of an reenactment of this primary cognition, i.e. it is not a primary cognition. The most important reasons for this renunciation of the primary recognition or for its impossibility are: The expert assertion deals (among other things) with the observation of an object, which (currently or always) is not (any longer) or only with difficulty accessible for the cognizing subject; the reproduction of the expert cognition would be too costly; or this primary cognition is too *esoteric* for the cognition subject: The cognition subject *s* is in the situation of a layman or novice towards the expert *e*. If the argument from expert opinion is adequately used, the *novice* understands the thesis (but even this can be a popularized version of the actual scientific thesis incomprehensible to the novice), but he cannot understand and reenact the expert's reasoning or really judge its validity (An attempt to convince by means of primary, esoteric reasoning would therefore be inadequate in such a situation (Lumer, 2005a, pp. 225-227, 231, 235-236).)

The situation of the novice is epistemologically particularly problematic: How can a novice – without being able to judge the validity of the expert's justifications – recognize the expert status of a person and in particular her degree of reliability? Without a justified assumption of the novice about the expert's degree of reliability, his belief in the expert's assertion would be epistemically irrational. I will come back to this problem in section 4.

3. WHO IS AN EXPERT?

In addition to cognitive experts who have special knowledge, there are practical experts (figure skaters, dancers, plumbers, violinists ...). '(Cognitive) expert' is defined here by five conditions:

A person *e* is (at time *t* in a society *c*) a (*cognitive*) expert in an area *f*, iff

E1: Social embedding: person *e* lives at time *t* in society *c*; and

E2: High reliability: *e* has a significantly higher rate of true beliefs (relative to all her beliefs in *f*) in the area *f* than the vast majority of other people (at *t* in *c*); and

E3: Extensive knowledge: *e* has a significantly greater number of true beliefs in the area *f* than the vast majority of other people (at *t* in *c*); and

E4: Justified belief: the beliefs (according to conditions 1 and 2) of *e* in area *f* are for the very most part justified; and in a core area specific to *e* from *f* they are also primarily justified; and

E5: Mastery of justification procedures: *e* masters methods and justification procedures (of time *t* in *c*) from area *f* in order to be able to form new primarily justified true beliefs.

What will be most important for our discussion of arguments from expert opinion is the reliability condition E2. (Conditions E3 and E5 are similar to Goldman's (2001, pp. 91-92).)

4. JUDGEMENTS ON THE EXPERT'S RELIABILITY

Within the framework of the epistemological approach in argumentation theory, the *social reliability* of a person and especially of experts with regard to their assertions (or in other words: the social reliability of the assertion made by the expert) is interpreted probabilistically.² (The reasons for this probabilistic approach are discussed in section 5). The social reliability of the expert with respect to his assertion (or of the assertion made by the expert) is then the

² For a qualitative or comparative approach see e.g.: Ennis, 1995, pp. 58-69.

conditional probability that this assertion is true given the assertion. To be more precise: An expert e is (*socially*) *reliable* with respect to an assertion p made by him to the degree x (= the assertion p made by the expert e is (*socially*) reliable to the degree x) if the conditional probability that p is true given the assertion is x ($P(p|Ae,p) = x$, with $Ae,p := e$ asserts p ; time variables are omitted here and often in the following). This social reliability of the assertion can then be further broken down into i. epistemic or investigator reliability, i.e. the conditional probability that the result of the investigation achieved (and believed by e) is correct, and ii. veracity in asserting, i.e. that the expert actually says what he believes. The primary and direct justification of probabilistic reliability judgments about an expert's assertions (in a given field) is that they are founded on information about the relative frequency of true assertions made by that expert (in that field): what is the proportion of true assertions in the total number of assertions he has made (and which have become known to us)? (Let Re,f = the reliability of e in the area f ; and $RF(Gx / Fx)$ = the relative frequency of G s among the F s, then $Re,f := RF(p_x / p_x \in f \& Ae,p_x)$).

Rational expert-based knowledge always uses assumptions about the reliability of the expert as an essential premise. For the expert-based knowledge to be rationally justified, this assumption of reliability must also be rationally justified. And the royal road to this justification is statistical information about the relative frequency of correct assertions by the expert, which in turn must be rationally justified; and for their justification the premises underlying the statistics that the expert's statement was true in that and that case must be justified – although the statements to be assessed themselves are expert statements again. How is such a justification for a novice possible?

There are some primary methods for establishing an expert's reliability, which are accessible even to a novice: success statistics of previsions or instructions, dimensional assessment with some dimension accessible to the novice, dialectical superiority in debates and (negatively) interests and biases. Once one has acquired cognition about some expert's reliability one can use direct or indirect judgements of these experts about their colleagues' reliability as the basis for a secondary recognition of these colleagues' reliability.

The agreement or disagreement of the expert's assertion with the statements of other experts is not treated here as an indication of the expert's reliability, but as additional indicators of the truth or falsehood of the thesis (section 9). Otherwise, the procedure would be circular, because the agreement with other experts who answer the question of whether p in the same way as the expert e in question is only a positive indication of the reliability of the expert e if the answer that p is true. But that is exactly the question that is to be answered first.

5. THREE TYPES OF ARGUMENTS FROM EXPERT OPINION

In argumentation theory, various normative reconstructions of arguments from expert opinion or criteria for good arguments from expert opinion have been developed (Ennis, 1995; Hahn, Oaksford & Harris, 2013; Wagemans, 2011; Walton, 1997; Walton, Reed & Macagno, 2008). Unfortunately, I cannot discuss them all here properly. I only want to argue briefly why non-probabilistic treatments of arguments from expert opinion like Walton's are unsatisfactory and then explain the possible probabilistic approaches.

I have discussed Walton's approach in more detail elsewhere (Lumer, 2011a, sect. 2.2 (= pp. 5-8); Lumer, 2016, in particular sect. 4 (= pp. 14-17)). Therefore, here I will only discuss the points most important in the current context.

The two main problems of Walton's scheme of argumentation from expert opinion are: 1. All quantitative questions are left out: the degree of reliability of the expert, the degree of plausibility of the thesis, the degree or frequency of truthfulness of the arguer. Thus, the conclusion of the argumentation says nothing about the plausibility of the thesis *p*; for, contrary to what the scheme suggests, its thesis cannot simply and without reservation be assumed to be true. The argumentation can therefore also not deal with all cases in which the available evidence points in different directions. It is astonishing in this context that Walton and his co-authors did not include the actual major premise, namely the premise indicating the degree of reliability of the expert, in the argumentation scheme at all (but only the qualitative premise: '*e* is an expert in the field *f*'). Thus, the most important basis for subsequently determining the degree of plausibility of the thesis *p* is missing. 2. Walton's theory provides no explanation or justification why arguments developed according to his argumentation scheme are good arguments, in particular why it is rational if one believes in the premises then to believe in the thesis as well. The critical questions (and the respective answers) do not resolve this problem.

The most straightforward approach that solves the two problems just mentioned is a probabilistic reconstruction of arguments from expert opinion as a probabilistic inference. The conclusion of such an inference is a probabilistic thesis: 'The probability of *p* is *x*' or '*p* is probable to degree *x*' ($Pp=x$). And this probability is computed from the probabilities of the premises (or the statistical frequencies given therein). This would solve the first problem, that of the degree of plausibility of the thesis and that of the treatment of premises of varying strength and of opposite evidence. In addition, such a probabilistic approach is based on probability theory and thus on a theory that is not

only generally accepted, but also axiomatically founded, and whose practical application in decisions also leads to optimal results: The use of the probabilities (determined with the help of probability theory) in decisions, according to the rules of rational decision theory, leads in the long run to the best results for the decision maker, better than any other strategy in dealing with uncertain information. – In the following I will concentrate on the aspects of the conclusiveness of cognition and arguments from expert opinion; i.e. most pragmatic questions and the exact description of the form of these arguments as well as the criteria for their validity and situational adequacy are left aside here. For an answer to these questions, see a general theory of probabilistic argumentation: Lumer, 2011b.

How can cognition and arguments from expert opinion be reconstructed probabilistically? I see (at least) three possibilities for this:

1. *Statistical inferences*: The simplest form is: 'Expert e claims p , where p is in the field f . e 's reliability in the field f is (statistically) x . (We have no better information regarding p .) So p is likely to degree x .'

2. *Bayesian updating*: In the simplest case Bayesian updating has this form: 'The prior probability of p is x ($P_0p=x$). e claims p , where p is in the field f . The conditional probability that if p is true (and is in the field f), e (based on an appropriate investigation) will claim that p is y . The conditional probability that, if p is not true (and is in field f), e will claim that p is, z . Therefore (according to Bayes' theorem) holds: The posterior probability of p (i.e. P_1p) is $(x \cdot y) / [x \cdot y + (1-x) \cdot z] = q$.'

3. *Interpretive arguments*: ' e asserts p , where p is in the field f . That e claims p can be explained with the following hypothetical interpretations i_1, \dots, i_n (with more or less detailed descriptions of these hypothetical explanations; in these explanations it is explicitly assumed in each case whether p is true or not). These interpretations have prior probabilities of p_1, \dots, p_n . (This is calculated in more detail.) In interpretations i_1, \dots, i_m (with $m \leq n$), p is assumed to be true. The aposteriori probability of p is then: $P_1p = (p_1 + \dots + p_m) / (p_1 + \dots + p_n) = q$.'

All of these three ways of probabilistically reconstructing arguments from expert opinion are correct. In the following sections they are presented in more detail. The final section 10 deals with the question of when which of these forms of argumentation should be used.

6. COGNITION BASED ON EXPERT OPINION AS STATISTICAL INFERENCE

Statistical inference is the basic form of probabilistic cognition. It is based on the:

Foundation principle: If the relative frequency of the E s among the F s is x , if in addition a certain object y has the property F and nothing else is known about y 's possible being E , then y is also E with a probability of x .

(*Formalization:* That the existing database contains no further information relevant for cognizing the proposition in question is here abbreviated as "NBI" (= no better information). Probabilities are actually always relative to a certain database d , which in particular can be the set of information of a certain person at a certain time. This can be expressed in the form: Pp,d - 'the probability of p on the database d '. This reference to the database is not mentioned in the following and also usually not elsewhere, but should be expressed in the formulation of the foundation principle. Then the foundation principle can be formalized as a general conditional probability as follows:

Foundation principle: $P[Ey \mid RF(Ez/Fz)=x \ \& \ Fy \ \& \ NBI],d = x$, for all E, F, d, x, y, z , if $P[RF(Ez/Fz)=x \ \& \ Fy \ \& \ NBI],d > 0$. (Lumer, 2011b, p. 1146))

(This Foundation Principle is a reformulation of Hacking's Principle of Direct Probability (Hacking, 1965; 2001, p. 137).)

Cognitions from expert opinion conceived as statistical inference are a special application of the foundation principle. The relative frequency in this case is the share of the true assertions of the expert e in all his assertions in the field f . The predicate Fz from the above formulation is in this case the predicate: 'proposition p_x is from the field of knowledge f , and p_x has been asserted by e '. The predicate Ez is: 'proposition p_x is true'. The basic form of statistical argumentation from expert opinion is then:

$P1$: The reliability of e in the field f is x . (According to the above definition this means: The relative frequency of the true assertions of e among his assertions in the field f is x .)

$P2$: e asserts that p .

$P3$: p is from the field of knowledge f .

($P4$: the database contains no further relevant information about the possible truth of p .)

($P5$: foundation principle.)

$\therefore T$: p has the probability x .

(*Formalisation:* That p is true is equivalent to p itself. Then the argument is:

$P1$: $RF(p_y/Ae,p_y \ \& \ p_y \in f)=x$. (= $Re,f=x$.)

$P2: Ae, p.$
 $P3: p \in f.$
 $(P4: \text{NBI.})$
 $(P5: \text{Foundation principle.})$
 $\therefore T: P(Tp) = Pp = x.$

These arguments are very simple, at least in the sense that they do not require great arithmetic skills.

Another extension of knowledge from expert opinion based on statistical inferences is the inclusion of the (frequently occurring) possibility that the addressee s does not yet know anything about the expert statement and is only informed by the arguer that the expert has claimed that p . In such a case, the possibility should also be considered that the arguer may be saying something untrue about this. This consideration is normally a step which the addressee has to take on his own, and which does not occur in the argument presented by the arguer. For the probabilities of the arguer and the addressee are now different.

In this case, the probability of the thesis of the argument from expert opinion must be calculated according to a more complicated formula (Jeffrey conditionalization (Talbot, <2001> 2016)):

*Probability of the thesis of argument from expert opinion
 depending on the reliability of the expert and the arguer:*
 $JC: P_1p = P_1(Ae, p \ \& \ p \in f) \cdot P_0(p \mid Ae, p \ \& \ p \in f) + P_1\neg(Ae, p \ \& \ p \in f) \cdot$
 $P_0(p \mid \neg(Ae, p \ \& \ p \in f)) = x \cdot y + (1-x) \cdot z.$

In the following it is always assumed that it is certain that the thesis p is of the field f (thus: $P_0(p \in f) = 1$) and that the addressee has no other relevant information at his disposal. Let us now consider the individual components of the formula JC! 1. $P_1(Ae, p \ \& \ p \in f) = x$: This is the probability that the expert has actually asserted p ; this probability corresponds to the reliability of the arguer in reports on experts' statements. It can be determined by a statistical inference (how great is the relative frequency of corresponding correct reports of the arguer a ?). 2. $P_0(p \mid Ae, p \ \& \ p \in f) = y$: This is the reliability of the expert e in the field of knowledge f , as it has already been statistically justified in the simpler argumentation. 3. $P_1\neg(Ae, p \ \& \ p \in f) = 1-x$: This is the complement to term 1; the value of this expression is therefore $1-x$. 4. $P_0(p \mid \neg(Ae, p \ \& \ p \in f)) = z$: How can this conditional probability that p is true, although the expert did not claim it to be true, be determined in a justified way? One difficulty with this determination is that besides the probabilities of a true and a false assertion of the expert about p , one must also assume a probability that the expert e does not express himself at all about p . In

the simplest case, this may be ruled out because *e* *had* to make a statement; he was asked with respect to *p* as an expert. Under these conditions, the expression in question is identical to a formula easier to be determined:

$$P6: P_0(p | \neg(Ae, p \ \& \ p \in f)) = P_0(p | \neg Ae, p) = P_0 p \cdot (1 - Re, f) / [P_0 p \cdot (1 - Re, f) + P_0 \neg p \cdot Re, f] = k \cdot (1 - y) / [k \cdot (1 - y) + (1 - k) \cdot y], \text{ where } Re, f = \text{(statistically determined) reliability of the expert } e \text{ in the field } f - \text{ which we had already considered several times above.}$$

The right side of P6 contains only already known variables except for $P_0 p = k$, the prior probability of the thesis *p*. JC and P6 combined then result in the following formula for the thesis' probability of statistical arguments from expert opinion with two reliability assumptions:

Simplified probability of the thesis of an expert argumentation depending on the expert and arguer reliability and the initial probability:

$$\begin{aligned} JCS: P_1 p &= P_1(Ae, p \ \& \ p \in f) \cdot P_0(p | Ae, p \ \& \ p \in f) + \\ &+ P_1 \neg(Ae, p \ \& \ p \in f) \cdot P_0 p \cdot (1 - Re, f) / [P_0 p \cdot (1 - Re, f) + P_0 \neg p \cdot Re, f] = \\ &= x \cdot y + (1 - x) \cdot k \cdot (1 - y) / [k \cdot (1 - y) + (1 - k) \cdot y] = \\ &= xy + k \cdot (1 - x - y + xy) / (k - 2ky + y), \end{aligned}$$

with *x* = arguer's report reliability; *y* = expert's reliability; *k* = prior probability of the thesis *p*.

The prior probability may take very different values. In table 1 the posterior probabilities of *p* for different prior probabilities of *p* are calculated using the formula JCS on the basis of the assumptions that both the reliability of the arguer and that of the expert are each 0.9 ($x = P_1(Ae, p | Aa, (Ae, p)) = 0.9$; $y = Re, f = P_0(p | Ae, p \ \& \ p \in f) = 0.9$).

| Case | 1 | 2 | 3 | 4 | 5 | 6 |
|--------------|--------|--------|--------|--------|--------|--------|
| $P_0 p (=k)$ | 0.01 | 0.30 | 0.333 | 0.50 | 0.85 | 0.99 |
| $P_1 p$ | 0.8101 | 0.8146 | 0.8153 | 0.8200 | 0.8486 | 0.9167 |

Table 1 – Posterior probabilities of a thesis depending on varying priors (with a fix arguer and expert reliability of 0.9) after a simplified statistical inference

1. The term "*x·y*" in the formula JCS has the following effect: If both the reporting arguer and the expert are quite reliable, then the posterior probability of the thesis is also very high; and a very different prior probability of the thesis has very little influence on the posterior probability. Table 1 represents such a case: Both reliabilities are assumed to be 0.9; to the resulting base of 0.81 posterior probability

($x:y$) extremely different prior probabilities of 0.01 to 0.99 add only comparatively little different additional posterior probability (range 0.1066 (=0.9167-0.8101)). This is different from Bayesian updating, where the prior probability has a much greater influence (see section 7).
 2. With decreasing reliability of the arguer and expert, the posterior probability decreases and the influence of the prior probability increases. (For example, if both reliability values are 0.5, with a prior probability of 0.01 the (total) posterior probability is 0.2550, with a prior probability of 0.99 it is 0.7450 (range 0.4900).)

7. COGNITION FOM EXPERT OPINION AS BAYESIAN UPDATING

The Bayesian approach ³ to cognition from expert opinion is: to update one's prior probability of the thesis p (or hypothesis h) after receiving new relevant information i , following Bayes' theorem.

$$\text{Bayes' theorem: } P(h|i) = [P(h) \cdot P(i|h)] / [P(h) \cdot P(i|h) + P(\neg h) \cdot P(i|\neg h)].$$

The conditional probability $P(h|i)$ is determined with the specifications on the right side of this formula. The assumed prior probability of the hypothesis h itself is one of these presupposed values: P_0h . If one now receives new information i , which (in the simplest and standard case) now has the probability 1 ($P_1i=1$), then one can very simply determine the updated posterior probability of h (P_1h) with the calculated conditional probability, for $P_1i=1$ it is identical with the conditional probability $P(h|i)$. ($P(i)=1 \Rightarrow P(h)=P(h|i)$.)

If one applies this procedure to arguments from expert opinion, the new information i (in the simplest case) is the expert statement Ae,p (together with the information that p is from the field f and that e is an expert in the field f), and the hypothesis to be updated is the thesis p claimed by the expert. So one obtains the following argument:

- $P1$: Expert e asserts p .
- $P2$: p is part of the field of knowledge f .
- $P3$: e is an expert in the field f .
- $P4$: The prior probability of p is x .
- $P5$: The probability that the expert e asserts p , where p is from the field f and e is an expert in the field f , under the condition that p is y .

³ Bayesian reconstructions of arguments from expert opinon have been advocated above all by Hahn and her co-authors: Hahn & Hornikx, 2016; Hahn, Oaksford & Harris, 2013. These essays also contain descriptions of further possibilities that go beyond the reconstructions developed here.

P6: The probability that the expert *e* asserts *p*, where *p* is from the field *f* and *e* is an expert in the field *f*, under the condition that not *p* is *z*.
(P7: Bayes' theorem.)
(P8: Nothing else is known about *p* or other relevant facts.)
 $\therefore T$: The posterior probability of *p* is: $x \cdot y / (x \cdot y + (1-x) \cdot z)$.

(Formalization:

P1: Ae, p .
P2: $p \in f$.
P3: Ee, f .
P4: $P_0 p = x$.
P5: $P_0(Ae, p \ \& \ p \in f \ \& \ Ee, f \mid p) = y$.
P6: $P_0(Ae, p \ \& \ p \in f \ \& \ Ee, f \mid \neg p) = z$.
 $(P_0 \neg p = 1 - P_0 p = 1 - x)$.
(P7: Bayes' theorem.)
(P8: NBI.)
 $\therefore T$: $P_1 p = x \cdot y / (x \cdot y + (1-x) \cdot z)$.

Bayesian updating of the form just described presupposes many premises. The premises *P1*, *P2* and *P3* are still comparatively harmless and can even be certain, as presupposed in the argument form just outlined. However, the premises *P4*, *P5* and *P6* are problematic. With the premises *P5* and *P6* the question already arises when (and with which probability) the expert should have reason to pronounce his opinion about *p*, and this not only if *p* is true (*P5*), but also if *p* is not true (*P6*). In the simplest case, but unfortunately by far not always, one can perhaps assume again that the expert had to comment on *p* or not *p*, e.g. because he had a corresponding investigation order. Then the required conditional probabilities (if one can assume for certain that *p* is from the field *f* and that *e* is an expert in the field *f*) result, as already assumed above, from the expert's reliability: The conditional probability $P_0(Ae, p \ \& \ p \in f \ \& \ Ee, f \mid p)$ that he then claims *p* (because he has examined *p* and *p* falls within his field of expertise) corresponds to his degree of reliability; let's assume this reliability to be 0.8 ($P_0(Ae, p \ \& \ p \in f \ \& \ Ee, f \mid p) = 0.8$). And if he then, although *p* is not true, nevertheless claims that *p*, this corresponds to his "degree of unreliability" 0.2 ($P_0(Ae, p \ \& \ p \in f \ \& \ Ee, f \mid \neg p) = 0.2$). The last necessary and also problematic premise is the prior probability of the thesis *p* itself ($P_0 p$). If the cognizing subject does not yet have an opinion on this question, then she must, according to Bayesianism, estimate this probability. These prior probabilities have a considerable influence on the newly determined posterior probabilities, so that very problematic distortions can occur here. With the prior

probabilities of p already assumed above and an expert reliability of 0.8, the posterior probabilities indicated in table 2 result.

| | | | | | | |
|--------|--------|--------|--------|--------|--------|--------|
| Case | 1 | 2 | 3 | 4 | 5 | 6 |
| P_0p | 0.01 | 0.30 | 0.333 | 0.50 | 0.85 | 0.99 |
| P_1p | 0.0388 | 0.6300 | 0.6667 | 0.8000 | 0.9577 | 0.9975 |

Table 2 – Posterior probabilities of a thesis after expert statement (with a fix expert reliability of 0.8) depending on varying priors (discrete values), according to Bayesian updating

More generally, with an expert reliability of 0.8 we get, depending on various priors (x -axis) of p , the posteriors scheduled in figure 1.

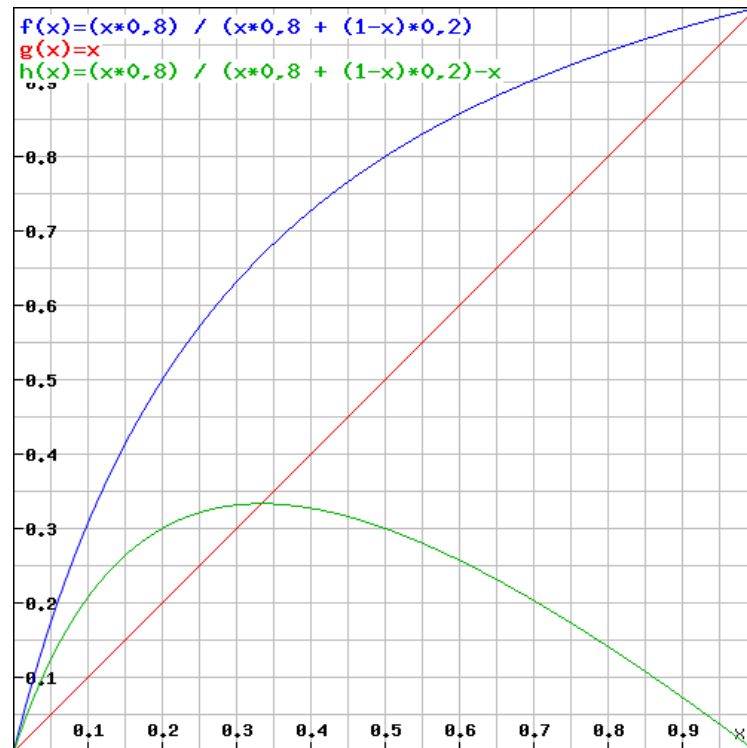


Figure 1 – Posterior probabilities of a thesis after expert statement (with a fix expert reliability of 0.8) depending on varying priors (continuum), according to Bayesian updating. (Diagonal = unchanged priors; left curve = posteriors; lower curve = the impact of the expert judgement (difference between priors and posteriors).)

These are interesting results. 1 The posterior probabilities of p vary very strongly, in the examples between 0.0388 and 0.9975, and are massively oriented to the priors. 2. If the cognizing subject is a priori "neutral" between p and $\neg p$, i.e. gives them both the same probability (case 4), then the posterior probability corresponds completely to the assumed expert reliability (0.8); hence, the expert reliability is used as a probability determinant. 3. In all cases, the probability of p is increased by the additional consideration of the expert statement – even if the reliability of the expert is lower than the prior probability (case 5). The posterior probability thus does not approach the degree of reliability of the expert statement, but is always increased by the expert statement (as long as this reliability is above 0.5). 4. The very low prior probability of 0.01 (case 1) is also increased by the new evidence of the expert statement, even more than tripled; the posterior probability, however, remains very low. This may be justified if the prior probability is strongly justified. But if instead it is based only on a very weak justification, e.g. an empirically uninformed estimate, this is inadequate; in this case, the cognizing subject should rationally give much more weight to the expert judgement. The Bayesian treatment of this case thus rather reflects a populist cognitive behavior: We all have equal rights as cognizants – and then we go with the crowd. This cognitive behaviour completely ignores – in an epistemically irrational way – the justifications and the very different strengths of justification, e.g. of an expert judgement or a scientific theory on the one hand and an uninformed or poorly informed lay estimation on the other.

In the above reconstruction of more complex cases of arguments from expert opinion as statistical inference, the reasoning had to take into account that the expert's assertion was only reported by the arguer so that the respective reliability of the arguer had to be considered too. This and similar split-ups are also possible in the Bayesian approach (for more details see footnote 3). However, they are very complex and require many premises.

8. COGNITION FROM EXPERT OPINION AS INTERPRETING COGNITION

Interpretive cognition or argument is a probabilistic version of an "inference to the best explanation".⁴ It is used in various contexts: in criminology or whodunits to determine the perpetrator and the course of action, in archeology to reconstruct the history behind some relic, in

⁴ Detailed description and justification of the criteria for interpretive arguments: Lumer, 1990, pp. 223-246; detailed example of an application for text interpretation: Lumer, 1992; English description of the procedure: Lumer, 2010, sect. 6.

text interpretation to find out the intended meaning etc. In its application to cognition or argument from expert opinion, there is a fact known with certainty, viz. the expert's assertion that p or the arguer's report of such an assertion; perhaps some further relevant facts are known as well. 1. In a first step of the cognition procedure one constructs possible explanations of these facts, so-called *interpretations*, which, because not all relevant facts are known, have to include mere possible hypotheses. Among these hypotheses there are also some about the proposition in question, i.e. that p is true or that something incompatible with p is true and was part of the events leading to the expert's or the arguer's assertion. For instance, the straight interpretation says that the expert has checked whether p , has come to the conclusion that p , and has also expressed this truthfully; or an odd interpretation e.g. assumes that p in fact was not true but that the expert made a measurement error during the observation, which made it appear to him that p , etc. 2. Once having found all possible interpretations i_1, \dots, i_n – or at least the most relevant of them –, in a second step the prior probabilities P_0i_1, \dots, P_0i_n of these interpretations are determined: How probable is the combination of the mere hypotheses assumed in them? 3. In the third step, finally, the posterior probabilities of p is established: From the interpretations i_1, \dots, i_n , those according to which p is true are marked; let's call these interpretations i_1, \dots, i_m with $m \leq n$. The posterior probability of p is then given by the formula IP:

$$IP: \text{Interpretation based probability: } P_1p = (P_0i_1 + \dots + P_0i_m) / (P_0i_1 + \dots + P_0i_n).$$

Applying this procedure and formular to various examples the following observations can be made.

1. Interpretive cognition and argumentation come to the same result as the detailed Bayesian updating (described in section 7), if all probabilities are assumed to be equal. This is because in the end both calculation are based on the same formular.
2. Also with interpretive arguments, an extreme dependence of the resulting posterior probability of p on the corresponding prior results. In contrast to Bayesian updating, however, these prior probabilities can also be ignored or assumed to be neutral values. And this should indeed be done if these prior probabilities are poorly justified, i.e. significantly worse than the expert's findings.
3. Interpretative arguments are based on the procedure that certain facts are explained in relative detail, where in these explanations also the circumstantial evidences must be taken into account. These explanations may then go into more or less detail on critical points in

the process which led to the explanandum. Thereby, the explanations, on the one hand, are relatively detailed but, on the other, flexible. The alternative interpretations are usually not created by permutation on the fulfillment or not of few key issues, because otherwise, i.e. taking into account also detailed variants, much too many and no longer manageable alternatives would result. Rather, main interpretations are considered, and where necessary subdivided into subinterpretations; however, some of these subinterpretations are not considered further, but eliminated as irrelevant because of impossibility or too low, only marginal probability.

4. The premises of the probability calculation in interpretive arguments are unconditional prior probabilities of possible interpretations (P_{0ij}). These prior probabilities are often much easier to determine than the conditional probabilities required for Bayesian updating.

9. COGNITION AND ARGUMENTATION FROM TWO OR MORE EXPERT OPINIONS

Today's difficulties with recognition on the basis of expert opinions arise to a large extent from the fact that not only the opinions of one, but of several experts to some question are known, which then often contradict each other. One can then no longer simply refer to *the* experts. How can a novice determine the probabilities of the theses in question in such situations using probabilistic methods? Goldman has discussed at length the proposal to decide in such cases according to the number of experts. Goldman rejected this proposal for two reasons. For one, the expert opinions could be very differently well founded. For another, the expert opinions are often not independent of each other; if one expert blindly follows another, the statement of the first does not provide additional evidence. (Goldman, 2001, pp. 97-103)

Of the three probabilistic methods for novices for cognition from expert opinions discussed here, statistical inference cannot be used to treat such complex cases. Because as a rule, there are no statistics that could provide information on the relative frequency of true theses among the theses put forward by conflicting experts. The other two methods, on the other hand, can in principle deal with such cases.

The basic procedure of Bayesian updating with several, in particular also contradictory expert opinions is the sequential updating of the degree of belief (Hahn, Oaksford & Harris, 2013, p. 24). The procedure described above is thus applied several times in succession. After applying the procedure to the first evidence, i.e. the first expert statement, one obtains a posterior probability of p , which now forms the prior probability of p in the second application of the procedure to the second expert statement. If the social reliability of the second expert is

estimated to be above 0.5, his consenting statement increases the posterior probability of p and his contradicting statement lowers it. But even with this double application of Bayesian updating, the original prior probability of the cognizing subject is still very dominant. If, for example, the cognizing subject and the first expert are of the same opinion, then however a new independent, but contradictory expert with the same reliability is considered, the posterior probability of p is lowered, but not back to the initial level. The successive application of Bayesian updating also holds the danger that possible dependencies between the various expert opinions will be neglected.

Interpretive arguments, on the other hand, treat the multitude of expert statements and in particular contradictory expert opinions as an overall date: comprehensive hypothetical explanations, interpretations and prior probabilities are sought for the entire situation of (contradictory) expert statements. In these interpretations all connections between the individual expert utterances, influences by interests, by biases etc. can be then also dealt with and so a coherent explanation of the entire situation can be supplied. Determining the prior probabilities of these comprehensive interpretations is often difficult, but certainly easier overall, than successively determining increasingly complex conditional probabilities of the type $P_1(Ae_2, \neg p \mid p \& v \& t \& Ae_1, p)$. The resulting probabilities of both methods would have to be the same if the procedure was correct. But the way there via the interpretive argument is much clearer and simpler and thus less error-prone.

10. WHAT TYPE OF ARGUMENT FROM EXPERT OPINION SHOULD ONE USE?

If all these three types of probabilistic cognition from expert opinion are valid which one shall we use?

All three cognition procedures presuppose suitable premises; and these must be justified, according to the epistemological approach. Sometimes the appropriate premise is not known; then the procedure cannot be applied. This is particularly the case with statistical inferences when contradictory expert statements are present. In many other cases, especially with Bayesian updating or interpretive arguments, these premises are in principle also missing. But a frequent practice then is to use very weakly justified premises in such places: estimates – occasionally taking into account the known information, but often also quickly produced mere intuitions. If, in principle, several methods can be used that may lead to contradictory results, which one should be used? One aspect to be considered when answering this question is also the effort; well-founded Bayesian updating and interpretive reasoning

are usually much more complex than statistical inferences. The effort must then be rationally weighed against the epistemic gain. With an unimportant question the epistemic advantage may be too small to justify the effort by an elaborate procedure. In important questions the higher expenditure might be justified. Such questions of effort are excluded in the following, and only the epistemic side is considered.

In the case of different methods of cognition and argumentation on the same question, whose epistemic prerequisites for application are all fulfilled, but which lead to contradictory answers, according to the epistemological approach, the method that is more strongly justified is epistemically better. Elsewhere (Lumer, 2018) I have outlined a theory of justification strength with which this strength can be determined and which is to be used as a basis here.

According to this approach, the strength of a justification is determined multiplicatively from the strengths in six dimensions, namely:

- D1: justification strength of the premises or the data used,
- D2: truthfulness of the justification procedure (how often does the correct application lead to a true answer?),
- D3: examination intensity and extensity,
- D4: the yieldingness of the foundational material (e.g. (un)clean samples, (un)sharp photos),
- D5: correctness, fault-freeness in the application of the justification procedure,
- D6: metatheoretical certainty about the justification procedure.

Differences between the three probabilistic cognition methods based on expert statements essentially result from the dimensions D1 (justification strength of the premises) and D5 (correct application of the method).

All three cognition procedures require information about the reliability of the expert and, in the extended argumentation version, also about the arguer. In the basic form of statistical inferences based on expert opinion, this is usually the only really problematic premise. All other methods contain additional problematic premise. Therefore, the basic form of statistical reasoning on the basis of expert opinions, if it is applicable, always leads to stronger justifications than the other two methods. Also statistical inferences which are extended by the consideration of the step from the expert assertion to arguer's claim, if they are applicable, lead to stronger justifications than the other two main forms of cognition from expert opinion, because the latter argumentations must make the same step and then contain again further problematic premises.

However, Bayesian updating and interpretive argumentation are applicable in many cases where simple statistical inference is no longer

possible. In principle, both more complex methods (Bayesian updating and interpretive arguments) use the same premises except for one possible exception – but often in a hidden way. Then one or the other method may use the better justified premises, depending on the particular case.

Besides, the recourse to justification strength also implies a theoretical solution for cases in which the expert makes an unbelievable assertion. An assertion is only unbelievable if it contradicts the prior assumptions; in this case, the cognizing subject must in fact already have an at least weakly justified belief with respect to p , namely that p is wrong. If this belief is sufficiently strongly justified it can then be used to reject the "expert" and to reduce his credibility.

Correctness in the application (D5) is actually also an aspect that does not concern the procedure itself, but its application. But the procedures are more or less complicated and thus promote incorrect applications to a greater or lesser extent. Statistical inference also has the advantage over the other methods in this respect. However, there are differences between the latter, more complex procedures: If the knowledge subject already has a reasonably well-founded belief about p , then, if there are no further complications to consider, Bayesian updating is the simpler procedure. In more complex situations, especially when there are several and above all contradictory expert statements, the interpretive argumentation (especially with regard to detail) is often the clearer procedure, whose premise probabilities are also easier to determine. Likewise, the posterior probabilities of the interpretations and thus also of the thesis are easier to calculate and intuitively easier to estimate than the Bayesian posteriors, because the former are proportional to the interpretations' prior probabilities.

REFERENCES

- Ennis, R. H. (1995). *Critical Thinking*. Upper Saddle River, NJ: Prentice Hall.
- Goldman, A. I. (2001). Experts. Which Ones Should You Trust? *Philosophy and Phenomenological Research*, 63(1), 85-110. – Reprinted in: Idem, *Pathways to Knowledge. Private and Public* (pp. 139-163). Oxford [etc.]: Oxford U.P. 2004.
- Hacking, I. (1965). *The Logic of Statistical Inference*. Cambridge: Cambridge University Press.
- Hacking, I. (2001). *An Introduction to Probability and Inductive Logic*. Cambridge: Cambridge University Press.
- Hahn, U., & Hornikx, J. (2016). A normative framework for argument quality. Argumentation schemes with a Bayesian foundation. *Synthese*, 193, 1833-1873.

- Hahn, U., & Oaksford, M., & Harris, A. J. L. (2013). Testimony and Argument. A Bayesian Perspective. In F. Zenker (Ed.), *Bayesian Argumentation: The Practical Side of Probability* (pp. 15-38). Dordrecht: Springer.
- Lumer, C. (1990). *Praktische Argumentationstheorie: Theoretische Grundlagen, praktische Begründung und Regeln wichtiger Argumentationsarten*. Braunschweig: Vieweg.
- Lumer, C. (2005). The Epistemological Theory of Argument – How and Why? *Informal Logic*, 25, 213-243.
- Lumer, C. (2011a). Argument Schemes – An Epistemological Approach. In F. Zenker (Ed.): *Argumentation. Cognition and Community. Proceedings of the 9th International Conference of the Ontario Society for the Study of Argumentation (OSSA), May 18-22, 2011* (32 pp.). CD-ROM, ISBN 978-0-920233-66-5. Web-publication, URL = <<http://scholar.uwindsor.ca/cgi/viewcontent.cgi?article=1016&context=ossaarchive>>.
- Lumer, C. (2011b). Probabilistic Arguments in the Epistemological Approach to Argumentation. In F. H. van Eemeren & B. Garssen & D. Godden & G. Mitchell (Eds.), *Proceedings of the 7th Conference of the International Society for the Study of Argumentation* (pp. 1141-1154). Amsterdam: Rozenberg; Sic Sat (CD-rom).
- Lumer, C. (2016). Walton's Argumentation Schemes. In P. Bondy & L. Benaquista (Eds.), *Argumentation, Objectivity, and Bias. Proceedings of the 11th International Conference of the Ontario Society for the Study of Argumentation (OSSA), 18-21 May 2016* (20 pp.). Windsor, Canada: University of Windsor. Online publication, URL: <<http://scholar.uwindsor.ca/cgi/viewcontent.cgi?article=2286&context=ossaarchive>>.
- Lumer, C. (2018). Strength of Justification – The Rational Degree of Certainty Approach. In S. Oswald & D. Maillat (Eds.), *Argumentation and Inference* (pp. 315-333). London: College Publications.
- Talbott, W. (<2001> 2016). Bayesian Epistemology. In: E. N. Zalta (Ed.), *Stanford Encyclopedia of Philosophy. Winter 2016 edition*. Web publication: URL = <<https://plato.stanford.edu/archives/win2016/entries/epistemology-bayesian/>>. First published 12.7.2001.
- Wagemans, J. H. M. (2011). The Assessment of Argumentation from Expert Opinion. *Argumentation*, 25(3), 329-339.
- Walton, D. N. (1997). *The Appeal to Expert Opinion. Arguments from Authority*. University Park: Penn State Press.
- Walton, D., & Reed, C., & Macagno, F. (2008). *Argumentation Schemes*. Cambridge: Cambridge University Press.

All-out attack

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This paper is sceptical about the practical meaning of a “defensive” argumentative move in legal proceedings. In order to overcome the typical doctrinal and argumentative challenges that arise in legal argumentation, defensive moves ultimately manifest in attacking form; that is, by *undercutting* and *rebutting* the Proponent’s case. Because both of these are here characterised as “attacking” moves, legal argumentation is conceived of as being an occasion of “all-out attack”.

KEYWORDS: [Legal Argumentation, Burdens of Proof, Defensive arguments, Pragma-Dialectic, Forensic Proof]

1. INTRODUCTION

A football team that plays according to Johann Cruyff’s (former Dutch footballer) philosophy of “Total football” blurs the distinction between attacking and defensive moves in a football match. For example, in a team such as Barcelona, which was the classical test-case for Total football in the late 1980s and early 90s, both the defenders and attackers joined attacking moves. According to Winner, “the whole team thinks offensively” (Winner, 2012, p. 55). For players positioned in the rear part of the team, the goalkeeper had to have sufficient technical ability so that he or she could be an extra option to pass the ball to, the fullbacks had to overlap and join in the attack from the wings and the central defenders had to spread wider to allow the goalkeeper to be an option to pass the ball to.

Under these circumstances, one could say that there would be no need to defend if the team always has the ball and is in unrelenting attack. However, strictly speaking a team playing Total football did plenty of defending, albeit of a peculiar form. It would be absurd for a football coach to develop only an attacking plan for a match, let alone as a comprehensive football philosophy. This would be the unrealistic position of the gambler without an insurance policy or the gangster without a safe and exit plan. Rather, Total football brought into question

what it means to defend, whether there could be only one way of doing it and which was the most effective way. Cruyff's interpretation of what it means to defend effectively was similar to that of Sun Tzu:

The good fighters of old first put themselves beyond the possibility of defeat, and then waited for an opportunity of defeating the enemy. To secure ourselves against defeat lies in our own hands, but the opportunity of defeating the enemy is provided by the enemy himself. Thus the good fighter is able to secure himself against defeat, but cannot make certain of defeating the enemy. Hence the saying: One may know how to conquer without being able to do it. Security against defeat implies defensive tactics; ability to defeat the enemy means taking the offensive. Standing on the defensive indicates insufficient strength; attacking, a superabundance of strength. The general who is skilled in defense hides in the most secret recesses of the earth; he who is skilled in attack flashes forth from the topmost heights of heaven. Thus on the one hand we have ability to protect ourselves; on the other, a victory that is complete (Tzu, 2000, p. 12).

This paper likewise is interested in what it means to be a defendant (or accused) or respondent (the "Opponent") in criminal or civil proceedings ("legal proceedings").¹ With the aim of ultimately identifying and analysing the possible general types of arguments that an Opponent could make, this paper begins with the kind of skepticism articulated by Cruyff about what it means to advance "defensive arguments" and what about the quality of these arguments makes them peculiarly "defensive".

Next, we consider a potential challenge ("argumentative challenge") to these defensive arguments. The challenge arises from a passage in the work of Augustus De Morgan (the nineteenth century British mathematician), who contends that "no one can be required to prove a negative" and that it is to commit the fallacy of arguing from ignorance to transfer the burden of proving a negative to one's Opponent (for example, if you cannot prove that witches do not exist, then they do exist) (De Morgan, 1847, pp. 206-1).

Furthermore, there are also significant doctrinal challenges to defensive arguments in legal proceedings. These have to do largely with firstly, the particular obligations (commonly known as 'burdens') that

¹ Although the scope of this paper is legal proceedings in general across various Common Law jurisdictions, it does not include the rules followed and arguments permissible in so-called 'secret trials' or immigration cases such as *A v United Kingdom*.

the law² imposes on the participants, the Proponent and the Opponent,³ in legal proceedings and secondly, with the consequences that the law provides for in the event that either party succeeds or fails in fulfilling these obligations. For example, if a defendant in a civil trial opts to defend herself by refraining from testifying, one possible consequence of this may be that adverse findings may be made against her by the fact-finder.

Finally, the paper concludes, as Cruyff and Sun Tzu did, that the defensive position in legal proceedings is one of offense and that it is difficult to conceive of defense in the strict sense of the word. Two main types of arguments that the Opponent can possibly make are suggested: she can undercut the Proponent's case by attacking the admissibility of her evidence, including the credibility of her witnesses or her personal character. Secondly, she can also rebut the Proponent's case on the merits by raising a defence or challenging the sufficiency or weight of the probative value of the Proponent's case in the discharge of her burden of proof. The second type of defensive argument suggested concerns the Opponent widening the Proponent's burden of proof by raising a defence. This adds an extra layer to the mountain that the Proponent has to climb.

2. BACKGROUND AND METHODOLOGICAL CONTEXTUALISATION

A core part of what may be called 'Legal Method' entails having the skills to analyse cases, interpret statutes and argumentation about questions of law and questions of fact (Twining, 1988, p. 6). Thus, it may appear that lawyers know a lot about argumentation, and perhaps they in fact do, but any such knowledge certainly does not have the entrenched methodological self-consciousness that argumentation theorists appear to have. Although used in a slightly distinguishable context, Josiah Royce's classic sentiment that to philosophise is to 'reflect critically upon what you are doing in your world' (Royce, 1892, p. 1). It is one thing to be able to do something, but quite another to do so with the knowledge of what you are doing at every step.

Only a small selection of jurists over the years have exhibited this kind of methodological self-consciousness, and chief among them, is John Henry Wigmore, or 'The Colonel' (Hilton, 1941, p. 351; Twining, 1985, p. 110). During the course of a successful career spanning almost

² This paper is concerned specifically legal proceedings in the Common Law tradition. However, most of the arguments are set out in terms that are sufficiently broad to be of application to the Continental tradition too.

³ The term "Proponent" is used here to refer to the state or plaintiff, whereas the "Opponent" is used to refer to the defendant, accused or respondent in criminal and civil proceedings respectively.

five decades since 1887 when he started practising law in Boston, Wigmore produced many works, but is most remembered for his *Treatise on the system of evidence in trials at common law* and *The Principles of Judicial Proof: As Given by Logic, Psychology, and General Experience, and Illustrated in Judicial Trials* (“*Principles*”). Wigmore’s theorisation about argumentation in law is about questions of fact and is contained in the latter of these two texts. The contrast, in law, to this type of argumentation about ‘questions of facts’ (another example is Walton, 2002) is argumentation about ‘questions of law’ (for example, Alexy, 2010; Feteris, 1999).

Wigmore’s *Principles* spans over a thousand pages and is structured into three parts: ‘circumstantial evidence’ (pp. 30-311), ‘testimonial evidence’ (pp. 312-724) and ‘problems of proof’ (pp. 735-1080). It is in the third part that Wigmore theorises about factual argumentation. In particular, Wigmore theorises that trials generally involves four processes of proof, that is: the *Assertion* process consisting of the proponent advancing evidence and arguments about the relevant facts in issue; *Explanation* consists in the opponent deflecting by showing the existence or probability of alternative hypotheses to the ones advanced by the proponent; *Denial* involves the opponent this time undercutting the persuasive force of the proponent’s arguments or the credibility of the evidence on which they are based; *Rivalry* is about the opponent raising a substantiated defence or excuse in rebuttal of what the proponent has alleged (Wigmore, 1913, p. 26). The contribution of this particular article is to reformulate this Wigmorean paradigm in a contemporary, Common law and interdisciplinary setting.

3. INITIAL SCEPTICISM

The term “defence” in legal proceedings on its face can be ambiguous and somewhat misleading. The Proponent, in instituting legal proceedings, is defending his, her or its interests by either preventing certain conduct from occurring or seeking restitution from any harm suffered from the conduct. The Southern African Litigation Centre was defending the broad interests of justice on the African continent in attempting to have President Omar Al Bashir arrested in South Africa in 2015 (*Southern Africa litigation centre v Minister of Justice and Constitutional Development*), Melania Trump was defending her ‘good name and reputation’ against the Daily Mail newspaper (*Trump v Associated Newspapers Ltd*), Tony Nicklinson and “Martin” were defending their “right to die” when they sued the United Kingdom government (*R (Nicklinson) v Ministry of Justice (CNK Alliance Ltd intervening)*; *R (AM) v DPP (CNK Alliance Ltd intervening)*) and Lionel Messi was defending his right to trademark a logo on which the words

“MESSI” appear (*Messi Cuccittini v European Union Intellectual Property Office*). Needless to say, the Opponents in each of these cases were likewise defending their interests.

It is equally misleading to say that one party must “prove” a case and the other must “disprove” it because an Opponent, in a trial, is also required to “prove” her defence, if she raises one, or version of events. Inaction or being “absent from court”, if done advertently, not only raises the danger of an adverse finding being made, but it is also a form of positive action that can be strategic and effective in certain instances.⁴

Therefore, characterising an argument as advancing either the Proponent’s or Opponent’s case tells us very little about its peculiar quality. This paper aims to insulate and critically analyse “defensive arguments”. On the face of it, the argumentative moves open to the participants in legal proceedings are both affirmative or offensive and only temporally distinguishable. The Proponent always makes the first move and is thereafter followed by the Opponent. On this construction, legal proceedings are made up of two separate and opposing cases or argumentative positions, which have to be established by the Proponent and Opponent respectively.

It is in this sense that forensic proof is understood as being dialectic (Walton, 2002, p. 156-8; Bex *et al*, 2010, p. 132). Furthermore, because the goal of forensic proof, on the view taken in this paper, is rational persuasion, which means “using good reasons to persuade your audience by convincing arguments”, this makes, according to Johnson, legal argumentation pragmatic. It is in that narrow sense that forensic proof is referred to as being pragma-dialectic (Johnson, 2000, p. 159. Cf Pardo and Allen, 2007, pp. 223-4 and 227-8).

A pragma-dialectic conception of legal argumentation further underscores two qualities of forensic proof: firstly, that legal proceedings are a fallibilistic institution that does not permit stalemates and that uses certain “decision rules” (Jackson, 2004, pp. 124, 127 and 137) (burdens and standards of proof) to resolve disputes (Walton, 2002, p. 159-60). Secondly, forensic adjudicators will not only be persuaded by rational arguments. Aristotle’s *pathos* and *ethos* arguments also have persuasive force in the forensic context (Aristotle, 1991, pp. 74-5; see also Williams, 2009, p. 36, Scallen, 1995, p. 1717). Other factors that may be effective are: tactical astuteness, extra-curial political or societal pressure and, sometimes, having respected or senior counsel tends to help too. This makes reasoning, fact-finding and

⁴ For example, in civil cases an application may be made to set aside a judgment granted by default on the ground of service of process not having been lawfully effected, see *Ferris*, paras. [24]-[25]; *Rajval Construction Ltd*, paras. [1] and [20].

argumentation in the forensic context inherently complicated and untidy. Therefore, the use of similarly chaotic and convoluted references to war (such as “lawfare”) to describe what is going on in the forensic context is unsurprising. For example, Socrates admired Euthydemus and his brother Dionysodorus as being “skilled in legal warfare”:

[S]uch is their skill in the war of words, that they can refute any proposition whether true or false...for they know all about war,-all that a good general ought to know about the array and command of an army, and the whole art of fighting in armour: and they know about law too, and can teach a man how to use the weapons of the courts when he is injured. (Plato, *Euthydemus*).

Euthydemus and Dionysodorus were Sophists, skilled in rhetoric, which, at the time, included not only rational argumentation, but communicative flair and emotion-stirring too. Rational persuasion in the forensic context, on the view taken in this paper, is made up of these things too. Furthermore, the references to war additionally emphasise the inherently offensive-mindedness of the participants in legal argumentation. This adds further obscurity to the concept of a “defence”. In the next two sections, further complexity is added to defensive argumentation by a consideration of several sets of argumentative and doctrinal challenges.

3. ARGUMENTATIVE CHALLENGE

The argumentative challenge arising from De Morgan’s work forces us to think deeply and more carefully about defensive legal argumentation.

To introduce De Morgan’s argument, it may be helpful to recall an award-winning advertisement by Adidas (Whitehead, 2004). The advertisement was coined ‘impossible is nothing’ in tribute of the Greek football team, which had the odds of 1:100 against winning before the Euro 2004 championship began but later ended up winning the tournament.

There are two possible interpretations of the phrase “impossible is nothing”: the first is radically sceptical and commits the fallacy of arguing from ignorance, whereas the second relates to the classical impossibility of proving negation, which is De Morgan’s argument.

On the first interpretation, which seems to be the intended one by Adidas (Adidas, 2004), we are encouraged to “keep an open mind” and to infer from the fact that our evidence of the Greek football team’s chances of winning was inconclusive that it was always possible that they could win. In other words, because it has not been proven that “there are no flying saucers” (Robinson, 1971, p. 97) or “freak winds

that will land us safely on the ground after we jump off the Burj Khalifa,” (Adler, 1998, p. 41) then both these events are possible. For many reasons that have been written about, and are beyond the scope of this paper, this reasoning is fallacious on many levels (Copi, Cohen & McMahon, 2014, p. 132).

Our interest for present purposes lies in the second of the two interpretations. Since Socrates’ day many philosophers have recognised the impossibility of proving negation (Plato, *Euthydemus*). However, De Morgan articulates a narrow distillation of this argument, which poses a particular challenge for defensive legal argumentation and is thus of interest for purposes of this paper. According to De Morgan, if a book has been misplaced in either one of two rooms (A or B), it is impossible to prove the absence of the book in either of the two rooms (De Morgan, 1847, pp. 261-2). The same impossibility applies to a person being absent from a conference, not being a registered student at a particular university or a person not cheating on their spouse.

We are left with only two possibilities of proving negation, according to De Morgan: the one is concluding that despite our best efforts in searching for the misplaced book in room A or B, we could not find it (“the no-evidence option”) and the other is attempting to prove a countervailing positive proposition (for example, that the book was found in room A and thus could not be in B) (“the alternative option”) (De Morgan, 1847, pp. 261-2). It is in this sense that De Morgan contends that negative and positive propositions are bound up together:

When contrary terms are introduced, it is impossible to define the opposition quality by assertion or denial: for every assertion is a denial and every denial is an assertion...all negations are contained among affirmations about contrariness (De Morgan, 1847, pp. 13 and 18).

In the forensic context, this supports what lawyers have always believed: that bare denials do not establish anything (Wharton, 1877, p. 311). The only functional value that an Opponent’s denial has is that it distills the *facta probanda* (“the facts in dispute”) between the parties. Apart from that, it does nothing further for the Opponent’s case and may even, in certain instances, result in adverse inferences being drawn.⁵

The upshot of the argumentative challenge posed by De Morgan against defensive legal argumentation is that there are two options

⁵ See *De Beer*, 2010, paras. 6-7, where Molopa J held that the wife in a dispute between a couple undergoing divorce proceedings was not “playing open cards” with the court by not disclosing her income.

available and neither of these are “defensive” in the strict sense,⁶ which we interpret here to mean a passive bare denial.⁷ The Opponent can either opt for the alternative option by advancing an argument that establishes a countervailing proposition to that of the Proponent (for example, Mr Manuwa raised the alibi defence that he was “drinking all night at a pub” in the company of his friends and not at the scene of a rape of an 11 year-old girl) (*Manuwa*, 2012, paras. 176E and 178A-B; Minghui, 2009, pp. 68 and 71) or for the no-evidence option by arguing that there is insufficient evidence to establish the Proponent’s case (for example, President Emerson Mnangagwa of Zimbabwe contended that his electoral competitor had produced ‘no proof or evidence’ to support his allegations of electoral rigging) (*Chamisa*, 2018, p. 12ff).

The consequence of De Morgan’s argumentative challeng is that although directly proving negation is impossible, the kinds of indirect defensive arguments (that is, the no-evidence and alternative options) set out above could be advanced at least to reveal inconsistency, which is not the same as direct negation.

4. DOCTRINAL CHALLENGES

The foremost doctrinal challenge against defensive legal argumentation is what are called burdens of proof (Dennis, 2017, p. [448]).⁸ These are very particular types of sanction-backed obligations that the law places on rival participants. They are a challenge for defensive legal argumentation in particular because unless fulfilled, in accordance with the law (that is, in the appropriate way, and up to the prescribed legal standard), certain legal consequences follow. The worst of these are the Opponent losing their case and having a punitive costs order being made against them.

The starting point to understanding burdens of proof is the common law principle that “she who alleges must prove” (*necessitas probandi incumbit ei qui agit*) (Walton, 2014, p. 49). This holds in both criminal and civil cases. Attempts to distinguish the Proponent’s burden

⁶ Wharton is one of the earliest evidence scholars to adopt this view: “We may prove a negative indirectly, by proving conditions incompatible with the alleged fact, showing, for instance, that a party charged was in another place than that necessary to the plaintiff’s case; or we may do it directly, by calling a witness present at the latter place and proving that the defendant was not there.” (Wharton, 1877, pp. 311-2).

⁷ In addition to these two options, Wharton points out the third ‘defensive’ option of the Opponent pointing out an inadvertent admission from the Proponent’s pleadings or papers, see (Wharton, 1877, pp. 311-2).

⁸ The term “onus of proof” is sometimes used interchangeably with ‘burden of proof’.

from the burden that the law imposes on the Opponent have resulted in the former going by many names: “primary onus”, “overall onus”, “full onus”, “onus in its true or original sense”, “risk of non-persuasion”, “persuasive burden”, “legal burden”, “general burden”, “ultimate burden”, “burden at the end of the day”, “probative burden” and “fixed burden of proof” (Zeffert & Paizes, 2009, p. 128; Williams, 1977, p. 156; Dennis, 2017, pp. [449] – [450]). On the hand, the Opponent’s burden has had its own share of alias: evidential burden, provisional burden, tactical burden, initial hurdle, burden of production, burden of going forward with evidence and particular burden (Williams, 1977, p. 156; Walton, 2014, 49; Gill, 1963, p. 688). The law is thus not in need of any more nomenclature nor any superficial linguistic splitting of hairs. Rather, this area of law may do better with far more conceptual analysis and critique.

Burdens of prove were, according to Williams, “invented by adjudicators” and historically are constructs of adversarial English jury trials (Williams, 1977, p. 156; Bratty, 1963, pp. 416-7). Although they served historically the function of apportioning adjudicative power between the judge and jury by having the latter decide the discharge of the Proponent’s burden and the former the discharge of the Opponent’s (Williams, 1977, p. 156), burdens of proof are also a function of the pragma-dialectic nature, in the sense described above, of forensic proof in so far as the law recognises its epistemic fallibility and the many practical concerns (such as: pressures of time and costs of litigating) (Jackson, 2004, p. 124) putting pressure on the adjudication process. Under these circumstances, the law has had to contend with the risk of error and thus having sanction-backed burdens of proof distributes this risk between the participants (for example, by having the rule that if the Proponent fails to fulfil her burden, the Opponent is absolved) and thus avoids having argumentative stalemates (Dennis, 2017, p. [449]).

There are at least three layers of obligations in all legal proceedings. First, as indicated above, there is the decisive obligation relating to who bears the risk of loss in the event that the *facta probanda* are not “proved, in accordance with the law.” This layer of obligation is always on the Proponent.⁹ Secondly, there is what is sometimes known as the “duty to begin”, which largely is more of practical than legal significance (Zeffert & Paizes, 2009, p. 129). Once again, the Proponent usually bears the duty to begin, which she discharges, among other things, by making her opening statement and presenting her evidence first.

⁹ This also holds in the event that the Opponent *counterclaims*, and thus becomes the “Proponent in *reconvention*” too.

The third layer of obligations is the most contentious because it includes both participants in legal proceedings. Every participant in legal proceedings bears the duty to prove whatever they allege or counter-allege. This is the true meaning of the Latin maxim referred to above, and not that the Proponent necessarily or exclusively bears the burden, which is the position with the first two layers of obligations. Therefore, our reference above to a burden of proof being a doctrinal challenge to defensive legal argumentation relates specifically to this third layer of obligation that the Opponent shares with the Proponent. These three layers of obligation are reflected in diagram 1 below:

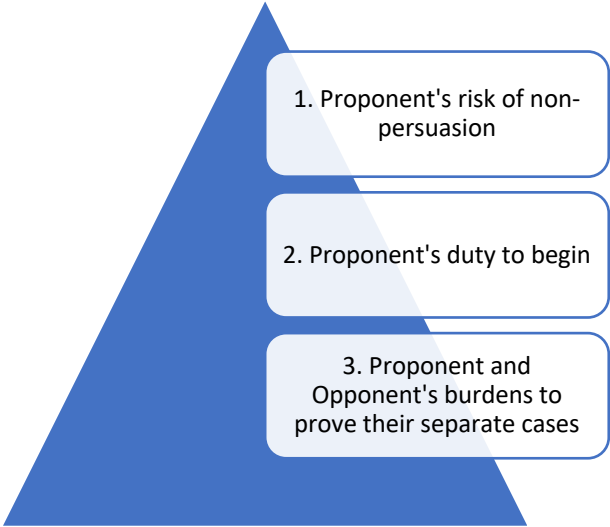


Table 1

As indicated above, merely coining the two burdens at the third layer of obligations as being one of the Proponent or Opponent in order to distinguish them without more is just as unhelpful as temporal references to a burden that shifts between the participants at varying times in legal proceedings.¹⁰ The idea of a shifting burden is orthogonal to a very mechanical conception of legal proceedings that is performative and akin to the anachronistic formalism of medieval common law trials in Europe (Esmein, 1913, p. 251). At any rate, moving burdens in complicated cases may well be very difficult to track. On the view adopted by this paper, the obligations imposed on the participants at all three layers remain stable and binding respectively on the participants for the duration of the legal proceedings.¹¹

One helpful way of distinguishing the third-layer burdens imposed on the Proponent and Opponent respectively is suggested by a

¹⁰ The latter is a characterization made by Zeffert & Paizes, 2009, pp. 128-9.

¹¹ This view is also espoused by Williams, 1977, p. 156.

nineteenth-century US lawyer named Francis Wharton. He said that the goals of the two burdens, within the third layer, can be used to distinguish them: the Proponent's goal is to establish a claim, whereas the Opponent aims to be released from it (Wharton, 1877, p. 313-7). The words "establish" and "release", however, cannot be taken literally or too far on this paper's view. For instance, the Opponent is also required to "establish" her defence, if she raises one, in as much as the Proponent wants to be "released" from any claims made by the Opponent in mitigation or defence.

What is clear, however, is that the Proponent's goal will always be an order on precisely the terms set out in the prayer of her summons (or its equivalent), whereas the Opponent seeks a discharge, "submission of no case" or absolution from the instance, as the case may be (Zeffert & Paizes, 2009, p. 129; Dennis, 2017, pp. [448] - [449]). Once again, the dialectical nature of forensic proof is emphasised by the fact that the latter types of orders are made only if the Proponent has not discharged her first layer of obligations.

Therefore, the specific doctrinal challenge against defensive legal argumentation in this regard is the legal obligation of having to discharge a third-layer burden of proof with the goal of being discharged (or its equivalent).

The next two questions that arise relate to the standard according to which the Opponent's argumentation will be judged, together with the consequences of a failure to discharge her burden.

In civil cases, the standard against which all the participants' obligations at the first and third layers are judged is on a balance of probabilities. In criminal cases, however, there is a much higher standard against which the fulfilment of the Proponent's (usually, the state) first-layer burden is judged: for most Common Law jurisdictions, the standard is beyond reasonable doubt, but the current position in England and Wales is that jurors are asked to be sure before they convict (*Summers; Ferguson; Majid; Miah; Maddison et al*, 2018, p. [5-1]). At the third layer, however, there seems to be no good reason¹² why the respective burdens imposed on the Proponent and Opponent should not be measured according to the same standard, which is on a balance of probabilities. This, however, is contentious in some respects. Often, lawyers in this regard prefer rather to say no more than that the Proponent's third-layer burden is to establish a *prima facie* case sufficient for the judge to refer it to the jury (Dennis, 2017, p. [452];

¹² Although this is controversial as an alternative view to this may be that the Proponent's burden at all three levels of obligation in criminal cases is to be measured against the standard of *beyond a reasonable doubt* (or being sure in England and Wales).

Khoza, 1982, paras. 1043C-E; *Downey*, paras. 20j – 21a), and that the argumentation advanced to discharge the Opponent's burden at this third layer cannot be fanciful or remote (*Scagell*, 1997, para. [12]; *Miller*, 1947, p. 373; *R v Downey*, 1992, paras. 20j – 21a; *Williams*, 1977, p. 182).

Therefore, although the criminal Opponent has no second-layer duty to testify (*Williams*, 1977, p. 184), or to give any evidence whatsoever, she still has a third-layer obligation to discharge. The only problem with this is that the consequences of failing to discharge the Opponent's burden within the third layer are often left unsaid and taken for granted. For example, if the Proponent fails to discharge her third-layer burden, the judge is obliged not to refer the case to the jury for consideration. It is for this reason that this particular burden at the third layer is referred to as being "provisional" so as to distinguish it from the Proponent's other burdens from the first and second layers. If, however, the Opponent fails to discharge her burden at the third layer, the Proponent is not readily entitled to a remedy through a summary procedure (which is referred to by different names depending on the jurisdiction). In fact, under these circumstances, the Proponent usually has to bring a separate interlocutory application for summary judgment.

What certainly cannot be the correct position is that the Opponent's failure to testify or to discharge her third-layer obligation, as Cory J held (*Downey*, 1992, paras. 20j – 21a; *Morgan*, 1976, p. 229), automatically converts the Proponent's prima facie case into a conviction (or any other final finding). It should not be problematic, this paper argues, to acquit an Opponent who has not discharged her third-layer burden if the probative value of the Proponent's case goes no higher than a prima facie case, in which event the Proponent's first-level burden would not have been discharged.

For these reasons, it is contended that the standard against which the Opponent's burden from the third layer is judged is controversial and represents a ceiling without a floor. For purposes of defensive legal argumentation, this is not a challenge, but rather an advantage. The Opponent's argumentation, in response to the doctrinal challenge of having to discharge a third-layer burden of proof on a balance of probabilities, must navigate between avoiding being too fanciful or remote and, on the other hand, achieving sufficient rational persuasion to meet the relevant prescribed civil or criminal standard. We turn now to the final part of the paper to set out the two main types of defensive legal argumentation, including their paradoxically offensive features.

5. DEFENSIVE STRATEGIES

According to Slob, an Opponent may either be critical of the Proponent's claim or have a separate standpoint herself (Slob, 2006, p. 167). The latter argumentative move is called by Bex *et al* a rebuttal, whereas the former is an undercutting (Bex *et al*, 2010, p. 132). These are the two basic forms of defensive legal argumentation. However, there is some further nuance to this.

For illustrative purposes, consider this example: Mrs A is accused by her husband, Mr B, of cheating with Mr X. In her defence, Mrs A realises that she has four arguments available to her: she could deny the allegation and counter-argue that Mr B is simply paranoid and thus mistaken. Secondly, Mrs A could counter-argue *ad hominem* that Mr X is her estranged cousin, who has been missing for the past twenty years. In the third instance, Mrs A could release all her private communications and diary to Mr B in order to show the absence of any interaction with Mr X. Finally, Mrs A could admit to having interacted with Mr X, but further argue that she had a good reason in substance (for example, that she was not discussing anything inculpatory with Mr X) for this.

The first of these four arguments is what we have referred to above as the undercutting defensive argument. A useful description of this type of argument is given by Kahane's description of the barrister who is furnished with a thin solicitor's brief containing only one short sentence of instructions: "No case, abuse the plaintiff's attorney" (Kahane, 1992, p. 57). There is a sense in which this can be a fallacious *ad hominem* argument, but it is meant in this sense to refer to, among other things: attacking the credibility of the witnesses led by the Proponent, using the exclusionary rules to exclude crucial evidence relied on by the Proponent or to lead admissible bad character evidence against the Proponent personally. All of these arguments serve the purpose of reducing the persuasive force of the Proponent's argumentation.

For example, in *S v Mhlongo*; *S v Nkosi*, two, out of six accused persons who had been charged, among others, with robbing and killing a police officer, contended that informal admissions made by their co-accused are inadmissible because they incriminate the two (*Mhlongo*; *Nkosi*, paras. [3] – [6]).¹³ Furthermore, Bex *et al* provides the example of an Opponent making the claim that Miss N, who testified that the Opponent killed a person, was lying (Bex *et al*, 2010, p. 129).

¹³ There is a common law rule that renders incriminating confessions and informal admissions inadmissible against someone other than their maker.

The remaining three of the four arguments are all different forms of rebuttal. They are all attempts to raise a defence so as to widen the Proponent's burden of proof. In other words, if an Opponent raises a rebuttal, the Proponent's burden at the first layer is to prove both its own case and to disprove the Opponent's rebuttal. Rebuttals can be negative or positive. The negative sense of rebuttals takes the form of the two arguments discussed above in relation to De Morgan: the no-evidence and alternative options. For example, Mrs A's release of all her private communications and diary to Mr B to show the absence of any interaction with Mr X is the no-evidence option, whereas the contention that Mr X is her estranged cousin is the alternative option.

Further examples of negative rebuttals are Mr Irwin, on behalf of The Countryside Alliance Limited ("the CAL"), denying that the CAL's dogs killed the plaintiff's pigeons and counter-arguing that the plaintiff did this himself by "wringing their necks" (alternative option) (*Weir*, 2017, p. 16), and Mr Wahid arguing that he should be discharged at the close of the prosecution's case because the identification evidence that the latter relied upon had weak probative value' (no evidence option) (*Wahid*, 2010, p. 23).

The positive sense of the rebuttal is the more usual type of defence where the Opponent admits to having committed the conduct in question, but further alleges that he was justified or had an excuse. This is the fourth of Mrs A's arguments above. A useful illustration of the positive rebuttal is from the salient facts of *S v Engelbrecht* where Mrs Engelbrecht killed her husband on the grounds that he was in the habit of physically abusing her (*Engelbrecht*, 2005, para. [6]). In rather extraordinary circumstances, Mrs Engelbrecht's domestic violence defence was contended to be a form of private defence, which was ultimately accepted by the court (*Engelbrecht*, 2005, paras. [6]). Therefore, this being a positive rebuttal, the prosecution's burden of proof was widened to include the obligation of disproving that Mrs Engelbrecht did not act in private defence.

6. CONCLUSION

Once we overcome the initial skepticism about whether or not defensive legal arguments are actually "defensive", we realise that they are just as offensive as the Proponent's arguments. Furthermore, defensive legal argumentation is confronted by a set of argumentative and doctrinal challenges, which give rise to its ultimate distillation into two main forms, undercutting arguments and rebuttals. The latter further breaks down into a set of positive and negative senses in which they may be formulated.

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REFERENCES

- Alexy, R. (1989). *A theory of legal argumentation: The theory of rational discourse as theory of legal justification* (translated by R. Adler and N. MacCormick). Oxford: Clarendon.
- Aristotle. (1991) *The art of rhetoric* (translated by H.C. Lawson-Tancred). London: Penguin.
- Bernays, P. Concerning rationality. In P.A. Schilpp (ed) *The philosophy of Karl Popper* 1st ed (Book I). Illinois: Open Court Publishing Co, p. 597.
- Brown, H.I. (1988). *Rationality*. London: Routledge.
- Copi, I.M, Cohen, C, and McMahon, K. (2014). *Introduction to logic*. 14th ed. London: Routledge.
- De Morgan, A. (1847). *Formal logic or the calculus of inference, necessary and probable*. London: Taylor and Walton.
- Dennis, I. (2017). *The law of evidence*. 6th ed. London: Sweet & Maxwell.
- Esmein, A. (1913). *A history of continental criminal procedure: With special reference to France*. Translated by J. Simpson. Boston: Little, Brown and Company.
- Feteris, E.T. (1999). *Fundamentals of legal argumentation: A survey of theories on the justification of judicial decisions*. 2nd ed. Amsterdam: Springer.
- Feyerabend, P.K. (1987). *Farewell to reason*. London: Verso.
- Jackson, J.D. (2004). Managing uncertainty and finality: The function of the criminal trial in legal inquiry. In R. A. Duff, L. Farmer, S. Marshall, V. Tadros (eds), *Trial on Trial: Truth and Due Process* vol 1. Oxford: Hart Publishing. (pp. 121-30).
- Johnson, R.H. (2000). *Manifest rationality: A pragmatic theory of argument*. New Jersey, Lawrence Erlbaum Associates Inc.
- Kahane, H. *Logic and contemporary rhetoric*. Belmont: Wardsworth.
- Pollock, J.L. (1995). *Cognitive Carpentry: A blueprint for how to build a person*. Cambridge: MIT Press.
- Popper, K.R. (1963). *Conjectures and refutations: The growth of scientific knowledge*. London: Routledge.
- Popper, K. (1974). Karl Popper: “Intellectual autobiography”. In P.A. Schilpp (ed) *The philosophy of Karl Popper* 1st ed (Book I). Illinois: Open Court Publishing Co, p. 3.
- Popper, K. (1974). Facsimile of reproduction of Popper’s handwriting. In P.A. Schilpp (ed) *The philosophy of Karl Popper* 1st ed (Book I). Illinois: Open Court Publishing Co, p. 2.
- Royce, J. (1892). *Spirit of modern philosophy: An essay in the form of lectures*. Boston and New York: Houghton Mifflin Company, p. 1.

- Slob, W.H. (2006). The voice of the other: A dialogico-Rhetorical understanding of Opponent and of Toulmin's rebuttal. In D. Hitchcock, & B. Verheij (eds), *Arguing on the Toulmin model: New essays in argument analysis and evaluation*. p. 165.
- Twining, W. (1985). *Theories of evidence: Bentham and Wigmore*. Stanford: Stanford University Press.
- Tzu, S. (2000). *The art of war* (translated by L. Giles). Leicester: Allandale Online Publishing.
- Walton, D.N. *Arguments from ignorance*. Pennsylvania: Pennsylvania State University Press.
- Walton, D. (2014). *Burden of proof, presumption and argumentation*. Cambridge: Cambridge University Press.
- Walton, D. (2002). *Legal argumentation and evidence*. Pennsylvania: Pennsylvania State University Press.
- Wharton, F. (1877). *Commentary on the law of evidence in civil cases*. Philadelphia: Kay and Brother.
- Wigmore, J.H. (1913). *The principles of judicial proof as given by logic, psychology and general experience and illustrated in judicial trials*. Boston: Little, Brown and Company.
- Williams, J.D. (2009). *An introduction to classical rhetoric: essential readings*. Chichester: Wiley-Blackwell.
- Winner, D. (2012). *Brilliant orange: The neurotic genius of Dutch football*. London: Bloomsbury Paperbacks.
- Zeffert, D.T, & Paizes, A.P. (2009). *The South African law of evidence*. 2nd ed. Durban: Lexis Nexis.

CASES

- A v United Kingdom* [2009] ECHR 301, (2009) 49 EHRR 29.
- Bratty v Attorney-General for Northern Ireland* [1963] 3 A.C. 386.
- De Beer* 2010 JDR 0201 (GNP).
- Director of Public Prosecutions v Morgan* [1976] A.C. 182.
- Chamisa v Mnangagwa* [2018] ZWCC 42.
- Ferris v Firstrand Bank Limited* 2014 (3) SA 39 (CC) [24]-[25].
- Messi Cuccittini v European Union Intellectual Property Office* case T-544/14, [2018] 4 WLUK 470 (GC).
- Miller v Minister of Pensions* [1947] 2 All E.R. 372 at 373 (KBD).
- R v Downey* [1992] 2 SCR 10.
- R v Ferguson* [1979] 1 W.L.R. 94 (PC).
- R v Gill* [1963] 2 All ER 688.
- R v Majid* [2009] EWCA Crim 2563.
- R v Miah* [2018] EWCA Crim 563.
- R (Nicklinson) v Ministry of Justice (CNK Alliance Ltd intervening); R (AM) v DPP (CNK Alliance Ltd intervening)* [2015] A.C. 657.
- R v Summers* [1952] 1 All E.R. 1059 CCA.
- R v Wahid* [2010] EWCA Crim 1851.
- Rajval Construction Ltd v Bestville Properties* [2010] EWCA Civ 1621 at [1] and [20].
- S v Engelbrecht* 2005 (2) SACR 41 (W).

S v Khoza 1982 (3) SA 1019 (A).
S v Manuwa 2012 (1) ZLR 174 (H).
S v Mhlongo; S v Nkosi 2015 (2) SACR 323 (CC).
Scagell v Attorney-General, Western Cape 1997 (2) SA 368 (CC).
Southern Africa litigation centre v Minister of Justice and Constitutional Development 2015 (5) SA 1 (GP).
Trump v Associated Newspapers Ltd [2017] 4 WLUK 306.
Weir v The Countryside Alliance Limited [2017] NICA.

ONLINE RESOURCES

Adidas. (5 February 2004). Impossible is nothing. *Adidas launches new global brand advertising campaign*. Available at: <https://www.campaignlive.co.uk/article/adidas-celebrates-greek-victory-never-execution/215541> (accessed: 30 July 2018)).
Maddison, D *et al.* (2018). *The Crown court compendium*. Part 1. Available at: <https://www.judiciary.uk/publications/crown-court-compendium-published-december-2018/> (accessed: 10 August 2018).
Plato. (380 B.C.). *Euthydemus* (translated by B. Jowett). Available at: classics.mit.edu/Plato/Euthydemus.html (accessed: 10 August 2018).
Whitehead, J. (6 July 2004). Adidas celebrates Greek victory with 'never' execution. *Campaign*. Available at: <https://www.campaignlive.co.uk/article/adidas-celebrates-greek-victory-never-execution/215541> (accessed: 30 July 2018).

PERIODICALS

Adler, J. (1998). Open minds and the argument from ignorance. *Skeptical Inquirer*, 22(1), p. 41.
Bex, F.J., van Koppen P.J., Prakken H., & Verheij B. (2010). A hybrid formal theory of arguments, stories and criminal evidence. *Artificial Intelligence Law* 123.
Hilton, O. (1941). Chronology of the career of John Henry Wigmore. *Journal of Supreme Court History*, p. 351.
Minghui, X. (2009). On the inference rules in legal logic. *Social Sciences in China*, 30(3), p. 58.
Pardo, M. and Allen, R. (2007). *Judicial proof and the best explanation*. *Law and Philosophy* 223.
Robinson, R. (1971). Arguing from ignorance. *Philosophical Quarterly*, 21(83), p. 97.
Scallen, E.A. (1995). Classical rhetoric, practical reasoning and the Law of Evidence. *The American University Law Review* 1717.
Twining, W. (1988). Legal skills and legal education. *Law Teacher*, 22(1), p. 1.
Williams, G. (1977). Evidential burdens on the defence. *New Law Journal*, 127, p. 182.
Williams, G. (1977). The evidential burden: Some common misapprehensions. *New Law Journal*, 127, p. 156.
Woods, J.H. & Walton, D.N. (1978). The fallacy of "ad ignorantiam". *Dialectica*, 32(2), p. 87.

Strategic Maneuvering with Speech Codes: The Rhetorical Use of Cultural Presumptions in Constructing Argumentative Discourse

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Speech codes – the principles through which cultural beliefs, assumptions and values become encoded in speech – can be used for strategic maneuvering. Such codes inform the design of argumentative moves regarding topical potential, audience demands, and presentational devices. The code of dignity and of honor are identified in the discourse of then-presidential candidates Clinton and Trump during a debate in the 2016 elections. Their contributions are realizations of the code of dignity and of honor, respectively.

KEYWORDS: code of dignity, code of honor, cultural rhetoric, ethnography of communication, pragma-dialectics, presidential debate, speech codes, strategic maneuvering

1. INTRODUCTION

In social life, argumentation is often used to defend one's position. The protagonist can consider a wide variety of potential resources to craft a persuasive message. In the pragma-dialectical theory of argumentation, this process is referred to as 'strategic maneuvering' (Van Eemeren, 2010, pp. 39-43). However, aiming for effectiveness can undermine the quality of argumentation. For this reason, it is important to survey the range of resources which can inform strategic maneuvering. Since the introduction of the concept of strategic maneuvering, a wide variety of possible resources for strategic maneuvering has already been studied.

Here I investigate the potential of speech codes – the implicit beliefs, norms and values of a particular community encoded into language use (Philipsen, 1997) – to be a source for strategic maneuvering. These speech codes specify what can and cannot be subject of persuasion as well as what is persuasive (Fitch, 2003). Thus, invoking certain cultural norms or beliefs can resonate so well with the members of a community that they automatically evoke supporting reasons (*idem*). The use of a particular code is a strategic consideration.

To show this, I analyze the first 2016 U.S. presidential debate at Hofstra University. A video and transcript¹ available online were used for analysis. In the next section, I introduce both pragma-dialectics and speech code theory and explain how they can be integrated through the concept of strategic maneuvering. In the subsequent sections, I address for each aspect of strategic maneuvering how speech codes theory can function as a resource for achieving effectiveness.

2. STRATEGIC MANEUVERING WITH SPEECH CODES

The pragma-dialectical theory of argumentation (e.g., Van Eemeren, 2010) is characterized by systematically integrating the normative and descriptive dimension of argumentation. The normative dimension is grounded in a set of rules which defines the ideal model of a critical discussion (Van Eemeren & Grootendorst, 2004, pp. 123ff) and concerns the preferred types and ideal sequencing of moves for reasonably resolving a dispute. Yet, this ideal model of a critical discussion is never observed in practice. An important reason why arguers may deviate is that, in social life, no one solely pursues the goal of being reasonable. People also attempt to be effective and win the argumentative interaction to realize their social goals (Van Eemeren, 2010). Yet, when this aiming at effectiveness starts to overshadow the ideal of reasonableness, the argumentation becomes fallacious. The balancing between reasonableness and effectiveness is referred to as 'strategic maneuvering' (idem).

Argumentation is shaped by strategic maneuvering through three inseparable aspects (idem, p. 95). First, regarding topical potential, arguers select their move from the set of possible alternatives. Second, through considering audience demands (idem, p. 94) – the audience's expectations and preferences – protagonists can determine effective content and frames which work particularly well for their audience. Third, presentational devices (idem, p. 94) – like certain stylistic choices and phrasings – can help to more convincingly convey the argument due to inserting emphasis and connotation. In successful argumentative strategies, strategic choices are aligned both within and among argumentative contributions.

Any discursive feature can be used as a source for strategic maneuvering: a protagonist can exploit argument schemes, topics, dissociation, jokes, starting points, accusations and so on. Here, I focus on speech codes (see Philipsen, 1997) as a source for strategic maneuvering. Grounded in Hymes' *Ethnography of Communication*

¹<https://www.politico.com/story/2016/09/full-transcript-first-2016-presidential-debate-228761>

(1974), speech codes theory starts from the observation that members of a community share a conception regarding the appropriate conduct and interpretation of language, encoded into language through a 'speech code': "a system of socially constructed symbols and meanings, premises and rules, pertaining to communicative conduct (Philipsen, 1997, p. 126). Hence, through a speech code, cultural presumptions concerning beliefs about the world and norms to be followed are encoded into communication. Specifically, a speech code includes assumptions about human nature, relationships and strategic action (Philipsen, Coutu, Covarrubias, 2005, p. 61).

Whether a message is intelligible to the audience, depends on whether they share the encoded speech code (*idem*, p. 63). Thus, the speech code determines the ultimate meanings of a communicative act. Yet, the rhetorical force of a speech code could be stronger. The use of the audience's preferred speech code may resonate so well that the sheer fact that this speech code is used in the communication persuades the audience to adopt the standpoint at hand (Fitch, 2003). Then, it may veil the unreasonableness of the argumentation used. This possibility fits well with the pragma-dialectical project on hidden fallaciousness (see Van Eemeren, Garssen & Meuffels, 2012).

In this paper, I consider two already investigated speech codes (of honor and of dignity). Philipsen (1986, p. 255) has shown that they were relevant regarding a political speech to different segments of the population in Chicago. A blue-collar neighborhood presumed the code of honor, whereas white-collar outsider used the code of dignity, leading to different appreciations of that speech. Below I claim that these codes can effectively make sense of different choices made by Clinton and Trump with regards to the three aspects of strategic maneuvering.

Philipsen (1986, p. 256) argues that these codes have two dimensions: an instrumental and an expressive one. The instrumental dimension focuses on values in politics and economics. The code of honor presumes that "persons are inextricably interconnected". Thus, an "ancestral voice", expressed through "precedence, piety, loyalty, and hierarchical institutions", grounds "the person in social life" (Carbaugh, 1993, p. 127). People should prioritize their community, and especially their close circle. They do not expect equality, but being treated as well as possible based on available resources, position and rank. In contrast, the code of dignity emphasizes "the intrinsic worth of persons, equality, rights, [and] negotiation" (*idem*, p. 128) presuming people to be "separate and extricable entities" whose "social [identities], positions and relations need to be built or worked upon" (*idem*, p. 127). Thus, central to this code is individual independence, valuing the individual over the group (Carbaugh, 1994). Everyone should be treated similarly, and on their merits.

Concerning the expressive dimension, in the code of honor, the community is again foregrounded. What is morally important is how one is perceived by others. Expression is a public affair (Carbaugh, 1993). A relevant emotion is, for instance, shame (based on social norms). Instead of shame, the code of dignity would emphasize guilt and conscience (Leung & Cohen, 2012): an individual's own feelings, unmediated by social demands, is what matters. Similarly, one should be evaluated based on skill and individual achievement, and not zeal to the community's standards. Thus, central are individuality and individual achievements.

To clarify the meaning of these codes, I posit them as opposite ends of a set of semantic dimensions (see Katriel & Philipsen, 1981). Starting with the two main dimensions identified above, there is first the instrumental dimension ranging from independence to dependence of a person. Second, the expressive dimension ranges from emotions, feelings and values having a public source to a private one. These semantic oppositions consist of an opposing set of terms, see tables 1 and 2 (based on Philipsen, 1986; Carbaugh, 1988; 1993; 1994).

| Dependence | ↔ | Independence |
|-------------|---|---------------------------------|
| Loyalty | | Freedom of expression |
| Power | | Negotiation / Shared power |
| Wealth | | Equality of opportunity |
| Magnanimity | | Fairness |
| Precedence | | Fundamental right to well-being |

Table 1 – Juxtaposition of the instrumental dimension of the code of honor and of dignity.

| Public | ↔ | Private |
|-----------------------|---|-------------------------------------|
| Shame | | Guilt/sincerity |
| Glory/fame/reputation | | Sincerity/authenticity |
| Courage | | Self-consciousness |
| Excellence | | Intrinsic worth/skill |
| Piety | | Uniqueness/Sacredness of individual |

Table 2 – Juxtaposition of the expressive dimension of the code of honor and of dignity.

For the instrumental dimension, the code of honor concerns (inter)dependency: central are connections (loyalty and precedence) and hierarchy (power, wealth, magnanimity). In contrast, the code of dignity implies independence: separateness (freedom of expression and fundamental right to wellbeing) and equality (negotiation, sharing power, equality of opportunity, and fairness) are key. Similarly,

regarding the expressive dimension, the codes are opposites. The code of honor emphasizes displaying the appropriate values of the community. Shame, glory, courage, excellence and piety are all communal judgments. In contrast, guilt, authenticity, self-consciousness, skill and individuality all foreground an individual.

3. SPEECH CODES AS TOPICAL POTENTIAL

The topical potential of an issue concerns the different options regarding the content the arguer can choose from to defend a standpoint. Thus, below, I analyze the *content* of the argumentation advanced, and consider how the content is coherent under a speech code and how different content could have been used instead. I claim that the premises constituting Clinton's and Trump's argumentation are a meaningful set of premises within the code of dignity and of honor respectively. This suggests that each speech code provides a distinct way of defending a standpoint. Additionally, as speech codes are a set of ideas, they provide alternate defenses by themselves as well. Thus, speech codes offer protagonists two ways of defining the topical potential.

Below, I discuss the opening responses of Clinton and Trump to the first question in this debate: "why are you a better choice than your opponent to create the kinds of jobs that will put more money into the pockets of American workers?" Consequently, the standpoint Clinton and Trump can be presumed to defend is "I am the better candidate to create the kinds of jobs that puts more money into the pockets of American workers", albeit left implicit. By reconstructing the argumentation, I show that the premises of each candidate belong to their respective speech code. Let's first consider Clinton's turn (excerpt 1²).

(1) Hillary Clinton

1. The **central question** in this election is **really** *what kind of*
2. *country* **we want** *to be* and *what kind of future* **we'll build**
3. **together**. Today is **my granddaughter's** second birthday,
4. so I think **about this** a lot. First, **we** have to build an
5. economy that works for everyone, not just those at the top.
6. That means we need new jobs, good jobs, with rising incomes.
7. I want us to **invest** in you. I want us to **invest** in **your**
8. **future**. That means jobs in infrastructure, in advanced
9. Manufacturing, innovation and technology, clean, renewable
10. energy, and small business, because most of the new jobs

² Underlined means that it is discussed for 'topical potential'; *italics* for 'audience demand'; **bold** for presentational devices.

11. will come from small business. **We also have to make the**
 12. **economy fairer.** That **starts with** raising the national
 13. national minimum wage and **also guarantee, finally** equal
 14. pay for women's work. I **also want to see more companies**
 15. **do profit-sharing. If you help create the profits, you should**
 16. **be able to share in them,** not **just** the executives at the top.
 17. **And** I want us to do more to support people who are
 18. struggling to **balance family and work.** I've **heard from so**
 19. **many of you** about the **difficult choices** you face and the
 20. **stresses** that you're under. **So let's** have paid family leave,
 21. earned sick days. **Let's** be sure we have affordable child
 22. care and debt-free college. **How are we going to do it?**
 23. **We're** going to do it by *having the wealthy pay their fair*
 24. *share* and close the corporate **loopholes.**

Clinton argues she is the better candidate because she wants “to build an economy that works for everyone” (1:4-5). As the previous utterances concern the election more generally, and not why Clinton is the better candidate, they are not reconstructed as part of the argument. Her desire “to build an economy that works for everyone” is based on two premises: she “wants to invest in [U.S. citizens]” (1:7-8) and “make the economy fairer” (1:11-12). Regarding the former, Clinton claims we need “new jobs, good jobs, with rising incomes” (1:6) and provides a few concrete examples (1:8-10). She vocally emphasizes wanting to invest in U.S. Americans’ lives.

Clinton pauses briefly, before claiming she wants to “make the economy fairer” (1:11), implying a second line of argumentation. The use of “also” (1:11) suggests coordinative reasoning. By stating “that starts with” (1:12), Clinton implies that what follows is not the only step to be taken in making the economy fairer (i.e. coordinative argumentation). This is suggested by her use of “also” in the following lines (1:13; 1:14) as well. The last element of this coordinative argument (1:12-20) is connected to the other elements by “and” (1:17), while the next premise is separated using “so” (1:20). At the end, Clinton poses the question of “how are we going to do it?” (1:22), thereafter justifying her previous reasoning as sufficient for her being able to “build an economy that works for everyone” (1:4-5). Reconstruction 1 reflects this discussion of the argumentation in excerpt 1.

- (1) (I am the better candidate to create jobs to put money in Americans’ pockets)
 - (1).1 I want to build an economy that works for everyone
 - (1).1.1a I want us to invest in you/your future
 - (1).1.1a.1a We need new jobs, good jobs with rising incomes

- (1).1.1a.1b We need jobs in infrastructure, in advanced manufacturing, innovation and technology, clean, renewable energy, and small business
- (1).1.1b We need to make the economy fairer
 - (1).1.1b.1a Raising the national minimum wage
 - (1).1.1b.1b Guarantee equal pay for women
 - (1).1.1b.2 I want to see more companies do profit-sharing
 - (1).1.1b.2.1 If you help create profits, you should share in them
 - (1).1.1b.3 I want to support people who are struggling to balance family and work
 - (1).1.1b.3.1 Let's have paid family leave
 - (1).1.1b.3.2 Let's have earned sick days
 - (1).1.1b.3.3 Let's have affordable child care
 - (1).1.1b.3.4 Let's have debt-free college
- ((1).1.1a-b) (We can do this; it's not too expensive)
 - ((1).1.1a-b).1 We will have the wealthy pay their fair share
 - ((1).1.1a-b).2 We will close corporate loopholes

Reconstruction 1 – Argumentative reconstruction of Clinton's opening statement (excerpt 1).

In this analysis, I exclude policies to not conflate political ideology with the speech codes used. In principle, any policy can be presented through different speech codes. For example, "earned sick days" can be placed in a dignity framework, but could also, in contrast to Clinton's argumentation, be defended by referring to generosity to suppliants.

The overall claim of Clinton ("to build an economy that works for everyone" ((1).1)) is an acceptable statement in the code of dignity. The focus on "for everyone" steers away from social connections among people. This premise presupposes that people should not be part of a hierarchical system but should be able to participate as equals. The rest of the argumentation consists likewise of statements part of the discursive web grounding the code of dignity. First, Clinton wants to "invest in [U.S. citizens]" ((1).1.1a), presuming everyone is worthy of being invested in and thus should get the chance to improve themselves. The code is reiterated by stating that the focus of the "investment" is on "your future" (1:6). The focus is on what individuals want to achieve themselves, instead of realizing some communal standard.

Clinton's second argument is defending "making the economy fairer" ((1).1.1b). Fairness, rather than magnanimity, is central to the code of dignity. Clinton pursues her policies based on people's fundamental self-worth. This focus continues in the subargumentation. For example, "If you help create profits, you should share in them" ((1).1.1b.2.1) foregrounds rewards based on individual achievements instead of connections. Claiming that people who struggle to "balance family and work" ((1).1.1b.3) deserve help implies that she does not want to reward loyalty but favors unconditional support for people to act upon their own priorities. Lastly, stressing that "the wealthy" should "pay their fair share" (((1).1.1a-b).1) implies that magnanimity and generosity are not the central principles for redistributing wealth, while equality is.

Overall, Clinton mainly uses the instrumental dimension of the code of dignity – most important being fairness, equality and shared power. Thus, the code could sustain alternate defenses as well. For example, Clinton could have formulated the necessity of her proposals as companies overshadow the individual (i.e. emphasize the sacredness of the individual).

To conclude, Clinton's argument is grounded in the code of dignity as the primacy of the individual is continuously presumed. Through this code, the premises are coherently integrated into an argument defending that Clinton is the better candidate. Without the code of dignity, the premises would form a disconnected set of statements, thereby losing argumentative strength due to a lack of coordination of strategic maneuvering.

(2) Donald Trump

1. *Our jobs are fleeing the country.* They're going to Mexico.
2. They're *going to many other countries.* *You look at* what
3. China is ***doing*** to our country in terms of making our
4. product. *They're devaluing their currency,* and *there's*
5. *nobody in our government to fight them.* And we have a
6. very good ***fight.*** And we have a ***winning fight.*** Because
7. *they're using our country as a piggy bank* to rebuild China,
8. and *many other countries are doing the same thing.* So we're
9. losing our good jobs, so many of them. When *you look at*
10. what's happening in Mexico, a ***friend*** of mine who *builds*
11. *plants said it's the eighth wonder of the world.* *They're*
12. *building some of the biggest plants anywhere in the world.*
13. *some of the most sophisticated, some of the best plants.*
14. *With the United States, as he said, not so much.* So Ford is
15. leaving. You see that their small car division leaving.
16. Thousands of jobs leaving Michigan, leaving Ohio. They're
17. all leaving. And *we can't allow it to happen anymore.*

18. (...)
 19. But we have to stop *our jobs from being **stolen** from us*. We
 20. have to stop our companies from leaving the United States
 21. and, with it, firing all of their people. All you have to do is
 22. take a **look at** Carrier air conditioning in Indianapolis.
 23. They left -- fired 1,400 people. They're going to Mexico. So
 24. many hundreds and hundreds of companies are doing this.
 25. We cannot let it happen. Under my plan, I'll be reducing
 26. taxes tremendously, from 35 percent to 15 percent for
 27. companies, small and big businesses. That's going to be a
 28. job creator like we haven't seen since Ronald Reagan. It's
 29. going to be **a beautiful thing to watch**. Companies will
 30. come. They will build. They will expand. New companies
 31. will start. And I **look very, very much forward** to doing it.
 32. We have to renegotiate our trade deals, and we have to
 33. stop these countries from **stealing** our companies and our
 34. jobs.

As Trump responds to the same question, his standpoint is the same as well. In his turn (see excerpt 2), Trump first analyzes the basic problem: "our jobs are fleeing the country" (2:1). He justifies this with examples, signified by "you look at" (2:2; 2:9): China is "devaluing their currency" (2:4); in Mexico, businessmen can build "sophisticated plants" (2:8), inconceivable in the U.S. (2:12). Next, he starts analyzing the U.S.: we do not "fight them" (2:5). He implies that as it is a "winning fight" (2:6), there is good reason to complain that the government is not fighting, especially as the U.S. is just used as a "piggy bank" (2:7). Lastly, Trump concludes that "we cannot allow it to happen anymore" (2:17), implying that it is possible to "stop companies from leaving" (2:20) and that he can do this by taking up this fight. Specifically, he proposes to "reduce taxes tremendously" to bring back companies (and jobs) (2:25-27), and to "renegotiate trade deals" (2:32). Reconstruction 2 shows the argumentative structure.

- (2) (I am the better candidate to create jobs to put money in the pockets of American workers)
 - (2).1a The U.S. loses its jobs to other countries
 - (2).1a.1 China is devaluing their currency
 - (2).1a.2a In Mexico, businessmen can build plants which are sophisticated
 - (2).1a.2b In the U.S., this is not possible
 - (2).1b Nobody in our government fights the other countries
 - (2).1c This is a winning fight
 - (2).1c.1 The U.S. is just used as a piggy bank by other countries
 - ((2).1a-c) (Trump will fight those other countries)
 - ((2).1a-c).1a Trump will reduce taxes tremendously

- ((2).1a-c).1b Reducing taxes will bring companies to the U.S.
- ((2).1a-c).2 Trump will renegotiate trade deals.

Reconstruction 2 – Argumentative reconstruction of Trump’s opening statement (excerpt 2).

The first premise that jobs are lost to other countries ((2).1a) has a focus on the U.S. as a community, which is losing wealth to others. The second premise ((2).1b) implies this as well: the politicians of our community have to “fight them” but are accused that they do not. Key is that these politicians are not enacting precedence and will not be able to be magnanimous. They do not take on their responsibilities as leaders of the community: in the code of honor, they should try to maximize power and wealth for the community. This invocation of the code of honor is strengthened by the subsequent defense: the fight is a “winning fight” ((2).1c). Trump also claims that the U.S. is being used by others ((2).1c.1). Given that the U.S. is portrayed as passive, actually fighting back will make a difference according to the beliefs in the code of honor. Politicians should not refuse to participate in such a fight as it is valued to make visible one’s power. It is about setting a reputation, showing courage and achieving excellence. Trump is shaming the current political elite by not taking up the fight. This argumentation, critical of U.S. politicians, implies a bridging premise (((2).1a-c)). Trump implies that he believes the U.S. should be first and that he will do this. He shows that he respects his community and will act upon this through mentioning his proposed policies.

Thus, to connect his policies to the standpoint that he is the better candidate, Trump advances premises through the code of honor. To make his case, he implies that he will pursue the primacy of the community. Only through the code of honor, the premises appear as a coherent argument together. Instrumental values prevail, with expressive values being implied.

In sum, speech codes provide protagonists with topical potential. To defend their position, the disagreement space can be defined by speech codes. First, one should select one from many available speech codes (e.g. code of honor versus of dignity). Second, within the chosen speech code, multiple propositions are available to be used as premise (e.g. within the code of honor, a standpoint can be defended through the value of glory or of power). Thus, the topical potential seen from the perspective of speech codes can be specified on two levels.

4. SPEECH CODES AND AUDIENCE DEMANDS

Speech codes also play a central role in responding to audience demands. As speech codes are used by a community of speakers (Philipsen, Coutu & Covarrubias, 2005), when using a speech code, one appeals to certain social values regarding communication of that community. Choosing the right speech code is a way to incorporate the rhetorical demands of one's audience. These demands first guide the selection from the topical potential (i.e. one's audience leads to the speech code which is most effective). Additionally, they affect the larger *framing* of the argumentation through the depiction and representation of the world. Namely, as a speech code is grounded in beliefs, assumptions and values about the world (Philipsen, 1997; Philipsen, Coutu & Covarrubias, 2005), it is deeply connected to a particular worldview. Thus, in these two ways – selecting from the topical potential and framing the larger argumentative discourse – the protagonist can address the expectations and preferences of the audience through exploiting speech codes. I use the two excerpts introduced above to study how Clinton and Trump discursively portray the world in their argumentative discourse. Instead of looking at the premises, we look at what is presumed about the world in the discourse as a whole.

The framing of Clinton's turn is aligned with the selected topical potential through using the code of dignity. Clinton (excerpt 1) claims that "this election" is about finding out what "kind of country" "we want" (1:1-2) and subsequently "building" this desired country "together" (1:2-3). Society is sketched as constituted of equal individuals, each counting as much as anyone else in the decision-making process. Clinton avoids implying a hierarchical organization. Through using "want" (1:2) and "build together" (1:2-3) in conjunction with "we", there is no distinction between leaders and their suppliants. People have a choice and voice themselves.

Yet, the code of dignity is not fully realized. By observing the economy should work for "not just those at the top" but for "everyone" (1:5), Clinton suggests that currently in the U.S., not individuals' skills are valued, but some other (inegalitarian) quality (which, she implies, is undesirable) – which is problematic. Similarly, as she "wants" the wealthy to do "profit-sharing", Clinton suggests that she wants to avoid reliance on magnanimity and generosity. Currently, the wealthy do not "pay their fair share" by using "corporate loopholes" (1:24), undermining fundamental equality of individuals. Thus, Clinton is criticizing various ways of social organization which are currently undermining the foregrounding of the individual. She presumes as

common-sense that the economy should be fair to give everyone equal opportunities.

The ideal of cherishing the individual is key when presenting her policies. When talking about needing “new jobs, good jobs, with rising incomes” (1:6), she presumes that the “economy” is centered around “jobs”. Specifically, people deserve “good jobs” and deserve “rising incomes” through working their “good jobs”. Thus, as “jobs” are held by individuals, she is presuming that the economy should be a place where the individual can thrive in order to have equal access to material well-being. Similarly, that she “wants us to invest in you” and “your future” (1:7-8) implies the U.S. government should help everyone equally by focusing on their future and make them better at what they want to do. There is no suggestion that this “investing” is done because of magnanimity, loyalty or precedence – the investment has nothing to do with communal ideals. Additionally, the observation of “balancing family and work” (1:18) only makes sense within the code of dignity, as it implies some freedom instead of duty.

Clinton describes a world where the individual is central. Everyone shares in decision-making and should have equal opportunities. Specifically, one ought to combat the unfair wealth accumulation of those at the top. Individuals should be helped to get the most out of themselves. By invoking the worldview of the code of dignity, implicitly, Clinton posits herself as someone who cares about power-sharing and considering everyone’s needs and interests.

Trump (excerpt 2) frames the world differently: the world is filled with hostile others, who are against the U.S. Courage, shame and glory are central moral themes; precedence, loyalty and power are central political symbols which pervade his discourse.

Trump starts with noticing that “our jobs are fleeing the country” (2:1) to other countries who are actively working against the U.S. (2:1-2). China is “devaluing their currency” (2:4) and is “using our country as a piggy bank” (2:7), like “many other countries” (2:8). Hence, Trump concludes, “our jobs are stolen from us” (2:19). Thus, the world is engaged in a hostile zero-sum game over jobs, wealth and power. Moreover, as China and Mexico are pursuing policies which take these jobs away, an out-group is attacking the in-group. Therefore, we should “fight them” (2:5) – be courageous.

This is framed through the code of honor. First, it is a bad thing that other countries are better off. Trump cares about the group’s comparative stance. Second, in this “winning fight” (2:6), the government should visibly gain wealth and power for its community. As this winning fight should be fought by people’s representatives, and not by the people themselves, hierarchical relations within the U.S. are implied. In this frame, the fact that the U.S. is not doing as well as other

countries can be blamed on to the elite, as Trump notes that “we can’t allow it to happen anymore” (2:17). The ties among people are neglected.

Trump continues talking about his “friend” building “some of the most sophisticated plants” in “Mexico” (2:10-14). This reinforces a frame of needing to gain grandeur and glory. In Mexico, currently, someone, his friend, is building a plant which will be “the eighth wonder of the world” (2:11). At this point, achieving this excellence in the U.S. is virtually impossible (2:14). Trump wants to be associated with people portraying this value, and thus introduces “his friend”.

Thus, Trump sketches a world with hostile outsiders trying to harm the group. The commonsensical norms are loyalty as well as precedence of the group. The community as a whole should thrive. Implicitly, Trump presents himself as a strong and courageous leader with the skill to take on the challenge of hostile outsiders in order to fulfill his duty to his community to get the jobs back the people deserve. He is ready to act upon the requirements of the social hierarchy and pursue magnanimity.

To conclude, as each speech code is not just a set of propositions, but an encoded set of beliefs and norms about the world, this ideology can be used to frame the argumentative turn at talk. Clinton framed reality in her turn through the code of dignity, sketching a world which consists of equals who make up their own mind and pursue their own wealth. In contrast, Trump framed his turn through the code of honor, sketching a world based on precedence of one’s own community. In this world, one has to fight for their place. For an audience, if the frame of what the world is like resonates with them, this will enhance the understanding and convincingness of the argumentation.

5. SPEECH CODES AND PRESENTATIONAL DEVICES

Next to offering potential moves and frames for the argumentation, speech codes can also affect strategic maneuvering by informing which presentational devices to use. Such devices do not alter the content or the frame, but only concern the specific presentation of the discourse. This can be done through using voice and bodily movements on stage but also through verbal devices as diverse as metaphors, synonyms and alliterations. In this project, I only consider verbal devices. Through these devices, candidates can highlight certain elements relative to others. Speech codes provide words with positive (or negative) associations, but also suggest which words should receive favorable predication. Trump uses various stylistic devices to reinforce the code

of honor, while Clinton does the same with regards to the code of dignity.

Using verbal presentational devices, Clinton is able to foreground the premises and frames of the code of dignity (excerpt 1). Central, as noted above, is the discussion of “what kind of country we want to be” (1:1) and “what kind of future we’ll build together” (1:2-3). This invocation of the code of dignity is highlighted by Clinton by referring to it “really” being “the central question in this election” (1:1) as well as claiming that “today is my granddaughter’s second birthday, so I think about [these questions] a lot” (1:3-4). Thus, this emphasizes that it entices her to think about changing the future, rather than fitting her granddaughter into the community’s traditions. Thus, through these verbal moves, the central values of the code of dignity stand out even more in her first few lines.

Also noted above, Clinton marks the current state of affairs as undesirable. Arguing for an “economy that works for everyone” (1:5), Clinton contrasts this with “not *just* those at the top” (1:5). This use of “just” emphasizes the negative stance towards the status quo, which should be changed into one more aligned with the code of dignity. This is reinforced by referring to “loopholes” (1:24), a term carrying negative connotations. This denouncing of the top foregrounds the code of dignity. More of such small words which do this highlighting of the speech code appear throughout. Later, when talking about “making the economy fairer” (1:11-12), Clinton expresses that it “starts with” (1:12) her proposed policies, which “we have to” (1:11) “finally” (1:13) realize. Each of these terms expresses some urgency in changing the current world. Additionally, Clinton formulates a moral imperative (“should”, 1:15) to emphasize her stance.

Her use of “invest” (1:7) shows a second way to utilize presentational devices. This term is a concept central to the code of dignity by focusing on improvement and individual needs. Instead, and still advancing the same proposition and frame, Clinton could have talked about “enabling” people. Yet, the word “invest” has symbolic meaning within the code of dignity and its use helps to foreground this code. Earlier, we discussed the significance of using “want” (1:2), with its connotation to choice. Other words with strong resonance within this code are “guarantee” (1:13) and “balance” (1:18) as they implicate individual concerns; “difficult choices” (1:19) and “stresses” (1:20) are private experiences, not public. Notice, in addition, how Clinton claims that people “help create” (1:15) profits (and thus sketches people as an equal).

Through these verbal devices, Clinton posits herself as focusing on equality and collective-decision-making. Her frequent use of “we” helps doing this work; she also introduces some policies through the

inclusive “let’s” (1:20-21). Lastly, as she “has heard from so many of you” (1:18-19) about the hurdles they face in life, she positions herself as believing the electorate gives valuable input.

In contrast, Trump’s turn is filled with strategic word choices that reinforce the code of honor. He uses “fleeing” metaphorically to talk about jobs leaving the US (2:1), which has a negative connotation. It supports the code of honor by implying that something in the U.S. itself is done which causes those jobs to leave (i.e. politicians are not doing their job). Namely, fleeing implies that they are being pushed away, instead of pulled towards something. Yet, later on, Trump uses “stealing” (2:19; 2:33) instead, which implies that other countries are doing something to take something away stuff that belongs to the U.S. The loss of jobs to other countries is thereby characterized as illegitimate. It suggests that the U.S. did not do anything to prevent this theft; it also implies hostility by the other countries, reinforcing an us-them relationship. The use of the metaphor “piggy bank” (2:7) also suggests that the U.S. is passive and under control of other communities. The use of these words support his code of honor-based critique of U.S. politics: the country is unnecessarily weak.

The code of honor is reiterated using various key terms. China is “doing” (2:3) things which should be “fought” (2:5-6). “Fighting” has strong resonance within the code of honor as it is public display of strength, courage and, if won, excellence. Thus, predicating “winning” (2:6) of the fight is significant. Another key term used to reinforce the code are “friend” (i.e. someone socially close, 2:10).

To show the state of the U.S. is bad, Trump compares it to Mexico. Specifically, he references observable reputation: “the eighth wonder in the world” (2:11) and the use of superlatives (2:12-13). He uses this criterion of observable reputation and excellence also when he introduces his proposed policy: “it’s going to be a beautiful thing to watch” (2:29). In a similar vein, Trump, generally, seems to emphasize observable evidence. When he considers the “stealing” by other countries, he asks the audience to “look” (2:2; 2:9; 2:22). He also “looks forward” to see the effects of his own proposed policies (2:31): it will be “a beautiful thing to watch” (2:29).

Thus, using metaphors and key terms from the code of honor, this code is reinforced. Trump qualifies other countries as hostile and U.S. politicians as lacking moral virtues. He also suggests that his policies will be “a job creator” (2:28) – something observable to the public and thus a future public portrayal of excellence.

In sum, this section has shown that regarding presentational devices, speech codes can fulfill two roles. One, language use should highlight central elements of a speech code. Second, single words, like

metaphors and key words from a speech code, can foreground the code by themselves.

6. CONCLUSION

In this paper, I outlined how speech codes can be studied as a source for strategic maneuvering within the pragma-dialectical framework. It is one among the many features of human communication protagonists could exploit to make their argumentation more effective at realizing their social goals. Besides enhancing the intelligibility of a message, as speech codes are also regarded as commonsensical, they could be readily accepted. Thus, using speech codes for strategic maneuvering can be fully legitimate by just improving intelligibility, but can also result in derailing the strategic maneuvering if undermining the dialectical standard of reasonableness central to the pragma-dialectical theory.

For each of the three aspects of strategic maneuvering, speech codes can function as a resource. First, regarding topical potential, not only provides each existing speech code a unique source for the topics of argumentation, as each speech code is a cluster of belief, assumptions and values, a speech code also signifies different possible defenses on its own. Second, concerning audience demands, considering one's audience can not only help the protagonist select from topical potential, but also determine the framing of the turn at talk. Third, as to presentational devices, a speech code provides key terms and metaphors, but also signifies which elements deserve extra emphasis. This has shown that both Trump and Clinton have coordinated argumentative strategies: both within and among moves they exploit the same speech code.

As I decided to select two codes to understand the differences between the argumentative contributions of Trump and Clinton, instead of discovering them ethnographically, this study has limitations. First, I cannot claim anything about the deliberate use of these codes to achieve effective reasoning, or that the codes used to analyze the discourse are the primary speech code used by the protagonist. Second, I cannot claim anything about the ultimate effectiveness of the use of a particular code in convincing the audience. However, these limitations do not prevent to achieve the aim of this paper: to study speech codes as a resource for strategic maneuvering. These two codes enabled to account for strategic variability in argumentative discourse.

This study contributes to the integration of knowledge on cultural communication and persuasive speech. The integration of cultural communication and pragma-dialectics enables to make better sense of argumentative discourses where different speech communities have to interact, like politics. Including insights from cultural

communication may be essential to the study of fallacious reasoning and deception in democratic discourses. Specifically, future studies should investigate in detail all semantic dimensions which contrast Trump and Clinton's speech. When this research is extended to other political discourses, these dimensions can be related to political ideologies. Then, broadcast organizations should be investigated as well, as Fox News, CNN and MSNBC can be expected to employ different speech codes due to being linked to different ideologies.

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REFERENCES

- Carbaugh, D. (1988). *Talking American: Cultural discourses on Donahue*. Ablex.
- Carbaugh, D. (1993). Cultural pragmatics and intercultural competence. *The Competent Intercultural Communicator Yearbook*, 51, 117-129.
- Carbaugh, D. (1994). Personhood, positioning, and cultural pragmatics: American dignity in cross-cultural perspective. *Annals of the International Communication Association*, 17(1), 159-186.
- Eemeren, F. H. van (2010). *Strategic maneuvering in argumentative discourse: Extending the pragma-dialectical theory of argumentation*. Amsterdam: John Benjamins.
- Eemeren, F. H. van, Garssen, B. & Meuffels, B. (2012). The disguised abusive ad hominem empirically investigated: Strategic manoeuvring with direct personal attacks. *Thinking & Reasoning*, 18(3), 344-364.
- Eemeren, F. H. van & Grootendorst, R. (2004). *A systematic theory of argumentation. The pragma-dialectical approach*. Cambridge, UK: Cambridge University Press.
- Fitch, K. L. (2003). Cultural persuadables. *Communication Theory*, 13(1), 100-123.
- Hymes, D. (1974). *Foundations in sociolinguistics. An ethnographic approach*. Philadelphia: University of Pennsylvania Press.
- Katriel, T., & Philipsen, G. (1981). "What we need is communication": "Communication" as a cultural category in some American speech. *Communication Monographs*, 48(4), 301-317.
- Leung, A. K.-Y. & Cohen, D. (2012). Within- and between-culture variation: Individual differences and the cultural logics of honor, face, and dignity cultures. *Journal of Personality and Social Psychology*, 100(3), 507-526.
- Philipsen, G. (1986). Mayor Daley's council speech: A cultural analysis. *Quarterly Journal of Speech*, 72(3), 247-260.
- Philipsen, G. (1997). A theory of speech codes. In: G. Philipsen & T. Albrecht (Eds.), *Developing theories in communication* (pp.119-156). Albany, NY: State University of New York Press.
- Philipsen, G., Coutu, L. M. & Covarrubias, P. (2005). Speech codes theory. Restatement, revisions, and response to criticisms. In: W. B. Gudykunst

(Ed.), *Theorizing about intercultural communication* (pp.55-68).
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Commentary on Reijven's Strategic Maneuvering with Speech Codes: The Rhetorical Use of Cultural Presumptions in Constructing Argumentative Discourse

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1. INTRODUCTION

In "Strategic Maneuvering with Speech Codes," Menno Reijven intends to illustrate that speech codes can "be a source for strategic maneuvering" (p. 1). To do so, he analyzes 2016 United States presidential candidates' responses to a question posed to them at one of the presidential debates. Reijven selects "two already investigated speech codes (of honor and of dignity)" and argues "that these codes can effectively make sense of different choices made by [then-candidates] Clinton and Trump with regards to the three aspects of strategic maneuvering" (p. 3).

I think Reijven's work makes two sorts of analytical contributions to pragma-dialectics. First, he succeeds in showing that speech codes can be a source for strategic maneuvering—that from a speech code social actors can select resources such as topics and presentational devices appropriate for an audience. Second, he succeeds in showing that speech codes can explain why social actors strategically maneuver as they do—that a speech code can explain why a social actor chooses a particular topic, for example.

Both contributions illustrate tenets of speech code theory. One speech code theory proposition is that speech codes can be used strategically. As Philipsen and colleagues have noted based on empirical studies, speech codes are "resources that social actors deploy strategically and artfully in the conduct of communication" (Philipsen, Coutu, & Covarrubias, 2005, p. 64). They further note that one of the defining characteristics of speech code theory is that it "posits a way to interpret or explain observed communicative conduct by reference to situated codes of meaning and value" (Philipsen, Coutu, & Covarrubias, 2005, p. 56).

In this commentary my goal is to note some of Reijven's additional observations and suggest that they could be excellent starting points for advancing argumentation theory by using speech code theory

and methods. Specifically, I note Reijven's observations about what speech code theory is, its typical objects of study, and its relationship to pragma-dialectics. I explain how these observations point toward developing a research program that investigates the codes of communicative conduct social actors use to regulate their interactions.

2. SPEECH CODE THEORY CAN ADVANCE ARGUMENTATION THEORY

First, Reijven observes that speech code theory includes "code" in the sense of a law code or code of conduct (p. 1). Indeed, Philipsen, Coutu, and Covarrubias (2005) define speech codes as including "rules pertaining to communicative conduct" that participants use to "judge communicative conduct" (p. 57). Consequently, speech code theory and concomitant methods equip researchers to investigate and discover local rules or norms of argumentation. It would be worthwhile to investigate the U.S. presidential debates in order to describe rules of communicative conduct that explain the candidates' communicative conduct.

This leads to Reijven's observation about the typical objects of study for speech code theories: speech code theories are typically formulated by "discovering them ethnographically" (p. 16). Philipsen (1997) has noted that his research on communicative conduct in a Chicago neighborhood yielded "a rich corpus of metacommunicative commentary—a corpus of, to put it simply, talk about talk" (p. 130). Reijven's research shows that it is possible and desirable to analyze public communication by political elites in terms of speech code theory. As everyday talk by social actors and their talk about talk with ethnographic researchers can provide insight into norms and rules of communicative conduct, so too can scripted public, political talk. Because the stakes of a presidential election are high, presumably participants have considered what sorts of communicative conduct are in and out of bounds. The presidential debates are an excellent data set for beginning to describe rules of communicative conduct that explain the candidates' communicative conduct.

A third observation by Reijven is that the analytical tools for rhetorical analysis stipulated by pragma-dialectics—topic potential, audience demand, presentational devices—are designed to describe what social actors do to achieve "effectiveness" as distinct from what they do to achieve "reasonableness" (p. 2). Reijven's project covers the analytical side—how meanings are "coded" in language—but does not cover the evaluative side—codes of communicative conduct. As I have suggested, Reijven's research has potential to advance argumentation theory by investigating public talk by political elites in order to formulate a speech code, including rules and norms for communicative

conduct that explain communicative conduct. For argumentation theory, a research question could be: What rules for communication conduct comprise in part some speech code? After all, as communication theories are also communication practices (Craig, 1996), so pragma-dialectics itself is a speech code and, as Reijven (p. 2) notes, an ideal model. It is possible to analyze the communication activities of actual social actors to describe and explain their local theories of argumentation. Doing so enables researchers to see how ordinary social actors address communication problems and to describe the local speech codes they bring to bear in interactions. The presidential debates could illustrate clash between how candidates deploy norms such as deferring to people with experience and expertise in politics versus trusting people who are political outsiders.

3. CONCLUSION

In short, Reijven's research indicates the high potential for advancing argumentation theory by bringing to bear assumptions and methods of speech code theory in the analysis and evaluation of argumentation. His current project confirms that speech codes are both communicative resources and explanations for communicative conduct. That project points toward the sorts of new knowledge about argumentation that speech code theory could generate. First, the research program could advance a way of bridging of the normative-descriptive divide. Pragma-dialectics accomplishes this by analyzing communicative interaction in terms of an ideal model. Speech code theory shows how researchers could bridge that divide by attending to the full range of strategies social actors deploy in arguing and explaining in terms used by social actors themselves—i.e., speech codes—why the strategies could reasonably be expected to work. Second, because it is empirically-based, the research program could advance understanding of how social actors use arguments to accomplish any number of things besides resolving a difference of opinion. Third, the research program could advance our understanding of a range of normative resources that social actors may bring to bear in their interactions, including rules, norms, responsibilities, obligations, and more.

REFERENCES

- Craig, R. T. (1996). Practical-theoretical argumentation. *Argumentation*, 10(4), 461-474.
- Philipsen, G. (1997). A theory of speech codes. In G. Philipsen & T. L. Albrecht (Eds.), *Developing communication theories* (pp. 119-156). Albany: State University of New York Press.

Philipsen, G., Coutu, L. M., & Covarrubias, P. (2005). Speech codes theory: Restatement, revisions, and response to criticisms. In W. Gudykunst (Ed.), *Theorizing about intercultural communication* (pp. 55-68). Thousand Oaks: Sage.

Disagreement, public reasoning, and (non-)authoritarian argumentation

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Which kind of disagreement should we promote? I tackle this question via a reflection on the standard for determining which arguments and reasons are allowed into public debates. Drawing on the works of Maeve Cooke and Michael Gilbert I propose non-authoritarian argumentation as a model for the analysis and evaluation of public argumentation in democracies. I argue for, and explicate, the promotion of disagreement that square a dual-commitment to pluralism and solidarity.

KEYWORDS: disagreement, Maeve Cooke, Michael Gilbert, (non-)authoritarian argumentation, (non-)authoritarian reasoning, pluralism, public reasoning, solidarity.

1. INTRODUCTION

Which kind of disagreement should we promote or discourage? And how to deal with disagreement virtuously? Motivated by a concern for democracy's response to pluralism, I tackle these questions via a reflection on the requirements for public reasoning – the normative standards for determining which contributions are allowed into public debates.

Dissatisfied with democratic theories that focus on elections and the protection of individual rights, I align myself with radical democratic theories, broadly construed, that seek to extend, through public reasoning, citizen participation to multiple spheres of social and political life. These comprise deliberative as well as agonistic theories (e.g. Rawls, 2005; Habermas, 1996; Mouffe, 2000 and 2005), and treat a wide range of processes (deliberation, persuasion, and contestation) as processes of public reasoning conducive for democratic will-formation and grounding democratic legitimacy.

In order not reduce the rule of the people to the rule of the majority, democratic citizens who hold different and conflicting conceptions of truth, the good, etc., must be capable of relating to and engaging with one another as free and equal political actors. The practice of democratic citizenship, however, depends on citizens sharing a sense of belonging that induces them to reason together and form their collective will. Now, social and political disagreement is pluralism's inevitable companion. Disagreement, however, can undercut the bonds required for public reasoning. The requirements for public reasoning are pivotal in the response to pluralism. Normative regulation of public debate manages the conditions under which citizens are expected to work out their disagreements. When citizens get unjustly excluded and feel ignored or disregarded, their disagreement can turn divisive and undermine their sense of integration. The aim is to promote and sustain a robustly pluralist citizenry capable of disagreeing without undercutting the solidarity democracy requires.

My argument in this paper unfolds in four steps and suggests a way of integrating normative political theory with argumentation theory. The first step (sections 2-4) defends the requirement of non-authoritarian reasoning. Here I also argue that the theoretical articulation of this requirement contains an ineliminable practical moment, which calls for a practical understanding of non-authoritarian reasoning that I construe in terms of "ways of arguing". The second step (sections 5-7) explicates the context, domain of operation, and conditions for non-authoritarian ways of arguing. The third step (sections 8-10) unpacks and sheds light on the representational forms that authoritarian ways of arguing could have in actual social and political controversies. The last step (section 11) combines the theoretical and practical understanding to put forward a model of non-authoritarian argumentation for the analysis and evaluation of public reasoning. Section 12 concludes.

2. TARGETTING REASONS

Positions on the normative regulation of public reasoning have recently been shaped by discussions about the place of religion in the public realm. In these debates, exclusivists (Rawls, 1997 and 2005; Habermas, 2006; Audi, 2011; Quong, 2011), especially Rawlsians, hold that the addressees of public justification are respected as free and equals when reasons that hypothetical free and equal persons would assent to are accounted for. Consequently, citizens are required to restrain their reasons-giving in specific ways, say, by only trading intelligible, accessible, or sharable reasons (Macedo, 2000; Laden, 2001; Freeman, 2007; Cooke, 2017 for a critique). Accordingly, for instance, religious

reasons will get excluded from public debates. Inclusivists (Weithman, 2001; Wolterstorff, 2012, Vallier, 2014) respond by arguing against such exclusions (March & Steinmetz, 2018 for a summary).

What interests me in these debates is that both sides presuppose a requirement for public reasoning that targets reasons. It is the content of reasons that determines their type (e.g. religious), and certain types (e.g. non-sharable) get excluded. This necessarily distinguishes between included and excluded reasons and, hence, places emphasis on the substantive content reasons. However, by setting the rules of the debate such that, say, religious reasons are considered non-public, we exclude right from the get go the reasons that speak most to religious persons as embodied and socio-culturally situated selves.

While the religious person would be included as a free and equal bearer of rights, she gets structurally-excluded as a free and equal political actor with her own mode of being-political. Her participation in public reasoning requires that she translates, filters out, or distances herself from the resources, experiences, socio-cultural situatedness that constitute and shape her life as a particular member of society.

Concerned about the marginalized in society, post-colonial liberals (Ivison, 2002; Tully, 1995; Thaler, 2009) provide a construal of public reasoning that can remedy structural-exclusion. In reference to Tully (1995, p. 147) and Ivison (2002, p. 111), Chambers writes:

Because discourses are riddled with power, outcomes never have strong claims to legitimacy and the concept of justification itself (e.g. what is to be considered intelligible) is also up for debate. What emerges then is an open-ended process of public accountability punctuated by temporary *modus vivendi* solutions to disagreements (Chambers, 2010, p. 897)

Post-colonial liberals' construal of public reasoning emphasises its role in creating and maintaining democratic citizenship (rather than generating legitimate political authority) and calls for process-based (rather than outcome-based) requirements. They, thus, impose minimal restraints on what counts as public reasons. While they wouldn't maintain that any reason or argument whatsoever is accepted as part of public justification, they "resist defining in advance what that [justification] might mean – leaving it open to participants to struggle with that question" (Chambers, 2010, ft. 15).

The remedy for structural-exclusion lies in (i) not fixing substantive restraints, (ii) committing to open-ended processes, and (iii) entrusting actual (not hypothetical) participants in collectively determining for themselves what temporarily is or is not intelligible, reciprocal, justifiable, etc. To be able to hear oppressed and

marginalized voices is a commendable achievement. The worry now, however, is that we risk an un-checkable majority rule. How to preserve this achievement without being normatively lax? The challenge here is to detect distortions of public reasoning and to check on oppressive majority without defining in advance normative standards and fixing restrictions on what count as reasonable, acceptable, etc.

3. TARGETTING WAYS OF REASONING

The answer lies, I want to suggest, in realizing that citizens' public interactions can be oppressive, dominating, or exclusionary not only due to the sort of standards they intend to instantiate, but also due to "the way in which" these interactions are carried out. This calls for a shift of emphasis from the content to the process of interaction, and hence, to construe public reasoning not as reflecting an already defined understanding of democratic norms, but as a collective process of coming to grips with democratic norms.

Maeve Cooke's "requirement of non-authoritarian reasoning (and acting)" (Cooke, 2007, p. 234) provides what we are looking for. Cooke's requirement springs from the notion of situated rationality as embodying the idea of ethical autonomy, which "rests on the intuition that the freedom of human beings consists in important measure in the freedom to form and pursue their conceptions of the good on the basis of reasons that they are able to call their own" (Cooke, 2007, p. 235).

The point of the requirement is to exclude authoritarian reasoning, formally defined as reasoning that undermines ethical autonomy by violating situated rationality. Given that situated rationality has an epistemological and an ethical dimension, we get the following formulations: a citizen's reasoning is authoritarian when her conception of knowledge, "restrict[s] access to knowledge to a privileged group of people and tend[s] to assert the availability of a standpoint removed from the influences of history and context that could guarantee the unconditional validity of claims to truth and rightness" (Cooke, 2007, pp. 234-235), and/or when her conception of justification "split[s] off the validity of propositions and norms from the reasoning of the human subjects for whom they are proclaimed to be valid" (Cooke, 2007, p. 235).

Recalling the religious person from above, Cooke maintains that "[t]here is no conflict in principle between non-authoritarian reasoning and an orientation towards some 'otherworldly,' transcendent source of validity (for example, God or the good)" (Cooke, 2007, p. 235). In fact, Cooke calls for "open-ended public processes of contestation in which individuals and groups seek to convince others of the value of particular substantive ethical conceptions, cultural traditions and religious beliefs

and practices” (Cooke, 2009, p. 91). While citizens can offer contributions based on their deeply held convictions and identities, they are required to do so in non-authoritarian ways. It is authoritarian reasoning that gets excluded, be it religious, secular, or whatever. The requirement of non-authoritarian reasoning excludes ways of reasoning as opposed to contents of reasoning – it targets the way in which reasons are traded instead of the reasons themselves – and, thus, transcends the debate between exclusivists and inclusivists, for it is inclusive about content of arguments and exclusive about ways of arguing.

4. THEORETICAL OPENNESS AND (TEMPORARY) PRACTICAL CLOSURE

However, formulating ways of reasoning in terms of ways of arguing runs the risk of conflating the theoretical with the practical understanding of the requirement. In this section I make explicit the inevitable practical moment in the theoretical understanding of non-authoritarian reasoning.

Authoritarian reasoning undermines ethical autonomy, and my concern here will be with instances when a reasoner’s employment of authoritarian reasoning undermines the ethical autonomy of those with whom she is interacting; that is, authoritarian reasoning that leads to authoritarian behaviour, to acting in an authoritarian way. This is the domain of being-authoritarian. While states and institutions could be considered reasoning entities, I focus on being-authoritarian in the case of citizens.

The requirement thus applies to citizens’ behaviour as they deliberate, persuade, confront, mobilize, contest, justify, etc. The point is to exclude authoritarian behaviour and attitudes by citizens from public debates, say: conversing and acting with others on the basis of a logic-of-force such as imposing one’s ideas and views on others, not respecting the will of others, treating them as inferior, treating them as mere followers, treating them as incapable of reasoning, etc. The object of analysis here is authoritarian ways of arguing, which does not necessarily track authoritarian ways of reasoning. While these are connected and can feed on, and reinforce, each other, they do not entail one another. Not only is the road from reasoning to acting typically messy, complicated, opaque and ambiguous; in addition, people can argue in authoritarian ways for all kinds of reasons: due to ignorance or insecurity or simply wanting to dominate or be cruel.

Keeping that in mind, authoritarian reasoning presupposes a concern for ethical autonomy and situated rationality. Formally construed, however, it leaves open what the specific contents of ethical autonomy and situated rationality are. That is, what they mean is not

settled abstractly or fixed in advance and for good; we can always contest particular notions of ethical autonomy and situated rationality and what counts as their violation. As with the post-colonial construal of public reasoning, ethical autonomy and situated rationality are up for debate in “an open-ended process of public accountability punctuated by temporary *modus vivendi* solutions to disagreements” (Chambers, 2010, p. 897, my emphasis).

The challenge of how to stipulate certain norms while being inclusive now reappears but this time in a different configuration. Previously, the target was content-laden reasons. Now, the target is content-free “ways in which” reasons are traded. In the new configuration the challenge arises within a two-pronged structure for the normative regulation of public reasoning. The first prong concerns the content of reasoning: no perspective on the world is considered an ineligible ground, or source of content, for reasons, arguments, and positions. The second prong concerns ways of reasoning: the ways in which participants communicate, deliver, and present their reasons, arguments, and positions is constrained. How is this reconfiguring of the challenge helpful?

At any one point in time when the requirement of non-authoritarian reasoning is being applied, it will express a more or less substantive interpretation of ethical autonomy and situated rationality. On any interpretation, certain ways of giving and receiving reasons will count as authoritarian but no reason will *per se* be deemed ineligible for trading in public reasoning. Now, any operative interpretation could itself be contested. The breadth/narrowness and intensity/weakness of such contestation will indicate the sort of normative crisis that the society in question faces. In any case, the application of the requirement is destabilized as actual participants struggle to settle on a re-interpretation of ethical autonomy and situated rationality.

Substantive interpretations implicit in the application of non-authoritarian ways of reasoning as a restraint on public reasoning are one step removed from what is being restrained. By contrast, in the previous instance, the expressed content of the criteria (what counts as accessible, justified, etc.) is on the same level of, and tightly connected to, the content of what is being restrained. Being so removed implies that when participants contest the operative interpretation, they are in effect shifting the discussion by raising a different question. They shift from debating policies, laws, etc., to debating how to construe the norm (non-authoritarian reasoning) that is supposed to govern their debating policies, laws, etc. When requirements for public reasoning target reasons, on the other hand, these steps are interwoven, and such a shift is not readily available. The two-pronged structure in the normative regulation of public reasoning creates a space for greater movement in

responding to the dilemma of how to stipulate norms while being inclusive.

The requirement of non-authoritarian reasoning is formally indeterminate in the sense that it always has room for different specifications of the content of ethical autonomy and situated rationality. It is within actual social practices that the requirement becomes determinate. And, in the face of new social and political challenges, previously determined specifications get revised and, through actual contestation and struggles new interpretations emerge and different specifications congeal. We can thus talk of an ineliminable practical moment in the theoretical understanding of the requirement of non-authoritarian reasoning. This marks the end of the first step in our reflection.

5. SOCIO-CULTURAL EXCLUSION

On the level of political theory, adopting the requirement of non-authoritarian reasoning acknowledges the importance of religious tradition, values, and principles for the religious person by not disregarding religious contributions right from the get-go merely because they are religious. But, would including non-authoritarian religious contributions into public debate implies their inclusion on the socio-political level? Would they be really heard and genuinely considered?

The answer depends on the dominant thick construal of norms in that society. Think of “reasonableness”: thinly construed as a commitment to freedom, equality, and the “burdens of judgment” (Rawls, 2005). When instantiated in a particular social context, “reasonableness” takes on a thick substantive shape in terms of a commitment to freedom, equality, and the burdens of judgment. For example, responding to climate change by changing individual lifestyle may be considered unreasonable in one context, not doing so may be considered unreasonable in another context. In a context where religious contributions are considered unreasonable, authoritarian, etc., the structural-inclusion of non-authoritarian religious contributions will have little to no impact on their socio-cultural inclusion. Given a dominant group or majority position on a particular issue, non-dominant groups or minoritarian positions are unlikely to be heard, and may be ignored and disregarded. In effect, they are likely to be excluded from the exercise of public reasoning.

Socio-cultural exclusion may reflect social biases and prejudices, but it need not. Society, as a set of historically developed set of practices, is always committed to certain thick articulations of norms and ideals. Unlike structural-exclusion, socio-cultural exclusion is not the result of

how the requirement for public reasoning is theoretically understood. Instead, it is the result of how, on a particular controversial issue, the dominant social group instantiates its commitments. Without revealing the practical import of non-authoritarian reasoning, the requirement will be impotent in practically addressing socio-cultural exclusion.

6. DEMOCRATIC CIVILITY

Socio-cultural exclusion is a reflection of the civic incompetence of members of a dominant group or majority. It is due to these members' failure or unwillingness to listen to the arguments of others, and inability to reconsider their own positions in the face of such arguments, that the marginalized do not get heard. Fundamentally, what socio-cultural exclusion calls for is a certain way in which social members interact and relate to one another in the exercise of public reasoning. This is the domain of democratic civility, and that is where citizen-being-authoritarianism operates.

James Bohman and Henry Richardson offer an account of democratic civility that exemplifies the connection between non-authoritarian reasoning and democratic civility. They write: "In sum, civility for those making arguments requires forthright rather than distanced engagement, and for listeners, it requires open-mindedness in considering anyone's (civilly offered) arguments" (Bohman & Richardson, 2009, p. 272). Here is a summary rendition of their helpful illustrative example of a devoutly religious citizen conversing with an atheist (Bohman & Richardson, 2009, pp. 269-270).

If, when conversing with the religious citizen, the atheist presumptuously and arrogantly argues for a public policy by reference to God's will, the religious can rightly conclude that the atheist is not respectfully engaging with her given the common knowledge that God's will has no normative grip over the atheist. That is the first kind of failure of civility on the part of the atheist; they call it "ad hominem hypocrisy". If alternatively the atheist totally avoids addressing her contender's religious objections to the policy, she would fail to address the religious citizen's real concerns and in effect be treating her as a dogmatic person and pointless to reason with. That is the second kind of failure of civility on the part of the atheist; they call it "cognitive apartheid."

To each of these failures of civility on the side of those making arguments, there are corresponding failures on the side of those listening to arguments. For the first we get "the incivility of closing oneself off to the arguments offered by another", for example, if the religious person does not even consider engaging the arguments of the atheist. And for the second, we get the "incivility of being unwilling to

consider revising his or her position, which is effectively the same as refusing to continue to deliberate” (Bohman & Richardson 2009, p. 272), for example, if the religious is categorically not open to revising her position on a particular political issue.

Having internalized a conception of knowledge that is atemporal, objective, and impartial, an authoritarian reasoner will be closed to the arguments offered by those who reject, challenge, or attack her position; nor will she be willing to re-consider her position when listening to arguments not in line with her position. Further, this reasoner could comfortably deliver her arguments presumptuously and arrogantly while avoiding addressing the real concerns, needs, or interests of her contender since her conception of justification “split[s] off the validity of propositions and norms from the reasoning of the human subjects for whom they are proclaimed to be valid” (Cooke, 2007, p. 235). Non-authoritarian reasoners, on the other hand, accept and have internalized a conception of knowledge that is temporal, contextual, and partial as well as a conception of justification that respects the autonomous agency of those towards which it is offered. Those reasoners have the requisite conceptions of knowledge and justification to enable them not to close themselves off, and to be willing to reconsider their position, when listening to arguments and also to be forthright rather than distanced when giving arguments.

This, however, may not be enough. Reasoners with the requisite conceptions of knowledge and justification might still be authoritarian in behaviour and attitude in the exercise of public reasoning.

7. NON-FUNDAMENTALIST ATTITUDE

Taking socio-cultural exclusion as the political context for the study of authoritarian ways of arguing, and democratic civility as its domain of operation, I now want to make explicit an agential condition for actually succeeding in being democratically civil.

Individual identities are constructed in and are constituted by the given set of communal norms and practices, at least in significant measure. This means in many cases individual citizens will find a safe haven for their identities within these norms and practices. By not closing themselves to challenging arguments and being willing to reconsider their positions, they open the door for shaking up and disturbing this safe haven. In other words, how they relate to the contingent in maintaining and further developing their sense of self significantly influences their performances as public reasoners. Realizing that aspects of the communal norms and practices shaping their identities and informing their reasoning are contingent, historically situated and in need of revision and maybe revamping, is

neither comfortable nor reassuring and may even feel threatening. Disagreement with those who live according to alternative and conflicting instantiations of the ideals and principles to which they themselves are committed may challenge their identities in more or less profound ways. Thus, even non-authoritarian reasoners might opt for fixing rather than loosening their own particular substantive instantiations of ideals and principles. This is so not because they come to reject non-authoritarian reasoning, but because they more or less consciously are attached affectively to the security of what they know and how they do things.

Consider an American and a German committed to freedom of speech but disagreeing as to whether neo-Nazis are allowed to demonstrate publicly. If both are affectively attached to their respective society's particular way of instantiating freedom of speech, then each of their identities is likely to be similarly attached to the respective instantiations. It is the threat to their identities that makes this disagreement potentially divisive. My contention is that when it comes to social and political controversies, our awareness of, and attitude towards, our own convictions can make all the difference as to whether disagreement turns divisive or not. It hinges on the manner in which we live out in an embodied way the relational space between our commitments to abstract norms and principles and our particular substantiations of these norms and principles.

Consider the existential courage it takes to actually face our contingency, reconsider our position, and step towards what is alien and unknown to us in public contestations. By contrast, taking refuge in our convictions is an existentially easier way out of confrontations and disagreements and can be said to exhibit existential cowardice. The existential courage that non-authoritarian reasoners need in order not to opt for fixing rather than loosening their own particular substantive instantiations of ideals and principles, can be articulated in terms of an ability to inhabit a space between abstract and concrete commitments. Dwelling in this space allows reasoners to distance themselves from their own convictions, from what is particular in their own reasoning, and from their community's substantive instantiation of ideals and principles, without feeling insecure or experiencing a threat to their identity in such a way that makes taking refuge in their convictions appears as the only way out. Reacting to confrontations and disagreements by taking refuge in this way, fits a picture of societal norms as offering a safe haven for identity. Alternatively, the ability to inhabit the space between abstract and concrete commitments goes with a picture of societal norms as a field for discovering, sustaining, challenging, and transforming one's sense of self.

The distinction I am trying to get at concerns an agent's attitude towards her own sense of self. An agent exhibits a fundamentalist attitude when her affective attachment is directly and fixedly anchored onto the particular instantiations of norms. She might, for instance, relate to the particularities of her identity as unconditionally true or valid, or as the only possible way for her to exist. The fundamentalist attitude pinches and constricts, if not closes off, the existential space between abstract and concrete commitments since, adopting it implies that a moving away from the concrete commitment generates insecurity and get experienced as a threat to identity. In contrast, an agent exhibits a non-fundamentalist attitude when her affective attachment to the particular instantiations of norms is mindfully mediated by the abstract forms of norms. There is here a sense of awareness and of an existential appreciation of the place and role abstract norms could play in the process of her identity formation. Accordingly, she relates to the particularities of her sense of self as, simultaneously, the material which currently substantiate abstract norms and the material which she has to re-examine from the conceptual prism of abstract norms as she projects herself into the future. In this way, abstract norms are an enabling vehicle for the agent to parse the particularities in her sense of self, reflect on their historical contingencies as well as their current and future implications, and ask herself which of aspects or parts she is willing to fight for or against. The non-fundamentalist attitude opens and expands the existential space between abstract and concrete commitments since, adopting it implies that a moving away from the concrete commitment is a step or a phase within a larger ongoing process of maintaining and further developing one's sense of self.

The fashion an agent's affective attachment to the particular instantiations of norms takes, determines whether or not this attachment will short-circuit her ability to actually be democratically civil. It is in times of individual and/or collective crisis that it is most significant to operate within the picture of societal norms as a field for self-realization and identity-formation, which allows for and can (re-)invigorate the mediating powers of abstract commitments. What follows after that is up for actual reasoners. Whether the German and American citizens should hold on to their respective particular instantiations of freedom of speech remains an open question. The idea is that as their disagreement unfolds they should strive not to fall into the trap of societal norms as a safe haven, and to struggle to revive the alternative picture so that their disagreement becomes an opportunity for each to learn about themselves and about the other, and to transform or be transformed; rather than dogmatically try to dominate by defensively imposing one's own or one's community' particular convictions and substantive instantiations.

The non-fundamentalist attitude is a dynamic state of being towards, or relating to, one's own identity and ways of reasoning that becomes pivotal at times of crisis. When at work, it supports and facilitates the development and the exercise of democratic civility. While I would not say that it has the status of virtue proper, it surely can have a significant contributing role in agent's actually being democratically civil. As a self-relation, an attitude towards oneself, that could facilitate and make possible a variety of virtues (civic, argumentative, intellectual), I would rather construe it as a meta-virtue. This marks the end of the second step in our reflection.

8. WHAT IS ARGUING AND ARGUMENTATION?

Authoritarian ways of arguing are the practical articulations of citizen-being-authoritarianism. As ways of arguing they are about the performance of the practice of arguing. We saw in the previous three sections that authoritarian ways of arguing should be considered in the context of socio-cultural exclusion, that they can be understood in terms of democratic civility, and that as such they require citizens to adopt a non-fundamentalist attitude. Now I ask: what are the representational forms that authoritarian ways of arguing could have in actual social and political controversies? To answer this, we need a definition of arguing. For this, I draw on Michael Gilbert's construal of argument and argumentation, which provides a helpful landscape of ways of arguing.

The focus of argumentation theory, according to Gilbert, is "on argument as an interactive enterprise occurring between persons" (Gilbert, 1994, p. 160). As he forcefully put it, "we are obligated to treat argument as a human endeavor rather than a logical exercise", and thus, "we must make room therein for those practices used by actual arguers" (Gilbert, 1997, p. 77). What this effectively means for Gilbert is that we "need to shift the focus from the argument to the arguer, from the artifacts that happen to be chosen for communication purposes to the situation in which these artifacts function as a component" (Gilbert, 1997, p. 46). More specifically, Gilbert defines an argument as "any exchange of information centered on an avowed disagreement" (Gilbert, 1997, p. 104). 'Information' here refers to "views and beliefs" and "the more indirectly information so construed can be exchanged, the broader is the sense of argument it isolates" (Gilbert, 1997, p. 104).

Gilbert's broad construal of argument is tied to a separation of "the normative from the descriptive" (Gilbert, 1997, p. 77). Gilbert maintains a thorough distinction between argumentation theory's task of analyzing arguments and its task of evaluating arguments (Gilbert, 1997, pp. 35-36, 39, 89). He is keen not to let normative presuppositions regarding what is a good, bad, persuasive, or convincing argument

determine the descriptive categories for the analysis of actual argumentation. As far as description is concerned, "the subject of investigation is the determination of exactly what goes on in an argument, not what should go on in an argument" (Gilbert, 1997, p. 39).

9. GILBERT'S TOOLS AND HIS LANDSCAPE OF WAYS OF ARGUING

The framework that Gilberts provides us with for capturing how people do in fact argue construes argumentation as multi-modal, position-based, and goal-oriented.

Multi-modal. Gilbert argues that in order for a descriptive model to account for the different dimensions at work in actual argumentation, we need "modes" of "evidence, warrant, backing and presentation that allow us to identify forms of argument that are actually used" (Gilbert, 1997, p. 78). In total, he identifies four modes: logical, emotional, visceral, and kisceral (Gilbert, 1997, p. 79). To each of these modes there are corresponding types of arguments. "Logical arguments are based on an appeal to the linear patterns that lead us from one statement, or set of statements, to a claim." Emotional arguments "demonstrate how we feel about certain claims or aspects of the argumentation procedure, and communicate emotional reactions through a variety of means to a dispute partner. In addition, emotions are sometimes used as warrants or data for claims." Visceral arguments "are primarily physical and can range from a touch to classical non-verbal communication, that is, body language, to force" (Gilbert, 1994, p. 171). Finally, kisceral arguments employ "that mode of communication that relies on the intuitive, the imaginative, the religious, the spiritual, and the mystical" (Gilbert, 1994, p. 173).

Position-based. According to Gilbert, "claims are best taken as icons for positions that are actually much richer and deeper" (Gilbert, 1997, p. 105). A position "is a matrix of beliefs, attitudes, emotions, insights, and values connected to a claim" (Gilbert, 1997, p. 105). Accordingly, we come to understand a position by uncovering what is attached to a claim. More interestingly, Gilbert explains that we get to achieve persuasion by impacting the entire position, otherwise "the opponent will simply shift ground to a different aspect or part of the position when pushed in one direction" (Gilbert, 1997, p. 105). Significantly, Gilbert continues, as claims get traced in argumentation to uncover the positions attached to them, both arguers and their opponents could gain insight "as to the extent and nature of the positions under discussion" (Gilbert, 1997, p. 105). This could "include a wide range of material from straightforward consistency claims [...] to the hidden fears and insecurities an arguer has that make holding a given position seem natural" (Gilbert, 1997, p. 106). One can say that

positions represent the embodied and socio-culturally situated self which multi-modal argumentation is supposed to descriptively capture.

Goal-oriented. Shifting the center of argumentation from claim to position, it becomes possible for contending arguers to settle the truth of, and accept, a claim while their same argumentative exchange is still going on. Sticking to claims we might remain at the surface without reaching the depth of a contender's position. That explains why Gilbert indicates how complex an arguer's goals can be. Not only might an arguer have an inconsistent set of goals (Gilbert, 1997, p. 70), but she might not even be aware of her goals (Gilbert, 1997, p. 71). Gilbert distinguishes between "what an arguer wants to achieve" (task goals) and "the maintenance of the interaction itself" (face goals) (Gilbert, 1997, p. 67), and indicates that both goals are determined "in a broad and general way" by motive goals which "delimit [...] the sort of goals one considers and acts upon as well as the sorts of actions one might use to obtain the goals" (Gilbert 1997, 68). Moving from the level of arguers to the activity of argumentation, Gilbert takes agreement to "the most general goal" (Gilbert, 1997, p. 136), which he construes as an evaluative standard of 'coalescence'. Coalescent argumentation, as a 'normative ideal', "involves the joining together of two disparate claims through recognition and exploration of opposing positions." (Gilbert, 1997, pp. 102-103).

How does Gilbert's argumentation model help my claim in this paper that we should shift focus from the content of reasons to ways of arguing?

First: Gilbert's shift from the argument to the arguer parallels this paper's shift from reasons to ways of arguing. Both indicate a move from content to context. Interestingly, Gilbert often uses the term "situated" to refer to the context of argument and to actual arguments, which suggests multi-modal argumentation as a practically-grounded extension to the notion of situated rationality.

Second: Gilbert's broad construal of argument is most fitting for analyzing actual social and political controversies, especially intractable ones. What is often at issue in such controversies is less the correctness of facts and more the significance of these facts for contending parties. Controversies about facts are surely important, especially at times of "fake news" and "post-truth" politics but, it would be a mistake to operate as if getting clear on the facts will resolve political controversies. Gilbert's focus on "views and beliefs" directs our gaze to attitudes about facts, which aligns with position-based argumentation.

Third: The connection between (a) the reasons or warrants we give for a claim and, (b) our attachment to that claim. Gilbert's theory does not take that connection for granted. It problematizes it. Differently put, the power of a contribution to public reasoning to alter a

contender's beliefs on a particular political issue, depends not only on the epistemic, inferential or evidential force of that contribution, but also, and maybe mainly, on that contender's already held attitude towards that particular political issue, or the political agenda or orientation within which it fits.

10. MULTI-MODAL PERFORMANCES?

I have articulated citizen-being-authoritarianism in terms of democratic civility. Failures of civility are authoritarian ways of arguing. Unlike content-laden reasons, ways of arguing are content-free. Nevertheless, ways of arguing manifest qualities, states, and attitudes such as "arrogance", "avoiding addressing the issue", "closing oneself to objections" and "unwillingness to revise." And in so doing, they express and reflect the communicative stance of the arguer. For instance, how arguers carry themselves, when they speak, how they listen, their tone, how and when they joke or interrupt, etc. indicate whether the arguer is being dismissive, absorbed, indifferent, etc. This in turn reveals whether the arguer is merely treating her contender as a mean to an end, or whether she is genuinely concerned about what her contender thinks and feels.

Gilbert's tools are helpful for giving us access to the various representational forms through which ways of arguing can manifest qualities, states, and attitudes. Gilbert provides several examples showing how the same propositional content may be expressed in a variety of different modes (Gilbert 1997, 80–88). In a similar way, the same qualities, states, and attitudes may be expressed in a variety of different modes. Gilbert's tools can help us identify the various representational forms that "ad hominem hypocrisy", "cognitive apartheid", and other incivilities could have. They enable us to see the multiple different ways in which authoritarian performances of argument occur. An arguer's arrogance or unwillingness to revise her position can be performed in a logical, emotional, physical, and visceral modes. With Gilbert's descriptive argumentation model, we can construct the landscape within which authoritarian ways of arguing instantiate in multi-modal performances.

11. NON-AUTHORITARIAN ARGUMENTATION

"Non-authoritarian argumentation" combines a multi-modal account of argumentation on the descriptive level with a requirement of non-authoritarian reasoning on the normative level. It may be defined by its object of analysis (ways of arguing in terms of democratic civility), and

its ultimate goal (creating, preserving, and developing a certain kind of citizen-citizen relationship).

Non-authoritarian argumentation does not use multi-modal argumentation to categorize ways of arguing. Instead, it uses it to better capture the representational forms that failures of civility could have in actual social and political controversies. It consequently gains an encompassing framework for uncovering the subtleties of how ways of arguing could be undermining the ethical autonomy of contending parties.

Non-authoritarian argumentation does not take a stand on fallacious arguments. It is actual arguers that determine for themselves what is or is not a convincing, persuasive, or effective argument or reason. The norm it imposes is neutral with regard to such assessments. Non-authoritarian reasoning aims towards establishing and nourishing a citizen-citizen relationship that is geared towards coming to grips with democratic norms, that occur in all-inclusive-content debates, and that requires communicative stances reflecting an interest in discovering self and other, and in transforming as much as in being transformed. Non-authoritarian reasoning does not assess particular ways of arguing as good or bad but evaluates them in terms of their ability to channel the pluralism/solidarity tension into a productive rather than destructive tension.

12. CONCLUSION

I have argued for construing public reasoning as a collective process of coming to grips with democratic norms, rather than as a space that reflects an already defined understanding of democratic norms. I defended non-authoritarian reasoning as the normative standard for regulating citizens' contributions to public reasoning. Focusing on the citizen-citizen (rather than state-citizen or institution-citizen) dimension of democratic citizenship, the relevant form of non-authoritarian reasoning is citizen-being-authoritarianism, which I articulate in terms of authoritarian ways of arguing. Authoritarian ways of arguing have socio-political exclusion as their political context, democratic civility as their domain of operation, a non-fundamentalist attitude as an agential condition, and can be instantiated in multi-modal performances. The way my argument unfolds highlights a symbiosis between the theoretical and practical understandings of non-authoritarian reasoning. By drawing on normative political theory to provide the first understanding and on argumentation theory to provide the second, this paper has integrated those disciplines. Finally, and going back to the original questions, I have argued that disagreements that square the dual-commitment to pluralism and solidarity should be

promoted and that dealing with disagreement virtuously presupposes and is dependent on us adopting a non-fundamentalist attitude.

REFERENCES

- Little, A., & Moya, L. (2009). *The Politics of Radical Democracy*. Edinburgh University Press.
- Audi, R. (2011). *Democratic Authority and the Separation of Church and State*. Oxford University Press.
- Bohman, J., & Rehg, W. (1997). *Deliberative Democracy*. MIT press.
- Bohman, J., & Richardson, H. (2009). Liberalism, Deliberative Democracy, and 'Reasons that All Can Accept'. *The Journal of Political Philosophy*, 17(3), 253–274.
- Chambers, S. (2010). Theories of Political Justification. *Philosophy Compass*, 5(11), 893–903.
- Cooke, M. (1999). A space of one's own: autonomy, privacy, liberty. *Philosophy and Social Criticism*, 25(1), 23–53.
- Cooke, M. (2006). *Re-presenting the Good Society*. MIT press.
- Cooke, M. (2007). A Secular State for a Postsecular Society? Postmetaphysical Political Theory and the Place of Religion. *Constellations*, 14(2), 224–238.
- Cooke, M. (2009). Beyond Dignity and Difference: Revisiting the Politics of Recognition. *European Journal of Political Theory*, 8(1), 76–95.
- Cooke, M. (2017). Unintelligible! Inaccessible! Unacceptable! Are religious truth claims a problem for liberal democracies? *Philosophy and Social Criticism*, 43(4–5), 442–452.
- Elster, J. (1998). *Deliberative Democracy*. Cambridge University Press.
- Freeman, S. (2007). Public Reason and Political Justification. In S. Freeman (Ed.), *Justice and the Social Contract: Essays on Rawlsian Political Philosophy* (pp. 215–258). Oxford University Press.
- Gerald, G. (1996). *Justificatory Liberalism*. Oxford University Press.
- Gilbert, M. (1997). *Coalescent Argumentation*. Lawrence Erlbaum Associates.
- Laden, A. S. (2001). *Reasonable Radical: Deliberative Liberalism and the Politics of Identity*. Cornell University Press.
- Lars, T. & Lasse, T. (2005). *Radical democracy: Politics Between Abundance and Lack*. Manchester University Press.
- Habermas, J. (1996). *Between facts and norms: Contributions to a discourse theory of law and democracy*. (Rehg, W. trans.). MIT Press.
- Habermas, J. (2006). Religion in the Public Sphere. *European Journal of Philosophy*, 14(1), 1–25.
- Iverson, D. (2002). *Postcolonial Liberalism*. Cambridge University Press.
- Macedo, S. (2000). *Diversity and Distrust*. Harvard University Press.
- Macedo, S. (1999). *Deliberative Politics, Essays on Democracy and Disagreement*. Oxford University Press.
- March A. and Steinmetz, A. (2018). Religious Reasons in Public Deliberation. In Bachtiger, A., Dryzek, J., Mansbrudge, J. & Warren M. (Eds.), *The Oxford Handbook of Deliberative Democracy* (203–218). Oxford University Press.

- Mouffe, C. (2005). *On the Political*. Routledge.
- Mouffe, C. (2000). *The Democratic Paradox*. Verso.
- Quong, J. (2011). *Liberalism Without Perfection*. Oxford University Press.
- Rawls, J. (2005). *Political Liberalism*. Columbia University Press.
- Rawls, J. (1997). The Idea of Public Reason Revisited. *The University of Chicago Law Review*, 64(3), 765-807.
- Sadek, K. (2019). Solidarity and Pluralism: Non-Authoritarian Reasoning and Non-Fundamentalist Attitude. In Kaul, V. & Salvatore, I. (Eds.), *What is Pluralism? The Question of Pluralism in Politics*. Routledge (forthcoming).
- Schaap, A. (2009). *Law and Agonistic Politics*. Ashgate.
- Thaler, M. (2009). From Public Reason to Reasonable Accommodation: Negotiating the Place of Religion in the Public Sphere. *Diacritica*, 23(2), 1-22.
- Tully, J. (1995). *Strange Multiplicity: Constitutionalism in an Age of Diversity*. Cambridge University Press.
- Vallier, K. (2014). *Liberal Politics and Public Faith*. Routledge.
- Waldron, J. (1993). Theoretical Foundations of Liberalism. In Walden J. (Ed.), *Liberal Rights*. Cambridge University Press.
- Weithman, P. (2001). *Religion and the Obligations of Citizenship*. Cambridge University Press.
- Wolterstorff, N. (2012). *Understanding Liberal Democracy: Essays in Political Philosophy*. Oxford University Press.

Commentary on Sadek's Disagreement, Public Reasoning, and (Non-)Authoritarian Argumentation

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1. BRIEF SUMMARY AND CONTEXTUALIZATION

The paper by Karim Sadek is valuable for many reasons. It takes a point of departure in a long-standing debate in political theories of democracy, namely, the debate between deliberative (Rawls, 1997, 2005; Habermas, 1996, 2006) and agonistic theories (Mouffe, 1993, 2000).

According to deliberative theories of democracy, it is the agreement of all the members of a political community what gives to their agreed arrangements its legitimacy. Moreover, the citizenship's agreement must be of a kind that is apt to be understood as a reasoned and fair one, as based on a free and equalitarian deliberation.

According to the agonistic theory by Mouffe, one key challenge of contemporary pluralist societies is the need to construct a form of political association that does not postulate a substantive notion of the good, and yet is able to create a civic bond between citizens of diverse backgrounds and beliefs.

Karim Sadek aligns himself with the second line of thought. He takes into account in particular the case of minority groups whose religious beliefs would make them unable, so it seems, to participate in a public political deliberation in which certain previous restrictions have been imposed on the type of reasons that qualify as acceptable and deserving consideration. He contends that excluding certain claims and reasons from the public space because, allegedly, they belong to the realm of particular beliefs, will have the result of unjustly excluding those citizens.

He thus denounces the way in which, in his understanding, deliberative theories of democracy "by setting the rules of the debate such that religious reasons are considered non-public", exclude the kind of reasons "that speak most to religious persons as embodied and socio-culturally situated selves".

In order to address the kind of political theories that, in his light, bring about this unjust exclusion, he elaborates on Maeve Cooke (2007)'s notion of non-authoritarian reasoning, which he suggests to

see as an element of what he terms “a model of non-authoritarian argumentation for the analysis and evaluation of public reasoning”. He proposes that non-authoritarian reasoning is inclusive about the content of arguments (thus it does not exclude in a principled form e.g. religious claims from the public domain of reasons), but is exclusive about ways of arguing. The point of this exclusion of certain ways of arguing is to exclude authoritarian behaviour and authoritarian attitudes by citizens from public debates.

He sees this form of non-authoritarian reasoning as open-ended, but emphasises that in such type of reasoning “no reason will be deemed ineligible for trading in public reasoning”. In this sense, Karim Sadek contends that non-authoritarian reasoning always is open to different specifications of the content of ethical autonomy and situated rationality. This idea entails that the requirement of non-authoritarian reasoning only acquires a concrete form within actual social practices. He terms this the “ineliminable practical moment in the theoretical understanding” of this requirement.

He is aware that, given this practical aspect of non-authoritarian reasoning, it can result in a dominant group imposing their views to non-dominant groups or minoritarian positions. To answer to this difficulty, he appeals to a notion of democratic civility (elaborating on Bohman and Richardson (2009)’s original concept). The lack of democratic civility by the dominant group leads them to not listen to the arguments of others and to an inability to reconsider their own positions. The lack of this virtue can affect both the non-religious person (that has recourse to either ‘ad hominem hypocrisy’ or ‘cognitive apartheid’), and also the religious person that, feeling their identity threatened, adopt a fundamentalist attitude and are closed to revising their own positions on a particular political issue. I would like to say that Karim Sadek’s reflections on the fundamentalist attitude transpire a personal engagement with this issue and offer illuminating explanations of why a person, or a group can be in such a fundamentalist attitude).

In the last part of his paper, and in order to offer a practical model of argumentation that may suit his model of non-authoritarian public argumentation, Karim Sadek draws from Michael Gilbert’s construal of argumentation and this author’s concept of ‘ways of arguing’ (1997). Karim Sadek makes explicit how Gilbert’s model contributes to giving support to his own views.

2. DISCUSSION

Karim Sadek’s paper is illuminating in many respects. It offers a theoretical approach that seems informed both by contemporary political theories and debates and by a personal experience and first-

hand knowledge that make of his reflections a most valuable contribution.

Notwithstanding this, I must confess that I am not completely convinced by his arguments. I see some problems in his approach that maybe he could be willing to take into account. I will focus on just two possible objections.

Firstly, Karim Sadek declares that, in his understanding, exclusivist positions such as Rawls's set the rules of the debate in such a way "that religious reasons are considered non-public"; as a result, "the reasons that speak most to religious persons as embodied and socio-culturally situated selves" are excluded. Yet the question would be what is the debate about. In many political debates, religious feelings and beliefs play an important part. Suppose, e.g., that a political community is deciding on a law that should guarantee freedom of conscience. Here, the participants' religious beliefs and practices should be taken into account. However, this is different from the case in which the debate is concerned, e.g., with a gender equality act. Here, arguments appealing to religious beliefs relative to the different natures and roles of women and men hardly would qualify as reasons apt to be acceptable to all the men and women in the community, including those who do not share the mentioned religious beliefs. This is the sense of Rawls's (and others) appeal to generalizable reasons. It seems to me that Sadek should elaborate on the sense in which an appeal to generalizable reasons threatens to be exclusive.

My second objection is related to the following. Karim Sadek, when elaborating on Maeve Cooke (2007)'s notion of non-authoritarian reasoning, observes that non-authoritarian reasoners "accept and have internalized (...) a conception of justification that respects the autonomous agency of those towards which it is offered". This appeal to a notion of justifications that respects autonomy seems to amount also to a substantive criterium which would be on a par with the deliberative theorist's appeal to certain procedural conditions (autonomy and freedom from coercion, symmetry, mutual respect, equal opportunities to participate of all the affected, etc.) It is not clear to me why non-authoritarian argumentation is free from the risk to result in authoritarian laws, notwithstanding the process leading to their enforcement.

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REFERENCES

- Bohman, J. & Richardson, H. (2009). Liberalism, deliberative democracy, and 'reasons that all can accept'. *The Journal of Political Philosophy*, 17(3), 253-274.
- Cooke, M. (2007). A secular state for a postsecular society? Postmetaphysical political theory and the place of religion. *Constellations*, 14 (2): 224-238.
- Gilbert, M. (1997). *Coalescent argumentation*. Mahwah, N.J.: Lawrence Erlbaum Associates.
- Habermas, J. (1996). *Between facts and norms: Contributions to a discourse theory of law and democracy* (William Rehg, trans.). Cambridge, MA: MIT Press.
- Habermas, J. (2006). Religion in the Public Sphere. *European Journal of Philosophy*, 14(1), 1-25.
- Mouffe, C. (2000). *The democratic paradox*. London & New York: Verso.
- Mouffe, C. (1993). *The Return of the Political*. London & New York: Verso.
- Rawls, J. (1997). The idea of public reason revisited. *The University of Chicago Law Review*, 64(3), 765-807.
- Rawls, John. (2005). *Political Liberalism*; Columbia University Press.

Uncovering Hidden Premises to Reveal the Arguer's Implicit Values: Analysing the Public Debate About Funding Prep

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I analyse a public debate about whether the UK's NHS should fund Prep, a new and expensive HIV prophylactic. I apply a principle of charity. I sometimes taking charity to an extreme, adding substantially to the original comments. Nevertheless extreme charity is constrained such that it can reveal something important about arguers, viz., their values. The analysis shows that opponents of funding for Prep needn't be motivated by illiberal attitudes, such as anti-promiscuity/anti-drug/anti-gay attitudes. The analysis also reveals a new way of framing the debate which has not been deployed in the academic literature to date.

KEYWORDS: Principle of charity. Enthymemes. Argument analysis. Values. Responsibility for health.

1. INTRODUCTION

The question of which healthcare interventions to fund is partly a question of what evaluative principles to apply. I take it that public opinion can help illuminate the relevant values. I analyse a public debate about whether the UK's NHS should fund Prep, a new and expensive HIV prophylactic. I pursue three aims: to investigate public opinion about Prep; to characterise some of the relevant considerations that policy-makers ought to respect in deciding whether to fund Prep; and to test a new way of investigating public opinion, argument analysis based on extreme charity.

In analysing the debate about Prep, I apply a principle of charity. This is a principle of argumentative analysis which consists of interpreting people's ordinary, incomplete arguments in terms of the most plausible complete arguments that represent the expressed values faithfully. Sometimes I take charity to an extreme, adding substantially to the original comments.

In applying extreme charity to the debate about Prep, I find that both sides in the debate can develop valid arguments which support their position and reflect their values. Once the initial objections to each side are disposed of, I find that one's final position in the debate will depend on one's attitude to a key principle. This principle sets limits on the amount of help we are obliged to give people at risk of harm. Anti-Prepers endorse the principle, while pro-Prepers reject it.

The analysis reveals a new way of framing the debate which has not been deployed in the academic literature to date. The Prep issue can usefully be understood in terms of the question of which comparator Prep ought to be assessed against: perfect adherence to best practice (such as condom use), or people's actual, imperfect behaviour?

The analysis also helps address a worry that some people have that opponents of funding for Prep are motivated by illiberal attitudes, such as anti-promiscuity/anti-drug/anti-gay attitudes. I show this needn't be so; one can oppose funding for Prep consistently with a liberal framework.

I conclude that argument analysis based on extreme charity can be a useful tool for ethicists, policy-makers and other stakeholders with an interest in public debates about policy.

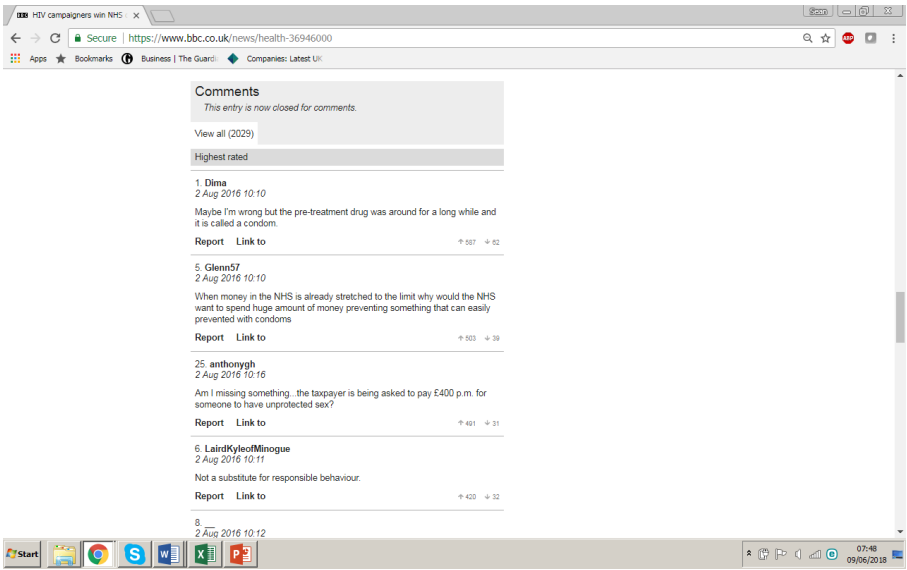
2. BACKGROUND TO THE ISSUE

To give some background on Prep, for men who have sex with men (MSM), Prep reduces the chances of catching HIV from unprotected sex by 86% (Dolling et al, 2016). Prep is also effective at preventing HIV for intravenous drug users who share needles. However, Prep is very expensive, at a cost of nearly £5k per user per year in the UK (Cain, 2017). The budget impact could be significant. For this reason, there has been a tussle between different prospective funders, each denying that it is their job to fund it. NHS England argued that local councils should provide it on the grounds that they are in charge of preventative health, while the NHS provides treatment. However, the High Court ruled that it was in NHS's power to fund it (though not that the NHS *had* to fund it). At the time of writing, the NHS was assessing Prep's cost-effectiveness in a large ongoing trial.

3. METHODOLOGY: EXTREME CHARITY

My approach to this question is to conduct an argument analysis of a debate about Prep which appeared on the BBC website. An argument analysis is simply an analysis and assessment of the arguments on each side. The aim is both to throw light on public opinion, and to

characterise some of the considerations that policy-makers ought to respect.



However there is a difficulty with this, which is that the arguments on the BBC forum are mostly very incomplete. The BBC imposes a 400 character limit. Most people do not even write up to this limit, and they do not write carefully. It is tempting to compare the quality of the BBC debate to a pub debate, but that does not do it justice. In the BBC debate,

it's as if everyone has had a couple too many pints, and now they're shouting across the table at each other.

But this doesn't seem to prevent participants understanding each other and responding to each other, suggesting that the implied arguments are clear. So, in order to understand the arguments and assess them, we will need to apply a philosophical principle of charity. Charity is a principle of argumentative analysis which consists of taking an incomplete argument and interpreting it so as to represent it as plausible and sound. As I say elsewhere:

Charity has epistemic value. For all I know, a line of argument could work, if I interpret it charitably. But if I fail to explore the potential of that line of argument, because of minor flaws in the way someone has put it, then I may never find out whether it could work. That could mean I miss a relevant consideration that ought to influence me regarding the issue at hand. So, charity can help me become aware of relevant considerations, and thereby help me form more defensible beliefs (maybe even true beliefs). (Sinclair, Forthcoming)

Having said that, I must admit that, at some points in my analysis of the Prep debate, especially towards the end, I take charity to an extreme. Extreme charity consists of taking a *very* incomplete argument and offering an interpretation that goes well beyond what has been said, and beyond even what was intended. In particular, extreme charity as applied here involves construing a position in terms of ethical principles which are not defended, even inarticulately, by the arguers I interpret.

This might suggest that extreme charity is subject to fewer constraints than ordinary charity; we don't have to be faithful to what the arguer said. Nevertheless, extreme charity is subject to constraints. I state the constraints at greater length elsewhere,¹ but the most important of them in this context are that the attributed argument must be consistent with what arguers say; the attributed argument must rely on the arguers' key premises as premises; and the attributed argument must rely on principles (such as ethical principles) that arguers would endorse. The latter constraint means that extremely charitable interpretations ultimately rely on evidence as to whether the defenders of a view would endorse the principles we attribute to them (such as evidence consisting of what the defenders of a view say elsewhere). Pending such evidence, extremely charitable interpretations have the

¹ For a general statement of the method, including a statement of the Constraints On Charitable Interpretations, see Sinclair (Forthcoming)

status of hypotheses - they may be falsified by countervailing evidence, much in the way a scientific theory can be.

How can we defend extreme charity, given that we go well beyond what the arguer intended? I offer two defences.² The first is as above: the method has value when it reveals a line of argument we wouldn't have thought of otherwise. Perhaps it can help us find the truth about a question, or at least distinguish defensible from indefensible positions.

But we needn't value argument analysis merely because it helps us form a view on an issue. My second defence of extreme charity is that it can help us understand positions we disagree with, positions we continue to disagree with even after understanding them. As I argue in (Sinclair, Forthcoming), we can understand an evaluative perspective without sharing it, or at least without putting the same weight on the relevant values.

I will give three ways in which this benefit of extreme charity could be realised, taking the Prep debate as my case. First, some anti-Prepers interpret pro-Prepers as motivated by an unthinking political correctness, advocating unlimited rights for disadvantaged minorities with no thought of financial limits. Many anti-Prepers will think such a position is indefensible; they'll argue that it is financially unsustainable, as well as unfair to non-beneficiaries. But in fact many pro-Prepers are motivated by an ordinary human concern for the individuals who are exposed to the risk of HIV. They simply want to make sure these individuals come to no harm. Such a concern is not exclusively focused on disadvantaged minorities and therefore does not face the same objection from anti-Prepers. Thus extreme charity can reveal the quite understandable values which motivate many pro-Prepers, and prevent anti-Prepers mis-characterising their opponents. Anti-Prepers might not be persuaded, since other factors carry weight for them. Still, they'll understand their opponents better, and this can have value for the conduct of the debate (e.g. mutual respect, and the chances of both sides finding a workable compromise).

To move onto my second way in which extreme charity could have benefits, some pro-Prepers interpret anti-Prepers as anti-gay, or as motivated by a hardline, moralised judgment that people who take "unnecessary" risks should bear the consequences. But in fact, many anti-Prepers have liberal views about gay lifestyles. Moreover, many will even concede that since everyone takes risks, there might be a case

² There is a longer defence of extreme charity in Sinclair (Forthcoming). I also address a kind of "reverse straw man" objection to the principle of charity, to the effect that charity could lead us to make an arguer's position stronger than it really is by attributing an implicit premise she didn't endorse.

for taxpayers contributing something to help protect MSM against the risks they take. But they don't think it is unreasonable to expect risk-takers to do *something* for themselves. In line with this, they do not think it is fair for MSM to demand the most expensive method of protection when cheaper methods do an adequate job. So they will ask MSM to use condoms rather than Prep. Thus extreme charity has the potential to correct misunderstandings of the anti-Prep view. Again, pro-Prepers might not be persuaded, but they'll understand their opponents better.

And for my third way in which the benefits of extreme charity could be realised, policy-makers in particular stand to benefit from understanding other people's views. They are required to understand the public's views as part of their democratic function, since as a general rule, the public has a right to see its views have some influence on policy. However, there is an exception. In a liberal democracy, the public cannot expect to see its views influence policy if the values driving those views are illiberal. For example, in the Prep case, many policy-makers will want to know that opponents of funding for Prep are not all motivated by anti-promiscuity/anti-drug/anti-gay attitudes. Liberalism is a guiding principle of most democratic societies, and a core liberal commitment is that disapproval of someone's lifestyle should not lead policy-makers to restrict that person's freedom or treat them less favourably unless the lifestyle causes harm to others. For example, for the paradigmatic liberal John Stuart Mill, the burden of proof is with those who contend for "any disqualification or disparity of privilege affecting one person or kind of persons, as compared with others" (Mill, 1869/1970). According to Mill's harm principle, "the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others" (Mill, 1859/1978). I take it Mill would have applied the same principle to any "disqualification or disparity of privilege". Now, suppose some policy-makers deny Prep to promiscuous patients, and their reason is that they disapprove of promiscuity regardless of whether it causes harm to others. That would be illiberal. Worries about illiberalism have surfaced in the debates about Prep. For example, UK health policy-makers have been accused of having "condemnatory" attitudes towards men who have condomless sex with multiple sexual partners (de Castella, 2018). And Calabrese et al say that "the public health community needs to disentangle personal values around condoms from public health priorities." (Calabrese et al, 2017)

Extreme charity can clarify this issue. It reveals the values that drive public opinion, and thereby show whether public opinion should be allowed to have an influence on policy. For example, it can show

whether there are any motivations for opposing funding for Prep that are consistent with a liberal framework.

4. RESULTS

I will now analyse the debate about Prep that appeared on the BBC's news article (BBC, 2016). I will start by offering a list of comments that could be seen as representing the key stages in the debate.

Figure: Sample comments

Argument 1. "There's many higher priorities for spending available funds eg life extending cancer drugs"

Argument 2. "If this drug is proven to reduce the incidence of HIV ... then NICE should fund it. It may save money and lives in the long run, which has to be good."

Argument 3. "If someone chooses to live a high risk life, then they should pay for any "protection". I pay for the seat belt in my car, and if I choose not to wear it, then it will be my own fault for taking that risk !!"

Argument 4. "Sir After a day in pub, 8 pints and 6 vodkas with non-diet coke. Followed by a fish supper and a taxi for the 200 yards home, I have just read this report. I am absolutely disgusted that my taxes are being spent on anyone whose poor lifestyle choices result in me funding their health treatment. Sincerely, Outraged Tunbridge Wells" *[NOTE: This should be read as an intentional parody]*

Argument 5. "There's a difference between treating the consequences of a risky lifestyle and actively subsidising it." / "The analogy with smokers and sportsmen who get injured is ludicrous."

Argument 6. "look at all those who have Statins for cholesterol rolled out to them or diabetes treatment because they cant in the majority of cases, control their greed for sugar. Whose complaining about the pill being given free, on the NHS?"

Argument 7. "At £400pm & 86% effective, this drug is more expensive & less effective than a condom."

Argument 8. "Responsible people will still be responsible. but whether or not one approves is irrelevant. Simply by preventing many people from getting AIDS we will be saving the NHS a fortune."

I have been selective in this list; not all arguments on the forum are represented here. The arguments here primarily focus on the question of whether people who might be held responsible for their condition should lose priority for funding as a result. Contributions on this

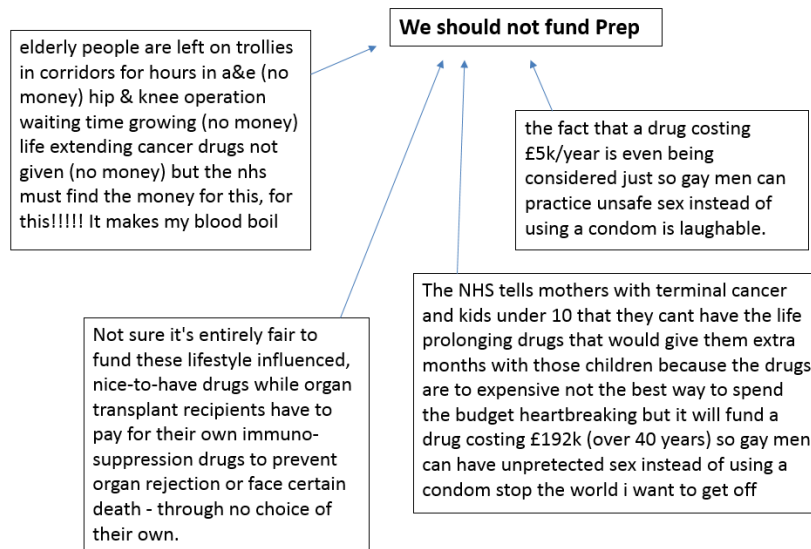
question represent the bulk of contributions. I eliminated contributions on other questions on the grounds that they did not add enough value on the overall question of whether to fund Prep; either the arguments were weak or they did not bear specifically on this question. To give three categories of comments that were eliminated from the analysis: 1. Some contributors argued that funding Prep would create moral hazard, in that it would encourage risky behaviour. However the empirical evidence on this is not clear; different studies point different ways. 2. Some contributors argued that the problem was pharma pricing. I eliminated these comments on the grounds that they were not specific enough to the question of interest, the question facing healthcare policy-makers here and now: whether or not to fund Prep. 3. There were also a number of comments that were not visible. The BBC wrote "This comment was removed because it broke the house rules." A full analysis would have incorporated these. But then I think many would have been eliminated. For example, probably some were insults, of no argumentative value. I suspect others were arguments that gay sex is morally wrong. But I have assumed liberalism, such that policy-makers may not base a policy on negative judgments about someone's lifestyle except to the extent that it harms others.

The list can be seen as a chain of arguments, with refuted arguments first and refuting arguments later. It should be noted that the contributions on the forum do not follow the same order. Actually, the forum has the dialectic memory of the proverbial goldfish. People do not seem to look back more than five or ten comments. They then express their raw intuitions as if their post hasn't been long superseded by earlier comments. So the debate progresses to a certain stage, and then reverts to the beginning. Only rarely does it get to the advanced stages represented further down the chain. Nevertheless I contend the above ordering is a fair representation of the argumentation. When a contributor puts an argument represented further down the chain, they will generally be responding to an argument further up the chain.

I have not included any information here about how often each argument is put. For the purposes of this analysis, the most important question is not how often a particular argument is put but how widely the values which motivate each side in the debate are held. Understanding the arguments put in defence of each position helps us understand the values. Then, the principle of charity helps us determine whether an argument can be put in terms of those values. If it can, we may conclude that people with those values might have a case.

To begin the analysis, the starting point for the debate is a set of intuitions that this drug should not be funded, because there are other interventions which merit higher priority. This is probably the largest

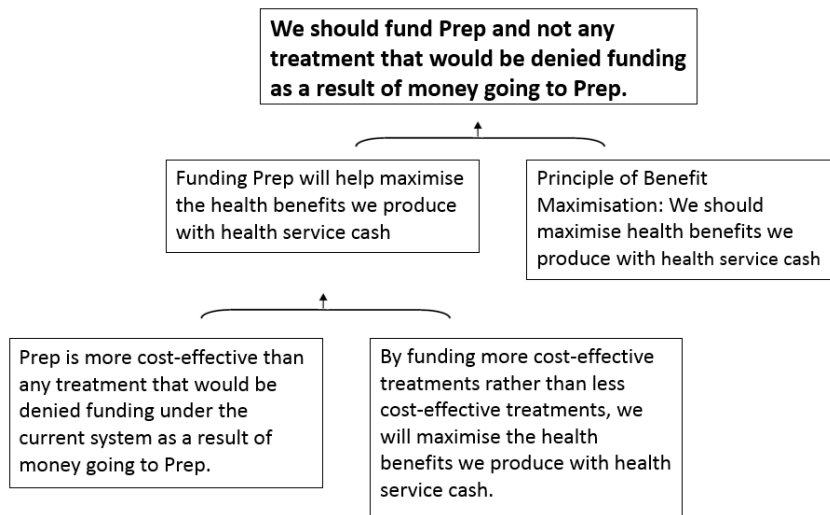
category of comments. Examples of interventions mentioned in this context are hip & knee operations, life-extending cancer drugs, and immuno-suppression drugs for organ transplant recipients. The comments assert that these alternative interventions are higher priority, being currently not funded or unavailable without a long wait.



Argument 1: From Intuitions re Priorities

A response to this is to assert something like the NHS line. Either it is asserted that this intervention will save the NHS money, or that it is cost-effective. To represent these contributions in terms of a valid argument, with a bit of charity thrown in, I will outline an argument that could be put in defence of the NHS's standard criteria, with the aid of an argument diagram:³

³ Argument diagrams have previously been used in, for example, Van Eemeren et al, 2002 and Fisher, 2004

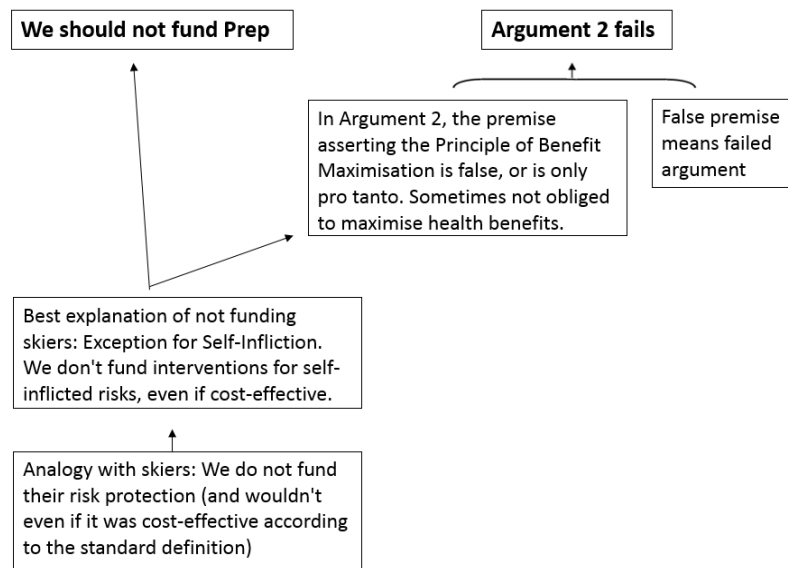


Argument 2: Pro-Prep based on cost-effectiveness

This argument diagram represents one comment (or set of comments saying the same thing). The conclusion is at the top and the basic premises are at the bottom. An arrow pointing up represents an inference. So to follow the argument you start at the bottom and go up. Where there is a bracket encompassing two or more claims, this indicates that neither claim alone is sufficient to entail the claim above, but jointly they are held to be sufficient. Often the bracketed claims will make up a syllogism, consisting of a major premise (generalisation) combined with a minor premise (specific observation).

The above argument basically says that by directing health service cash to the treatments that produce most benefit per unit of cash, we will maximise the benefits we produce. Prep is cost-effective on the NHS's standard measure, so funding it will contribute to benefit maximisation, and since we should maximise benefits, we should fund it.

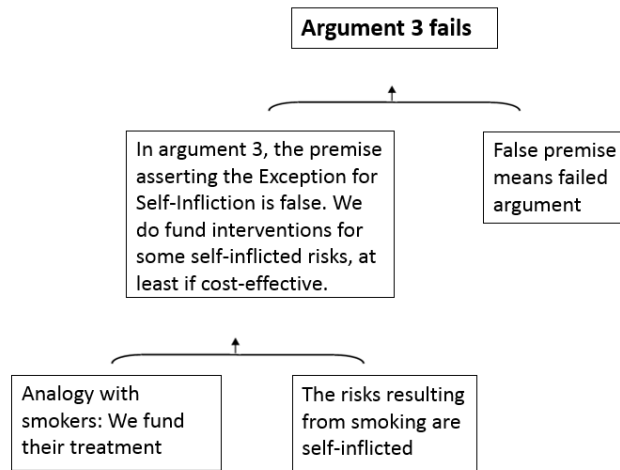
In response, as seen in the following schema, the anti-Preper denies the principle of benefit maximisation. The anti-Preper draws an analogy with car drivers, skiers, sky-divers etc. Government does not seem obliged to fund their seat belts, helmets or back-up parachutes. The anti-Preper asserts that the best explanation for this is that we are not obliged to fund interventions for self-inflicted risks, even if they are cost-effective. This implies that the principle of benefit maximisation, on which the pro-Preper relied, is false. Also, since Prep's primary benefit is to protect against self-inflicted risks, this implies that we should not fund Prep.



Argument 3: Anti-Prep based on skiing analogy

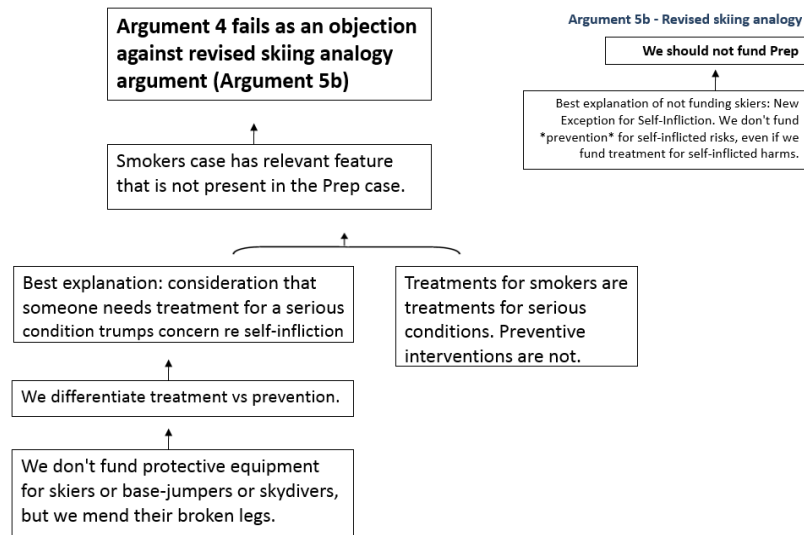
However, as seen in the following schema, the pro-Preper denies the anti-Preper's assertion of this exception in the case of self-inflicted risks. The pro-Preper points out that we fund treatment for smokers, when their smoking leads to conditions such as emphysema and lung cancer. And it would seem wrong to deny them such treatment. Yet the smokers inflicted the risks of such conditions on themselves. This suggests that, contrary to the anti-Preper, the question of whether risks or harms are self-inflicted does *not* have a bearing on the question of whether we should help them. There is no blanket exception for self-infliction, which means a key premise in the anti-Preper's argument is false and the argument fails.

It should be noted that at this stage there is a stalemate. The anti-Preper can no longer claim warrant for their conclusion. But the pro-Preper cannot claim warrant for their conclusion either, since they have not shown how to deal with the analogy with protection for skiers. The best explanation of the skiing case still seems to be that self-infliction has a bearing, while the smoking analogy suggests it does not. We have an unresolved clash of analogies.



Argument 4: Pro-Preper reply to skiing analogy

In response, as seen in the following, the anti-Preper must accept that there is no general principle disqualifying self-inflicted conditions from government funded interventions. However, the anti-Preper notices that although we do not fund protective equipment for skiers, we do fund treatment for their broken legs. So the anti-Preper can grant that we might be obliged to fund treatment for self-inflicted harms, while asserting that we are not obliged to fund preventive interventions for self-inflicted risks. An anti-Preper argument based on this new principle is not undermined by the smoking analogy: treatments for smokers are not preventive interventions, so the purported obligation to fund treatments for smokers is no counterexample to the claim that there is no obligation to fund prevention for self-inflicted risks.



Argument 5a: Anti-Prep - Smoking disanalogy

However the pro-Preper now rebuts the new, more modest generalisation derived from the revised skiing analogy to the effect that we are not obliged to fund prevention for self-inflicted risks. The pro-Preper points out that we fund contraception. This does not seem wrong. Perhaps it is even an obligation. This suggests that self-infliction is not the killer consideration the anti-Preper suggests it is; sometimes at least, it seems permissible if not obligatory to fund protection against self-inflicted risks.

However, as things stand the pro-Preper is still not in a position to draw the substantive conclusion they want to draw, the conclusion that we should fund Prep. The skiing analogy stands in their way. Until they come up with a general principle that explains the distinction we draw between skiing and contraception, they cannot assume that self-infliction is simply irrelevant.

Here, to help the pro-Preper out, I must exercise extreme charity and go beyond any argument offered by pro-Prepers on the forums. I suggest that the pro-Preper needs to appeal to a principle of solidarity. To set the context, there are two alternative ways we might justify funding a universal healthcare system, based on reasons to do with beneficence, and reasons to do with solidarity.

The rationale in terms of the beneficence would be that we are all obliged to help others when others are in trouble, if we can. A state-funded healthcare system is justified as one way of ensuring we fulfil that obligation. The problem for the pro-Preper is that such a rationale would not help explain why we distinguish between the risks associated

with skiing and the risks associated with sex. For example, in a hypothetical case where the risks of each activity are on a par, an obligation of beneficence would imply an equal obligation to fund protection for both.

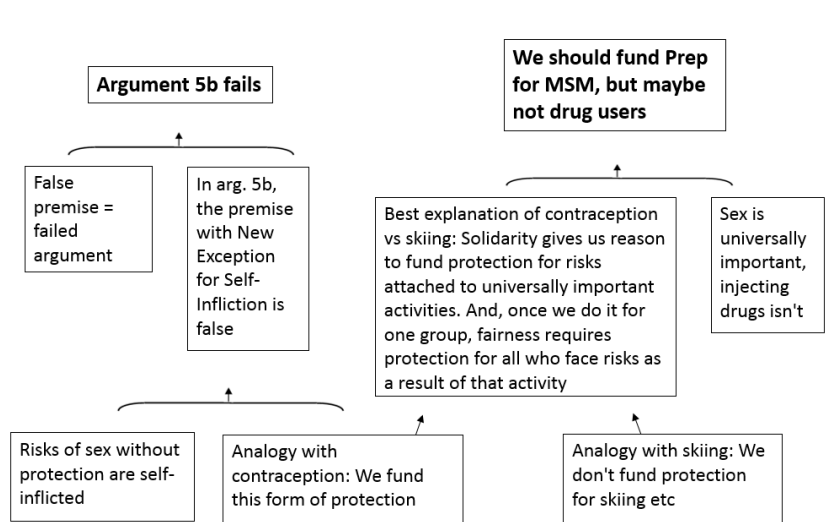
In contrast, a rationale in terms of solidarity would say that we all have an interest in pooling our resources in a single universal healthcare system, because it is more efficient than each of us acting as individual purchasers, and also because each of us thereby avoids the risk of catastrophic financial costs if we get a serious condition. It is a kind of mutual insurance system. Alena Buyx explains the principle of solidarity as follows:

Solidarity encompasses a sense of togetherness between the members of a specific society or community, reflecting the multiple interdependencies that obtain between people - even between those in liberal and pluralistic societies. It should not be confused with the idea of charity or welfare, meaning that only one special group - for example, the poor or the very needy - gets to be supported. Rather, people in a solidary system care for each other. In large, complex modern societies, the relevant kind of caring does not imply personal closeness, but expresses rather the abstract idea of being part of a system deemed precious and important (such as having a society with universal healthcare) and of supporting it. Solidarity thus is not a one-sided principle, but a dual principle that entails elements of reciprocity:21 of receiving, but also of giving and contributing. Its Latin root in *solidum* even involves an obligation of each individual to the whole. This does not have to mean that people have to give something to the community or do something for a public institution in order to have a claim to support, compensative action or shared resources, or that they are left alone if they do not "earn" their claims in this way. The aspect of caring for each other within a solidaristic system ensures at least basic help and support for everyone within the system. (Buyx, 2008)

Now, on the basis of this principle, the pro-Preper can defend a distinction between skiing and contraception. In the context of a mutual insurance system, we have reason to fund protection against risks associated with universally important activities, but we do not have the same reason in the case of other activities. Sex is universally important (as good as), whereas skiing is not. Thus on the mutual insurance rationale, we have reason to fund protection for risks associated with sex but not risks associated with skiing. And once we fund protection against sex-associated risks for one group, the pro-Preper can argue we should fund protection against sex-associated risks for all groups - even

if those other groups face completely different sex-associated risks. On this basis, once mutual insurance considerations motivate us to fund contraception for heterosexuals, considerations of fairness could trigger an obligation to fund Prep for men who have sex with men.

However, there is a difficulty with this argument for the pro-Preper, which is that it does not vindicate funding Prep for drug users, since drug use is not a universally important activity. But as far as I can tell, there is no alternative line of argument which vindicates funding Prep for drug users, and is a coherent and plausible defence of the pro-Preper's position, and is consistent with what has been established elsewhere in the debate. So, although this argument goes well beyond what has been said in the debate, I suggest it is the most charitable interpretation of the pro-Preper's position. This does not mean the pro-Preper can't vindicate funding Prep for drug users. The pro-Preper can argue that we have pragmatic reasons for this (for example, it will save money for the health service). This is not an argument from fairness, in contrast to the argument for funding Prep for men who have sex with men.

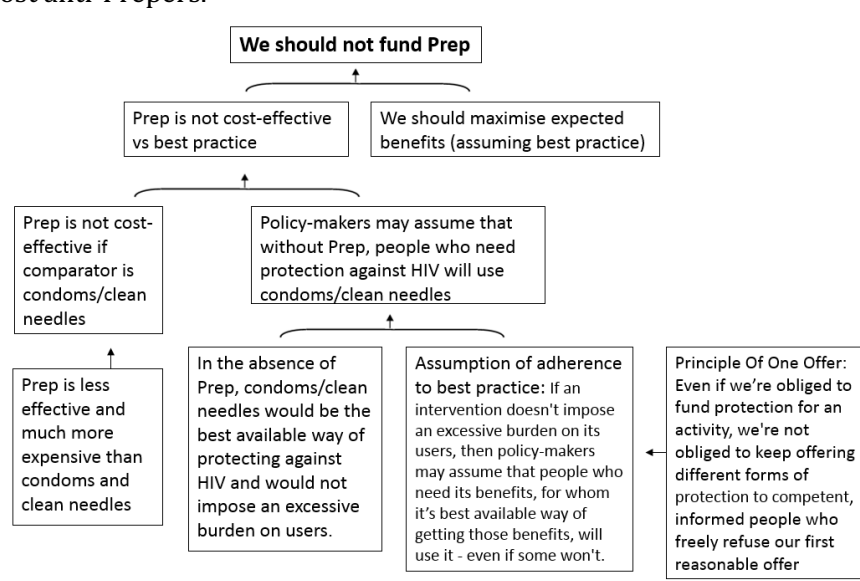


Argument 6: Pro-Prep based on contraceptive analogy

In response, the anti-Preper denies that the pro-Preper's conclusion follows from this argument. Granting for the sake of argument that fairness requires us to fund protection for men who have sex with men, it does not follow that this protection must be Prep; it could be condoms (or clean needles, in the case of drug users). So the pro-Preper's argument fails. More specifically, to get to the conclusion that we should *not* fund Prep, I suggest the anti-Preper needs to start with a Principle of One Offer: Even if we are obliged to fund protection for an activity, we

are not obliged to keep offering different forms of protection to competent, informed people who freely refuse our first reasonable offer. If we make a reasonable offer of protection to different groups facing sex-associated risks, we have fulfilled our obligations of fairness. From this, in the healthcare context, there follows an Assumption of Adherence To Best Practice: If a preventative intervention does not impose an excessive burden on its users, then policy-makers may assume that people who need its benefits, for whom it is best available way of getting those benefits, will use it - even if some won't. Now, in the absence of Prep, condoms and clean needles would be the best available way of protecting against HIV, and it can be argued that they do not impose an excessive burden on users. The anti-Preper can conclude from this that policy-makers may assume that without Prep, people who need protection against HIV will use condoms/clean needles. Since Prep is less effective and more expensive than condoms and clean needles as an HIV preventive, it is not cost-effective when they are the comparator, and it follows that we should not fund Prep.

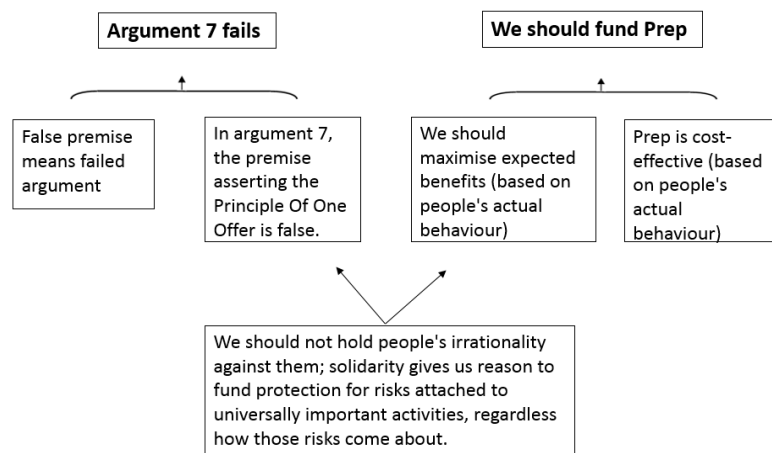
Again, this argument goes beyond anything said in the forums. However, it does not go very much beyond. Most anti-Prep comments draw comparisons with condoms, highlighting Prep's high cost by comparison. I believe the above argument would be readily endorsed by most anti-Prepers.



Argument 7: Anti-Prep based on comparator = best practice

However, in response, the pro-Preper will simply deny the Principle of One Offer. They will argue that we should not hold people's irrationality against them; solidarity gives us reason to fund protection for risks

attached to universally important activities, regardless how those risks come about. Perhaps the pro-Preper sees the anti-Preper as excessively judgmental here: they will argue we should accept humans as they are, not as we would like them to be (perhaps an ad hominem argument: anti-Prepers are fallible, like everyone else, so they are in no position to be harsh on flaws they'd also display in the same situation). So for the pro-Preper, the relevant comparator for assessing Prep is not best practice (condoms or clean needles). The comparator should be actual practice, which does not conform to best practice: people fail to use condoms or they share needles. As a result, Prep will reduce the incidence of HIV cost-effectively. On that basis, if we wish to maximise the benefits we produce, we must fund Prep.



Argument 8: Pro-Prep based on denial of Principle of One Offer

This is as far as the debate goes, at least within the forum. In response to the pro-Preper, the anti-Preper, in line with their previous argument, will deny that we should ignore people's turning down our reasonable offer of help, taking risks they could have avoided.

This analysis has helped reveal the values held on each side. It suggests that people's eventual view will depend on their position regarding the Principle of One Offer, and the Assumption of Adherence to Best Practice that follows from it. The anti-Preper says our mutual insurance/fairness obligations are limited to a reasonable minimum standard of help. We are not obliged to offer further help if risk-takers freely refuse our first offer. The reciprocal obligations arising from membership of society involve doing without if a benefit is small and the costs of delivering it are very high. The anti-Preper will view this as an acceptable extension of the principle of cost-effectiveness analysis. In contrast, the Pro-Preper says our mutual insurance/fairness obligations

entail making sure everyone is equally able to participate in universally important activities, even if that is very costly. Anything else would mean some are contributing to society yet being denied one of its important benefits. Thus the argument turns on a principle which is endorsed by one side and not the other, or which carries more weight for one side than the other.

5. HAVE I BEEN TOO CHARITABLE?

In offering these interpretations of the pro-Prep and anti-Prep positions, I have exercised some extreme charity, going well beyond what is said on the forum. Nevertheless I contend that my interpretation of each position represents a coherent and plausible defence of each position consistent with what has been said. For example, consider the principles I articulate on behalf of the anti-Preper: the Principle Of One Offer and Assumption of Adherence to Best Practice. Given the anti-Preper's point that condoms are a reasonable alternative to Prep, once the pro-Preper points out that in other cases we fund similar forms of protection against the risks of sex (viz., contraceptives), this point made by anti-Prepers about condoms slots neatly into an argument that if we are going to fund *some* form of protection against HIV, it is not unreasonable to offer to fund condoms rather than Prep. I suggest the Principle Of One Offer and Assumption of Adherence to Best Practice is the best way of explicating this point as a complete argument. Not only is the resulting argument the anti-Preper's best response to the point that we already fund similar forms of protection, but the key premise of the argument involves a point that anti-Prepers have made explicitly already, the point that condoms are a perfectly reasonable alternative to Prep.

And on the pro-Prep side, consider the principle I offer of solidarity regarding universally important activities, and fairness towards all who face risks as a result of similar activities. It has to be admitted that, unlikely my interpretation of the anti-Prep position, nothing the pro-Prepers say on the forum suggest anything like this principle. But the principle is consistent with what the pro-Prepers do say, and it supports a pro-Prep argument that is consistent with the other points that are made on the forum, and it is reasonably plausible. In fact, perhaps it is the only coherent and plausible defence of the pro-Prep position that is consistent with everything else that is said on the forum.

However, it should be noted as a limitation of the method that there may be other charitable interpretations that I have not considered.

6. CONCLUSION: BENEFITS OF EXTREME CHARITY

What have been the benefits of this exercise in argument analysis? First, as noted, the analysis has thrown light on the values held on each side. For example, it shows that opponents of funding for Prep needn't be motivated by illiberal attitudes, such as anti-promiscuity/anti-drug/anti-gay attitudes. One can oppose Prep consistently with a liberal framework. On my interpretation, the anti-Preper's grounds for refusing funding for Prep are not a negative judgment about people's lifestyles, but the claim that the reciprocal obligations arising from membership of society involve doing without a benefit if the benefit is small and the costs of delivering it are very high. For anyone who takes liberalism for granted, my "liberal" interpretation of the anti-Prep position is more charitable than an interpretation in terms of illiberal motivations. In view of this, the burden of proof is on those who would attribute illiberal attitudes to anti-Prepers. Unless there is specific evidence of such illiberal attitudes, the default assumption should be that anti-Prepers are motivated by values consistent with liberalism.

In addition, the analysis has thrown up a new way of framing the debate. Many papers on the Prep debate have followed the traditional debate about responsibility in asking whether risk-takers can expect others to fund healthcare interventions to address those risks. But the public debate sets this question aside. It primarily focuses us on the question of what kind of intervention to fund, if we are going to fund something. This leads to a more nuanced anti-Prep position than has been considered in the academic literature to date. The anti-Preper accepts that if we fund contraception, that gives us a *pro tanto* reason to fund some kind of protection for men who have sex with men, in order to be fair. This might seem to commit us to ignoring the question of responsibility. But the public debate highlights that there could be limits on how far this goes. In all consistency we could say that although we will fund one kind of protection for MSM and drug-takers, we will not fund another, even though there are some risk takers who would only be protected by the second offer and not the first. If I see that you are about to inflict a risk on yourself, then perhaps I must step in to offer you protection, but if you refuse my offer, it is not necessarily inconsistent of me to refuse to offer you an available alternative. There are limits on how far I am required to go, assuming the first offer wasn't unreasonable (e.g. didn't impose unreasonable burdens).

The question at the heart of this debate is a question about what comparator we should assess Prep against. The pro-Preper says the comparator should be actual behaviour. The anti-Preper says the comparator should be perfect adherence: we should look at how the costs and benefits of using Prep compare with the costs and benefits of

using condoms, rather than the costs and benefits of doing whatever people would do without Prep. This issue of comparators has not been addressed in the academic literature to date, and is illuminating in terms of what can be said for and against funding Prep. Argument analysis of the public debate has brought out that the Prep issue can usefully be understood in terms of this question of comparators.

I conclude that argument analysis can be a useful tool for ethicists, for policy-makers and for other stakeholders in public debates about policy.

REFERENCES

- BBC. (2016). HIV campaigners win NHS drug battle. <http://www.bbc.co.uk/news/health-36946000>. Accessed 20 May 2018
- Buyx, A.M. (2008). Personal responsibility for health as a rationing criterion: why we don't like it and why maybe we should. *Journal of medical ethics*. 34(12), pp.871-874.
- Cain, M. (2017). Sex without fear – my experiment with the HIV-prevention drug Prep. <https://www.theguardian.com/society/2017/jun/22/sex-without-fear-my-experiment-with-hiv-preventative-drug-Prep>. 2017. Accessed 20 May 2018
- Calabrese, S.K., Underhill, K. and Mayer, K.H. (2017). HIV Preexposure prophylaxis and condomless sex: Disentangling personal values from public health priorities. *American journal of public health*. 107(10), pp.1572-1576.
- de Castella, T. (2018). The HIV-positive man who stopped thousands getting the virus. <https://www.bbc.co.uk/news/stories-44606711>. Accessed 28 June 2018.
- Dolling, D.I., Desai, M., McOwan, A., Gilson, R., Clarke, A., Fisher, M., Schembri, G., Sullivan, A.K., Mackie, N., Reeves, I. and Portman, M. (2016). An analysis of baseline data from the PROUD study: an open-label randomised trial of pre-exposure prophylaxis. *Trials*. 17(1), p.163.
- Fisher, A. (2004). *The logic of real arguments*. Cambridge University Press.
- Gauker, C., (1986). The principle of charity. *Synthese*, 69(1), pp.1-25.
- Govier, T. (1987). A new approach to charity. In *Problems in argument analysis and evaluation*, pp. 133-158. Dordrecht: Foris.
- Henderson, D.K., (1987). The principle of charity and the problem of irrationality (Translation and the problem of irrationality). *Synthese*, 73(2), pp.225-252.
- Hitchcock, D. (1998). Does the traditional treatment of enthymemes rest on a mistake? *Argumentation* 12, 15-37.
- Hurley, S.L., (1992). Intelligibility, imperialism, and conceptual scheme. *Midwest Studies in Philosophy*, 17(1), pp.89-108.
- Levi, D.S., (1995). The case of the missing premise. *Informal Logic*, 17(1).
- Lewiński, M., (2012). The paradox of charity. *Informal Logic*, 32(4), pp.403-439.
- Machery, E. (2004). 'Semantics, Cross-Cultural Style.' *Cognition*. 92 (2004): B1–B12. Quoted in Nado, J. *Philosophical Expertise*. *Philosophy Compass*. 2014, 9(9), Pp.631-641.

- Mill, J.S. (1859/1978). *On Liberty*, Indianapolis: Hackett Publishing.
- Mill, J.S. (1869/1970). *On the Subjection of Women*. In Mill JS, Mill HT. *Essays on sex equality*, edited and with an Introductory Essay by Alice S. Rossi. University of Chicago Press: pp126-127.
- Paglieri, F. and Woods, J., (2011). Enthymematic parsimony. *Synthese*, 178(3), pp.461-501.
- Scriven, M. (1976). *Reasoning*. New York: McGraw Hill.
- Sinclair, S. (2016). *How Policy-Makers Should Understand Qualitative Evidence*. Paper presented at New University of Lisbon conference on Expertise, Evidence and Argumentation in the Context of Public Policy-Making.
- Sinclair, S. Forthcoming. *Defending Extreme Charity. Why Should We Construe An Arguer As Putting An Argument They Did Not Intend to Put?*
- Snoeck Henkemans, A. F. (1992). *Analysing complex argumentation: The reconstruction of multiple and coordinatively compound argumentation in a critical discussion*. Amsterdam: SicSat
- Thomas, S. N. (1977). *Practical reasoning in natural language*. Englewood Cliffs: Prentice-Hall.
- Van Eemeren, F.H., Henkemans, A.F.S. and Grootendorst, R. (2002). *Argumentation: Analysis, evaluation, presentation*. Routledge.
- Venter, F., Allais, L. and Richter, M. (2014). *Exposure Ethics: Does Hiv Pre-Exposure Prophylaxis Raise Ethical Problems for the Health Care Provider and Policy Maker?*. *Bioethics*. 28(6), pp.269-274.
- Walton, D. and Reed, C.A., (2005). *Argumentation schemes and enthymemes*. *Synthese*, 145(3), pp.339-370.
- Weinberg, J., Nichols, S. and Stich, S. (2001). 'Normativity and Epistemic Intuitions.' *Philosophical Topics*. Jul 1;29(1/2):429-60. Quoted in Nado, J. 2014. *Philosophical Expertise*. *Philosophy Compass*, 9(9), Pp.631-641.
- Zamzow, J.L. and Nichols, S. (2009). *Variations In Ethical Intuitions*. *Philosophical Issues*. 19(1), Pp.368-388.

Commentary on Sinclair's Uncovering Hidden Premises to Reveal the Arguer's Implicit Values: Analysing the Public Debate about Funding Prep

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1. INTRODUCTION

I have long argued for grounding argument theory in what actual people actually say when they engage in argumentative discourse. As Sinclair's excellent contribution to this conference shows, this is no simple matter. What people say is grounds for inferring what they think, and this inference can go wrong in myriad ways. Inferences that are uncharitable tend to amplify disagreement, for example. Interpreting others' sayings charitably is one aspect of conversational cooperativity.

Sinclair invites us to consider the value of extreme charity in analysis—meaning a degree and kind of charity far beyond what cooperative interlocutors would ordinarily apply. The purpose of extreme charity is to understand both the perspectives of the participants themselves and the unexplored argumentative potential in an unfolding debate. My enthusiasm for this project will be obvious.

The paper develops arguments of several different kinds, and I plan to touch, at least briefly, on each. First, there is an argument as to the potential value of argument analysis for ethicists, policy-makers, and other stakeholders in policy debate. Sinclair is convinced of this value, and so am I. Second, there is a philosophical argument for applying a principle of extreme charity in argument analysis, which I expect to be controversial among philosophers. I will focus my own attention on extreme charity as an analytic tool—on its viability and usefulness relative to varied analytic purposes. An important question Sinclair raises is how analysts should treat obvious argumentative moves that the participants themselves did not make. Finally, there are arguments about the best sense that can be made of a particular collection of texts, applying the method of extreme charity. I find Sinclair's analyses both insightful and credible overall, but I also have a level of discomfort with a point or two that I think might be worth some discussion. I take up these three themes in reverse order.

2. WHAT IS GOING ON IN THESE DATA?

Sinclair's study involves close examination of over 2000 comments posted on a BBC website, concerning a debate over the funding of a new drug (Prep) that helps prevent new HIV infections. Out of sheer enthusiasm for the project, I scraped all the Prep data myself and read through hundreds of the posts. My goal was to better understand just how difficult it will be to put extreme charity into practice.

The data show a pattern I have seen in many other debates and controversies: the intertwining of one set of issues, such as a decision about a course of action, with another set of issues, often involving standing concerns of one participant or another. The first set of issues in this case have to do with what medical treatments should be funded by NHS, and the second set have to do with the status of men who have sex with men, a major class of beneficiaries of the treatment. Intravenous drug users are another class of beneficiaries, but unlike men who have sex with men, these prospective beneficiaries do not make themselves known in the discussion. For brevity, I'll refer to NHS issues and MSM issues.

In cases like this, it is very tempting to identify one set of issues as the main business needing discussion and the other as a source of emotionally charged digressions. The danger in doing so is that extreme charity then elaborates what is chosen as the top-line disagreement, even if some participants have the other set of issues as their top-line concern. Here, the NHS issues might be supposed to be the top-line disagreement and the other issues might be supposed to contribute little or nothing to actually coming to a resolution of that disagreement.

But looking at subsets of the texts, it is also possible to see the top-line disagreement as MSM, with the NHS issues pulled in to defend a position on MSM. To see how this would work, it's possible that people on the "pro-MSM" side may see the fact that NHS had to be ordered by court to consider funding Prep as evidence of prejudice against men who have sex with men; and it is also possible that people on the "anti-MSM" side see the medical purpose of Prep as just further evidence of all that is wrong with men having sex with men. Their goals are broader and deeper than just getting Prep approved or keeping it from getting approved.

So NHS can be the top-line disagreement, with MSM arguments being weak lines of argument on both sides of that disagreement. Or MSM can be the top-line disagreement, with NHS just one policy decision where MSM issues bubble up to the surface. And this matters for the exercise of extreme charity: As supporting arguments, all of the MSM arguments appear very weak—and this includes not only the

arguments that condemn men who have sex with men, but also the arguments that call out prejudice against men who have sex with men.

This kind of situation is much more common than one might suppose. It is not always possible to represent argumentative discourse by finding one top-line disagreement to which all arguments contribute and to which all arguers orient. What we are arguing about is quite often ... exactly what we are arguing about! So I'm queasy about the possibility that extreme charity can rest on the analyst having preferred one side over another on a meta-issue of this sort (what the top-line disagreement is). When we practice extreme charity on behalf of one distinguishable perspective in a debate, it does not seem right for that to automatically confer disadvantage to some other perspective.

But this is just an application problem, one I assume is easily solved once noticed. It does not undercut extreme charity as a method, so let's turn now to trying to evaluate its overall promise.

3. HOW SHOULD ANALYSTS TREAT OBVIOUS MOVES THAT PARTICIPANTS DID NOT MAKE?

Like Sinclair, I see something more than ordinary charity as indispensable, but only when practised with great self-restraint. Basically, extreme charity involves a donation of content to an unsound argument to make it sound (or to a vulnerable argument to make it less vulnerable). Donations are notoriously tricky, since we all know that they can become an unwanted burden for a recipient. Sinclair reviews several arguments against charity that are based on this basic social fact, but he has answered them in part with procedural assurances that the donation is not an imposition. (That is, he has answered *some* of the obvious objections with philosophical counters, but for others, he has actually solved the objections with rules designed to filter out varied classes of problematic donations.) Specifically, his method includes a set of restrictions on charity, including such conditions as that the donated content must not be inconsistent with anything the recipient has said, and that there must be some basis for believing that the recipient could and would defend the donated content if challenged. This latter condition is actually quite restrictive; if taken seriously, it will preclude not only outlandish projections, but also those that commit the recipient to far more effort than the original argument was worth.

I think of extreme charity as an exercise in projecting how a position might be extended by the participants themselves under the right circumstances. I use 'extension' as it is used in debate theory, to refer to the elaboration of a position in response to opposition. Good debaters try to anticipate long chains of extensions of their own position and their opponent's position. For an analyst to do the same is in my

mind benign, so long as we don't mistake projections of what *might* be said with reconstructions of what *has* been said. Especially in a long-lasting controversy, if an analyst can project plausible extensions of all distinguishable positions in the controversy, that is clear evidence that it is not yet over—no one has yet “won” the debate. This remains true even if no one actually puts a possible extension forward, so long as that extension remains available.

Obviously, though, an analyst should not supply an extension for one side of a controversy and then fault the other side for not having responded to it—after all, as Sinclair too points out, the fact that a strategically useful extension is available does not mean that any participant can be assumed to be willing to take on the commitments that go with it. For any number of reasons, debaters often choose not to go down paths that, viewed only in one context, appear to be advantageous.

4. WHAT INTERVENTIONS CAN ARGUMENT ANALYSIS SUPPORT?

I turn now ever so briefly to the most expansive of Sinclair's claims, that argument analysis of this kind, and possibly many other kinds, can actually improve public argument, but not by the obvious method of literally contributing content to the debate. I firmly believe this myself, but at the same time, have often felt quite a lot of discomfort over publishing my thoughts on controversies for fear of how claims advanced only for the sake of theory might circulate within a debate that has real-world consequences. For example, I believe that in many public controversies where experts and non-experts clash, a common problem is that expert communities expect their *first* contribution to a debate to be decisive; after all, they are the experts. They tend not to anticipate what extension an ordinary layperson might devise when scientific evidence is used to challenge their beliefs, and for this reason they often neglect to position themselves to engage in dialogue. For me to publish this observation might have the positive effect of reminding experts and other authorities to treat critical questions seriously, but on the other hand, it might be taken as saying that experts cannot be trusted to play fair in argumentation.

Like all purposive social actions, an intervention into public argumentation may have unanticipated consequences (Merton, 1936). Interventions that involve the exercise of extreme charity are not alone in the potential for unintended consequences, but to the list of concerns philosophers already have about charity as an analytic method, we can add concerns about the ethics of exercising it from a position nominally external to the disagreement and impartial toward its issue.

Argument analysts do not as yet have the kind of strong professional ethics that have formed within interventionist disciplines (ranging from civil engineering to medicine to social work), so one interesting topic for the future is what such ethics would look like for argumentation. Sinclair forces us to consider this.

5. CONCLUSION

I conclude my commentary (and hopefully set an agenda for the discussion) by inviting Sinclair to help us get started on articulating an intellectually and ethically acceptable role for argument analysis within active public controversies. Should argument analysts themselves intervene by providing one side or another the benefit of expert argument analysis? Should our interventions be limited to providing analytic tools that participants themselves may use? How, in general, should we think about when and by what mechanism to intervene?

REFERENCES

- Merton, R. K. (1936). The unanticipated consequences of purposive social action. *American Sociological Review*, 1(6), 894-904.
- Sinclair, S. (June 2019). Uncovering hidden premises to reveal the arguer's implicit values: Analysing the public debate about funding Prep. Paper presented at the Third European Conference on Argumentation, Groningen.

Strange Fish: Belief and the roots of disagreement

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I view deep differences as points of departure rather than impenetrable cul-de-sacs. This involves assessing ideas like that of deep diversity, and accounts of what it means to live a life. Differences that characterize the disagreements between communities are like those between members within a community and the diversity of values within individual lives. Such diversities are successfully managed, which can be a lesson extended to deeper differences. This approach recognizes an expanded sense of "reasons."

KEYWORDS: deep diversity, disagreement, Stanley Fish, forms of life, rationality, reasons.

1. INTRODUCTION

Every "rationality" has its focus and range of convenience and a range of phenomena for which it is inappropriate. Each is open to critique if defended as a universal but has its place in the sun if defended as a local affair.

--Charles A. Willard

On January 9th in 1493, as his ship approached the coast of what is now South America, it is noted in the journal of Christopher Columbus that he "saw three mermaids, which rose well out of the sea; but they are not so beautiful as they are painted, though to some extent they have the form of a human face" (Bourne, 1906, p.218).

Mermaids, those half-female, half-fish creatures of legend, have existed in maritime cultures at least since the time of the ancient Greeks. And Columbus would have been well schooled in such stories. What Columbus saw was undoubtedly a family of manatees. The editor of Columbus' journals, Edward G. Bourne, provides a footnote, as if by way of exculpation, in which he explains "Their resemblance to human beings, when rising in the water, must have been very striking. They have small rounded heads, and cervical vertebrae which form a neck, enabling the animal to turn its head about. The fore limbs also, instead of being

pectoral fins, have the character of the arm and hand of the higher mammalia." (Bourne, 1906, p.218.n1)¹

What is of greater interest is that Columbus saw what he believed, even as he struggled to believe what he saw. In this way, the example illustrates the power of belief over perception. This is also one explanation for the kinds of disagreements that strike us as intractable and so resistant to the power of argumentation to resolve them. Cultural theorist Stanley Fish gave considerable insight into the nature of the challenge involved with such disagreements. They stem from different belief structures that condition the way the world is seen: "What you believe is what you see is what you know is what you do is what you are" (Fish, 1999, p. 247). More of the text is worth citing here, because it gives the rationale for this way of thinking. Fish is talking about Milton's creation of oppositions in *Paradise Lost*:

Milton's motto is not "Seeing is believing" but "Believing is seeing"; and since what you see marks the boundaries of your knowledge, believing is also knowing; and since it is on the basis of what you know—whether what you know is that there is a God or that there isn't one—that you act, then believing is acting. What you believe is what you see is what you know is what you do is what you are (Fish, 1999, p. 247).

So, on these terms, you cannot appreciate a way of life that is not yours.

This sums up the depth of the problem: it is not a matter of "seeing is believing", as we might expect, where the way the world appears to us determines what we come to believe (about it, about ourselves, and so forth). Rather, some people or groups come to see the world through the lenses of their belief sets. One important result of this divide is that we cannot take two groups back to a common underlying world in order to find shared understandings on which to build some kind of agreement. Their *worldviews* are—in the term favoured by the philosopher of science Thomas Kuhn—incommensurable. That is, there is no common standard by which two systems can measure each other. They may engage in conversation, but what they say will not resonate with each other to a level that would count. Although they speak, like Wittgenstein's lion (but without the hypothetical)², they cannot be understood.

¹ Or, consider the same phenomenon on a different register, the case of Arthur Conan Doyle, whose firm belief in the supernatural meant he had no hesitation in conferring authenticity on a photograph depicting a young girl surrounded by fairies.

² "If a lion could speak, we could not understand him" (Wittgenstein, *Philosophical Investigations* IIxi, p. 223). In the same section he notes, apropos the discussion here, "one human being can be a complete enigma to another. We learn this when we come into a strange country with entirely strange traditions;

2. FISH'S POSITION

Fish is clear that the opposition is between two ways of believing and not ways of knowing, one based on evidence and reason, the other on belief. The problem's root is beneath this, while "on the level of epistemology both are the same" (Fish, 1999, p. 245). What is lacking in both cases is a first premise.

It's to be noted that Fish's position shares affinities with Fogelin's (1985) on deep disagreements, although this is often overlooked. A common denominator—or assumption—in many of the critical responses (Levi, 2000; Feldman, 2005; Kock, 2007) is that parties *recognize evidence*, or reasons, or values, or issues. But Fogelin is insistent that in cases of deep disagreement what counts as evidence is itself in dispute. The argumentative standoff is so complete that there is no ground for any such recognition that what the other party takes as a reason is a "reason" in any common sense. And the same holds for "value" and even "issue." Looking at the world from completely different belief sets would involve different understandings of how it is set up, operates, and is understood. That is what a framework suggests. On the strictest reading of Fogelin's argument, such frameworks are impenetrable from the outside. We have, for both Fogelin and Fish, a conflict of rationalities without any reasonable means to resolve it. Thus, the only recourse is to unreasonable means (Fogelin, 1985, p. 6-7; Fish, 1999, p. 255).

There is a deafness here when contrary positions are voiced; we have what Marc Angenot has called "dialogues with the deaf" (2008). Angenot grounds his argument in a central empirical claim or insight: our attempts to persuade others invariably fail. In spite of our efforts to engage in the social practice of exchanging good reasons, those reasons too often fail to have the uptake we expect.

Angenot's is a far more general claim than those produced by Fogelin and Fish, and not one I can give detailed attention to here. For now, we can consider some of the grounds for this deafness made clear in Fish's follow-up essay to "Why We All Can't Just Get Along." In this later text, he is responding to the objections of Father Richard Neuhaus (editor of the journal *First Things* where the original paper appeared in 1996), one of which is that Fish pits reason against faith. Of course, he doesn't; his point was that both positions were grounded on faith. But that does not mean that reason cannot proceed from there; "both are reasoning" (1999, p. 263), but in a different register.

and what is more, even given a mastery of the country's language. We do not *understand* the people. (And not because of not knowing what they are saying to themselves.) We cannot find our feet with them." Fogelin's (1985) position on deep disagreements is influenced by Wittgenstein's observations.

As part of his reply, Neuhaus had asked: "In the course of reasoning cannot that first premise itself become the object of critical attention?" (Cited in Fish 1999, p. 265). But Fish thinks not: "Spinning your wheels is what you would be doing if you were to bracket your first premise and make it the object of critical attention" (p. 267). He illustrates his position by taking up the case of the reasonable Christian (no doubt with his respondent in mind). Should a Christian experience any "reasonable" doubt, it would have to have been raised by concerns internal to the belief system and not between that and some other system (p. 268). I emphasize "reasonable" here, because Fish adds the adjective to "doubt" so as to suggest a separate, internally consistent notion of reasonableness with its own modes of evidence. Doubt would not arise from supposed "evidence" that supports a claim in another system. To emphasize the point, Fish observes: "It seems unnecessary to say so, but when you think a view wrong, you don't see what is seen by those who think it right—those who live and move and have their being within it" (p. 269). And here we are back to the chain of connections with which we began, running from belief to being.

Someone might object here, and say: "Well, you do see what is seen by those who think a view right, but not in the same way. So, it's a matter of interpretation." Fish seems to recognize this as he goes on to dispute whether we understand others in the right sense of "understanding." In saying that a view is wrong, all we can really be saying is that we do not understand it from our perspective.³ The utterances meet the requirements of grammar and appear meaningful, but they signify nothing.

3. COUNTER-CONSIDERATIONS

James Freeman (2012), in his ISSA Keynote, reads Fish's attempts to construct a Miltonian argument through the lenses of the Toulmin model, invoking the language of warrants. But he also shows the dire consequences of the Miltonian position for other theories such as (to mark two examples) pragma-dialectics (where adversaries could never proceed to the argumentation stage), or Johnson's manifest rationality model, where reciprocal rationality is impossible between people who do not share the original position (Freeman, 2012, p. 66). Freeman salvages the reputation of argumentation theory by challenging the idea that there can be warrants without backing, in Toulmin's sense. By including backing, warrants are subject to evidentiary support of different kinds (p. 68). Still, Freeman's argument assumes that people who disagree will

³ Relevant here are the responses of Luria (1976) and his co-experimenters when their subjects made "mistakes" in reasoning.

recognize that their opponents are providing evidence for their warrants (p. 69; p. 71).

Citing a 1996 version of the Fish paper, Freeman gives: "Evidence is never independent in the sense of being immediately perspicuous; evidence comes into view (or doesn't) in the light of some first premise or "essential axiom" that cannot itself be put to the test because the protocols of testing are established by its presumed authority" (Fish, 1996, p. 23). To this, Freeman responds:

Is *this* true? Suppose one's experience leads to forming an inferential belief-habit expressible as a warrant. Suppose one meets another whose stock of inference habits does not include this warrant. If one presents the evidence or paradigm instances of the evidence which led to the forming of one's belief habit, why cannot the other appreciate that they constitute positive evidence for that warrant, and indeed may even constitute sufficient evidence for acceptance? How is some essential axiom necessary to recognize evidence *as* evidence? (Freeman, 2012, p. 69)

Again, he asks: could not the antagonists of the Milton case "agree on at least some statement if asked, agree on the evidence which might support it and that this evidence does support it?" (p. 69). But this is the key point, it is over the nature of evidence that the disagreement exists.

4. LEVERAGING THE ROOTS OF DISAGREEMENT

We learn little from dissent if we cannot leverage the roots of the disagreement. And if we cannot recognize evidence for what it is, then this is exactly the position we are in. Fish's challenge, like that of Fogelin, is over the nature of evidence. What *can* count as evidence? How is the range of reasons delimited? Depending when and where these questions are posed, the responses will vary considerably. Fish and Fogelin pose these questions within the same system of rationality. But both also assume that evidence is relative to rational systems, and that these systems do not share enough for "us" to recognize a common standard to evaluate them.

The first thing that should be observed here is the apparent privileged position of the "us," as if we held the position of a "god's-eye" appraiser occupying a view from nowhere.⁴ It is testimony to the seriousness of the problem that there is no such position. The problem is our problem and we are immersed in it with all the epistemic

⁴ The problems associated with this view have been detailed elsewhere, particularly by Hamblin (1970, p. 242). See also, Tindale 2004, Chapter 5 on the construction of "objective" views.

commitments that position suggests. When we look at the issue, we look at it from the perspective of one of those internally consistent reasonable systems. It just happens to be the dominant one, insofar as the traditions of Western thought and science have supplied it, corroborated it, and come to depend upon it. When we look at other systems, if we do, we see the equivalent of what look to us like mermaids because that is all our system can suggest. When the advocate of a different system explains the evidence drawn from dreams, we recognize the explanation, but not the content; dreams are not a source for evidence. The question is whether, to recall Angenot's point, we are so deaf to the other's voice as to be incapable of learning to hear anything meaningful.

LuMing Mao (2003) issues two serious challenges with mounting import. In one place, speaking of George Kennedy's (1998) work on comparative rhetoric, he asserts "Kennedy consistently uses a host of Western rhetorical terms like *judicial*, *deliberative*, and *epideictic* to make sense of those other traditions, even though the latter are distinctly different from the culture that produced these terms" (Mao, 2003, p. 411). Elsewhere, he writes "our own most fundamental frames of reference or *epistemes* that are often rooted in or influenced by such Western concepts as reason, truth, logic, communication, and selfhood" (Mao, 2009, p. 67). There is much of value to extract from these observations. The critique of Kennedy raises the serious question of whether (or how) we can read another tradition/system without using the terms of reference from our own framework. What is lost if we are limited to translating other rhetorics in our terms? Rhetoric is a product of culture, and each culture expresses itself in its own way. Moreover, the second observation—claim really—is that concepts like "reason, truth, logic, communication, and selfhood" are Western concepts. Presumably, this is not to deny that others communicate and reason. Rather, their meanings and subsequent behaviours do not assimilate readily to our understandings of reason, truth, logic, communication, and selfhood.⁵

Yet we know what it means for things to be meaningful, so there is the prospect of at least recognizing the appreciation of meaningfulness in others. I approach this challenge by looking in the next section at some cases, drawn from different sources, cases in which human experience is expressed differently, and thus not initially recognizable to every gaze.

The idea of the universal human (an idea that includes concepts like Perelman's universal audience) is brought into question by problems such as those discussed here. Charles Willard (1989) observes, in the epigraph to this paper, that claims to universality are invitations to criticism, while "rationalities" presented as local have a "place in the sun"

⁵ See, for example, Clifford Geertz's (1983) examination of "person" in three different cultures as a "vehicle by means of which to examine this whole question of how to go about poking into another people's turn of mind" (p. 59).

(Willard, 1989, p. 167). And Clifford Geertz notes, in a way that anticipates Fish, that the image of a constant human nature may be an illusion: what humans are depends on where they are and what they believe (Geertz, 1973, p. 35). Instead, Geertz argues, we must attend to "the informal logic of actual life" (p. 17), immerse ourselves in the particularities of human experience, and build from them, on their terms, an understanding of how differentness is not so much a problem to be overcome but the position from which we begin to move, on parallel tracks, towards engagement.

5. CAN WE TALK?

Anthropological studies like those of Gertz (1973; 1983) show us that reasons come in many forms, forms not necessarily baptised as such in the Western tradition. Such studies, present "reasons" as expressions of meaningfulness, or simply sources of meaning. Luria's experiments involving "non-literates," noted in an earlier footnote, illustrate what happens when the standards of one system and the expectations that flow from it are imposed on people operating outside of that system. Such studies fall prey to the ethnocentrism that pervades the relevant literature in spite of the warnings that persist with equal fervour from people like Mao, cited above. But those same experiments, approached from a different direction, teach us that the reasoning of others can be described in ways that show them as both thoughtful and reasonable. Descriptions can render those responses as meaningful expressions of human experience in which reasons are understood in ways contrary to Western norms or different things are understood as reasons.

5.1 Case 1: Ancient Greece

Imagine an individual who, while deeply committed to many of the institutions of his society, is deeply immersed in the full range of human experiences and draws his understandings, his reasons, from sources as diverse as dreams. He believes for example, that what occurs in dreams is relevant to events in waking life; that an event will not occur on a particular day because he dreamt it would not. In fact, his actions are generally guided by a voice that discourages him from pursuing certain courses of action, and he appeals frequently to this source to explain his behaviour. And his actions themselves serve as a further source of evidence, preferred over the expression of reasons in propositions.

This individual conveys all the signs of operating within a system of rationality different from our own. We tend not to extend credence to the promptings of dreams and we are suspicious of people who hear voices, and we have a deeply ingrained preference for propositional claims over actions. But these prejudices likely dissipate when we

recognize the figure in question is the historical Socrates, as Plato describes him.

Awaiting execution, he tells his companion that he does not think the ship from Delos will arrive until the following day (no executions being permitted until the ship's arrival) because (for the reason that) he dreamt it to be so (*Crito* 43d-44a). The intuitive power of his inner voice, given authority in the *Apology* (40a) and elsewhere, that always tells Socrates 'no' and never 'yes', has been variously explained in the literature, but all those explanations have difficulty reconciling the Socrates of the inner voice with the paragon of reason celebrated in the Western tradition. In truth, it has more in common with the kisceral mode of the multi-modal account of argumentation (Gilbert, 1997). And as a central part of the argument he provides in his defense in the *Apology*, he offers the jury as "powerful proof" not "mere words," but what they "honour more—actions" (*Apology* 32a). He then gives two autobiographical narratives of times he opposed wrongdoing in Athens, once during the democracy, and a second time during the tyranny.

It might be suggested, given Socrates' position in the history of Western thought, that we are able to access his system of rationality. But these are exactly the aspects of his character that we tend to overlook or that present commentators with the most difficulty. In fact, Socrates is a transitional character between orality and literacy, and it is our prejudice in favour of the literate that brackets out the vestiges of the oral.

5.2 Case 2: Contemporary Canada

A very different example of difference emerges from the political arena, where a focus on differentness often distorts the underlying relationships, deflecting attention from the ways it is accommodated in practice. The case in question is that of Canada, specifically Quebec's relationship to the rest of Canada. This is an example of what political theorist John Dryzek (2006) would call a "divided society": "A divided society is defined by mutually contradictory assertions of identity" (2006, p. 46). In the face of deep differences, Dryzek advocates a discursive democracy, where the deliberation and decision aspects of democracy are separated so that deliberation is located in an engagement of discourses in the public sphere (p. 47). Here, the aim is to detach deliberation from identity in order to facilitate the power of persuasive discourse (p. 57; p. 63). An example of what Dryzek's approach via discourses entails is captured in Martin Luther King Jr. On Dryzek's reading, King was able to separate white Americans from their identity by appealing to their emotional commitment to symbols like the Declaration of Independence and the constitution, leading to a change in the way dominant liberal discourse was understood (Dryzek, 2006, p. 63). This way of detracting from identity to accomplish change through

discourse effectively overcomes difference, achieving agreement in the political sphere.

The Canadian example retains difference in a tension of mutual accommodation. But it requires a special kind of relationship, as Charles Taylor (1993) explains. Taylor promotes two kinds of diversity: first-level diversity and second-level or "deep" diversity (1993, p. 182-3). The first involves the kind of identity that Dryzek eschews, where significant differences in culture, outlook and background are bridged by a common idea of belonging to Canada. Left out of the equation are Indigenous communities, for whom the "way of being Canadian is not accommodated by first-level diversity" (p. 182). To overcome this exclusion requires attention to deep diversity, "in which a plurality of ways of belonging would also be acknowledged and accepted" (p. 183). So, Taylor explains:

Someone of, say, Italian extraction in Toronto or Ukrainian extraction in Edmonton might indeed feel Canadian as a bearer of individual rights in a multicultural mosaic. His or her belonging would not "pass through" some other community, although the ethnic identity might be important to him or her in various ways. But this person might nevertheless accept that a Québécois or a Cree or a Déné might belong to a very different way, that these persons were Canadian through being members of their national communities (p. 183).

The challenge, as Taylor seems to allow, is managing deep diversity at the same time as a sense of unity.⁶ First-level diversity stresses the commonality, building on the metaphor of bridging; deep or second-level diversity stresses the differences, building on the metaphor of the mosaic.

This case of "accommodated difference" through deep diversity seems far from the radical divergences captured in Fish's reframing of the seeing is believing commonplace. But are such cases really so far apart? To explore this question, I want to turn to the nature of diversity *within* individuals.

6. FORMS OF LIFE AND DEEP DIVERSITY

The full sense of the human reasoner involves the mind and body, reason and emotion, in all their intricate relations. The model of the sterile reasoner devoid of emotional reactions, like Sherlock Holmes or Star Trek's Spock, is a fiction. At times, perhaps, a necessary fiction when the

⁶ Interestingly, Dryzek identifies Canada as a positive example of the kind of discursive democratic engagement in a semi-public sphere that he advocates (2006, p. 64). But his focus is on disagreements between Anglophones and Francophones, and does not bring in the Indigenous consideration.

focus of attention is on the power of deduction in human reasoning, but still no less of a fiction.

Not surprisingly, a turn to human experience with its intricate web of connections that characterize a life has been a popular move for philosophers engaging the problems associated with radical difference, incommensurability, and noncomparability.⁷ It is such a return that Fogelin invites with his reference to “a form of life” in his account of deep disagreements.

Yet Fogelin is actually ambivalent in his remarks: speaking of the source of deep disagreements, he notes that what we find are not isolated propositions, but “a whole system of mutually supporting propositions (and paradigms, models, styles of acting and thinking), if I may use the phrase, a form of life” (1985, p. 6). But he then proceeds:

I think that the notion of a form of life is dangerous, especially when used in the singular. We do better to say that a person participates in a variety of forms of life that overlap and crisscross in a variety of ways. Some of these forms of life have little to do with others. This explains why we can enter into discussions and reasonable arguments over a range of subjects with a person who believes, as we think, things that are perfectly mad (p. 6).

Fogelin’s point—as he proceeds to clarify it—is that we can still trust such a person on other subjects. But the larger point recognized here, and that he does not proceed to develop, is that human lives are sites or projects of diversity. Setting aside whether what is at issue here is multiple “forms of life,” what we can recognize is that the kinds of inner conflicts we so routinely experience are the results of clashing beliefs and commitments. In the closing sections, I want to consider the nature and implications of this deep diversity.

The shift to the agent, the one who holds the beliefs and so forth of Fish’s chain, is a shift to preliminaries. It poses the challenge that in order to understand others we must first understand ourselves. That may be a serious challenge in itself and is certainly a discussion that warrants far more than could be extended to it here. All that matters, perhaps, is that we appreciate the ways in which differentness and problems of comparability of values are assimilated in, and are natural features of, the living of lives. Taylor observes (and this is an observation we can now support) that stating questions in terms of extreme positions, either no diversity or complete diversity, is problematic. In particular, for him, it ignores dimensions of the ethical life (Taylor, 1997, p. 171).

⁷ The latter is most strongly advocated by Chang (1997), who distinguishes noncomparability from incomparability. This is not a distinction I will pursue here.

Human lives are colored by experiences of inner conflict as we continuously struggle to reconcile values to which we give different weight at different times. Consider the young woman who both sees the merit of reducing government subsidies during times of austerity, tracking this to decisions she has made throughout her life, decisions that have reflected the value of fiscal responsibility, while at the same time disagreeing with the reduction of government subsidies because of the consequences she sees for the disadvantaged arising from it, a disagreement which also flows naturally from past decisions and the high value she has always placed on charitable action. These reactions are irreconcilable on any common level. They both speak to aspects of her character threaded together in her life. And we all experience such deep diversity of conflicts almost routinely.

We value incomparable goods, where there is no common register to weigh them and decide for one over another. We give particular weight to a good here, but not there; now, but not later. Much depends on how lines of significance are woven through our lives, rising to the surface in relation to each other, interacting at important moments. And this diversity is part of a fractured whole that constitutes a life. This situation mirrors the external clash of values in different frameworks.

Moreover, too much analysis conforms comfortably to the dictates of linear rationality and isolates actions into points in a sequence and fails to treat them as issuing from lives in which values and beliefs are integrated in complex webs. Is a life something we "lead" or "pursue," or something we accumulate, amassing experiences that encourage dispositions to act? Are we out ahead of ourselves like a Sartrean ego, gathering a self in reflection; or do we follow on behind, monitoring alternatives and choosing the ways forward? In either case, there is a sense of directional movement, but only experienced in the moment, as lives remain susceptible to the kairoic (Taylor, 1997, p.180). The unifying force that gathers or monitors is what manages this diversity. For Taylor, "the intuition of diversity of goods needs to be balanced with the unity of life" (p. 183).

In the mirrored world with its clashing values, we assume that frameworks have unity, assigning them a static nature. Hence, we view diversity as arising *between* frameworks. In fact, we should be interested first in diversity that arises within them. Where Taylor finds "deep diversity" in the Canadian mosaic, we might identify it as an unavoidable feature of cultures and "systems" of belief.

Frameworks support lives, providing the contexts in which they are lived. Does the same type of fractured coherence apply to a life that characterizes a framework? Steven Lukes (1997) introduces a valuable distinction between sacred values (which may be secular or religious) that are partial and concrete, and those that are impartial and abstract (Lukes, 1997, p. 188). The impartial are the problematic ones, in part

because they are not connected to a way of life. The partial, on the other hand, favour a way of life.

For Fish, the search for the impartial, for foundational standards that will connect frameworks, is doomed to fail. But how would he fare with the partial, where choice arises in diversity? Does he assume that operating within a system provides the coherence for agency to function? Lives are partial to certain values at certain times, they change and grow, and the systems that support them need to support this. So, they are always open to revision, to alternatives. Human lives feed off of otherness.

On a deeper level, it is strange Fish should read things as he does. I refer here to his reconfiguring of the causal chain reflected in the popular "seeing is believing." For Fish, we recall, the causal series begins with belief, and proceeds to perception, knowledge, action and identity. But our discussion has progressed toward a different conclusion: that the causal chain itself is the misconception. Rather, the elements of the alleged chain are parts of an integrated whole, centered by the self as experienced across the qualities of a life. Human lives are complex affairs, and part of that complexity is the interweaving of perception with belief, and with knowledge and action, and with emotion and identity, none of which has any primacy in a series of causal influence.

7. CONCLUSION

Diversity is not something to be overcome, but to be managed. For Fogelin, a "form of life" is a system of mutually supporting propositions, and we participate in multiple forms of life, overlapping and crisscrossing. There are two claims at work here, and they don't fit well together, because the second challenges the first. And so, we might suggest, following on the preceding investigation, that a "form of life" is a system of managed diversity, where propositions that disagree are reconciled in a dispositional nature governed by a force of character that ultimately can give coherence to our actions and make of our life a thread that connects past choices into meaningful narratives and gives some predictability to future action. This is a complex structure, and more than I have defended here. My principal concern has been to challenge Fish's causal sequence and reframe deep disagreements in terms of diversities. It is not a matter of whether seeing (perception) or belief is a first step in a causal series; it is a question of whether any such series is ultimately plausible. The interrelations of perception, belief, knowledge, action and identity in individual lives suggests the problem is not as Fish explains it.

Answers to radical differences between frameworks also involve an expansion of our sense of reason(s), that is, an openness to the range of experiences that influence human decisions. We are reason-giving creatures, creating dispositions that form us and confound us, making the

diverse reactions of our lives inevitable. But what we give as reasons varies across forms of life and the cultures that support them. Socrates' voice is as valid for him (and operates as powerfully in his reasoning) as a scientist's appeal to the way fossil fuels break down in the atmosphere. Preferring one source over another makes sense according to the context; dismissing one source out of hand is the kind of prejudicial response that feeds the flames of deep disagreement.

One solution (but it is not a solution, if there is nothing to solve; so, direction, then) is not to seek any one-size-fits-all set of standards, because that inevitably would involve the imposition on some of the values of other. Further lessons from anthropology here demand that we recognize the enormous damage that ensues (to *all* involved) when standards are imposed.

We can focus on framework propositions and belief systems. That gets us so far. But from the perspective of argumentation, frameworks and systems are only the hollow husks in which and between which the real dynamics, the lived encounters, ensue. Argumentation is at its heart a human activity; we should never lose sight of this. The study of argumentation begins with the human and ends with the human. It explains our nature as much as it forms the ways that nature is expressed in the world. The roots of disagreement are not frameworks or causal series, but human agents and their diverse commitments.

REFERENCES

- Angenot, M. (2008). *Dialogues de sourds: Traité de rhétorique antilogique*, Paris, Mille et une nuits.
- Bourne, E.G. (1906). Journal of the First Voyage of Christopher Columbus, 1492-1493, in E.G. Bourne (Ed.), *The Northmen, Columbus and Cabot, 985-1503*. New York.
- Collection of the First Voyage" Document No. AJ-062. Wisconsin Historical Society Digital Library and Archives.
<http://www.americanjourneys.org/pdf/AJ-062.pdf>. Ret. Sept 18, 2018.
- Chang, R. (1997). (Editor) *Incommensurability, Incomparability, and Practical Reason*. Cambridge, MA: Harvard University Press.
- Dryzek, J. (2006). *Deliberative Global Politics*. London: Polity.
- Feldman, R. (2005) Deep disagreement, rational resolutions, and critical thinking, *Informal Logic* 25 (1), 13-23.
- Fish, S. (1999) Why we can't all just get along, in *The Trouble with Principle*. (pp. 243-62). Harvard University Press. [This is a revision of the paper that first appeared in *First Things*, 60, (1996), 18-26. Freeman's discussion applies to the 1996 text.]
- Fish, S. (1999). Faith Before Reason, in *The Trouble with Principle*. (pp. 263-75). Harvard University Press.
- Freeman, J. (2012). Can argumentation always deal with dissensus? in F. van Eemeren & B. Garssen (Eds.) *Topical Themes in Argumentation Theory*. (pp. 61-75). Springer.

- Fogelin, R. (1985). The logic of deep disagreements, *Informal Logic* 7, pp. 1-8.
- Geertz, C. (1973). *The Interpretation of Cultures: Selected Essays*. Basic Books.
- Geertz, C. (1983). *Local Knowledge: Further Essays in Interpretive Anthropology*. Basic Books.
- Hamblin, C.L. (1970). *Fallacies*. London: Methuen.
- Kennedy, G. (1998). *Comparative Rhetoric: An Historical and Cross-Cultural Introduction*. Oxford: Oxford University Press.
- Kock, C. (2007). "Norms of legitimate dissensus, *Informal Logic* 27 (2), pp. 179-96.
- Levi, D. (2000). *In Defense of Informal Logic*. Dordrecht: Kluwer Publishers.
- Luke, S. (1997). Comparing the Incomparable: Trade-offs and Sacrifices, in R. Chang (Ed.) *Incommensurability, Incomparability, and Practical Reason*. (pp. 184-95). Cambridge, MA: Harvard University Press.
- Luria, A. (1976). *Cognitive Development: Its Cultural and Social Foundations*. M. Lopez-Morillas & L. Solotaroff (Trans.) Cambridge: Harvard University Press.
- Mao, L. (2003). Reflective encounters: Illustrating comparative rhetoric," *Style* Vol. 37 (4), pp. 401-25.
- Mao, L. (2009). Doing comparative rhetoric responsibly" *Rhetoric Society Quarterly*, 41 (1), pp. 64-74.
- Taylor, C. (1997). Leading a Life, in R. Chang (Ed.) *Incommensurability, Incomparability, and Practical Reason*. (pp. 170-83). Cambridge, MA: Harvard University Press.
- Taylor, C. (1993). *Reconciling the Solitudes: Essays on Canadian Federalism and Nationalism*. G. Laforest (Ed.). Montreal & Kingston: McGill-Queen's Press.
- Tindale, C.W. (2004). *Rhetorical Argumentation*. Thousand Oaks, CA: Sage Publications.
- Willard, C.A. (1989). *A Theory of Argumentation*. Tuscaloosa: The University of Alabama Press.
- Wittgenstein, L. (1953). *Philosophical Investigations*. New York: The Macmillan Company.

An optimistic perspective on deep disagreement? Commentary on Tindale's Strange Fish: Belief and the roots of disagreement

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1. INTRODUCTION

Christopher Tindale offers a deeply philosophical reflection about the nature of disagreement and the way we can understand it. Especially, he challenges a rather anthropocentric perspective on argumentation we naturally tend to embrace, as our western cultural framework marks us. I think that analysis of argumentation which would not take into account what he calls the "forms of life" (after Ludwig Wittgenstein and Robert Fogelin) are too local to apply on a study of argumentation processes as global anthropological phenomena, free of primitive concepts and assumptions such as the trinity of judicial, deliberative and epideictic discourse.

2. CLOSE THE LIMITS OF MY WORLD

I find the case of Socrate's dream particularly interesting, which makes me think about a similar case I would like to evoke. Jeremy Narby, a Canadian anthropologist, publishes a book titled *The cosmic serpent, DNA and the origin of knowledge* in 1998, where he relates long years of observation of shamanic tribes in South America. In this book, he develops the following theory:

In their visions, where their consciousness is somehow reduced to the molecular level, shamans access information from DNA, which they call "animated essences" or "spirits", through different techniques; thus, shamanic or "animist" cultures have known for millennia that the vital principle is unique for all forms of life and looks like two intertwined snakes [...] This way of knowledge is only revealed in states of unfocused and "non-rational" consciousness, but its results

are empirically verifiable [...] The metaphorical explanations of shamans correspond quite precisely to descriptions that Western science is beginning to provide.”¹ [translation my own] (Narby, 1998, p. 117)

As in Socrate’s dream, the mode of knowledge of shamans explained here is somehow like the “kisceral mode of the multi-modal account on argumentation” (Tindale, 2019, p. 10), since their visions come from dreams and trances. The parallel established by Narby between the vision of the intertwined snakes and DNA has been challenged, but this is not what I want to underline here.

What I want to underline is that shamans see a cosmic snake and believe in a cosmic snake because they see this snake in their visions. They never talk about DNA. Within their cultural framework, DNA simply does not exist, but the cosmic snake does. Therefore, in a certain sense, by bringing together the concepts of cosmic snake and DNA, Jeremy Narby closes the limit of his world, of his cultural framework. Since he cannot truly believe in the existence of a cosmic snake, he interprets it as DNA and this way, damages the objectivity of his anthropological inquiry. In other words, he accepts dreams and trances as sources of knowledge, but does not accept the content of this knowledge, and describes it as a metaphor of DNA and not as the reality of the shamanic tribes systems of beliefs: he interprets rather than he reports, like the commentators on Socrate’s dreams.

3. OPEN THE LIMITS OF OUR WORLDS

Additionally, I would like to discuss some of Tindale's assumptions: “Lives are partial to certain values at certain times, they change and grow, and the systems that support them need to support this. So, they are always open to revision, to alternatives.” (Tindale, 2019, p. 15) and “The roots of disagreement are not frameworks or causal series, but human agents and their diverse commitments” (Tindale, 2019, p. 17).

¹ "Dans leurs visions, où leur conscience est en quelque sorte réduite au niveau moléculaire, les chamanes accèdent par différentes techniques à de l'information en provenance de l'ADN, qu'ils appellent "essences animées" ou "esprits"; ainsi, les cultures chamaniques, ou "animistes", savent depuis des millénaires que le principe vital est unique pour toutes les formes de vie et ressemble à deux serpents entrelacés. [...]. Cette voie de connaissance ne se révèle que dans des états de conscience défocalisée et "non-rationnelle", mais ses résultats sont vérifiables empiriquement. [...] Les explications métaphoriques des chamanes correspondent assez précisément à des descriptions que la science occidentale commence à fournir."

I think that this view is in line with evolutionary theories in meta-ethics (see, e.g., Clavien, 2015), which literally see human agents as “forms of life” moved by a biological necessity for survival. Within this framework, it is difficult to identify or set universal values, except the driving force of life itself.

However, the supporters of some form of universality of values (see e.g. Huemer, 2007) oppose this view with examples of moral judgments, which would be intuitively true, such as, “It is wrong to torture a child for pleasure”. I do not think that, about such a judgment, a Christian, for example, would invoke God as the source of the truth of the judgment – the evil of torturing a child is beyond God. I do not think neither that a liberal would sincerely be ready to discuss this truth – the evil of torturing a child is beyond democratic discussion of values. It seems thus that the sentence and its source are something common to all cultural framework, to all lives, to all systems, and maybe something foundational, which could connect all systems, all lives and all frameworks together. If this “something” exists, there is a root for universal agreement about values and a possible key of resolution of any deep disagreement.

4. CONCLUSION

To conclude this commentary, I would say that there are “one-size-fits-all sets of standards” (Tindale, 2019, p. 17), but that these standards are difficult to describe. What is it that makes true the sentence “it is bad to torture a child for pleasure”? Maybe exactly what we call “humanity”, or “forms of life”, or “human agents”. In this sense, there is an optimistic perspective: because disagreement emerges between human agents, there is no disagreement so deep that it cannot be resolved. There is also a pessimistic perspective: because disagreement emerges between human agents, disagreement is unsolvable by nature.

REFERENCES

- Clavien, C. (2015). Evolution, Society, and Ethics: Social Darwinism Versus Evolutionary Ethics. In T. Heams, P. Huneman, G. Lecointre, & M. Silberstein (Eds.), *Handbook of Evolutionary Thinking in the Sciences* (pp. 725-745). Dordrecht: Springer Netherlands.
- Huemer, M. (2007). *Ethical intuitionism*. London: Palgrave Macmillan.
- Narby, J. (1995). *Le serpent cosmique, L'ADN et les origines du savoir*. Genève: Editions Georg.
- Tindale, C. W. (2020). Strange Fish: Belief and the roots of disagreement. European Conference on Argumentation: ECA, Groningen, 2019.

Profiling dialogues: Multi-trait mapping of televised argumentative exchanges

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A 24 minute televised discussion was analysed in a teaching module on how parties obey or violate norms of rational discussions. The research project studied the dynamics of the argumentative exchange, and constructed a multi-trait map of the situational meso-context. The exploratory multi-modal data gathering and handling method provided a multi-channel map of over 25 traits and 700 data points. The dataset can be linked to linguistic (micro-context) analysis, and can be utilised in institutional (macro-context) studies.

KEYWORDS: actio, complexity, derailment, dual-process, fallacy, framing, multi-modal argumentation, non-verbal communication, strategic manoeuvring, televised debate

1. INTRODUCTION: EXPLORATORY ANALYSIS OF ARGUMENTATIVE DYNAMICS

Televised debates are of the more significant sources of information for citizens concerning political, ethical, environmental, economic, policy-related or scientific issues. These debates, Q&As, as well as various other forms of persuasion dialogues inform citizens and shape their views concerning things past and things to come, as Aristotle delineates deliberative and forensic kinds of speech (Ar., *Rh.*, 1358b 1-3.).

These debates are also important fora for communication because they provide some of the most salient examples of handling disagreements and conflicts. As such, they have the potential to shape the norms of argumentative cultures in the general public. It is hard to imagine a well-developed democracy where there are *no* televised

discussions that even approach *any* model of a critical / rational / reasonable discussion, but deliberative cultures can turn out to be fragile 'ecosystems'. If argumentation theorists are interested in whether more-and-more or less-and-less televised discussions display characteristics of a critical / rational / reasonable discussion, they need tools to size up the improvement or demise. That is, they need tools to measure development in macro-context, changes in argumentative cultures.

Research on the normative, argumentative aspects of these communicative interactions has started to fuse in the last decades with empirical studies of persuasion, research in social and cognitive psychology, and research on gesture. As such, little of the methodology has become standardized, and various approaches are developed to address current research questions and future research needs. Most of the research is on the micro-context, where a link to argumentation and an interface with computing can readily be made.

The approach outlined in the paper was developed for the micro- and meso-level. The target of the analysis was a Hungarian televised debate between a pro-government journalist and a vice-rector of a University (Péter Csermely – György Fábri, HírTV, 24.02.2013). The main topic of the discussion was the politics of education: an intensifying debate that in late 2012 resulted in student protests, and some university lecture halls 'taken over' by spontaneous student organizations. As a result, the Hungarian government changed some of the short term plans for reforming higher education in the country. The exploratory community-based research started soon after the interview (2013). The data gathering and handling exercise was explored during 6 years of analysis and reanalysis of a televised debate by groups of students (14 to 40 per semester, 151 in total).

The project was designed to study how in a 24 minute discussion parties obey or violate norms of rational discussions. The interview was used to improve observation skills and methodological awareness, and from the second year the investigation focused on finding a 'bottom up' empirical approach to map the dynamics of debates. The aim was to create and study a data-set and how it can be used to enrich analysis of norm-violations. The project was officially terminated when the first student complained that the interview was 'old', in 2018¹. After the intervention sequence I started analysing the

¹ The module on multi-trait content-analysis was developed for Communication and Media Studies M.A. students in 4x90 min/week, in 14 week courses on 'Rhetoric and Dialectic' and 'Business Communication'. The group sizes varied (19, 32, 40, 27, 14, 19, in total 151 students, appr. 10% dropout rate), and gender ratio was on average 20/80 % male/female. Key methodological steps were also tested with high-ability non-specialist B.A. and M.A. students in

data in 2019, with help from students, and colleagues, especially Mihály Héder, PhD; Erika Hlédik, PhD; Kristóf Kovács, PhD.

The research module constructed a language of redescription of televised debates that 1) expanded the targeted (usually linguistic) range of phenomena in the analysis, and that 2) provided a topography of a debate with adequate resolution, adding non-verbal, somatic responses, language-related gestures to the data-set as well as potential editorial actions (choice of specific shooting angles, like OTS, OSS).

The studio setup (see Figure 1) allowed for good non-verbal analysis (no props, no table, participants in chairs), the participants were experienced, so one could assume that the performance in the debate is predominantly controlled, and that the participants have ample experience to use situations to the best of their interests, and the debate was sufficiently long (over 20 minutes).



Figure 1 – The studio setup (Péter Csermely reporter left, György Fábri vice-rector, right).

The most important theoretical underpinnings of the approach will be discussed in more detail in Section 2., which gives a short introduction to the theoretical motivation behind the exploratory multi-trait research. Section 3. describes the didactic setting of the experiment. With respect to the extended pragma-dialectical theory of strategic manoeuvring (SM) the aim was to help students recognize the

Economics in a one semester elective course, and the same traits were tested with 1st year B.A. students prior to the introduction of the relevant theoretical concepts (see in more detail in Zemplén, 2014).

transitions that occur as the dialectical aims are hampered in a critical discussion, as when the “rhetorical aim has gained the upper hand at the expense of achieving the dialectical goal” (van Eemeren & Houtlosser, 2009, p. 5). Section 4. provides an introduction to the research-tool and to some of the potentials of the exploratory methodology to map argumentative exchanges, and Section 5. summarizes the paper.

2. RATIONALE FOR MULTI-TRAIT ANALYSIS OF MULTI-MODAL ARGUMENTATION

Fusing the study of ‘embodied’ agents with normative theories in discourse analysis presents a relatively novel and promising strand of research. My original theoretical interest at the time of developing the exercise was linked to the hope that it is possible to improve the fit between a broadly understood dialectical model and a suitable rhetorical theory in a way that justice is done to a (satisfactorily large) number of insights from social psychology and persuasion research. In the development of the multi-trait exercise I had an inspiration from studying equivalent framing, but quickly noticed some issues of concern when I appreciated the complexity of the inquiry.

The inspiration came from the study of cases, where informational content appears equivalent, yet the rhetorical effects are not, as in specific cases of framing². With colleague Gergely Kertész, we assumed that several such effects do not violate the pragma-dialectical rules (or PD-rules) presupposed as necessary for reasonable discussions (first order conditions, see van Eemeren & Grootendorst, 2004, pp. 187-195). Although equivalent frames have the same information content, picking one of the variants in specific settings might be considered as manipulative by the other party and may even produce what is known as a boomerang-effect (Kruglanski & Higgins, 2007, p. 267). If in certain contexts the argumentative use of appeal framing can be considered as manipulative, then it is possible that a party quits the kind of argumentative discourse preferred by the PD theory because the party identifies a presentation device used by the other party as manipulative³. Can a critical discussion derail without violating the first order rules? Our initial view was that there might be derailments that are not fallacies. This might sound like an oxymoron, as

² A well-known example for success rate framing: “this surgical procedure has 90% survival rate” vs. failure rate framing “this surgical procedure has 10% mortality rate”.

³ We took the boomerang effect as a possible perlocution of the communicative move although there are no externaliseable commitments of the speech act performed that might contradict the pragma-dialectical norms (Kertész & Zemplén, 2010, pp. 2073-6).

pragma-dialecticians often treat 'fallacy' and 'derailment' as co-referent, but in this broader view derailment could be used for *any communicatively or interactionally dysfunctional move*⁴ that hampers the full realization of critical reasonableness, including certain actions that block the parties from reaching the dialectical aim of the discussion. Second order conditions play a rather limited role in most discussions of the PD theory⁵, and we did not pursue this line of theoretical work, but noted that in this approach *any move* can include any behavioural phenomena⁶ where it is plausible to think that the action is linked to derailment, and that many of these acts might not show up in the analytical overview of the reconstruction.

2.1 Units of analysis & temporality

Many researchers in argumentation studies aim at the description of argumentation as a social activity, and prescriptive models give norms and regulations along which the functional aims (like the resolution of a difference of opinion) are easier to achieve. Modern theories are increasingly process- (as opposed to product-) oriented, however, at the level of technical analysis and linguistic (discourse analytical) foundations they generally rely on some form of pragmatic background theory that is fundamentally product-oriented, individuating discourse elements and classifying them. The pragma-dialectical school in Amsterdam addresses derailments in the extended theory as tokens of specific types (instantiations of PD-rule-violation), which type is bound to a specific discussion-stage. Parsing up interactions and pairing behavioural elements (mapping speech acts) with abstract relata, like

⁴ In van Eemeren's view "exploiting the possibilities of presentational variation in strategic maneuvering [...] boils down [...] to 'framing' one's argumentative moves in a communicatively and interactionally functional way" (van Eemeren, 2010, p. 117).

⁵ "It is important to bear in mind that the pragma-dialectical procedure deals only with "first order" conditions for resolving differences of opinion on the merits..." (van Eemeren, 2010, p. 35), also referring to *compulsions* after Barth and Krabbe. See also: "To some extent, everyone who wants to satisfy the second-order conditions can do so, but in practice, people's freedom is sometimes more or less severely limited by psychological factors that are beyond their control, such as emotional restraint and personal pressure." (van Eemeren & Grootendorst, 2004, p. 189).

⁶ The 'phenomena' studied might be distributed over time, etc. For the distinction between data and phenomena see (Bogen & Woodward, 1988), which was found productive in an earlier analysis of syntactic microvariation, to find subpopulations with different grammaticality judgements using Euclidean distance and Ward's clustering algorithm and two-way analysis of variance (ANOVA) (Gervain & Zemplén, 2005).

discussion stages is not fundamentally different from individuating argument schemes, locating fallacies, testifying to the dominantly taxonomic and set-theoretical motivation widespread in current approaches to argumentation. Most normative analyses move towards a reconstruction that is an *atemporal* product, e.g. a syllogistic reconstruction, a list of argument schemes, etc. In the analytical overview of a pragma-dialectical analysis the sequence of speech-acts might be rearranged, for example. When temporality is included (as in a reconstruction of dialogue moves), it is generally in the sense of 'sequencing'. This is a rather significant limitation if we want to focus on *people* as opposed to *statements* when studying arguments.

For a multi-modal rhetorical analysis, such frameworks become restrictive at some point. Fine temporal resolution is very important in the study of both nonverbal communication, and many aspects of the use of voice, and the methodology should arch from *actio qualities* to presentational devices, to give an account of both the speaker's style, the *energy* of her/his gestures and voice, and a normative evaluation of the strategic manoeuvres. In the development of the methodology, I tried to take to heart the warning by Robert Rosen: "Any question becomes unanswerable if we do not permit ourselves a universe large enough to deal with the question" (Rosen, 1998, p. 2.). As the temporality of the *being* stands in stark contrast to the *proposition*, one of the preliminary decisions was to focus on repetitive actions and treat them as temporal events. The debate is transcribed as an n-dimensional universe, consisting of n types of action, where occurrences of the tokens of the specific types have temporal properties and can have various additional properties.

Another crucial decision made was to assume various processes that influence performance. A heated debate significantly affects the neuro-endocrine system, and some reporters use techniques (including interruptions) that increase the likelihood of certain speech events in the performance of the interviewed (e.g. switching off, or non-grammatical sentence production). The 'real debate' is in real time, and arguers are complex systems with interacting components, and with respect to the internal organization (micro-level description) open systems. Embodied agents do all sorts of things when engaged in communicative exchanges, including unconscious coordination between participants, the chameleon effect. Already for a broad rhetorical analysis not everything that the agent does translates well to *actio*⁷, a

⁷ Consider e.g. "Actio differs from nonverbal communication in general in that actio is performed in a rhetorical situation with the intention to be persuasive." (Gelang & Kjeldsen, 2011).

movement can be made as part of *actio* and/or as part of *stress-relief* (glitches, manipulators, etc.).

Acknowledging 'embodiment' is acknowledging that taking part in a debate is a (multi-)goal directed action. The approach can and probably should rely on a significantly broader notion of function than the one developed by pragma-dialecticians, expressed in the metatheoretical commitment of 'functionalization'. In PD elements are ordered to distinct issues, stages, and are normatively evaluated with respect to +/- fulfilling their functions (not violating norms, and therefore not hindering a resolution of a difference of opinion). For the analysis assuming a dual-process model of the participants⁸, we can easily locate research questions: Are there not techniques to hamper the optimal functioning of the reflective system or to deliberately promote malfunction of the rational agent?⁹ Should not there be somatic responses to perceiving norm-violations? Or are there ways of specifically triggering (if possible, via *actio*) reflexive processes, 'compulsions' that influence dialectical and rhetorical performance?

The broader functionalization of 'elements of discourse' can enable a multi-modal rhetorical analysis, but this is also the point where it is easy to lose the foothold: saying that things like waving hands or changes in pitch are relevant for a normative analysis is like opening Pandora's box far too wide. How to study the *dynamics* of argumentation in a way that the analysis can be related to traditional discourse-analysis? When we attempt a 'bottom up' mapping of an argumentative exchange, we need to accept that what we find may well be considered 'noise', and some points on our map and many of our conclusions (derived from an analysis of the data) may very well be artefacts.

Can one extend or improve a theory when one does not know what exactly to include in the empirical domain? Unless the data are somehow theoretically interpreted, even if statistically significant, they mean little. It was assumed that if we start to collect data, some of these may be linked to social regulations, and some to homeostasis, some to

⁸ Dual-process frameworks were outlined to the students, based on (Lieberman, 2003). The approach was linked to ongoing research (Hodgkinson et al., 2008, Stanovich & West 2000, Mercier & Sperber, 2009), assuming differentiability between slower, 'critical', reflective belief-generating processes and reflexive information processes - generally pre-linguistic, somatic, reactive responses.

⁹ "Through development, socialization, and individuals' learning of social rules, the reflective system gains control over the reactive system via several cognitive (e.g., response inhibition, shifting) and neural mechanisms (fronto-parietal network). However, this control is not absolute; hyperactivity within the reactive system can override the reflective system ..." (Xavier et al., 2006).

both, and there might be many forms of 'complusions' that influence both the dialectical performance and the rhetorical effect. The broader than usual data-sampling was used to extend a primarily linguistic/pragmatic theory by tapping into the multi-modal spatio-temporal reality of arguing agents.

A third decision was to focus on intraindividual variation as well as the aggregated data of the two participants, so as to get some form of mapping of the dynamics of the televised exchange. With respect to gesture research, a significant difference is that the behavioural data are (at least comparatively) raw, as opposed to traditional gesture-analysis, that tends to transcribe gestures into a sign-system, or interprets them in the pragmatics of the activity, etc. As the focus was to study *internal dynamics of a debate*, the approach departed from standard discourse analysis methodologies. And much of standard psychology, too. As Molenaar noted a few years before the experiment started:

Psychological processes like cognitive information processing, perception, emotion, and motor behavior occur in real time at the level of individual persons. Because they are person-specific, these processes differ from variables occurring in a population of human subjects—variables such as sex, socioeconomic status, or experimental condition (so called between-subject variables). Much psychological research is concerned with variation at the level of the population. However, whenever person-specific processes are involved, and in so far as these processes are nonergodic (i.e., obey person-specific dynamic models and/or have nonstationary statistical characteristics), their analysis should be based on intraindividual variation. (Molenaar & Campbell, 2009, p. 116.)

2.2 Context & Audience heterogeneity

Televised debates are elements of public discourse, some with significant impact in large populations. The televised debate is edited: the audience receives a more or less dramatized version of the actual debate (with cuts, text messages on screen, close-ups, or other media content). The audience of a televised debate is heterogeneous, and so are their viewing conditions (viewing angle, attention paid to either auditory or visual stream). This is the usual scenario, the 'input', that, on the long run shape what is often referred to as deliberative culture.

If we believe that argumentation has to go multi-modal (see e.g. Groarke 2014), it is unclear how much 'context' is relevant for a study of multi-modal strategic maneuvering? A dialectical analysis usually reduces context (and even what counts as content), but one can, in

principle, take into account the visual stream. As recent research shows, the concept of strategic manoeuvring can include the study of the non-verbal responses to fallacies and impolite exchanges, or responses to an opponent's nonverbal disagreement. In one of the pioneering papers examining strategies for responding to fallacious moves Weger and co-workers studied strong nonverbal indicators of disagreement during an opponent's speech „reconstructed as a rational response to the activity type in so far as it represents an attempt to rebut an opponent's arguments while the opponent is making them" (Weger et al., 2013, p. 196). The research ranked response types on perceptions of speaker likeability, and one of the noteworthy results was the heterogeneity of the audience. The statistical analysis showed that even with a careful experimental setup, the +/- rating of the 'move' differed among groups of speakers: „participants in the high verbal aggressiveness group rated the speaker in the ask moderator condition more positively on composure than in the headshake condition." (p. 193). The same study also found that "For participants in the low verbal aggressiveness group, the speaker was perceived to be significantly less composed in the ask moderator condition than in the direct request condition with no other pairs of conditions producing significant differences." (p. 193).

This type of research eminently pursues the study of a micro-level exposition of the multi-modal concept of strategic maneuvering. It creates an 'experimental scenario', and measures audience-response. The audience response of *populations* is the target, and generalization often remains an issue¹⁰. The aim is to find 'types' of people.

The research introduced in the paper assumed that participants in the research are not (just) sources of raw data, but also 'containers' of valuable observations and tacit knowledge. To construct a partial map from a holistic perspective, I tried not to narrow down the analysis to just one set of modalities, as this can lead to missing much of the interaction between the different modalities (Gelang, 2013).

To turn individual variation into a research asset it was considered that research subjects have various expertise, some through training, and some through tacit knowledge. When watching the video there was ample variation in what individuals considered as a salient feature of the behaviour of the participants, so it was assumed, that their various non-specialist expertise could be put to use. This approach situates the research in a contextual (and constructivist) didactic framework, and the aim is to utilize the individual differences between the perceivers.

¹⁰ Consider (Seiter et al., 2009, p. 9), on whether data from one sex are likely to generalize to the other sex.

In the data-gathering phase individuals could focus on any well-delineable and repeated feature, where they assumed to have above-average expertise (eye- or hand-movement, actio-qualities, performance errors, or editorial decisions). These features were developed into traits (the specifics will be discussed in section 4.,)¹¹ and data was collected, registering the time of occurrences of the tokens of the trait, and optional (additional) qualitative information. Each trait can be assigned to a channel (auditory/visual/editorial), and each registered token of a trait can be assigned to one of the speakers. Tokens can have other properties assigned to them, for example an auditory trait (Tone/Pitch Change) can have tokens with values (Up/Down), just as a visual trait (Audience; Other/Viewers, see Figure 4).

The units of the analysis are occurrences of various types of behaviours, not just utterances (e.g. complex questions), but also movements, gestures or performance errors. As students were not restricted on label use, some of the traits discussed later have unconventional labels, but they came with 2-3 line descriptions of the trait and specific notes on ambiguous cases, and decisions on whether to include or not similar instances. One result of the research is that it explicates some 'lay' assumptions of a generally (partially) tacit knowledge-domain.

The 'trait-analysis' exercise took intuitively significant traits, specified them, and registered occurrences of the tokens (but generally not the duration). The methodology to trace changes in argumentation-related activity allowed for mapping the dialogue in multi-dimensional space, as each observer contributed to a unidimensional description of the diadic interaction. In this dialogue-rendering the 'events' are not simply ordered, put in a sequence, but are temporally positioned. The tokens can be analysed with respect to their alignment with other tokens (with a grain size of 1 second). The distribution of tokens can also be studied in given segments of the dialogue, and 'phenomena' can include frequency changes, or various patterns (co-occurrence, inhibition-excitation). In the discussion of the data (Section 4.) there are examples both for topical segmentation (dialogue-segments of a discussion around a specific topic/issue), and for artificial segmentation (8 minute segments of the dialogue). The specific (operationalized)

¹¹ Traits are used to give an externalized reconstruction of artefact-human knowledge-mobilization processes leading to – among other things – belief-revision, changes in mental states. This analysis is theoretically linked to the 'trait'-analysis of scientific theories in another paper (Zemplén 2017), where I used 'traits' of Newtonian diagrams to show the heterogeneous uptake of the theory and to argue that to reconstruct the epistemic content of a theory we are not justified in neglecting the investigation of the pragmatic and rhetorical functions of visuals.

traits included less complex linguistic data (speech-breaks, marked changes in eye- or hand-position, pitch, or speech-speed), often quite numerous, as well as categories in linguistic theories (fallacies, abusive adjectives, *ad hominem*s), often single digit occurrences.

Was the data gathered by professional experts? No. To ascertain that an utterance constitutes a specific fallacy, or to prove that an interlocutor has violated some norm of a process for 'rational resolution' requires contributory expertise on PhD level to be expected. Already the correct use of key concepts of pragma-dialectics is a specialist expertise that needs several semesters of exposure and practice to develop. But there is growing evidence that norm-violations are detectable by average citizenry, and some of the research participants (advanced M.A students) might be considered fairly reliable sources of information.

To cash in on individual differences, the module utilized 'instinctive' reactions to what was perceived and noted. Assumedly when participants were asked to pick the 'features' they tended to favour domains where their perceptual accuracy or grain size in expression was better. That is, people prefer 'traits', where they are good at picking the tokens (they have highly granular experiences). In moderately sized groups (20-40) it is expected that *some* students have fairly well developed discourse-analytic skills, and they tend to pick features that link to these skills. In short the data-collectors were not treated as reliable sources of data, providing expert analysis, but as members of the audience, who pay much more attention to some feature of the dialogue than an average viewer, and who are presumably better at registering occurrences of a feature than an average viewer, especially after three or four expositions.

The aim of the exercise was to develop a novel teaching tool to foster the uptake of content knowledge of argumentation, and to utilize existing tacit knowledge, inspired by work on types of expertise, and so called 'transmuted' non-specialist expertise (Collins & Evans, 2007). I now turn to a short description of the didactic scenario of the research, before returning to how the mapping game extends the *context* of the dialogue, incorporating various sources of data (ranging from editing practices to non-verbal behaviour or performance-errors during speech).

3. THE DEBATE ANALYSED

The same debate can be analysed in several ways, and below is a chart of the 'local contexts' of the module development. The time allotted to the analysis of the interview was between 30 – 60% of class time

(14x180 min). The grid below focuses on the ‘content’ of teaching in which the module was embedded (Table 1, from 2013 to 2018).

| Student output | Literature (chapter- presentation) + Reading | Male % | Didactic theme | Course aim | Year |
|---|---|--------|---|--------------------------------|------|
| Groupwork, co-authored analysis (140 000 n) srt file (200 lines) | Fundamentals of argumentation theory: Mahwah, N.J.: L. Erlbaum. 1996 | 36,84% | breakdown of a rational discussion | Norm violations in PD | 1 |
| multi-trait description, essays | Selected essays in Rhetoric, Informal Logic | 25,00% | link behavioural analysis with normative models | behavioural analysis | 2 |
| individual research projects | | 15,00% | check the data, improve analytical skills | Meta-analysis | 3 |
| short research plans | Handbook of Argumentation Theory, Springer, 2014. | 7,41% | you think you know about argumentation? | Content- Knowledge | 4 |
| short research plans | APA Handbook Nonverbal Communication, 2016 | 21,43% | do you know how you move? | Nonverbal Communication | 5 |
| 'Second view' notes, individual research essay and presentation | Blackwell Handbook of Social Psychology: Group Processes, 2008 | 15,79% | 'Sleep on it' : what strikes you second | Dual and Group Processes | 6 |

Table 1 – Table of module runs, year 1-6.

The target set for Year 1 was a detailed study of the interview with a topic- and move-analysis of the debate. To assemble the document, first pairs of observers located fallacies / derailments / non-admissible questions in up to four minutes of the video. After the preliminary analysis working groups focused on 1) The institutional setting, media landscape; 2) Heterogeneous message-design: the range of addressees (also looking for conflicts/inconsistencies) 3) The asymmetries of the debate, gestures, meta-communication and argumentation. This document (around 140 000 n) was made available for students in later years at specific points in the module. Several norm violations were found, and recurrence of certain 'moves' suggested that the reporter manipulates and distorts the position, polarizes the debate.

A group in Year 1 produced an srt file (with over 200 entries and just under 2000 words) that could be viewed together with the original video¹². As the original version was found too dense for viewing, Year 3 produced an abridged version (appr. 120 lines).

For Year 2 the debate was approached from a neo-behaviouristic perspective. The didactic reason for the exercise was to develop and assess observations skills, and to highlight the problem of categorisation for the analyst. Before discussing the outcome of the exercise I outline the multi-trait approach.

As described previously, the collaborative research to mapping argumentative exchanges utilized a data-sampling method in which observers individually picked perceived features of the argumentative performance of participants in the televised discussions after exposure to the videotaped Csermely-Fábri debate, a 20 min. latency period, and a request to pick (name and describe) a relevant feature that the individual thinks has about 5-20 occurrences in the dialogue. So an 'artificial' filter was introduced for the 'feature' selection, based on an estimate on the number of occurrences (the number of data points). The features were developed into 'traits' by the individuals, and the eventually developed 'trait-definitions' often significantly deviated from the original 'feature'¹³.

A contextual-model was adapted to teaching argumentation in the hope that methodological reflection, training of observational skills help transmute non-specialist expertise to specialist expertise in some participants. The gathering of less complex data (speech-breaks, marked changes in eye-position, hand-gestures), often yielded a rich (and hence

¹²<https://www.dropbox.com/s/20e8onutsqcy3mc/Versus%20-%20Mi%20folyik%20az%20egyeten-%20-%20Hallgat%C3%B3i%20szerz%C5%91d%C3%A9s%20helyett%20tand%C3%ADj-%20-%202013.02.24-360p.mp4> SRT file currently in Hungarian.

¹³ Participants had to develop a one page 'operationalisation' of the category, as counting occurrences hinged on 'precisely' how the feature was described.

cumbersome) harvest (Figure 2, Table 2), which helped students appreciate personal differences in memory-distortion, their own observer biases and various general methodological issues.

Audio/Video * 8 min. segments * Crosstabulation

| | | | 8 min. segments | | | Total |
|----------|-------------|----|-----------------|-----|-----|-------|
| | | | 1,0 | 2,0 | 3,0 | |
| Fábri | Audio/Video | A | 32 | 46 | 45 | 123 |
| | | V | 86 | 91 | 65 | 242 |
| | | V* | 1 | 1 | 0 | 2 |
| | Total | | 119 | 138 | 110 | 367 |
| Csermely | Audio/Video | A | 44 | 53 | 44 | 141 |
| | | V | 81 | 65 | 66 | 212 |
| | | V* | 5 | 1 | 2 | 8 |
| | Total | | 130 | 119 | 112 | 361 |
| Total | Audio/Video | A | 76 | 99 | 89 | 264 |
| | | V | 167 | 156 | 131 | 454 |
| | | V* | 6 | 2 | 2 | 10 |
| | Total | | 249 | 257 | 222 | 728 |

Table 2 - The number of data points in 8 minute segments of the dialogue (the data points are assigned to channels: Auditory, Visual, and Editorial (V*, OTS)).

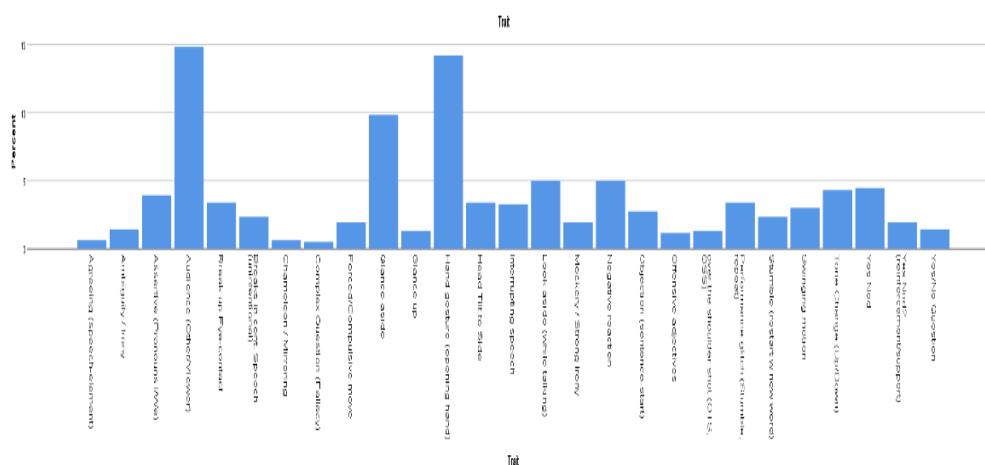


Figure 2 - The distribution of the gathered over 700 data-points (trait-frequency).

4. RESULTS AND MULTI-TRAIT MAPS

Although absolutely no precautions were taken, the mapping exercise produced a rather ‘balanced mapping’. Parsing the dialogue into topics of various lengths (established in Year 1), the average resolution of the data is roughly 2 seconds / data point for all of the topics, with an average 0,50838 trait/s (Table 3).

| | | | | | | | | | |
|-----------------|------|------|------|------|------|------|------|------|------|
| Topic start (s) | 0 | 82 | 278 | 431 | 724 | 985 | 1199 | 1280 | 1400 |
| stop (s) | 75 | 276 | 424 | 718 | 975 | 1197 | 1279 | 1397 | 1432 |
| Topic net (s) | 75 | 194 | 146 | 287 | 251 | 212 | 80 | 117 | 32 |
| trait/s | 0,44 | 0,58 | 0,54 | 0,50 | 0,57 | 0,45 | 0,63 | 0,47 | 0,53 |

Table 3 – Average data for a given topic / sec.

This so far suggested no major failure in design (e.g. coders get tired and/or lazy by the end of the coding exercise). In spite of this relatively even distribution of the data, several of the traits had uneven token-distributions, and this was also true for a number of traits with large numbers of tokens (Figure 3). The preliminary analysis of the aggregated data of the two speakers showed that trait-saturation might be an interesting property for the investigation.

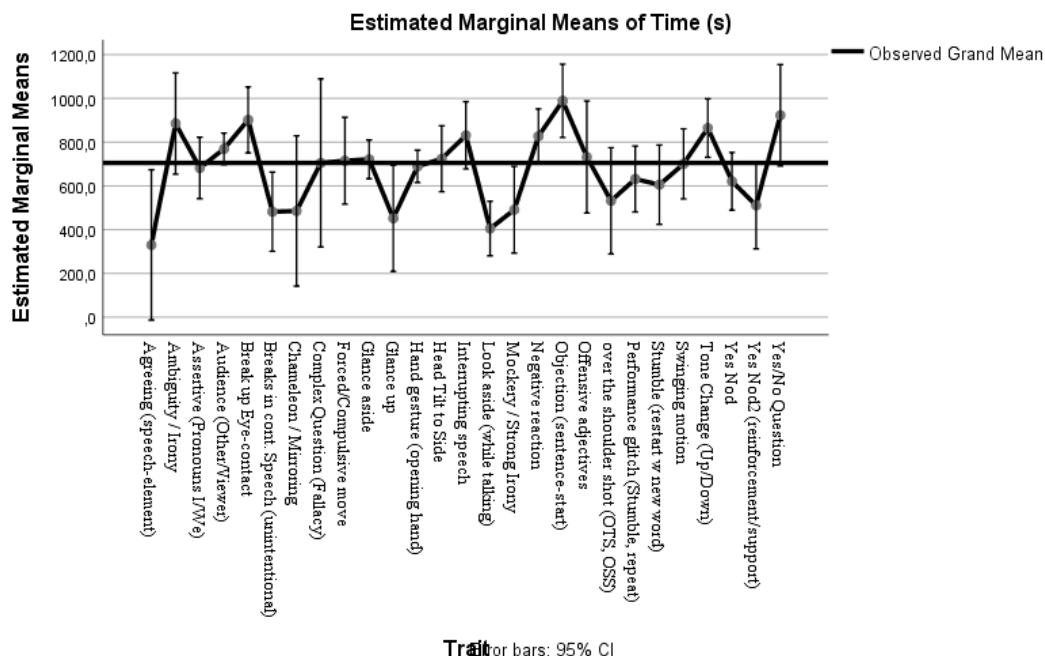


Figure 3 - Estimated marginal means (SPSS 25.0)

A good starting point for the analysis of the functional complexity is the list of 'early' and 'late' traits (Table 4):

| Trait | Mean | Trait | Mean |
|--|---------|----------------------------|---------|
| Agreeing (speech-element) | 330,200 | Objection (sentence-start) | 988,762 |
| Look aside (while talking) | 405,026 | Yes/No Question | 922,727 |
| Glance up | 452,100 | Break up Eye-contact | 901,462 |
| Breaks in cont. Speech (unintentional) | 482,056 | Ambiguity / Irony | 884,818 |
| Chameleon / Mirroring | 485,400 | Tone Change (Up/Down) | 864,394 |
| Mockery / Strong Irony | 491,000 | Interrupting speech | 830,960 |

Table 4 - Means for early and late traits.

Note that the data is structured, and so some traits appear to be balanced on Figure 3, like picking the audience (Other party/Towards viewers), but of course to map further imbalances an in depth analysis can assign the speakers to the tokens, and any of the specific values that the token has, not just the time of occurrence (Figure 4).

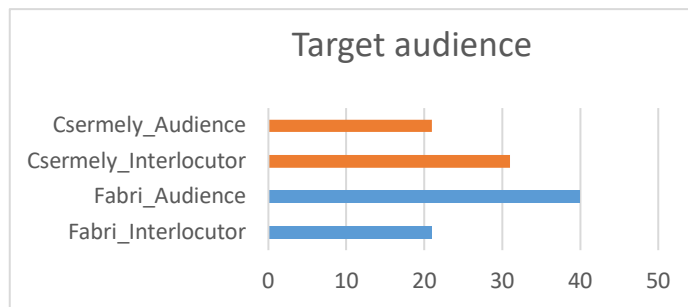


Figure 4 – The number of tokens of the trait 'Audience' in the dialogue, assigned to speaker and target 'Towards viewers/Other party'.

In the rest of this section, I show two ways of visualizing the results, and use the data aggregated for the speakers, keeping the analysis of the individual speakers (profiling) to a minimum (section 4.3). Can we assume that aggregated data (for both speakers) can be informative on their own right? If it makes sense to talk about intraindividual changes, the dialogue's aggregate (A/V) data shows the combined dynamics of the speakers.

First I outline the high temporal resolution visualization that maintains individual data-points (with the times of occurrences) in *dialogue bundles*. The second approach parses the data-set and assigns items to dialogue-fragments, that allow for more traditional analysis and comparison of sets of data.

4.1 Dialogue bundles

One way to study a dialogue is to map recurring elements in a category, and see how they are distributed over time. A simple visualization of the aggregated data of numerous traits (with 20+ tokens) shows full saturation (x=1) at time of the appearance of the last token, in seconds (Figure 5).

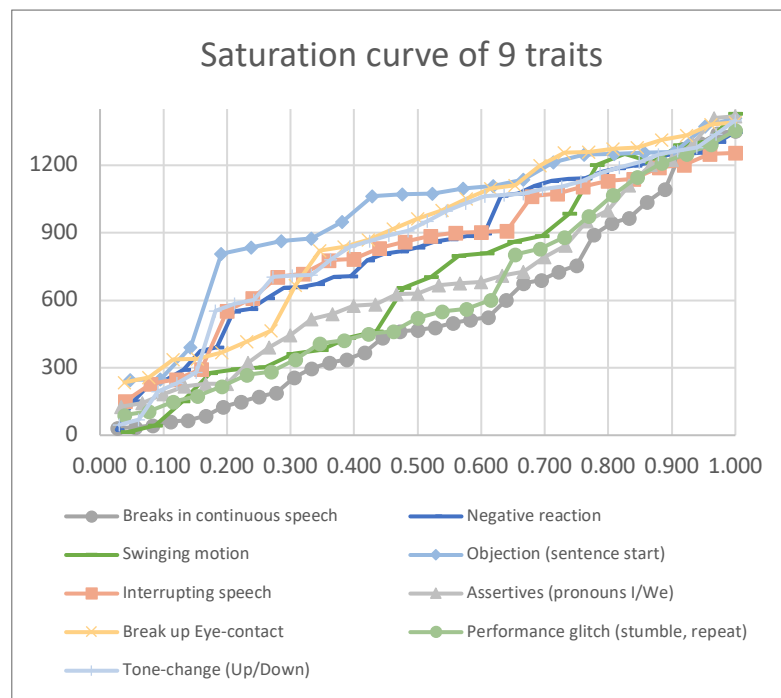


Figure 5 – Saturation of traits with large number of tokens, the backbone of the dialogue bundle. X axis: saturation (100%=1,000), Y axis: time (in seconds, 5 minute grid)

To make the meso-level dynamics more visible, a visualization below shows, how ‘deviant’ a token is (assuming equal spacing). The deviation from expected occurrences for traits with non-linear saturation curve shows how quick saturation phases (‘bursts’) deviate to the right, and stagnation (no occurrence) phases deviate to the left (Figure 6).

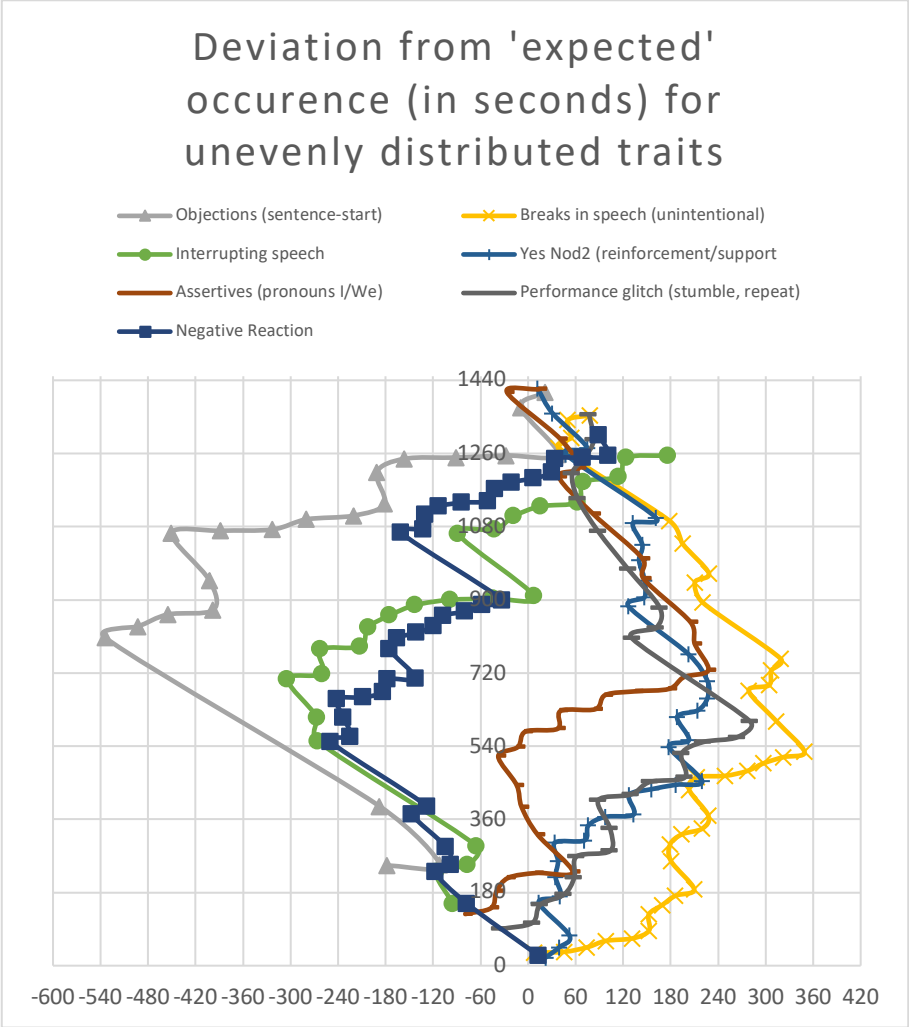


Figure 6 – Finer grained topography of the bundles showing the deviation from expected position assuming equal spacing of tokens (in seconds). X axis: deviation (in seconds, one minute grid). Y axis: temporal position of token (3 min. grid). Quick saturation phases deviate to the right, stagnation (no occurrence) drifts to the left.

Some traits, like unintentional breaks in speech deviate to the right (many early occurrences), objections, negative reactions deviate to the left (most pronounced near the end of the debate). Once we look at the distribution of the less numerous traits, we find similar patterns: 'mockery and strong irony' drop in the second half of the debate, as well as nods of reinforcement and support, while 'Yes/No Question' increases, as does 'Ambiguity / Irony' (around midtime).

In this 'embodied' perspective the debate is some *process*. With the dialogue bundles both verbal and non-verbal presentational devices can be mapped, as well as compulsions, and we might be one step closer to mapping meso-level debate-dynamics. The 'tone' of the debate is bound to be reflected both on the utterance level, and on the level of hand gestures. But it would certainly be great if we could find some way of parsing or segmenting the data in time. Can we find sets of behaviours that travel together easily (something like speaker profiles, 'personas')? From the second year various working units supported the hypothesis that speakers can switch or tweak their style of interaction, including the frequency of derailments. It would be helpful to locate triggers that can be linked to the emergence of these profiles. See Figure 7 and segment (1) in the forensic / apologia phase of the debate (blaming the leadership of the University for student abuse of data on other students).



Figure 7 – Assignment of blame (Csermely, facing viewers)

- (1) “...és esetleg több évfolyamnak megtakaríthatták volna ezt a rendkívül kellemetlen és megalázó élményt, amit nagyon sokan most élnek át...”

“..and you might have saved several yeargroups this extremely unpleasant and humiliating experience that many people experience right now...”

So next I turn to a research exercise on whether episodes of the dialogue can contribute to some of the deviations in the dataset.

4.2 Towards delineating dialogue profiles

Studying changes during longer interviews may help to map ‘phases’ of the dynamics. Could specific triggers be responsible for changing the ‘tone’ of the debate, something like switching ‘speaker profiles’, or ‘shifting gear’. For initial hypothesis-generation Yeargroup 2 was divided into four working units (N, E, S, W), and received the aggregated data (an excel file with all traits and the times of trait-occurrences as registered by peers) printed in one copy, and had access to the trait-descriptions. Two groups from the four differentiated tokens as belonging to speakers (N, S), while two groups disregarded the source (E, W). Two groups were instructed to first focus on reflective/dialectical/verbal traits, in general the higher level, more theoretical categories (S, W), while two groups focused first on somatic, reflexive traits, lower level traits (N, E).

Each working unit therefore started from a particular perspective with respect to data handling, and they could assume interaction across dimensions, or study simply frequency changes. The initial hypotheses were refined in class, discussed in the group, and as homework the groups handed in protocols of their hypotheses and data. Most units generated hypotheses that were concerned with the temporal distribution of tokens. Some of the noticed changes were:

- Given 5 minute intervals there is a marked increase of registered non-verbal traits between minutes 10-15, and a gradual decrease between minutes 15-20.
- After the 8th minute, coinciding with a change in topic, there are changes in tone and forced (unintentional) movement (increases from 5 to 12 and 2 to 13 in toto), and stops/breaks in speech as well as looks aside (decrease from 30 to 23 and 25 to 13 in toto).
- A specific glance aside by the interviewed and the fact that in the 15th minute both speakers talk for seconds at the same time was one of the most interesting focal points that students picked. There is a significant change in the frequency of some traits after this ‘dual-talk’ episode of the interview (+ reinforcement drops for reporter (from 0,33 to 0 / min) and interviewed (from 0,72 to 0,11), - reinforcement only increases for reporter (from 0,13 to 0,55 /min.).

Of the various possible artificial segmentations of the dialogue a simple trisection was used (8 minute fragments, Table 2, Figure 8). About half of the registered breaks in eye-contact and over half of the 'objections' took place in the last third of the debate. In the eristic (last) third of the dialogue performance errors dropped.

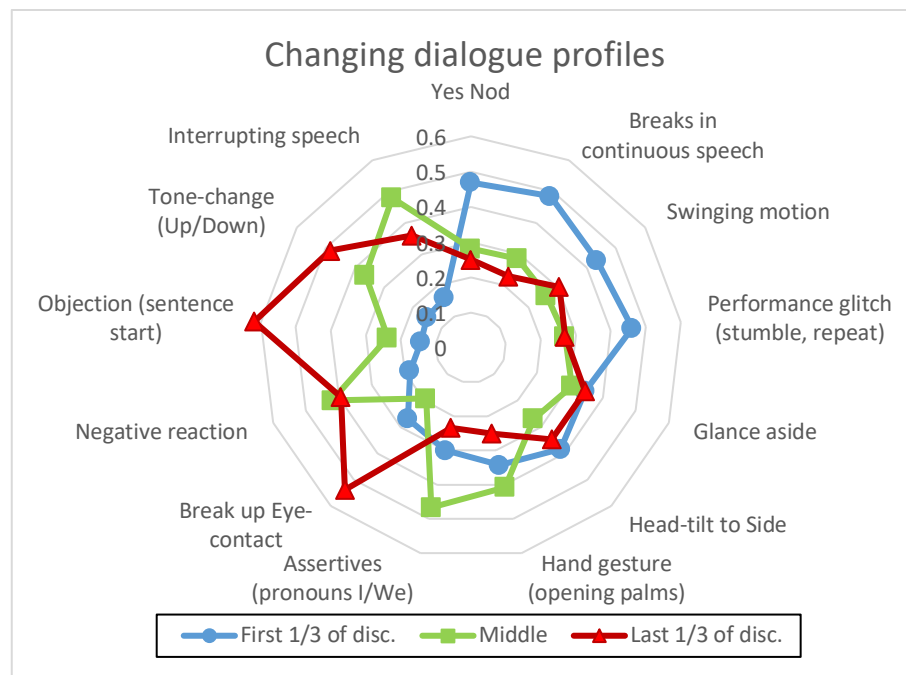


Figure 8 – The 8-minute segmentation of the dialogue. High frequency in a given 8-minute period is a point near the periphery, low frequency is a point close to the center.

Whether or not specific triggers might be responsible for changing the 'tone' of the debate, the temporal segments are quite different. Figure 8 shows how certain tokens of the traits tend to cluster in certain phases of the debate. To the right a number of traits possibly linked to stress-relief (dominant in the first third of the debate), to the left traits of agonistic dialogues.

4.3 A multi-trait map of a 24 minute interview

To assist micro-context analysis, the suitable resolution may depend on the actually investigated phenomena. Below is a representation of the debate, using a 3 minute grid and 50 sec intervals. Previously highlighted episodes occur at 380 sec and around 900 sec, possible

turning points for tweaking performance. The raw data-set allows one to look for the dynamics, the temporal development that link non-verbal behaviour to some linguistic traits, for example two types of irony: ‘soft’ (ambiguity) and ‘strong’ (mockery, ridicule).



Figure 9 – Multi-channel map of the dialogue (speakers individuated, with ‘raw’ trait data, Fábri left, Csermely right; 50 sec. resolution, 3 min. grid).

5. A ROAD LESS TRAVELLED?

Being aware of the ‘experimenter’s regress’, the present contribution aimed to prove little in a theoretical sense. The exploratory module and the trait-registering exercise relied on a broader range of inputs than traditional discourse analysis, linked to the growing need to develop tools for multi-modal argument analysis and assessment (Tseronis 2018). Potentially of theoretical and practical significance, the method discussed in the paper outlines an approach that might be an asset to micro- and meso-context analysis, and also raises some issues on how to move from one context to another.

The multi-channel mapping of a debate is part of an attempt to develop a relational (as opposed to reductionist) approach to functional arguing organisms which allows the study of those qualities that we are trying to learn about, and not only those that we have the best structural descriptions of. To locate recurring somatic responses, language-related gestures, as well as various types of linguistic phenomena non-specialist expertise of the research participants was utilized. Some parsing of speech elements using abstract theoretical concepts was incorporated

in the analysis, providing a partial map of elements in an analytical overview.

The temporal scale of the study is in seconds, not years, but if it is possible to provide a rich in detail analysis of a 'real-time' debate, the approach can be fit to comparative studies (e.g. televised presidential debates to compare long term changes in particular argumentative cultures), and the study of long-term (macro-level) trends in deliberative cultures. Before it's too late.

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REFERENCES

- Bogen, J., & Woodward, J. (1988). Saving the Phenomena. *The Philosophical Review*, 97(3), 303-352. DOI:10.2307/2185445.
- Collins, H. M. & Evans, R. (2007) *Rethinking Expertise*. Chicago: University of Chicago Press.
- Gelang M. (2013) Towards a Political Actio. In: Poggi I., D'Errico F., Vincze L., Vinciarelli A. (eds) *Multimodal Communication in Political Speech. Shaping Minds and Social Action*. PS 2010. Lecture Notes in Computer Science, vol 7688. Springer, Berlin, Heidelberg.
- Gelang, M., & Kjeldsen, J. (2011). Nonverbal communication as argumentation. In *Proceedings of the 7th conference of the International Society for the Study of Argumentation*, ed. F.H. van Eemeren, B. Garssen, D. Godden, and G. Mitchell, 567–576. Amsterdam: SicSat.
- Gervain J & Zemplén G. A. (2005). "Focus Raising: A Paradigmatic Example of the Treatment of Syntactic Microvariation," in *Syntax and Variation*, ed. Cornips L. & Corrigan K. P. Amsterdam: John Benjamins.
- Groarke, L. (2014). Going Multimodal: What is a Mode of Arguing and Why Does it Matter? *Argumentation*, 29(2), 133–155. DOI:10.1007/s10503-014-9336-0
- Keevallik, L. (2018). What does embodied interaction tell us about grammar? *Research on Language and Social Interaction*, 51, 1–21. DOI:10.1080/08351813.2018.1413887
- Kertész, G. & Zemplén, G. Á. (2011). The challenges of training critical discussants: Dialectical effectiveness in strategic maneuvering and in Science Education. *Proceedings of the 7th International Conference on Argumentation of the International Society for the Study of Argumentation*. Amsterdam, Sic Sat. 2070-2082.
- Eemeren, F. H. van & Houtlosser, P. (2009). Strategic maneuvering. In F. H. van Eemeren (Ed.), *Examining Argumentation in Context: Fifteen studies on strategic maneuvering* (pp. 1-23), Amsterdam: John Benjamins

- Eemeren, F. H. van & Grootendorst, R. (2004). *A Systematic Theory of Argumentation. The Pragma-Dialectical Approach*. Cambridge, England: Cambridge University Press.
- Eemeren, F. H. van (2010). *Strategic Maneuvering in Argumentative Discourse*. Amsterdam: John Benjamins.
- Kruglanski, A. & Higgins, E.T. (2007). *Social Psychology: Handbook of Basic Principles (2nd edition)*. New York: Guilford Press
- Mercier, H. & Sperber, D. (2009) "Intuitive and reflective inferences". In Evans, J. St. B. T. and Frankish, K. (Eds.) *In Two Minds: Dual Processes and Beyond*. Oxford University Press.
- Molenaar, P. C. M., & Campbell, C. G. (2009). The New Person-Specific Paradigm in Psychology. *Current Directions in Psychological Science*, 18(2), 112–117. DOI: [10.1111/j.1467-8721.2009.01619.x](https://doi.org/10.1111/j.1467-8721.2009.01619.x)
- Lieberman M. (2003). Reflexive and Reflective Judgment Processes: A Social Cognitive Neuroscience Approach. in *Social Judgements: implicit and explicit processes*. Eds. Forgas, Williams, von Hippel. Cambridge UP.
- Rosen, R. (2000). *Essays on Life Itself*. New York: Columbia University Press.
- Seiter, J. S.; Weger Jr., H., Kinzer H.J, & Jensen A.S. (2009) Impression Management in Televised Debates: The Effect of Background Nonverbal Behavior on Audience Perceptions of Debaters' Likeability, *Communication Research Reports*, 26:1, 1-11, DOI: [10.1080/08824090802636959](https://doi.org/10.1080/08824090802636959)
- Stanovich, K. E., & West, R. F. (2000). Individual differences in reasoning: Implications for the rationality debate? *Behavioral and Brain Sciences*, 23, 645–726.
- Tseronis, A. (2018) Multimodal argumentation: Beyond the verbal/visual divide. *Semiotica* 2018 (220):41-67.
- Xavier N., et al. (2006) The Neurocognitive Mechanisms of Decision-making, Impulse Control, and Loss of Willpower to Resist Drugs *Psychiatry* (Edgmont). May 2006; 3(5): 30–41.
- Weger Jr., H, Seiter, J.S., Jacobs, K.A., & Akbulut, V. (2013) *Responses to an opponent's nonverbal behavior in a televised debate*. Audience perceptions of credibility and likeability. *Journal of Argumentation in Context* 2:2, 179–203. doi 10.1075/jaic.2.2.01weg
- Zemplén, G. Á. (2014) From theoretical concepts to behavioural trait-analysis: utilizing tacit knowledge and transmuted expertise in Facebook-coordinated courses on Rhetoric and Dialectic. In *Ten years of Facebook: Proceedings of the Third International Conference on Argumentation and Rhetoric*, edited by G. Horváth, R. K. Bakó and É. Biró-Kaszás. Nagyváraden: Partium Press.
- Zemplén, G. Á. (2019) Diagrammatic Carriers & The Acceptance of Newton's Optical Theory. *Synthese*. 196:9, 3577–3593. DOI: [10.1007/s11229-017-1356-5](https://doi.org/10.1007/s11229-017-1356-5)

APPENDIX

Upon request more data can be supplied on the multi-trait exercise.

Commentary on Zemplén's Profiling dialogues: Multi-trait mapping of televised argumentative exchanges

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Gabor Zemplén's paper provides us with a much-needed kind of research: research that links the normative study of argumentative discourse with the empirical study of the interaction of embodied agents. By mapping what they call the traits of an argumentative exchange – repeated occurrences of both verbal and somatic reactions and gestures – Zemplén and his student co-workers promise the readers a path towards a multi-modal analysis that extends the linguistically grounded pragmatic theory. Representing the identified traits on a series of temporal charts, the paper provides the reader an detailed abstract map of a 24-minutes televised debate. I have only three points to make.

The first point has to do with the issues arising from the long time-span of such an analysis, extending namely from 2013 to 2018. Controversies – such as the one over a government's education policy – have a life of their own, they develop, expand, and the meanings ascribed to particular events and positions change as these accumulate across the years. This poses a challenge to the continuity of the analytic framework. Zemplén's study is alert to this challenge: rather than assuming or questing uniformity in the detection and interpretation of the traits across the years (and resorting to aggregation), the analysis also develops along the six years. The students that contributed to the first year of the study provide the core of the multi-trait analysis. The succeeding yeargroups then build on this grounding work with the improvement and standardization of the traits, employing different approaches to and accumulating experience with the same data. It is an ingenious design, combining pedagogic and analytic features in a cumulative and creative manner.

Concerned with the level of expertise of his student analysts, namely in scrutinizing discourse and argumentation, the author reserves significant attention to the issues of experience and tacit knowledge. My second point concerns the primacy of what is called tacit

knowledge: what makes the student analysts apt for the task, we could add, is not just their background knowledge of Hungarian language and culture, or the ethos of the TV channel. As the very subjects – directly affected by the policies being discussed – and parties to the debate scrutinized, the students can be expected to possess substantial “argumentative content knowledge” (Goodwin, 2019). In other words, they would probably have a good grasp of the significant positions, key arguments, and the topics through which the controversy unfolds. Such a structured understanding of the topics or issues being dealt with is essential especially when one aims to extend a primarily linguistic theory to the domain of the embodied performance of speech acts and gestures. Only with that kind of understanding of the debate can one make sense and connect various pre-linguistic, somatic reactions to the semantic, reflective processes, and identify the virtual standpoints (Jackson, 1982).

This brings me to my third and central point. Zemplén’s paper promises us insights concerning the link between the established norms of reasonable argumentation and the real life interaction of “arguing organisms” (p. 22). To that end, the author rightly criticizes and moves away from the treatment of argument as an atemporal product. It is true that most normative analyses fall short in taking into account the temporality of the argumentative encounter – and sometimes even in an adequate sequencing of speech acts – but they do that in their effort to examine the inferential patterns that are used across contexts and topics. Atemporality then can be seen as a symptom, rather than the obstacle itself. In taking into account the actuality – or embodiment – of an argumentative exchange, the main obstacle concerns the efforts to strip the content away in order to arrive at pure forms and descriptions. And contemporary argument theories strive to address this shortcoming, for instance by conceptualizing argument schemes through a combination of material – involving the *endoxon* or contextual common ground knowledge – and procedural premises (e.g. Rigotti and Greco Morasso, 2010).

Abstractions have their legitimate use, for instance in identifying the prototypical and stereotypical patterns of argumentation that can be specified with regard to the institutional preconditions of a communicative activity type (van Eemeren, 2017). They can become obstacles in some projects, such as profiling real-life dialogues. While providing us a map of the televised debate with high temporal resolution, I think the paper overlooks the adequate resolution for the presentation of its rich detail. We understand from Table 3 that Zemplén and his coworkers have identified nine topics that were discussed throughout the 24-minutes debate. The paper provides no idea whatsoever what these are, and which topics incorporate what

traits more saliently. Instead, it provides the reader artificial segmentations of the dialogue into, for instance, three 8-minute segments (Figure 8). We understand from such a representation that some traits cluster in the initial one-third of the debate, and others in the last-third of it, but how do such representations inform the mentioned link between the normative theories and the interaction of embodied agents? I would say building such a link requires, at least to some extent, building the link between the argumentative content and the argumentative process. More precisely, the bridge between the pragmatic and the somatic is built only through a good understanding of the sense or significance of those somatic reactions, that is, in the context of the very issues that constitute the disagreement space.

No doubt such contextual approach was employed in the study, be it intuitively or reflexively, and this criticism involves probably not its design, but the choices made in its presentation. A paper that outlines the places of agreement, disagreement, and the threads of argument built among them, would help the reader penetrate the sense of the yet largely enigmatic traits. It is after all those places or topics that incorporate and charge with meaning the recorded reactions and responses.

REFERENCES

- Goodwin, J. (2019). Sophistical refutations in the climate change debates. *Journal of Argumentation in Context*, 8(1), 40–64.
- Jackson, S. (1992). “Virtual standpoints” and the pragmatics of conversational argument. In F. H. van Eemeren, R. Grootendorst, J. A. Blair & C. A. Willard (Eds.), *Argumentation illuminated* (pp. 260-269). Amsterdam: Sic Sat.
- Rigotti, E., and Greco Morasso, S. (2010). Comparing the Argumentum Model of Topics to other contemporary approaches to argument schemes: The procedural and material components. *Argumentation*, 24(4), 489–512.
- van Eemeren, F. H. (2017). Argumentative patterns viewed from a pragma-dialectical perspective. In van Eemeren, F. H. (ed.) *Prototypical argumentative patterns: Exploring the relationship between argumentative discourse and institutional context* (pp. 7-29). Amsterdam: John Benjamins.

Part II

Thematic papers

Visual Argument Schemes in the PTA

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This essay begins with examples of dissent associated with photographs of the migrant crisis in Europe. It shows how appeals to these photos can be analysed and discusses the broader question how instances of visual argument can be evaluated. Its account of assessment focuses on the application of argument schemes to visual arguments, ending with a discussion of Wagemans' Periodic Table of Arguments (the PTA) and the ways in which it can be extended to accommodate visual (and multimodal) argument.

KEYWORDS: visual argument, argument schemes, the Periodic Table of Arguments, key component tables, Wagemans, multimodal argument

1. INTRODUCTION

This essay addresses argumentation research in two intersecting areas of interest. One is the study of visual arguments: arguments which incorporate non-verbal elements like pictures, photographs, drawings, visual art, cartoons, and virtual reality. The second area of interest is the study of argumentation schemes: patterns of argument that can be used to analyse and assess real life instances of arguing. I hope to show how various accounts of schemes can be utilized in attempts to understand and assess visual arguments that incorporate "reasons to dissent."

2. VISUAL ARGUMENTATION AND DISSENT

I want to begin by noting that visual argumentation sometimes plays an important role in instances of dissent that occur within scientific discussion and debate.

A good example is associated with the ongoing controversy over the question whether the ivory billed Woodpecker is extinct in North America. Figure 1 compares stills taken from a video of a reported sighting of the ivory bill to illustrations depicting its colouring and that of a species it is often confused with, the pileated woodpecker.

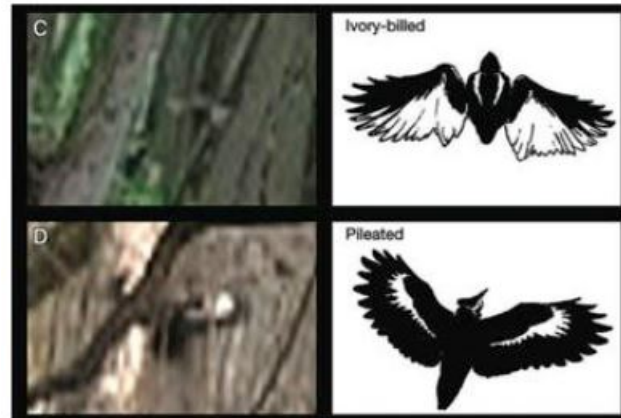


Figure 1 – The Ivory Billed Woodpecker (Dove 2011, p. 8)

The visual argumentation used in the ivory bill controversy is discussed in Dove 2011 and 2012. He describes the context of the debate as follows.

It [the Ivory-Billed Woodpecker] is (or was) a very large bird: almost two feet from tip of beak to tip of tail and a wingspan of two and a half feet. Sadly, the last scientifically confirmed sighting of the bird occurred in 1944. It is, unfortunately, probably extinct. Yet, from 1944 to today, a steady stream of unconfirmed sightings has stoked the hopes of bird watchers that maybe, just maybe, this bird has escaped extinction. In 2005 in the journal *Science*, those hopes were buoyed by the title of an article, "Ivory-billed Woodpecker (*Campephilus principalis*) Persists in Continental North America." In the article, ... ornithologists detailed a possible sighting of the bird in Arkansas. This sighting included a short video that was included in the online material for the article. The argument for the continued existence of the IBWO depended, at least in part, on distinguishing the videotaped bird from the visually most similar, and also incredibly common, pileated woodpecker.... (Dove 2012, p. 235)

I leave a discussion of the ivory billed controversy for elsewhere. In the current context it is enough to note that visual evidence which contradicts established scientific theories often initiates dissent, and that this dissent has a long history – in theorizing about the solar system, botany, geology, biology, and other fields.

To keep the scope of this essay manageable I will leave scientific dissent for discussion elsewhere and focus my discussion on an example of political dissent. The photo in figure 2 was taken by the Turkish

journalist, Nilüfer Demir. It is a photograph of Aylan Kurdi, a drowned three-year-old Syrian boy found dead on a Turkish beach near Bodrum. In just 12 hours it was spread to 20 million screens around the world (University of Sheffield 2015) and provoked an international outcry that condemned the European immigration policies that fuelled dangerous migrant attempts to flee Syria across the Mediterranean Sea.



Figure 2 – Photograph of Aylan Kurdi, *Wikipedia*

In argumentation literature, the significance of the Kurdi photograph has been discussed by Kjeldsen 2017. In this paper I want to note that it functioned as a premise in many visual arguments that addressed the migrant crisis in Europe – arguments that used it as a visceral way to capture what the crisis means in human terms, something that is difficult to convey in words.

The photo of the dead 3-year-old Syrian boy on a Turkish beach is haunting. It captures everything we don't want to see when we tap our phones or open our newspapers: a vicious civil war, a refugee crisis, the death of an innocent... 'It is a very painful picture to view,' said Peter Bouckaert, who as director of emergencies at Human Rights Watch has witnessed his fair share of painful scenes. 'It had me in tears when it first showed up on my mobile phone. I had to think hard whether to share this.' But share, he did. Bouckaert... said people need to be pushed to view 'the ghastly spectacle'... (Lush 2015)

Around the world, the Kurdi photograph was used as evidence in arguments that condemned the migrant crisis and its causes. Figure 3 contains a KC (Key Component) table and a diagram that outlines the

form of many argumentative appeals to the photograph. A more robust, extended variant of the argument is outlined in figure 4. In this case, the argument explicitly contends that the Kurdi photograph exemplifies the (ghastly) reality of the migrant crisis and recommends specific action as a way to deal with it.

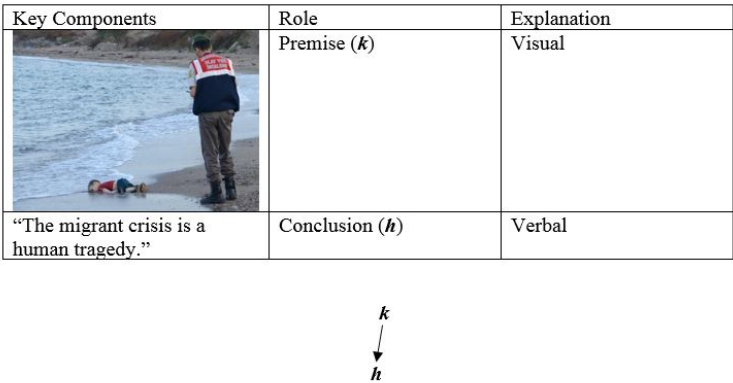


Figure 3 – A Simple argument

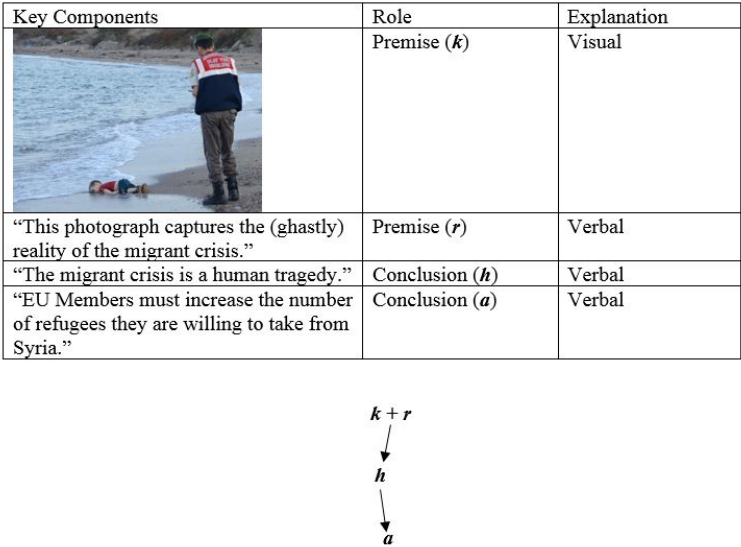


Figure 4 – An Extended argument

In the public debate that followed the publication of the Kurdi photograph, many arguments added other visual and verbal premises. The photographs in figures 5-7 are taken from a CNN photo essay entitled “Europe’s Migration Crisis in 25 Photos” (CNN 2015). It includes the Kurdi photograph but combines it with 24 other photographs that illustrate different aspects of the migrant crisis, ending with an account



Figure 5 – “migrants try to ... cross into Macedonia” (CNN 2015)

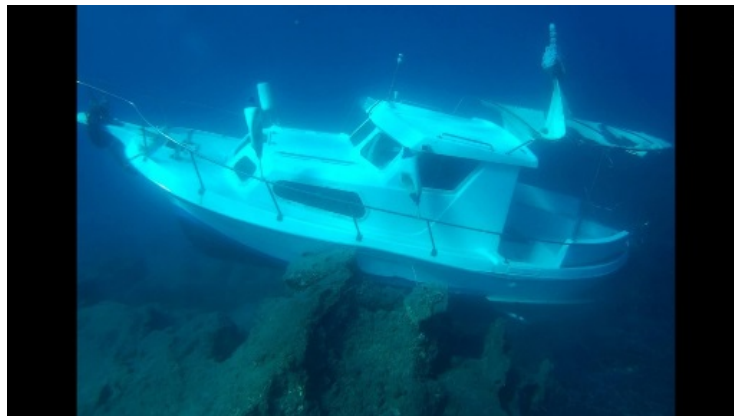


Figure 6 – “...a sunken 20 foot boat... off... Samos” (CNN 2015)



Figure 7 – “Refugees and migrants ...at Lesbos” (CNN 2015)

of “Ways to help [alleviate] the migrant crisis.” It is plausibly interpreted as an argument for this conclusion. It is too complex to be captured in a simple diagram, but its general structure is reflected in the subargument outlined in the KC table and diagram in Figure 8.

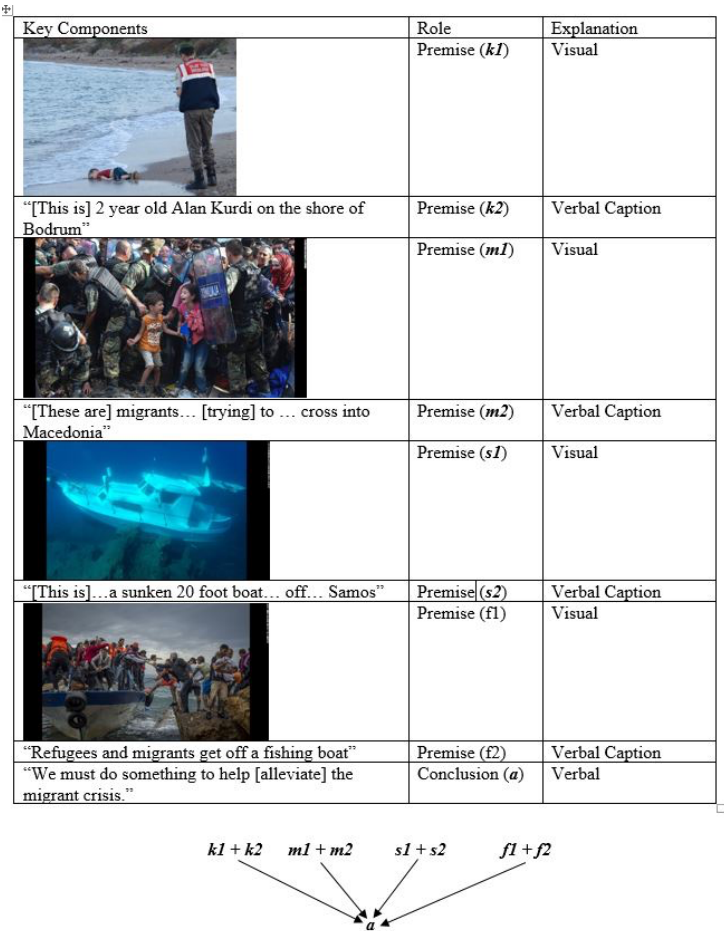


Figure 8 – Argument from the photo essay

These examples constitute a small handful of the many visual arguments provoked by the Kurdi photograph. The arguments fuelled a profound increase in interest in the Syrian crisis, convincing many that immediate action was needed to end the crisis. Among other things, this was manifest in growing contributions to the charities attempting to alleviate the crisis (Cole 2017). In this essay such arguments provide a good example of dissent provoked by visual arguing.

3. ASSESSING VISUAL ARGUMENTS

The use of visuals in argumentation that supports dissent raises the question how such arguments should be analysed and assessed. I have already shown how KC tables and standard argument diagrams can be used to analyse the structure of visual arguments. Once analysed, such arguments can, like purely verbal arguments, be assessed by asking whether they have acceptable premises that provide strong evidence in support of their proposed conclusions (in the latter case, this amounts to the question whether they are “valid” in a broad sense that recognizes deductive and non-deductive, and formal and informal, inferences).

In the case of the Kurdi examples already outlined, this raises the question (i) whether the photographs used in such arguments are genuine in the sense that they accurately present the incidents they are said to record (and not “doctored,” as photographs sometimes are); and (ii) whether they provide strong evidence for the conclusion that the migrant crisis is a human tragedy. I will not pursue a detailed discussion of these arguments here, but it can plausibly be said that they pass both these tests (and that the argument outlined in figure 8 is stronger than that outlined in figures 2 and 3, because it provides more visual evidence for the conclusion it proposes). For other visual examples which are analysed and assessed in this way, see Groarke & Tindale 2013.

In the case of visual arguments, we can, as in the case of verbal arguments, distinguish between kinds of argument. We can assess then assess instances of these different kinds of arguing by applying argument schemes that define normative criteria which apply to specific forms of reasoning (appeal to authority, causal reasoning, arguments by analogy, etc.). An argument scheme is a pattern of argument which can be defined by outlining its premises and conclusion in a generic way. Different instances of the scheme can be understood as particular instantiations of the general formula that results.

In this paper I will illustrate the standard approach to schemes with one example: slippery slope argument. It can be defined as arguing of the form outlined in figure 9. Individual cases of slippery slope reasoning correspond to different interpretations of $X \dots X_n$. Following Walton, Reed, & Macagno (2008), the most common approach to schemes pairs individual schemes with a set of “critical questions” which determine whether an instance of a scheme is a good/strong argument. In the case of the slippery slope scheme, we can define the critical questions as I have in figure 9.

As Dove 2016 and Groarke 2019 point out, many visual arguments can be understood as instances of standard schemes of argument. To illustrate this point, I’ve included two visual instances of slippery slope argument as figures 10 and 11. Figure 10 is a famous

World War II cartoon by Low which criticizes the British public for ignoring Germany's incursion into Czechoslovakia (X), suggesting that this will bring about the fall of Czechoslovakia (X1); which will destabilize

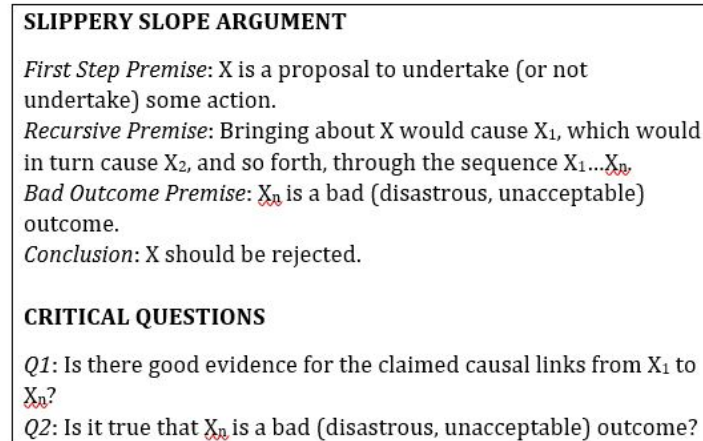


Figure 9 – Slippery slope scheme

Romania and Poland (X2); which will lead to the fall of the French alliances (X3); which will destabilize Anglo-French security (X4); which will have disastrous consequences for British citizen (X5). All the components of a slippery slope argument are there, but they are conveyed visually (via a visual metaphor). The cartoonist concludes that the British should reject their current failure to take an interest in Germany's interference in Czechoslovakia (X).



Figure 10 – Low cartoon (Groarke & Tindale 2013, p. 278)

Another visual instance of slippery slope is included as figure 11. “The Devil’s Toboggan Ride” is an 1887 temperance poster decrying those who allow boys to slide down the slippery slope that leads from Cyder in a hotel or drugstore to Beer in a saloon with doggery to Wine in gambling hell, to Whisky (and corruption), and – ultimately – to a drunkard’s grave. Like our first visual example of slippery slope, this one can be judged by asking the two questions associated with the Slippery Slope scheme (Q1 and Q2).

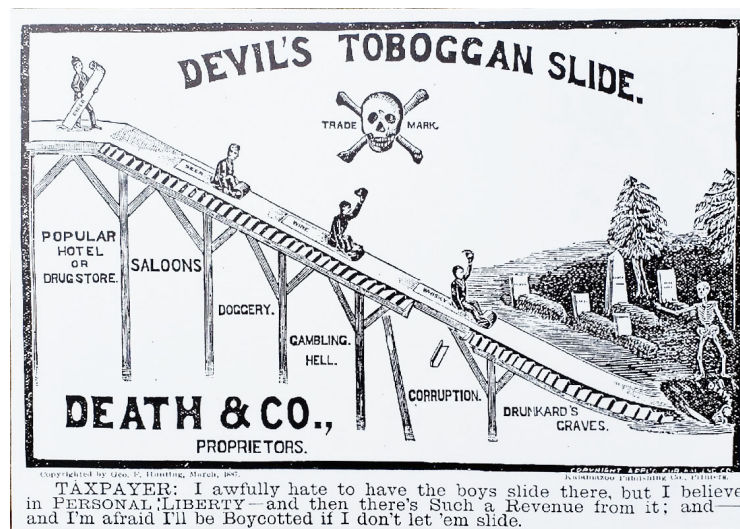


Figure 11 – Temperance poster (Redditt Propaganda Posters)

Scholarship on the application of argumentation schemes to visual arguments is in its early stages, but it can already be said that many visual arguments are instances of argument by analogy, argument by sign, and other common schemes. The arguments about the migrant crisis which I noted at the outset of this essay can be characterized as instances of the ad misericordiam schemes outlined in Walton 1997 – most notably, notably, a scheme he calls “need for help.” They can also be construed as instances of a visual scheme that Groarke & Tindale 2013 call “visual demonstration” (or “argument by showing”). In the latter case, an argument supports some claim by visually demonstrating that it is true or plausible. Other accounts of visual schemes which are of interest include Dove 2016, which outlines an “argument from fit” scheme which is intrinsically visual, and Groarke 2019, which expands on Dove’s discussion, suggesting that argument from fit is one of a family of similar schemes). Elsewhere, Groarke 2017 proposes “argument by allusion” as an important scheme in political cartooning.

More work needs to be done on the application of the scheme approach. In the remainder of this essay I will try to contribute to this

goal by considering what might be said of Wagemans' Periodic Table of Arguments and its relationship to visual arguments.

4. WAGEMANS' TABLE

Wagemans 2018 provides a good introduction to the Periodic Table of Arguments (the PTA). More scholarship will have to determine whether it is an approach to schemes which is preferable to the standard catalogues of schemes – and, more fundamentally and more importantly, the nature of its relationship to these catalogues. At this point in the discussion it can be said that the PTA addresses some significant issues raised by the standard approach.

Some of the issues raised by the standard catalogues stem from the number of schemes that they contain. It is not difficult to define hundreds – in principle, thousands – of argument schemes. The result is an embarrassment of riches that is challenging to learn, teach and apply. The standard catalogues are, moreover, a hodgepodge of different schemes which is more a *list* than a *system*. In many cases the same scheme can be defined in many different ways; the relationship between different and sometimes overlapping schemes is not entirely clear; and there is no precise theoretical rationale that explains the typology of arguments the catalogues contain. When we analyse instances of real life arguing, there is no method that invariably produces consistent answers to the question how a particular argument should be categorized. In many cases, different answers are possible.

In contrast, the PTA provides (i) a methodology that clearly determines what scheme an argument is an instance of; (ii) a precise definition of specific schemes that clarifies the ways in which different schemes relate to one another; and (iii) a typology of schemes that is a coherent system founded on an understanding of some key elements of argument. These strengths being noted, the Wagemans approach has some challenges of its own. While the standard approach to schemes is not tied together by a clear, elegant theory, it is intuitive and easy to apply, defining arguments in ways that are clear to real life arguers who know nothing about argumentation theory. Such arguers already know what causes and effects (and slippery slopes), analogies, allusions, etc. are, and this makes it relatively easy for them to understand standard schemes and apply the appropriate schemata.

Wagemans' table is less easily applied. Someone using it must reduce whatever argument they are addressing to either a two sentence argument (with one premise and one conclusion, and a warrant or "lever") or, in many cases, a series of two sentence arguments that can be analysed according to a theoretical apparatus which is founded on an account of subjects, predicates, a distinction between first and second

order arguments, and an understanding of the difference between facts, values and policies. For ease of reference, I will call the collection of issues that this raises the “bridge” problem insofar as the successful application of Wagemans scheme depends upon a bridge that takes us from his table to arguments as they really occur in real life argument. The problem is reflected in Wagemans’ own analyses of real life examples, which often involves a detailed analysis of a real life argument from which he *extracts* an argument which is then analysed. The extraction provides a bridge between his theory and this particular case of arguing.

It is too early to answer the question whether the PTA or the standard catalogue of argument schemes provides a better (or equally successful) theoretical account of schemes. In the final analysis, an answer to this question will have to establish which of them does a better job highlighting the aspects of argument that need to be identified, isolated and examined in deciding whether real life arguments are weak or strong. Here I can only say that this is a question which merits more attention, and that the attempt to answer it is likely to shed light on the nature of argument schemes and the real life arguing they are used to analyse.

5. BRIDGING TO THE VISUAL

I cannot develop a detailed analysis of the Wagemans approach here, but I will address the bridge problem in a way that engages visual arguments and the issues that are the focus of this paper. This aspect of the bridge challenge can be understood in light of Hinton 2019, who makes the following remarks on the PTA.

The genius of the system devised by Wagemans consists in his taking an element of the linguistic structure of the argument premises as the fundamental difference between argument forms... By concentrating on linguistic and pragmatic elements of arguments, Wagemans has created a neater and more elegant categorization of argument forms than has previously been available, providing a tool of great value to scholars across the field of argumentation. (p. 97)

This way of putting the matter emphasizes language and linguistic structure, i.e. words. If this is, as Hinton suggests, an essential component of the PTA approach it raises the question how or whether the PTA can be applied to cases of arguments in which it is not just words that play a major role. This includes, not only visual arguments, but auditory arguments (see Groarke 2019) and many other kinds of multimodal argument (see Tseronis & Forceville 2017). If the PTA cannot be applied in these cases, it has a serious shortcoming so long as it is intended as a

set of argument schemes that can analyse real life arguing in a comprehensive way, for this would mean that it is unable to account for a large and (in light of digital technology that makes multimodal communication more and more common) growing realm of argument that rely on non-verbal modes of arguing.


Consider one of Wagemans own examples – so far as I know, the only one which incorporates a visual. It is an example of a first order predicate argument which supports a fact with a fact (an instance of the scheme 1 PreFF, in the α quadrant of the PTA). I have reproduced the argument and the way it is presented in figure 12. In the current context, it is important to note that it is *not* presented as a visual argument and is more accurately described as a verbal argument which is accompanied by a visual (a photograph) that plays no role in the reasoning. For the proposed conclusion (that the subject was driving fast) is inferred, not from what we see in the photograph, but from the verbal statement that accompanies it (that the driver “left a long trace of rubber on the road”).

In a real life situation, this amalgam of a verbal argument and a photograph is by interpreting it as an extended argument which incorporates not one, but two, arguments. The first is the verbal argument included in the quotation marks. The second is a visual argument which backs the premise of the verbal argument with visual evidence that supports it (by showing the skid mark in question). Considered from this point of view, the structure of this extended argument is outlined in the KC table and the diagram in figure 13.

“The suspect was driving fast, because he left a long trace of rubber on the road.”



Figure 12 – Example from Wagemans 2018

| Key Components | Role | Explanation |
|---|--|---|
| "The suspect was driving fast." | Main Conclusion (<i>f</i>) | Verbal |
| "[H]e left a long trace of rubber on the road." | Premise/Subconclusion (<i>l</i>) | Verbal |
|  | Premise for Subconclusion (<i>p</i>) | Visual (photograph of the skid left by the suspect) |

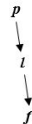




Figure 13 – The Skid argument outlined

It is worth noting that the argument outlined in figure 13 is the kind of argument one would expect to find in a contentious debate over the question whether the suspect in question was driving fast. In such a context – in a courtroom, for example – the verbal *claim* that he left a long skid mark on the road carries little weight and provides relatively weak evidence for the proposed conclusion. One way to strengthen such a claim by providing by visual evidence that supports it (by building a visual argument). Considered from this point of view, the visual premise *p* plays a key role in the proposed argument. In real life, the argument may go directly from *p* to the main conclusion, as when a police officer points to the photograph and says, “We know the suspect was driving very fast because *this* is what we found at the scene of the crash.”

Arguing about the skid invokes a visual argument when the inference to a conclusion is founded on what we *see* when we look at the skid marks in the photograph. Consider, as another example, the following three part testimony by a prospective expert on skid marks and their interpretation.

1. [The expert points to a photograph and says:] “This is the kind of skid mark left when one attempts to stop when one is driving fast.”
2. [They then point to the photograph we have already noted and say:] “The skid mark on the right is the one made by the suspect.”
3. [They then declare:] “We can conclude that the suspect was driving fast.”

I have outlined one version of this argument in Figure 14. In this case, the inference to the first conclusion (*s*) is founded on a comparison of what we see when we look at the first photograph (*p1*) and what we see when we look at the second one (*p2*) (which is taken to be indicative of the kind of skid made by someone driving fast).

| Key Components | Role | Explanation |
|---|------------------------------|--|
|  | Premise (<i>p1</i>) | Visual (photograph showing the suspect's skid mark on the right) |
|  | Premise (<i>p2</i>) | Visual (photograph of the kind of skid mark made by a car that is moving fast) |
| "The skid mark at the scene is the kind of skid mark made by a fast moving car." | Subconclusion (<i>s</i>) | Verbal |
| The subject was driving fast. | Main Conclusion (<i>f</i>) | Verbal |

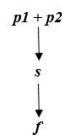


Figure 14 – Second skid argument

What do examples like this (and the Kurdi examples I began with) tells us about the application of the Periodic Table's system of argument schemes to visual arguments? I cannot answer this question in a detailed way here, but I will further the discussion by proposing two hypotheses which can be defined as follows.

1. *The Irreducibility Hypothesis*: The schemes in the PTA cannot be applied to visual arguments so long as one insists on a model of argument that assumes that they are wholly explainable in linguistic terms.
2. *The Extension Hypothesis*: The schemes in the PTA can be applied to visual arguments if one "extends" its understanding of subjects and predicates in a way that allows non-verbal instances of seeing to be key elements of subjects and predicates in premises and conclusions.

The irreducibility hypothesis suggests that one cannot apply the schemes in the PTA to visual arguments by reproducing the latter in a way that is completely verbal. Because the acts of (non-verbal) seeing they depend on are not reducible to words. Fundamentally, this is because seeing something is intrinsically distinct from reading (or hearing) about it, and the attempt to translate the former into the latter is inherently problematic (because it is difficult to choose between the many different ways in which we can describe a visual, and because most visuals contain far more information than one can convey in a feasible description). In the case of the argument outlined in figure 14, for example, it is our

looking at the skid marks, not reading a description of them, which is the basis of the key inference.

This does not mean that the schemes in the Periodic Table of Arguments cannot have visual instances, but that such instances need to be visually identified and recognized. This can be done by extending the account of subjects and predicates that Wagemans proposes so that it includes subjects and predicates that are visually specified. This fits well with the use of visuals in arguing. In our first skid mark argument (figure 13), for example, the visual premise (*p*) functions as a way to say that the driver left the skid mark that we see in the photograph. This way of describing the situation does not eliminate the visual but rather directs us to it ostensively, making it a key element of the predicate that is the basis of the conclusion that the driver left a long trace of rubber on the road. This provides a basis for the further (verbal) inference to the conclusion that they were driving fast.

In our second skid argument (Figure 14), it is what we see when we visually compare the two photographs of skid marks which is the basis of the inference that the skid is the kind of skid one makes when one is driving fast. In this case, the subject of the initial argument is visual – i.e. what we see in the first photograph, and the predicate contains a key visual element (claiming that the first skid mark is similar to the one we see in the second photograph).

Considered in this way, all the skid arguments we have considered are first order predicate arguments that belong to the alpha quadrant of the PTA, having predicates best understood as claims of fact. This makes them arguments of the form 1PreFF. One might usefully go further and indicate that these are cases in which the facts cited are visually defined (and that the arguments in question are in this way arguments with visual components). To distinguish between a fact that is defined with words only and one that is defined visually we might represent a fact as $F(v)$. Considered from this point of view, the visual examples I have discussed in this paper can be described as arguments that match the schemes 1PreF(v)F and 1PreF(v)F(v). One can describe the Kurdi examples I have used to illustrate the role of visual arguments in the migrant crisis in a similar way, as other examples of arguments that are instances of different PTA schemes (involving values and policies).

The question whether a reference to visual (and other multimodal components of argumentation) needs to be included within the labels used in the PTA warrants more discussion. If one takes the analogy to the Periodic Table of Elements very seriously, then it can be said that visuals and words are fundamentally different elements and should, in view of this, be distinguished. An alternative approach might leave the table as it is and indicate the differences between visual and verbal elements in an accompanying Key Component table – as I have

done in analysing examples in this paper. Whatever one does, an analysis of visual arguments will in some way need to indicate both their visual nature and specify their visual components.

6. CONCLUSION

In this essay I have tried to open up some issues that warrant more discussion, argument and examination. I began by recognizing the important role that visual argumentation plays in cases of dissent. I have illustrated this with examples which raise the broader question how we should analyse and assess instances of visual arguing. I have argued that this can be done in ways similar to the ways in which we analyse and assess instances of purely verbal arguing – by recognizing visual as well as verbal premises and conclusions, and by asking whether visual arguments contain acceptable premises that provide strong support for their conclusions. In analysing instances of particular kinds of arguments, I have noted that argument schemes can be used to judge specific kinds of visual argument but focused my attention on the alternative approach to schemes suggested by Wagemans’ Periodic Table of Arguments. I have – tentatively – concluded that it can be extended in a way that will provide a bridge between it and visual arguments, making it a classification scheme that can accommodate visual (and multimodal) arguments.

REFERENCES

- CNN (2015). Europe’s Migration Crisis in 25 Photos.
<<https://www.cnn.com/2015/09/03/world/gallery/europes-refugee-crisis/index.html>>.
- Cole, D. (2017). Study: What Was the Impact of The Iconic Photo Of The Syrian Boy? *Goats and Soda: Stories of Life in a Changing World*, NPR: January 13.
- Dove, I. (2011). Visual analogies and arguments. Ontario Society for the Study of Argumentation, *OSSA Conference Archive*, 75. Windsor: University of Windsor.
- Dove, I. (2012). On Images as Evidence and Argument. In Frans van Eemeren, van & Bart Garssen (Eds.), *Topical Themes in Argumentation Theory* (pp. 223-238). Amsterdam: Springer.
- Dove, I. (2016). Visual Scheming: Assessing Visual Arguments. *Argumentation and Advocacy*, 53(3), 254-264.
- Groarke, L., & Tindale, C.W. (2013). *Good Reasoning Matters*. Toronto: Oxford University Press.
- Groarke, L. (2017). Editorial Cartoons and ART: Arguing with Pinocchio. In A. Tseronis & C. Forceville (Eds.).
- Groarke, L. (2018). Auditory Arguments: The Logic of “Sound” Arguments. *Informal Logic*, 38(3), 312-340.

- Groarke, L. (2019). Matching schemes of argument: Verbal, visual, multimodal. In B. Garssen, D. Godden, G. R. Mitchell, J.H.M. Wagemans (Eds.), *Proceedings of the Ninth Conference of the International Society for the Study of Argumentation*. Amsterdam: Sic Sat.
- Hinton, M. (2019). Language and argument: A review of the field. *Research in Language*, 17(1), 93-103.
- Kjeldsen, J. (2017). Rhetorical and argumentative potentials of press photography. In A. Tseronis & C. Forceville (Eds.).
- Lush, T. (2015). Image of Dead Child on Beach Haunts and Frustrates the World. *Global News*, Sep. 3.
- Tseronis, A. & Forceville, C. (2017). *Multimodal Argumentation and Rhetoric in Media Genres*. Amsterdam: John Benjamins.
- University of Sheffield (2015). Aylan Kurdi: How a single image transformed the debate on immigration. *News*, December 14.
- Wagemans, J. H. M. (2016). Constructing a Periodic Table of Arguments. Ontario Society for the Study of Argumentation, *OSSA Conference Archive*, 106. Windsor: University of Windsor.
- Wagemans, J. H. M. (2018). Periodic Table of Arguments: The atomic building blocks of Persuasive Discourse. <https://periodic-table-of-arguments.org/>.
- Walton, D. (1997) *Appeal to Pity: Argumentum ad Misericordiam*. Albany: State University of New York Press.
- Walton, D., Reed, C., & Macagno, F. (2008). *Argumentation Schemes*. Cambridge: Cambridge University Press.

The prospects for multimodal schemes of argument: Assessing the spoofing strategies in subvertisements of the tobacco industry

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Recourse to argument schemes and to their accompanying critical questions can provide a fruitful way of assessing visual and multimodal arguments. The prospects of such an approach are discussed based on analyses of spoof ads. Their spoofing strategy amounts to raising critical questions about the argument scheme employed in the original advertisement. How can the various aspects of the verbal and the visual mode cue critical questions and what is their overall contribution to the evaluation of multimodal arguments?

KEYWORDS: argument from negative consequences, argument from values, argument schemes, critical questions, multimodal argumentation, subvertisements.

1. INTRODUCTION

While studies regarding the analysis and reconstruction of multimodal argumentative discourse abound (see the volume edited by Tseronis and Forceville (2017), and references therein), studies addressing the issues concerning the evaluation of such discourses are of recent date and relatively limited (Blair 2015; Dove 2016; Godden 2017). Recourse to argument schemes and their accompanying critical questions seems to provide a fruitful way of assessing visual and multimodal arguments as convincing or unconvincing, weak or strong (Groarke 2019). Dove (2016) has emphasized the versatility of argument schemes and the non-exhaustiveness of the existing lists as positive reasons for applying the relevant distinctions to the analysis and evaluation of visual arguments.

Nevertheless, it should be noted that the concept of argument scheme has been problematized already by scholars studying verbal arguments. One main question that has been raised is whether the identification of a certain argumentative sequence as belonging to a specific scheme is the consequence rather than the cause of

reconstructing that argumentative sequence in a particular way (see Pinto 2003). Questions have also been raised about the origin, number and function of the critical questions that accompany the various schemes (see Blair 2001).

In this paper, I consider the ways in which the strengths and weaknesses of the analytical and evaluative tools accompanying argument schemes manifest themselves when we try to apply these to the analysis and evaluation of multimodal argumentation. To do that, I study a number of anti-tobacco subvertisements found on the Internet. The spoofing strategy of these ads can be said to amount to raising critical questions about the argument scheme employed in the original advertisement. In this sense, subvertisements, or any other concrete instance of practices of dissent, offer a case study of how arguments are received as well as criticised. The various aspects and dimensions of the verbal and the visual mode can be analyzed as cues for such critical questions or as properties of the multimodal discourse that can be shown to affect the evaluation of the argumentation conveyed in it. At the same time, the formal properties of the verbal and the visual modes as well as their combinations can be shown to cue one type of argument scheme than another.

2. ARGUMENT SCHEMES FOR MULTIMODAL ARGUMENTATION

Argument schemes can be broadly described as a general and abstract pattern with infinite number of possible substitution instances, which helps to 'transfer' the acceptability of the premises to the standpoint of an argument (see Garssen 2001). Walton et al. (2008: 1) define argumentation schemes as:

forms of argument (structures of inference) that represent structures of common types of arguments used in everyday discourse, as well as in special context like those of legal argumentation and scientific argumentation.

Garssen (2001: 96, note 1) remarks that while argument schemes can be said to correspond to logical reasoning patterns, they differ from the latter because the transfer of acceptability in the case of schemes is based on more than just the formal characteristics of the scheme.

Depending on the theoretical perspective to the study of argumentation one assumes, a variety of typologies of argument schemes have been proposed. Pragma-dialectics, for example, suggests that there are three main types of argument schemes, and treats any other schemes that can be identified in argumentative discourse as types or subtypes of the three main ones, namely comparison, causal, and symptomatic

argumentation (see van Eemeren and Garssen, 2019, for the latest update). Walton et al.'s (2008) typology, which is widely cited in the literature and even used in applications of argumentation and computation, contains more than sixty different types, some of which have subtypes. Most recently, Wagemans (2016) has proposed a theoretically grounded way for distinguishing types of arguments based on three formal criteria. Existing and new argument schemes can thus be mapped on a so-called 'periodic table' which makes it possible to see in which respects schemes relate to each other and in what other respects they differ.

Despite the varied typologies of schemes proposed, almost all argumentation scholars agree that schemes are useful both for argument reconstruction and argument evaluation (see Walton & Macagno 2015, for example). Regarding the analysis of argumentative discourse, argument schemes help one to identify types of arguments. The scheme provides a certain heuristic for the analysis, or as Godden and Walton (2007: 272) put it, a "model for comparison", a "kind of interpretative, or hermeneutic, hypothesis". Regarding the evaluation of argumentative discourse, argument schemes provide a list of questions for testing the reason-giving relation.

Both of these contributions of the concept of argument scheme have been questioned, however, notably by Pinto and Blair. Pinto (2003) has argued that the application of schemes is the consequence not the cause of reconstructing the argument in a particular way. The analyst, as it were, does not start by identifying a certain reasoning pattern but rather by interpreting and reconstructing a piece of argumentative discourse which eventually turns out to fit one pattern of reasoning rather than another. The list of schemes provides a guide to the analyst for selecting the type that matches the reconstruction as well as for adjusting the reconstruction to fit one type, and eventually for naming the reconstructed type of argument. Blair (2001) has also raised a number of questions concerning the nature of argument schemes (descriptive/prescriptive; patterns of reasoning or types of argument), their classification; their normativity (what is their grounding); and their use for the evaluation (the role of the critical questions). The answering of the critical questions can at best tell the analyst something about whether the scheme has been applied correctly, and whether its use can be plausibly said to transfer the acceptability of the premises to the standpoint, but are these answers enough for checking the quality of the argumentation?

When it comes to the analysis and evaluation of visual and multimodal argumentation, recourse to argument schemes was motivated both theoretically and analytically. In the first instance, Dove (2011, 2013) took up the challenge to argue that there are such

constructs as visual arguments by showing that there are instances where the reasoning from premises to conclusion is made partially or wholly through the use of visuals, and that such reasoning fits existing patterns of reasoning described for the monomodal cases of verbal argument. He then went on to show that there are even types of argument schemes that characterize instances of purely visual arguments (Dove 2016, 2017). Following this line, Groarke (2019) has proposed identifying a series of related argument schemes that belong to the family of what he calls ‘matching schemes of argument’, where the matching can be performed “with the eye” or “with the ear”.

Dove and Groarke maintain that, at least, two kinds of schemes are possible for visual argument: those originally developed to assess verbal arguments, a subset of which can be used, with slight modifications, to assess some cases of visual argumentation (slippery slope, analogy, sign, etc.); and schemes that are developed in order to handle visual argumentation proper, and which may or may not have applicability to instances of monomodal verbal argumentation. Here is how Dove (2017: 113-114) describes how argument schemes work:

On this account, argumentation schemes individuate argument types according to structure or pattern of the inferences they contain. Beyond their use in categorizing argument types, schemes aid in the recognition, reconstruction, and evaluation of arguments. To do this, first, an individual scheme will delineate a standardized pattern for the reasoning. This entails naming and explicating the premise types involved in such reasoning. The explication of premise types might require the identification of particular sentential structures, for example, conditionals for arguments from consequence, and comparisons for arguments from analogy. In any case, naming and explicating the premise types associated with a particular scheme would facilitate recognizing whether actual reasoning exemplified the scheme. Moreover, once one has identified the scheme associated with actual reasoning, the scheme could be used to aid in the reconstruction of the pattern by guiding an analyst as regards relevant claims.

From the above, it is clear that recourse to argument schemes has been essential for canonizing the study of visual arguments by showing that the reasoning involved in these cases can be described with the categories and distinctions applied already to instances of verbal argument (albeit with slight modifications). This said, the questions raised by Pinto (2003) and Blair (2001) regarding argument schemes apply even more so in the case of visual and multimodal argumentation.

Before assessing what argument schemes can contribute to the analysis and evaluation of visual and multimodal argumentation one

more point needs clarification. Most of the examples that Groarke and Dove discuss concern cases where a scheme describes the reasoning process that a viewer/receiver of a visual argument undergoes in order to understand how the conclusion follows from the premises, but not really cases where the viewer/receiver identifies and understands the scheme used by the producer of the argument. The question that concerns me in this paper, however, is whether there are any clues on the visual form that can be said to cue a certain scheme or to help one reconstruct the reasoning pattern as belonging to one scheme rather than another. Referring back to Dove's quote above, the question would then be: what visual structures and forms could be said to cue analogies, comparisons, causes, etc., if any? The more general point I want to make in this paper is that we cannot assess the strength of the argument without also paying attention to the mode(s) in which it is realized in a given context.

3. ANALYSING AND EVALUATING SCHEMES IN SPOOF ADS

3.1 Spoof ads and dissent

Subvertising refers to the practice of making spoofs or parodies of corporate and political advertisements. Subvertisers manipulate the visuals, the text, or both, of the original advertisement in order to subvert the claims it makes. While the claim of the original could be formulated as "Buy product X" (assuming that product ads have such a generic standpoint, see Pollaroli & Rocci 2015), the claim of the spoof ad could be something more than the mere negation of it. After all, spoof ads, at least those by such activist groups as Adbusters (see Atkinson 2003), make a broader claim about consumerism and capitalism. It could therefore be formulated as "Do not be fooled / persuaded by brand X to buy their products / or to buy this product".

Subvertisements provide an excellent case for the study of multimodal argumentation for a number of reasons (see also Tseronis & Forceville 2017). They constitute a distinct genre which functions as a reaction to another, namely consumer advertisements, thereby creating a dialogical context where arguments are not only advanced independently but are also objected to. The study of a spoof ad can thus show not only which arguments are advanced multimodally but also which critical questions are raised against the argument of the original advertisement. The comparative study of the original and the subvertisement can thereby help us assess the contribution of the categories and distinctions relating to argument schemes for the study of multimodal argumentation in particular.

A spoof ad can be produced by manipulating any of the three constitutive elements of the original advertisement: the brand logo; the text; the image used in it; or all of the above. The examples discussed below are cases of manipulation of the text or of the image, taken from subvertisements produced as part of anti-tobacco campaigns. In section 3.2, I reconstruct the argument in two advertisements for Marlboro cigarettes. In section 3.3, I present the argument in two spoof ads. In section 3.4, I discuss some issues arising from the evaluation of these multimodal texts.

3.2 *Argument from values*

The image of the cowboy riding his horse or engaged in other outdoor activities has defined the advertising campaigns of Marlboro since 1955. As Goodman (2005: 338) explains:

So consistently was the message delivered, and for so many years, that, by the 1990s, a picture of the western desert landscape was all that was necessary to evoke images of Marlboro Country.

The two images below are examples of such advertising campaigns.



Figure 1

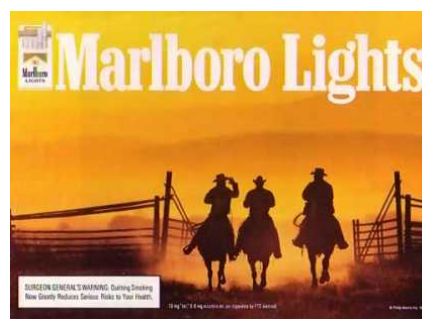


Figure 2

In Figure 1, the cowboys are barely visible, while the snow-cast mountain landscape is in the foreground. From up close, the image looks more like a painting rather than a photo. The choice of the verb 'come' in the text and the noun 'country' suggest that Marlboro is a sort of destination one can travel to. The image of the snow-cast landscape reinforces the association with posters for travel destinations, where the travelers enjoy nature, free from worries and other constraints of the city life. In Figure 2, the shadows of the cowboys riding their horses are in the centre of the image and clearly shaped against the light of the sunset, creating yet another idyllic image.

In both cases, the advertised product appears in the form of a pack of cigarettes in the right hand corner or at the top of the image as well as in the brand name 'Marlboro'. The image as a whole, however, does not show the cowboys smoking. It is the experience and positive feelings arising from the view of such landscapes that are foregrounded as reasons for buying the particular product.

Paying attention to the semiotics of the verbal and visual text in light of the above-sketched background information, the argument of these advertisements could be reconstructed as follows:¹

1. Buy / Smoke Marlboro cigarettes

1.1. Smoking is associated with positive feelings / experiences of riding in nature / riding with friends

1.1' Engaging in activities that produce positive feelings is good for you

This reconstruction fits the scheme of an argument from positive values (Walton et al. 2008: 321), where the exact content of the values arises from the connotations conveyed by the imagery and the positive associations that the viewers can make when looking at these images.

3.3 *Argument from negative consequences*

Anti-tobacco information campaigns in the United States date as early as the end of 19th century. Since then the antismoking movement has known various phases (see information in Goodman 2005). Spoofing original tobacco advertisements was one of the forms that such anti-smoking campaigns took. In these anti-tobacco subvertisements either the image was replaced keeping the original text (see Figure 3) or the original image was kept but the text was replaced (see Figure 4).



Figure 3



Figure 4

In Figure 3, the idyllic images of wild landscapes from the original advertisements have been replaced by an image of a graveyard, with a

¹ Admittedly this is a weak argument (see section 3.4).

number of the tombstones depicting the iconic Marlboro cigarette pack, and a horse without its rider standing in front. The text from the original advertisement 'Come to Marlboro Country' acquires a new meaning when combined with the image, presenting a negative experience altogether. Other versions of this subvertisement found on the Internet use black and white colour or depict gravestones from a low angle in a gloomy atmosphere that emphasize visually the negativity of the experience.

The image in Figure 4 is from one of the billboards that the state of California produced in 1990 as part of their Tobacco Control Programme (Farrelly & Davis 2008). In these series, the original iconic images of the Marlboro cowboys were accompanied by a different text such as "Bob, I've got cancer", "Bob, I've got emphysema" or "I miss my lung, Bob". Formulated in this way, the text was suggesting a reinterpretation of the iconic image of the cowboys as one in which one of them confesses their worries to the other regarding health problems, manifestly as a result of being a smoker.

Both subvertisements bring forward an aspect related to smoking that was backgrounded in the original advertisements, namely the deathly consequences of smoking. They are thereby effectively raising the critical question: "Aren't there any negative consequences related to the act of smoking?". The underlying argument can be reconstructed as follows:

1. Do not buy / smoke Marlboro cigarettes
 - 1.1 Smoking leads to death / Smoking causes cancer²
 - 1.1' You do not want to die of cancer

The spoof ads presented here, as well as other subvertisements of the tobacco industry, manipulate image and text to raise questions not so much about the argument from values that underlies the original advertisements but about the negative consequences (Walton et al. 2008: 101) of the act of smoking promoted in these. In the spoof ads where the image is manipulated, it is the content as well as the layout and colouring of the image that convey negative values and negative consequences. In the spoof ads where the text is manipulated, it is not only the content of the text that makes explicit the negative consequences but also the reinterpretation of the image in light of the new text.

² For Figure 3, this premise could also be more accurately formulated as "A great number of deaths is caused by smoking".

3.4 Some notes on evaluation

For the evaluation of the argumentation reconstructed from the original advertisements and the subvertisements presented above, recourse to the critical questions that accompany the respective schemes could provide a useful checklist to the analyst.

Thus with respect to the argument from values underlying the original Marlboro advertisements, one could ask whether the values addressed clash with other values that can be deemed of greater importance. One would then need to compare the value of leading a healthy life to the values of carefreeness and escapism promoted in these advertisements to decide. Admittedly, the iconic image of the Marlboro man and the idyllic images of the western wild landscapes have played an important role in masking that dilemma by foregrounding individualism and masculinity instead (White et al. 2012).

When assessing the argumentation reconstructed from the subvertisements, it is precisely the power of the image (combined with text) that gives presence to the negative results arising from the practice of smoking. The critical question one could ask with respect to the argument from negative consequences underlying the subvertisements would be about the strength of the causal link between smoking and dying of cancer. The first subvertisement (Figure 3) could be said to exaggerate the direct link between smoking and death, even though one should also note that the choice to replace only a number of the gravestones with the cigarette pack suggests an acknowledgement that statistically a great number of deaths but not all are caused by smoking. The second subvertisement (Figure 4) takes a different strategy that focuses on the story of the individual cowboy suffering from health problems as a result of smoking. This is achieved not merely by the manipulation of the text but also by the use of the same image of the cowboy appearing in the original advertisements, leading the audience to conclude that even the Marlboro characters have suffered the consequences of smoking.

Following the above sketch of an evaluation of the advertisements and the subvertisements guided by the critical questions, the question, however, remains whether answering these captures all there is to be captured when evaluating visual and multimodal arguments. Blair (2015), who is among the first who focused on issues regarding the evaluation of visual and multimodal arguments, raises the following interconnected questions:

When one assesses the probative merits of visual arguments, are the criteria used for purely verbal arguments readily employed? Does it seem to require distortions of what is

expressed visually in order to apply them? Do other factors suggest themselves that are not captured by these criteria? How well, if all, do the criteria and standards appropriate for judging the cogency of verbal arguments apply to visual arguments? (p. 219)

Interestingly, when evaluating a number of visuals in his paper, Blair does not make any explicit reference to argument schemes or critical questions accompanying them. Instead he has recourse to the standard questions regarding sufficiency, acceptability and relevance (ibid: 221). These are generic enough to allow the analyst to use them as a basis for evaluation of argumentative discourse be it verbal, visual or multimodal. They are also flexible enough to allow the analyst to come up with more specific sub-questions if needed.

In my view, the problem with the critical questions (whether those accompanying specific argument schemes or the more generic ones) is that they assess only one aspect of what it means to argue, namely the reason-giving relationship. I take Godden and Walton (2007) to make a similar point when they write:

the evaluation of any defeasible argumentation scheme can never be closed in any final sense, but can only be closed in some local sense, in relation to some specified body of information. [...] while the questions contribute to the assessment of schematic argument, they are not exhaustive of it. (pp. 281-282)

Features of the context, the genre, the mode or the medium, in which and through which argumentation is conveyed, do not come forward when evaluating arguments based on the critical questions relating to the scheme. While this abstraction remained unquestioned until now in the study of monomodal verbal argumentation,³ it may need to be reconsidered when the focus shifts to the study of visual and multimodal argumentation.

In this light, one could also ask the question whether and to what extent the visual form (choices made regarding the presentation of the visual content) can be shown to obstruct the viewer from the critical

³ It should be noted here, however, that the view of argumentation as a social and communicative activity that Pragma-dialectics assumes allows for a more encompassing procedure of the evaluation of argumentation, which focuses not only on the validity of the argument or the testing of the scheme but also on procedural aspects that can affect the quality of argumentation. Also the concepts of strategic manoeuvring and of activity types allow more factors to be weighed when assessing the quality of (multimodal) argumentation (see Tseronis 2017).

testing of the standpoint (that is, from asking the relevant / appropriate critical questions; from identifying the correct type of argument, etc.). Take the example of the schematic image of a domino that Dove (2016) uses to illustrate a visual slippery slope type of argument, and compare it with a more realistic visual representation of a domino that Groarke (2019) uses. One could say that choosing to depict argumentation about a situation (e.g. the Vietnam war, the Iraq war or the Brexit) as a line of dominos and choosing to make this representation more or less realistic (depicting actual pieces of domino or personified ones, etc.) are all choices that could be said to play a role in making it harder for the viewer to pose the right critical questions, to overlook the simplification of the situation and forget about the complexity of the problem. For example, choosing to depict some connection in terms of a domino game suggests that there is an unavoidable causal connection between one event leading to another; once one piece falls there is no stopping. While that may be an appropriate depiction for some causal connections it may obscure the causality in some other cases (as was indeed the case with the domino effect depiction in the Vietnam war cartoons).

4. CONCLUSION

If argument schemes describe more or less fixed patterns of inference, there is no reason why they cannot be said to underlie the argumentation that is conveyed partly or wholly in other semiotic resources than the verbal means. After all, inferences can be triggered by any semiotic means of communication not just by (spoken or written) language. It is the questions raised about the analytical and evaluative function of identifying schemes and accompanying critical questions that need to be addressed when schemes are applied to the analysis and evaluation of verbal, visual or multimodal instances of argumentation. In this paper, I have tried to discuss the strengths and weaknesses of the analytical and evaluative tools provided by argument schemes when these are applied to the analysis and evaluation of multimodal argumentation. As a case in point, I have compared the subvertisements of tobacco products, namely Marlboro cigarettes, with the original advertisements.

Regarding the analysis of multimodal argumentation, recourse to argument schemes can prove useful in at least two ways. Firstly, it can provide a heuristic tool that guides the analyst in the search for the relevant elements from the discourse. As Godden and Walton (2007: 272) put it:

argument schemes serve as models of comparison during the initial identification of the type of reasoning at work in an argument, and further provide a complete profile of all the

required components of the argument once such an identification is made.

Secondly, the scheming of a visual or multimodal argument can provide a handy placeholder, as it were, for presenting the argumentation conveyed in a multimodal text. Just as the verbal paraphrase is a 'placeholder' as Blair (2015: 220) has put it, for the visual argument, so is the scheme a 'placeholder' for the argumentation (whether conveyed verbally or non-verbally). It captures a part of the interpretation process and provides a certain basis for the evaluation of the argument, but it does not tell the whole story. From the brief analysis of the original advertisements and the spoof ads it became clear that there are aspects of the visual form besides the visual content, which lead to inferences that can inform the procedure of scheming the multimodal argument in different ways, when interpreted against background knowledge and genre expectations.

As far as the evaluation is concerned, the critical questions accompanying argument schemes can at best be understood as providing a checklist to the analyst but they can by no means exhaust the task of the evaluation. More questions beyond those pertaining directly to the scheme are required in order to assess the ways in which the semiotic mode may affect the evaluation of the argument.

Relating to both the analysis and the evaluation is the question about a certain typology or classification of argument schemes. For the analysis of multimodal argumentation, a classification of schemes based on some generic characterization of the inference pattern may prove more useful than a detailed list of specific instantiations and subtypes. Applying the same criteria for the distinction of different schemes and clustering those that share certain characteristics will help one to better compare between those schemes that apply exclusively to arguments conveyed in a certain semiotic mode and those that can characterise argumentation regardless of the semiotic mode in which it is conveyed.

A direction for future research would be to make the most of computational methods for identifying patterns bottom-up in concrete genres of communication rather than start from existing typologies of schemes and annotate discourse based on these categories. Parallel to search for scheme specific features in verbal discourse (see Feng & Hirst 2011), one may seek to identify configurations of image and text relations, as well as configurations of choices made in the visual mode (regarding composition, colouring, etc.) that co-occur with certain schemes and not others.

REFERENCES

- Atkinson, J. (2003). Thumbing their noses at "The Man": An analysis of resistance narratives about multinational corporations. *Popular Communication*, 1, 163-180.
- Blair, A.J. (2001). Walton's argumentation schemes for presumptive reasoning: A critique and development. *Argumentation*, 15, 365-379.
- Blair, A.J. (2015). Probative norms for multimodal visual arguments. *Argumentation*, 29, 217-233.
- Dove, I. (2011). Visual analogies and arguments. In F. Zenker (ed.), *Argumentation: Cognition and community. Proceedings of the 9th international conference of the Ontario Society for the Study of Argumentation (OSSA)* (pp. 1-16). Windsor, ON (CD-ROM).
- Dove, I. (2013). Visual arguments and meta-arguments. In D. Mohammed & M. Lewinski (eds.), *Virtues of argumentation. Proceedings of the 10th international conference of the Ontario Society for the Study of Argumentation (OSSA)* (pp. 1-15). Windsor, ON (CD-ROM).
- Dove, I. (2016). Visual scheming: Assessing visual arguments. *Argumentation and Advocacy*, 52, 254-264.
- Dove, I. (2017). Arguing with illustrations. A visual archaeological debate about the proper place of *Australopithecus africanus*. In A. Tseronis & C. Forceville (eds.), *Multimodal argumentation and rhetoric in media genres* (pp. 111-136). Amsterdam: John Benjamins.
- Farrelly, M., & Davis, K. (2008). Case studies of youth tobacco prevention campaigns from the US: Truths and half-truths. In W.D. Evans & G. Hastings (eds.) *Public health branding: Applying marketing for social change* (pp. 127-137). Oxford: Oxford University Press.
- Feng, V. W., & Hirst, G. (2011). Classifying arguments by scheme. In *Proceedings of the 49th Annual Meeting of the Association for Computational Linguistics: Human Language Technologies*, (pp. 987-996). Portland, Oregon: Association for Computational Linguistics.
- Garssen, B. (2001). Argument schemes. In F.H. van Eemeren (ed.) *Crucial concepts in argumentation theory* (pp. 81-99). Amsterdam: Amsterdam University Press.
- Godden, D.M. (2017). On the norms of visual argument: A case for normative non-revisionism. *Argumentation*, 31, 395-431.
- Godden, D.M., & Walton, D. (2007). Advances in the theory of argumentation schemes and critical questions. *Informal Logic*, 27, 267-292.
- Goodman, J. (ed.) (2005). *Tobacco in history and culture: An encyclopedia* vol.1. Detroit: Thomson Gale.
- Groarke, L. (2019). Matching schemes of argument: Verbal, visual multimodal. In B. Garssen, D. Godden, G. Mitchell & J.H.M. Wagemans (eds.) *Proceedings of the ninth conference of the International Society for the Study of Argumentation* (pp. 443-457). Amsterdam: SicSat.
- Pinto, R.C. (2003). Commentary on C. Reed and D. Walton's "Argumentation schemes in argument-as-process and argument-as-product". In A.J. Blair, D. Farr, H. Hansen, R. Johnson, & C. Tindale (eds.), *Informal logic @25: Proceedings of the Windsor conference* (pp. 1-13). Ontario: OSSA.

- Pollaroli, C., & Rocci, A. (2015). The argumentative relevance of pictorial and multimodal metaphor in advertising. *Journal of Argumentation in Context*, 4, 158-199.
- Tseronis, A. (2017). Analysing multimodal argumentation within the pragma-dialectical framework. In F.H. van Eemeren & Wu Peng (eds.) *Contextualizing Pragma-dialectics* (pp. 335-359). Amsterdam: John Benjamins.
- Tseronis, A., & Forceville, D. (2017). Arguing against corporate claims visually and multimodally: The genre of subvertisements. *Multimodal Communication*, 6, 143-157.
- Tseronis, A., & Forceville, D. (eds.) (2017). *Multimodal argumentation and rhetoric in media genres*. Amsterdam: John Benjamins.
- van Eemeren, F.H., & Garssen, B. (2019). Argument schemes. Extending the pragma-dialectical approach. In B. Garssen, D. Godden, G. Mitchell & J.H.M. Wagemans (eds.), *Proceedings of the ninth conference of the International Society for the Study of Argumentation* (pp. 308-318). Amsterdam: SicSat.
- Wagemans, J.H.M. (2016). Constructing a periodic table of arguments. In P. Bondy & L. Benacquista (eds.) *Argumentation, objectivity and bias. Proceedings of the 11th international conference of the Ontario Society for the Study of Argumentation (OSSA)* (pp. 1-12). Windsor, ON (CD-ROM).
- Walton, D., & Macagno, F. (2015). A classification system for argumentation schemes. *Argument and Computation*, 6, 219-256.
- Walton, D., Reed, C., & Macagno, F. (2008). *Argumentation schemes*. Cambridge, UK: Cambridge University Press.
- White, C., Oliffe, J.L., & Bottorff, J.L. (2012). From the physician to the Marlboro Man: Masculinity, health, and cigarette advertising in America, 1946–1964. *Men and Masculinities*, 15, 526-547.

(Mis)framing photographs as an obstacle to fair dissent

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In this paper, we consider the consequences for public argumentation of misframing photographs. When photographs are altered, misframed by the textual component that accompanies them or used improperly to stand for something they actually do not portray, they activate the wrong premises in the audience and lead it to the wrong conclusion. We explore this topic by analyzing famously misframed photographs of children in crisis situations used in media, and focus on the dangerous consequences for public debate and for the credibility of journalism.

KEYWORDS: argumentation, argument schemes, framing, loci, media, manipulation, multimodality, photography, public opinion

1. INTRODUCTION

Instinctively, humans believe that a photograph depicts reality. We expect it to reproduce exactly what happened, where and who was present. We put our trust in this medium because it was invented exactly with a documentary purpose (Peirce, 1935-1966; Barthes, 1977; Kjeldsen, 2018; Mazzali-Lurati, Pollaroli & De Ascaniis, 2018). Unfortunately, this is becoming less and less the case: photos are being not only altered to convey a partial message, but also recontextualized improperly to stand for something they actually do not portray. To this aim, they are often misframed by means of misleading textual components that accompany them.

In this paper, we explore the (mis)framing of pictures in media and its consequences for argumentation in the public sphere. Photos, by virtue of semantic condensation (Kjeldsen, 2012, 2018), are particularly

effective in enthymematic argumentation (Bitzer, 1959; Pollaroli & Rocci, 2015). Furthermore, thanks to emotional condensation, they trigger a strong emotional response in the viewer (Kjeldsen, 2018). Photographs and the way they frame reality can be employed as the factual premises. They function as starting points of an argumentative inference, by activating major premises based on shared knowledge, values and desires. Therefore, manipulating photographic material is particularly dangerous for argumentation, as it may manipulate the inferential process (see Rocci, 2017) by activating a distorted major premise, which impairs the balance among the dissenting parties. The resolution of a difference of opinion is indeed endangered if the parties do not base the discussion on the same data and cultural premises. This may cause the activation of an irrelevant or unsuitable argument scheme, leading to the wrong conclusion.

We investigate misframing by taking as an example photographs of children involved in wars and humanitarian catastrophes that were widespread by the media. We analyze their framing (both from the technical viewpoint of picture construction and of how the picture is framed by the text) and consider how they are employed in argumentation by different parties.

2. MISFRAMING PHOTOGRAPHS: A LONGSTANDING HABIT

The habit of misframing photographs is a longstanding one. An example we all are acquainted with is the Napalm Girl (Picture 1) by Nick Ut. The picture was taken in 1972, during the Vietnam war, and published in *The New York Times*. It won the Pulitzer price and played a major role in convincing the remains of the pro-Vietnam party to put an end to the atrocious war.



Picture 1: Napalm Girl.

What many readers might not be aware of, is that this is not the actual picture Nick Ut shot. It is a selected part of what you see in Picture 2.



Picture 2: the whole Napalm Girl scene.

In Picture 2 one notices that, on the right side, photographers were walking with the children and getting ready to shoot further images. They knew the village was to be bombed with napalm, and got there to capture the escape of its inhabitants. This becomes even more apparent in Picture 3.



Picture 3: Photographers waiting in front of bombed village.

It was not even just a couple of photographers who happened to be there and got ready for the best shot: they were a dozen, waiting at a safe distance from the toxic explosions.

This is not the place to delve into the ethical issues of the journalistic profession and to take stance about whether it was right for these photojournalists to stand there to document an ongoing tragedy. Sure, their documentary endeavor played a key role in ending the misery of this specific war. What this example helps us do is to demonstrate that the technical framing of photographs, i.e., the selection of a scene and its participants and the potential elimination of some parts to bring attention on what is considered the core of a scene, was not invented in the digital age.

3. OUR APPROACH

Our analysis is set within the framework of multimodal *rhetoric*, because we consider photographs as visual semiotic means embedded in communication which work in specific contexts of the public sphere and are aimed at influencing a specific audience (Kjeldsen, 2012, 2018;

Mazzali-Lurati, Pollaroli & De Ascaniis, 2018). We also look at how they play a role within the broad argumentative discussion on a topic of public interest, involving various actors as well as the media reporting the discussion and the audience forming an opinion.

A sound analysis of photographs as components of multimodal pieces of communication - in our case, a news piece - involves a description of what viewers actually see on a page (Bateman, 2008) with particular attention to the principles of composition (van den Broek et al., 2012, pp. 123-143) which are met, that is the way the elements of a scene are arranged and framed.

The meaning designed by a selected composition represents the world according to a certain perspective, a certain *frame* (Fillmore, 1982; Goffman, 1975; Rocci, 2009).¹ We consider frames as culturally recognizable representations of situations made of entities, attributes, and events. Choosing to frame a situation in one way instead of another invokes different systems of values and knowledge. As Greco has shown (Greco Morasso, 2012, Bigi & Greco Morasso, 2012; Greco, 2016), framing corresponds to choosing the relevant premises for a discussion on an issue, especially to choosing the cultural and contextual starting points or premises. Special attention should be devoted to the work done in Greco Morasso (2012), where framing is studied in the context of print journalism as a phenomenon which leads to different interpretations of an event according to the frame chosen and elaborated. As here we are taking into account pieces of news discourse which integrate images, it is important to mention that it is nowadays indisputable that frames can be represented also by images or by multimodal integrations of different semiotic modalities (e.g., Fauconnier & Turner, 2002; Forceville, 2004; Pollaroli & Rocci, 2015).

Premises of argumentative reasoning are drawn from these cultural blocks. We consider argumentation within the framework of the Argumentum Model of Topics (Rigotti & Greco, 2009, 2010, 2017; Rocci, 2017). The model focuses on the inferences activated by the combination of material premises, derived from a given situation (datum) and from its cultural context (endoxon), with procedural premises, which regulate the reasoning mechanism. In multimodal argumentation (e.g., Kjeldsen, 2012; Pollaroli & Rocci, 2015), the visual part constitutes the datum. This is all the more the case for photographs, due to their already mentioned documentary and indexical nature. In this paper, our attention is devoted

¹ We are aware that the concepts of *frame* and *framing* have received different definitions from different disciplines (see the discussion in Tribastone and Greco, 2018). Here we choose to focus on a notion of *frame* which comes from both sociology and linguistics because it allows us to adopt a sound perspective on a communicative phenomenon which involves both text and image within a specific context.

to the challenges for a sound argumentation posed by a manipulated or misframed datum.

As we consider photographs that appeared in the media and depict issues of topical socio-political relevance, we take into account also the visual news values of the photographs (Bednarek & Caple, 2017), e.g., the characteristics that make a photograph newsworthy. They apply both to the content and to the capture of a photograph, e.g., its formal characteristics. Whereas picture-newsworthiness can be tightly bound to a specific news outlet (see Zampa, 2017), some criteria are universal – for example the eliteness of the people portrayed, the superlativeness of the situation, the personalizing effect achieved through showing a protagonist the audience can identify with.

4. DATA ANALYSIS

As case studies, we take two photographs that received vast attention in the media, both for their primary application by the authors and for the sensation provoked by their misframing.

4.1 *Crying girl on the border*

The first is the *Crying girl on the border* (12.6.2018), by Getty photographer John Moore, which won the World Press Photo Award for 2018 (Picture 4).²



Picture 4: *Crying girl on the border*

² <https://www.worldpressphoto.org/collection/photo/2019/37620/1/John-Moore>.

This photograph is part of a series by Moore, which enjoyed broad circulation in the media in June 2018. The crying girl in pink quickly became a symbol of the separation of children from parents enforced by the US government at the Mexican border.

The photograph (and its main character) indeed possesses various characteristics that make it a good candidate for being a symbol of the children's tragic destiny. From the perspective of the visual news values' analysis, it is *consonant* with a stereotypical suffering child, in a *negative* context (the adults ignore the child, the child is isolated although in company, the scene is dark), it *personalizes* the problem in this specific kid and it is *timely*, as it is shot exactly where and when the current crisis took place. The compositional choices reinforce the news values: the camera is at the height of the girl, her pink attire contrasts with the darkness of the surroundings, the spotlight is mercilessly set on her.

As for the frames activated by the visual, we noticed:

- *desperation* in the child's attitude;
- *power relation*, symbolized by the uniform, weapon and behavior of the guard towards the woman, as well as of both adults towards the child;
- *ambush*, conveyed by the nightly setting in a desert place, where the woman and the child appear to have been caught by surprise;
- *search*, again in the attributes of the guard and the vehicle, in the action he/she is performing on the woman and in the passive attitude of the woman.

As mentioned above, the Crying Girl soon became the face of the crisis. It was published below headlines describing and criticizing Trump's policy towards migrants. Titles such as "Almost 2,000 children separated from families at US border following Trump administration 'zero tolerance' policy" (*The Independent*³) or the choice of the girl for the Time's "Welcome to America" cover story (Picture 5) framed the episode as a paradigmatic case of children's separation from their parents.

³ <https://www.independent.co.uk/news/world/americas/us-politics/children-separated-trump-immigration-policy-zero-tolerance-parents-border-a8401526.html>.



Picture 5: Welcome to America (July 2, 2018).

Therefore, we can say that two frames are added by the combination of text and picture or by recontextualizing only part of the photograph: *abandonment* of the child and *discrimination* of the US towards migrants. They both cannot be derived only from the photograph: the girl is not alone but close to people, and the ambush and search could well be aimed at saving a ransomed kid, and taking place within the US and towards a US citizen.

In reality, the girl was never separated from her mother. She was put on the floor so that the guard could search the mother, and cried because she was tired from the trip and scared. After the search, she stayed with her mother. Therefore, in this case the verbal misframing and recontextualization in the media lead the readers (and thus public opinion) to a wrong conclusion about the event. It looks plausible and convincing because it corresponds to our expectations about a separation, thanks to the above listed visual characteristics. We could say that it activates a *visual endoxon*, i.e. a shared cultural premise regarding the visual construction of the abandonment of a child. It is a prototypical example of this situation; thus, it can become a symbol of the destiny of all children affected by Trump's "zero tolerance" policy (see Musi, 2014, on prototypes in argumentation).

4.2 Boy walking in the Syrian desert

This photograph was shot by Andrew Harper, head of the UN refugee agency UNHCR in Jordan, on February 16, 2014. The 4-year-old Marwan was walking through the desert from Syria to Jordan. In the picture, he is the only migrant present and gets help from UNHCR workers.



Picture 6: Marwan meets UNHCR workers

Children walking alone for a while are no surprising phenomenon in the migration context. Family members migrate together but often lose sight of each other within a group, especially when rushing through borders. UNHCR helps families to reunite and specially to find missing children, which usually happens rather quickly.⁴

As it was the case for the Honduran girl, also this photograph and its protagonist Marwan possess various characteristics that make it a good candidate for being a symbol of children in the contest of migration. As for the visual news values, it is *consonant* with a stereotypical abandoned child, walking alone in an inhospitable environment. The circumstances are *positive* though, as he gets help from adults, who engage with him in a respectful way. The viewer can identify with the situation of helping a lost child, which *personalizes* the event. It is (or was, at the time of shooting) a *timely* scene too, being from the ongoing war-related

⁴ <https://www.bbc.com/news/world-middle-east-26231631>.

migration from Syria. The technical choices reinforce the news values: the camera captures the scene from above, underlying the smallness of the kid, the bright colours enhance the *positivity* of the encounter.

The photograph activates the following frames:

- *vulnerability* of the lonely child;
- *abandonment*, as the child appears to be unaccompanied;
- *harshness* of the environment;
- *humanitarian work* identifiable thanks to the uniforms worn by the adults in the picture;
- *help* provided by the adults to the kid.

This photograph, tweeted by the author, quickly became popular (Picture 7).



Picture 7: Harper's first tweet on Marwan.

The retweets though misrepresented and misframed the photograph as *Marwan migrating alone*. Harper reacted by confirming the original interpretation of the event and posting a photograph that shows where Marwan stood with respects to the rest of the caravan.



Picture 8: the migrants' caravan with Marwan walking behind.

The misframing had immediate consequences on the credibility of the retweeters and of media who also embraced this extreme reading, as *The Guardian*⁵ points out: "The picture triggered a wave of sympathy on social media, swiftly followed by skepticism and anger at the perceived misrepresentation of Marwan's plight."

5. DISCUSSION AND CONCLUSION: CONSEQUENCES FOR ARGUMENTATION

We argue that misframing a photograph manipulates the datum of an argumentative move. The public is thus left to reconstruct argumentation on an issue of public interest on the basis of an unreliable material component. We understand the importance of the material component in terms of argument from authority. Photography as a medium is authoritative thanks to its indexical nature (see Section 2). It is expected to show how things really are. As we all know, this authority is

⁵ <https://www.theguardian.com/world/2014/feb/18/image-syrian-boy-desert-un-refugees-tweet>.

experiencing a phase of mistrust due to the spreading of various tools for modifying photographs and to the spread of fake news. Cases of misframing contribute to undermining this authority.

In the case of the Honduran girl, for instance, the photograph should be material proof that children are separated from parents at the US border, a highly criticized practice by the Trump administration. The argument goes:

Endoxon: it is a habit to separate migrant children from parents at the US border

Datum: this photograph proves a case of a child separated from parents at the US border

First conclusion: this photograph proves the separation of children from parents at the US border

Maxim from the locus from authority: if x is an authority, and x proves y, then y is the case

Final conclusion: children are separated from parents at the US border

While this is true in general, it is not in the case depicted in this photograph. Once this becomes clear, a reporter, a medium or even journalism as a whole risk losing the trust of the audience. This is of course a case of hasty generalization by the audience, who moves from one misframed case to misframing as a pervasive practice in journalism. We also notice that two other argument schemes are intertwined in this journalistic practice: an argument scheme of the *part for whole* type and an argument scheme of the *prototype definition* type (Musi, 2014). The process of choosing a photograph of a child corresponds to a reasoning process of the part for whole category. In other words, a journalist chooses to picture one child instead of another in order to represent the crisis that is affecting all children. At a second level, a line of reasoning from the prototype definition is at work. The decision a journalist makes is based on how prototypical of a certain situation a photograph is, that is how many characteristics it shares with the prototypical child in that situation.

The loss of trust in photographs (and journalism) on the audience's side awkwardly co-exist with a difficulty of being critical when reading a piece of news and not considering that a much more complex situation hides behind a picture that shows only a frame of it. Ideally, a critical audience should be able to activate a part-for-whole process of reasoning much more often. In other words, it should be able to unravel the (mis)framing offered by the medium and activate a reframing in order to obtain a clearer view on the event. A critical audience should be able to understand that the photograph chosen is just a part of a broader, more complex situation.

REFERENCES

- Barthes, R. (1977). *Image, music, text*. London: Fontana Press.
- Bateman, J. A. (2008). Multimodality and genre: A foundation for the systematic analysis of multimodal documents. Dordrecht: Springer.
- Bednarek, M., & Caple, S. (2017). *The discourse of news values: How news organizations create newsworthiness*. New York/Oxford: Oxford University Press.
- Bigi, S., & Greco Morasso, S. (2012). Keywords, frames and the reconstruction of material starting points in argumentation. *Journal of Pragmatics*, 44, 1135-1149.
- Bitzer, L. F. (1959). Aristotle's enthymeme revisited. *Quarterly Journal of Speech*, 45(4), 399-408.
- Fauconnier, G., & Turner, M. (2002). *The way we think*. New York: Basic Books.
- Fillmore, C. (1982). Frame semantics. *Linguistics in the Morning Calm*, 111-137.
- Forceville, C. (2004). Book Review The way we think: Conceptual Blending and the Mind's Hidden Complexities. *Metaphor and Symbol*, 19(1), 83-89.
- Goffman, E. (1975). *Stigmaté. Les usages sociaux des handicaps*. Paris: Éd. de Minuit.
- Greco, S. (2016). Framing and reframing in dispute mediation. In M. Danesi M & S. Greco (Eds.), *Case studies in discourse analysis* (pp. 353-379). Munich: Lincom.
- Greco Morasso, S. (2012). Contextual frames and their argumentative implications: A case study in media argumentation. *Discourse studies*, 14(2), 197-216.
- Kjeldsen, J. E. (2012). Pictorial argumentation in advertising: Visual tropes and figures as a way of creating visual argumentation. In F. van Eemeren & B. Garssen (Eds.), *Topical themes in argumentation theory* (pp. 239-255). Dordrechts: Springer.
- Kjeldsen, J. E. (2018). Visual rhetorical argumentation. *Semiotica*, 69-94.
- Mazzali-Lurati, S., Pollaroli, C. & De Ascaniis, S. (2018). Multimodality and argumentation in online travel reviews. An action-centered analysis. In A. Tseronis & C. Pollaroli, special issue 'Pragmatic insights for multimodal argumentation'. *International Review of Pragmatics*, 10(2), 270-293.
- Musi, E. (2014). Evidential modals at the semantic-argumentative interface: appearance verbs as indicators of defeasible argumentation. *Informal Logic*, 34(4), 417-442.
- Peirce, C. S. (1935-1966). *Collected papers*. Ed. C. Hartshorne, P. Weiss & A.W. Burks, vol. 2. Cambridge (Mass.): Harvard University Press.
- Pollaroli, C., & Rocci, A. (2015). The argumentative relevance of pictorial and multimodal metaphor in advertising. *Journal of argumentation in context*, 4(2), 158-199.
- Rigotti, E., & Greco, S. (2009). Argumentative processes and communication contexts. Thematic section of *Studies in Communication sciences*.
- Rigotti, E., & Greco, S. (2010). Comparing the Argumentum Model of Topics to other contemporary approaches to argument schemes: The procedural and material components. *Argumentation*, 24(4), 489-512.

- Rigotti, E., & Greco, S. (2017). *Inference in argumentation: A topics-based approach to argument schemes*. Dordrecht: Springer.
- Rocci, A. (2009). Manoeuvring with voices: The polyphonic framing of arguments in an institutional advertisement. In F. H. Eemeren, *Examining argumentation in context: Fifteen studies on strategic maneuvering* (pp. 257-283). Amsterdam: John Benjamins.
- Rocci, A. 2017. *Modality in argumentation: A semantic investigation of the role of modalities in the structure of arguments with an application to Italian modal expressions*. Dordrecht: Springer.
- Tribastone, M., & Greco, S. (2018). Framing in News Discourse: The Case of the Charlie Hebdo Attack. Ed. M. Danesi, *Empirical Research on Semiotics and Visual Rhetoric* (pp. 71-85). IGI Global.
- Van den Broek, J., Koetsenruijter, W., de Jong, J., & Smit, L. (2012). *Visual language: Perspectives for both makers and users*. The Hague: Eleven International Publishing.
- Zampa, M. (2017). *Argumentation in the Newsroom*. Amsterdam: John Benjamins.

Dissent, Disadvantage, Testimony and the Ideological 'Truth' of Presumptions

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This paper takes up Trudy Govier's account of how people who are marginalized in socioeconomic terms can also be rhetorically disadvantaged. It argues that the rhetorical disadvantage of people who are socially marginalized entails that they carry a higher burden of proof resulting in an *I-burden injustice* in the context of presumptions than those less marginalized, which is regularly compounded by their dissent regarding the status quo. It draws on work in cognitive psychology along with Nicholas Rescher's philosophical epistemology.

KEYWORDS: [I-burden injustice, burden of proof, rhetorical disadvantage, argumentative injustice, common knowledge effect, ideology, presumptions, testimony, credibility, trustworthiness]

1. INTRODUCTION: WHAT DO WE KNOW TO BE TRUE?

In their 1966 book "The Social Construction of Reality", Berger and Luckmann introduced *social construction*. Social theorist Tom Andrews explains social constructionists view "knowledge as created by the interactions of individuals within society" (Andrews, 2011, para. 7) where "truth [is] created not discovered by the mind" (Andrews, 2011, para. 6). However, additional theories have offered that this does not preclude constructionists from being, at least partially, realists.

One can believe that concepts are constructed rather than discovered yet maintain that they correspond to something real in the world. This is consistent with the idea of Berger and Luckmann (1991) [...] in that reality is socially defined but this reality refers to the subjective experience of every day life[;] how the world is understood rather than to the objective reality of the natural world (Andrews, 2011, para. 7).

Andrews says “most of what is known and most of the knowing that is done is concerned with trying to make sense of what it is to be human, as opposed to scientific knowledge. Individuals or groups of individuals define this reality” (Andrews, 2011, para. 7).

This is not to say that there is not a “real world” and that everything reduces to being relative. Cultural theorist Joseph Maxwell points to *critical realism* which helps to clarify. “Critical realists... retain an ontological realism (there is a real world that exists independently of our perceptions, theories, and constructions) while accepting a form of epistemological constructivism and relativism (our understanding of this world is inevitably a construction from our own perspectives and standpoint)” (Maxwell, 2012, p. 5). If this is accurate, one’s standpoint (or perspective) is linked to assessing their credibility when they testify to what they know. Trudy Govier says “[t]estimonial claims are especially important...to [h]uman knowledge [as we are] utterly dependent upon our acceptance, much of the time, of what other people tell us” (Govier, 1993, p. 93) and if they believe us. This is how we pass on knowledge and learn language over generations and gain access to historical experiences we have not ourselves experienced.

Sociologist Elizabeth Borland notes Feminist Standpoint Theory has been especially critical of how we come to understand and know the world. It “argues that knowledge stems from social position [and] denies that [even] traditional science is objective [suggesting instead] that research and theory have ignored and marginalized women and feminist ways of thinking” (Borland, 2017, para. 1). Here, “[i]n societies stratified by gender and other categories, such as race and class, one’s social positions shape what one can know” (Borland, 2017, para. 1). “[I]t is easy for those at the top of social hierarchies to [...] miss critical questions about the social and natural world in their academic pursuits” because they lose sight of certain human and natural experiences (Borland, 2017, para. 2). In contrast, those situated at the bottom of social hierarchies have a “unique standpoint that is a better starting point for scholarship. Although such people are often ignored, their marginalized positions actually make it easier for them to define important research questions and explain social and natural problems” (Borland, 2017, para. 2). We have further reason, then, in this view to give weight to testimony given by those at the bottom of social hierarchies when they testify to their lived experiences.

Yet socioeconomically disadvantaged people often still find it difficult to have their voices heard and or be believed when they testify to what they know. This is particularly relevant if their testimonial claims are used to situate their arguments against presumptions dominantly accepted as “Truths” within a status quo. Moreover, as the

burden of proof tends to fall on those who dissent, they must be rhetorically effective in order to have their testimony be heard and viewed as credible (let alone persuasive). In what follows I show how socioeconomically disadvantaged people can be viewed as non-credible due to identity prejudices which can either lock them into a perpetual state of bearing the burden of proof when they attempt to argue against certain common knowledge “Truths” they feel are actually presumptive and should be defeated, or render their testimonial claims as unjustly unbelievable so their arguments cannot even be advanced. Effective dissent against a status quo is hindered, then, and runs the risk of perpetuating what I call an *I-burden injustice*. Finally, I offer how a concept from cognitive psychology known as the *common knowledge effect* (CKE) can further ensure wrong presumptions stand as ‘True’ if most people know them to be so.

2. IDEOLOGY OR THE TRUTH?

The theories of Michel Foucault and cultural theorist Stuart Hall are helpful in addressing how, what is essentially ideology becomes enacted as “the Truth”. For Foucault, there is an inextricable link between knowledge and power. Hall explains for Foucault, “[k]nowledge linked to power not only assumes the authority of ‘the truth,’ but has the power to make itself true. All knowledge once applied in the real world, has real effects and, in that sense at least, ‘becomes true’.” (Hall, 1997, p. 33). Therefore, knowledge produced and reinforced by those in power (so, those charged with determining what counts as true) leads people to act according to these “truths”, thereby circulating and reinforcing that “truth.” The “real world” here is not one that exists independently of our perceptions, theories and constructions. According to Foucault, “[t]here is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time, power relations” (Foucault, 1977, p. 27 in Hall, 1997, p. 33). This relationship of immanence produces what Foucault calls a “regime of truth” (Hall, 1997, p. 36). For Foucault, it is “the combination of discourse and power – [what he calls] power/knowledge [that becomes] more important...than the question of ‘truth’” (Hall, 1997, p. 33). Power/knowledge is enacted through the *social body*. “This body is produced within discourse, according to the different discursive formations – the state of knowledge about...what counts as ‘true’... This is a radically historicized conception of the body – a sort of surface on which different regimes of power/knowledge write their meanings and effects” (Foucault, 1977, p. 63 in Hall, 1997, p. 35). It is because of this that our subjectivities are honed and conditioned through historical exposure to disciplinary enforcement by institutions

like schools, the military, the family and hospitals; where what were once outside social constructs become habituated, and, over time, imperceptibly enacted as “Truth” through exposure to these social mechanisms, thus we have ideology.

For Hall “ideologies are not the product of individual consciousness or intention. Rather we formulate our intentions within ideology. [...] We have to “speak through” ideologies which are active in our society and which provide us with the means of “making sense” of social relations and our place in them” (Hall, 1995, p. 18-19). Like for Foucault, Hall says ideologies “work unconsciously” (Hall, 1995, p. 19) through discourse. “[I]deologies “work” by constructing for their subjects (individual and collective) positions of identification and knowledge which allow them to “utter” ideological truths as if they were their authentic authors” (Hall, 1995, p. 19). This is directly related to our presumptive reasoning as it relies on common knowledge for its plausibility (Rescher, 1977).

Anne Makus has used Hall’s work to critique rhetorical theory. Her observations are helpful as they explain

the power of “the ideological” [lies in] ‘the movement towards the winning of a universal validity and legitimacy for accounts of the world which are partial and particular, and towards the grounding of these particular constructions in the taken-for-grantedness of ‘the real’ (“Rediscovery,” p. 65). Hall argues that the legitimacy of an ideological claim depends on that part of the truth which it takes for the whole truth, and that these particular and partial constructions are taken to be natural and real phenomena. That is, they are represented as what is transparent, inevitable, and wholly natural. The ideological moment occurs when codes have become profoundly naturalized, when through habitual use they have developed an appearance of equivalence with their referents so that instant recognition occurs” (Makus, 1990, p. 498).

For instance, “[e]verybody knows,” [...] what democracy is. The fact that ideological constructions are socially formed tends to be lost to consciousness” (Makus, 1990, p. 498). Hence, I suggest subjective reality may function as objective reality (“the Truth”) in the plausibility of certain common knowledge presumptions, and in our evaluative judgments of a speaker’s credibility, particularly, if they wish to dissent against such presumptions.

Nicholas Rescher (1977) says a presumption is a kind of necessary place holder, or “for now” approach, to standing in for the truth as arguers attempt to meet their burdens of proof, or to counter burdens of proof. “A presumption is a plausible pretender to truth

whose credentials may well prove insufficient" (Rescher, 1977, p. 35). However, these presumptive truths are "able to stand provisionally...until somehow undermined" (Rescher, 1977, p. 34). But, if our presumptions hold as true, based on our common knowledge (what "everybody knows") until proven otherwise, then we run the risk of accepting certain problematic ideological presumptions as "True" because their socially constructed "Truth" may not be consciously considered due to the unconscious nature of ideology. Indeed, if we take into account social construction, critical realism and standpoint theory, presumptions are a murky business. Additionally, concerning to this common knowledge problem is that "[a] presumption is not merely something that is 'possibly true' or that it is 'true for all I know about the matter.' To class a proposition as a presumption is to take a definite and committal position with respect to it, so as to say 'I propose to accept it as true insofar as no difficulties arise from doing so'" (Rescher, 1977, p. 42). If problematic ideologies function as "Truth" in our presumptive reasoning, then the people with the power to make things true may find no difficulties arise from saying that a presumption is acceptably true. They may not even consciously recognize why it is a problem (or be untrue) rendering the presumptive nature of the thing hidden. So, if no difficulties arise, problematic ideological claims may be used as evidentiary support or proof for the 'truthfulness' of what is actually a presumption. Moreover, counterclaims and evidence for such may not be sought as the presumption becomes "the Truth". Thus, any difficulties that may arise (dissent say) can therefore be dismissed as untrue.

Berger and Luckmann (1991) have theorized how the subjective passes for objective "through the interaction of people with the social world, [which]... influenc[es] [them,] resulting in routinisation and habitualization [generally what holds for Foucault and Hall as well]. That is, any frequently repeated action becomes cast into a pattern, which can be reproduced without much effort" (Andrews, 2011, para. 8). While the positive result is that people are free "to engage in innovation rather than starting everything anew. In time, the meaning of the habitualization becomes embedded as routines, forming a general store of knowledge. This is institutionalised by society to the extent that future generations experience this type of knowledge as objective [and, hence, how social constructions can become adopted as objective common knowledge or how presumptions can become the 'Truth']". Additionally, this objectivity is continuously reaffirmed in the individual's interaction with others" (Andrews, 2011, para. 8).

3. TESTIMONY, RHETORICAL DISADVANTAGE, ARGUMENT AND INJUSTICE

In “When Logic Meets Politics: Testimony, Distrust, and Rhetorical Disadvantage” Trudy Govier argues that stereotypes and social power dynamics are intimately linked to how we accept or reject testimonial claims. She defines testimonial claims as “those which describe or purport to describe a particular person’s observations, experience and related memories” (Govier, 1993, p. 93). Whether or not testimonial claims are believed is a matter of credibility, which relates to trustworthiness. In “a normative sense, a person’s credibility may be defined as his or her worthiness to be believed... It depends on a person’s sincerity, honesty, and reliability” (Govier, 1993, p. 93). They are reliable “if and only if [they are] honest and... in an appropriate position to be a believable asserter of the sort of claim made” (Govier, 1993, p. 93). A putative expert speaking about their field can serve as the example. In contrast, rhetorical credibility is

the extent to which one is regarded as believable, and is believed, by others. People who are white and male, who dress well, look professional, appear middle class or upper middle class, speak without an accent in a deep or low-toned voice, and seem unemotional, rational and articulate, tend in many contexts to have more rhetorical credibility than others. Often those who lack such qualities are, in effect, rhetorically disadvantaged (Govier, 1993, p. 94).

Take, then, the example of our putative expert to make the point clear, particularly with regard to mounting an argument. Khameiel Al Tamini claims that a person’s general lack of perceived authority in society due to their identity, i.e.: their words are dismissed generally in society because of an identity prejudice against them, can affect their credibility if that person tries to make an argument from a justified position of authority. In “A Gendered Analysis of the Role of Authority in Argumentation” she uses the example of a male scientist and female scientist (experts who should be equal) as it relates to *ad verecundiam* citing two related issues. The first has to do with discrediting the expertise of the female as Al Tamini points to a “general lack of authority [that] women receive from society as a whole” (Al Tamini, 2009, p. 5) which can lead to a denial of the woman’s expert credibility if she is up against a male expert. The second relates directly to the authority of the speaker. Al Tamini says “[s]ince women generally lack authority and are dismissed [in society...] their bringing forth an authority in order to defend a claim or establish an argument is going to have less weight” (Al Tamini, 2009, p. 5). Thus, expert knowledge also

needs “gender or social authority to back it up” (Al Tamini, 2009, p. 6). Al Tamini concludes “[q]uestions and evaluation of arguments from authority [specifically Walton’s critical questions] should be mindful of gender bias that can distort the rating of the credibility of the expert, concerns that can easily be mapped onto other social identities and evaluations.

Govier more broadly demonstrates these concerns. “Standards of rationality, seriousness, and maturity incorporate norms that are not neutral as regards age, gender, race, class, culture and style” (Govier, 1993, p. 97). People who are socioeconomically disadvantaged are “easily dismissable-and dismissed-as incapable of making serious, reasonably articulated assertions” (Govier, 1993, p. 97) which can lead to their testimony unjustly being rendered as non-credible or not trustworthy or believable. Yet

[t]he prevailing view is that people are deemed trustworthy as to their own experience *unless* there is some clear evidence to the contrary. This is to say, in effect, that *the onus is in favor of normative credibility* [for example] B should grant, or assume, that A, who *seems* to be telling B his or her story, *is indeed truthfully doing so* and *is sufficiently competent to get that story right*. These premises are granted other things being equal—granted unless there is clear evidence to the contrary (Govier, 1993, p. 101).

But how, as Al Tamini seeks to demonstrate, do we assess what counts as clear evidence to the contrary? “Insofar as B may tend to systematically discredit women, the aged, blacks, [Indigenous], children and others, B thinks he or she has ‘clear evidence’ to justify doing so” (Govier, 1993, p. 101). This lends itself to linking rhetorical disadvantage to burden of proof and indeed to challenging common knowledge presumptions within a status quo which I contend requires the use of both testimony and argument for the challenger. In my view, if I want to challenge an oppressive status quo I first have to testify to my lived experiences in it in order to then argue that these experiences are oppressive and based on erroneous presumptions that are acting as “Truth”. Phyllis Rooney helps to make the point clear because identity prejudices are “likely to be exacerbated in skepticism-informed argumentative exchanges where minority members [A], whose experiences and claims are likely to be given less credibility [by B], are thereby assigned greater burdens of proof” (Rooney, 2012, p. 319). This is especially problematic “when they [A] seek to address concerns that are of special significance for their subgroup” (Rooney, 2012, p. 318) like in cases of arguing against an oppressive status quo.

Miranda Fricker (2007) has also argued that people who face a systematic identity prejudice can face what she terms *testimonial injustice*. In “Epistemic Injustice: Power and the Ethics of Knowing” Fricker argues testimonial injustice occurs when an unfair credibility deficit is assigned to a speaker by a hearer due to the hearer’s prejudice against some aspect of the speaker’s identity. This injustice tracks the subject through various aspects of their life (economic, social, professional etc.). Thus, an epistemic injustice is committed against the speaker and harm is done to them in their capacity as a knower.

Patrick Bondy uses testimonial injustice as an analogue for what he terms as *argumentative injustice*, but it can be both a credibility deficit and excess which can lead to harm.

[W]hen identity prejudices cause reduced or excessive credibility judgments, reasons can fail to have the rational force that they ought. If elements in an argument do rely on an arguer’s credibility, identity prejudices can skew the correct evaluation of those aspects of the argument; if no elements in an argument rely on the arguer’s credibility, identity prejudices can still skew the evaluation, by introducing judgments of credibility where they are irrelevant (Bondy, 2010, p. 264).

Argumentative injustices directly harm people in their capacities as arguers but can also harm them as knowers. “[O]ur capacity as arguers often has a bearing on our capacity as knowers” (Bondy, 2010, p. 266). He takes the view of arguments as manifest rationality so, “harm to people in their capacity as arguers is harm to them in their capacity as people capable of employing and criticizing reasons in order to persuade each other of truths” (Bondy, 2010, p. 266). The harm happens in three ways: first, “it undermines the rationality of the endeavour, so that the force of reasons does not determine the outcome, and the arguers are deprived of” the rational outcome they are trying to achieve (Bondy, 2010, p. 266). “Second, it can distort an arguer’s status in the community of arguers, if the prejudice is such that people take [the arguer] to be unable to argue well” (Bondy, 2010, p. 266). Therefore, the arguer would not be permitted to engage in arguments. Finally, “if repeated enough, credibility deficits can [become a kind of self-fulfilling prophecy by] undermining the way that [the arguer] thinks of [them]self as an arguer” (Bondy, 2010, p.266) so, they may not bother to offer arguments even when it is appropriate to do so. Credibility excess is also harmful in relationship to the same three reasons. First, that the force of the better reasons may not be determined rationally; second an arguer’s self-perception may be skewed to believe they are a better arguer than others and they may not

seek out or grant credibility to others' arguments, and other people's perceptions can be distorted "by placing [the arguer] on a pedestal in their eyes, and preventing them from seeking to engage [them] in arguments" (Bondy, 2010, p. 267). As I posit that the combination of testimony and arguments are required by someone who wishes to dissent against a status quo, the above theories offer how one can be doubly served an injustice if their standpoint falls outside of common knowledge presumptions masquerading as "Truth" which I further relate to burden of proof below.

4. PRESUMPTIONS, BURDEN OF PROOF AND I-BURDEN INJUSTICE

In his consideration of who has the burden of proof in social criticism Juha Räikkä gets at the crux of my concerns. He defines social criticism as "an argumentative situation where an opponent or a group of opponents publicly oppose certain social practices while proponents defend these practices" (Räikkä, 2005, p. 229). In practice, we need to know who has the burden of proof as we "must frequently make decisions and act, not on the basis of conclusive evidence, but on the basis of what is reasonable to presume as true" (Räikkä, 1997, p. 228). Again, for Rescher this relates to the plausibility of a presumption where the "conception of plausibility is the notion of the extent of our cognitive inclination towards a proposition-of *the extent of its epistemic hold upon us* in the light of the credentials presented by the basis of its credibility. The key issue is that of how readily the thesis in view could make its peace within the overall framework of our cognitive commitments" (Rescher, 1977, p. 38-39). Again, rhetorical disadvantage/advantage and the injustices outlined earlier are deeply woven into our cognitive commitments.

Räikkä's account provides acknowledgment for these concerns as he notes, frankly, it can be difficult to "see exactly what is reasonable to presume in a given argumentative situation... Sometimes people disagree not only about how ...things are but also about what the reasonable presumption is" (Räikkä, 2005, p. 228). He situates the problem I see in what he calls *conservative presumptionism*. Noted as a "widely accepted burden of proof rule", the doctrine is "she who asserts must prove" (Räikkä, 2005, p. 232). If one asserts something contrary to the status quo, the burden of proving the claim falls to her. Referencing C. L. Hamblin, Räikkä holds "that 'there is a presumption in favour of existing institutions and established doctrines, and against anything paradoxical, that is, 'contrary to the prevailing opinion'" (Hamblin in Räikkä, 2010, p. 232). He further asserts Douglas "Walton's view, [that] 'someone who sets out to disprove a proposition that is widely accepted or popularly presumed to be true will have to mount a

strong argument if [they are] to meet a reasonable burden of proof that would convince an opponent in a reasonable dialogue” (Walton in Räikkä, 2010, p. 232). In this view, then, “people have a burden to present some reasons when they make accusations or statements that run counter to common opinion” so it is “the opponent, and not the defender, [who] must lead the attack” (Räikkä, 2010, p. 232). As Rooney says, “B is expected to challenge and question any of A’s claims that [B] finds less than plausible, thus placing the burden of proof on A” (Rooney, 2012, p. 325).

Conservative presumptionism also requires distinguishing between the *evidential burden of proof* (E-burden) and the *initiating burden of proof* (I-burden). “Roughly, an I-burden is a burden to support one’s view within the dialogue if the view is presented first; an E-burden is a burden to produce further evidence when a sufficient reply is made to one’s position” (Räikkä, 2010, p. 231). The I-burden remains on the side of the challenger while the E-burden can shift between them provided the I-burden is able to be met at the outset. In my view two things can go wrong constituting what I am calling *I-burden injustice*, if we consider rhetorical disadvantage/advantage, testimonial and argumentative injustices against this view. First, the one opposing the status quo presumption may not have the rhetorical credibility to be permitted to testify to their experiences so they cannot proceed to an argument as they will be dismissed from testifying outright. A subtle advancement may be that the challenger is permitted to give testimony, however, it will not be granted weight, credibility or sufficiency to meet their I-burden and either be dismissed or see the challenger required to continue attempts to meet their I-burden. This leads to the second major problem I see, which I also think is the one that occurs in a greater number of cases. If a status quo challenger is rhetorically disadvantaged, which being socioeconomically disadvantaged often means is the case, they may be permitted to reach the stage of I-burden yet be locked in at this stage as the prejudice they face exacerbates the already heavy burden at this stage. Moreover, the challenger may attempt to move to the stage of E-burden when giving their testimony, but only be permitted to shift from testimony to an argument and be held at I-burden.

Räikkä argues there are certain instances, like in social criticism, where questions remain open. But “[w]hen a case is open, any *action* should proceed from the view that the one who does not have I-burden is right” (Räikkä, 2010, p. 232). In this view the problem is that “it is not justified to change the holder of the I-burden during the discussion (which keeps on going), and in effect, those who are criticizing existing institutions have an I-burden, practically speaking, forever (i.e. until the presently existing institutions are no longer the existing ones)” (Räikkä,

2010, p. 235). In the cases, then, of oppressed groups of people who face systematic identity prejudices seeking to dissent against a status quo that enacts and enforces these injustices, there is a risk of having common knowledge presumptions pressing against them for substantial periods of time. Racism and sexism can serve as generational examples which address the kind of lingering of ideological “Truths” I am considering here. In spite of a constant gnawing at the status quo presumptions that oppress these social strata, and the sustained challenges which have been raised as difficulties for accepting these presumptions as “True”, racism and sexism systematically persist, and the I-burden has remained on the side of the challengers. This may in part be due to what Räikkä considers as a lack of rules in social criticism. Unlike in law, where the burden of proof rules are strictly organized, “[i]n social criticism, there are no shared values [between opponents] which would uncontroversially determine what is the reasonable presumption and who [should have] the burden of proof” and there are no rules to determine when a debate should stop and a winner be declared (Räikkä, 2010, p. 238).

As many oppressed groups have pointed out that even in the law rules can be problematic (and worthy of social criticism!), I am hesitant to go so far as to suggest the kind of structural rigidity under which the law is organized be applied to social criticism. It seems to me, however, that we need to account for the *I-burden injustice* levelled against status quo dissenters in common knowledge presumptions so that harm and injustice do not persist for generations. I suggest harm here should serve as the guiding principle for determining not only what counts as an oppressed social stratum, but for establishing the sufficiency of meeting the I-burden. Now, it has been put to me that those who espouse extreme views like white supremacists or people who deny climate science may themselves then argue that they feel oppressed. While there is not sufficient space to handle the complexity of this here, I suggest that we ought to establish benchmarks for harm, and in the case that it can be demonstrated harm is being done to whomever claims it then we ought to move past the I-burden and hash it out at the stage of E-burden.

Finally, we ought to account for psychological concerns that can further complicate I-burden injustice. Psychological researcher Daniel Gigone notes the Common Knowledge Effect (CKE) “describes the impact of group decision making” based on “whether knowledge relevant to a decision is shared by all group members prior to discussion” (Gigone, 2017, para. 1).

[L]aboratory studies have shown that information known by everyone prior to discussion has a more powerful influence on

decisions than information not shared by everyone. [CKE] demonstrates that an irrelevant factor—the number of members who know a particular piece of information—can affect group decisions. If a piece of unshared information is crucial to making a correct decision, the result may be an incorrect decision (Gigone, 2017, para. 1).

As rhetorical disadvantage and testimonial and argumentative injustices have outlined, there are serious social reasons why a piece of crucial information important to making a correct decision may not be shared. Thus, until the information is received, wrong decisions about the credibility of our presumptive ‘truths’ may persist.

CONCLUSION

Räikkä agrees with conservative presumptionism, as do I, that we must start from something. Rescher says presumptions are a necessary “epistemological task in the structure of rational argumentation. For there must clearly be some class of claims that are allowed at least *pro tem* to enter acceptably into the framework of argumentation, because if everything were contested then the process of inquiry could not progress at all” (Rescher, 1977, p. 34). I like Räikkä’s question, however, about whether our starting point should be conservative presumptions? For instance, on issues of social criticism, perhaps, the I-burden should rest with the status quo to demonstrate harm is not being committed if a challenge should arise. At the very least, I think wherever we begin, our theories must include an account of bias and harm. Even if we continue to deploy a heavy burden of proof on those who challenge the status quo, we must, no matter the struggle to achieve it, seek to eliminate the harm caused by the I-burden injustice.

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REFERENCES

- Al Tamini, K. (2009). OSSA Conference. In *Feminist Alternatives to Traditional Argumentation* (Vol. 8, pp. 1-8). Windsor, ON: University of Windsor.
- Andrews, T. (2011). What is Social Constructionism. *Grounded Theory Review: An International Journal*, 11(1). Retrieved December 4, 2017, from <http://groundedtheoryreview.com/2012/06/01/what-is-social-constructionism/>
- Bondy, P. (2010). Argumentative Injustice. *Informal Logic*, 30(3). doi:10.22329/il.v30i3.3034
- Borland, E. (2017, June 16). Standpoint theory. Retrieved from <https://www.britannica.com/topic/standpoint-theory>
- Foucault, M., & Sheridan, A. (1977). *Discipline and punish: the birth of the prison*. London: Penguin Books.
- Fricker, M. (2007). *Epistemic injustice: Power and the ethics of knowing*. Oxford: Oxford University Press
- Gigone, D. (2017). Common Knowledge Effect (J. M. Levine & M. A. Hogg, Eds.). Retrieved October 25, 2017, from <http://sk.sagepub.com/reference/processes/n39.xml> doi: <http://dx.doi.org/10.4135/9781412972017.n39>
- Govier, T. (1993). When Logic Meets Politics: Testimony, Distrust, and Rhetorical Disadvantage. *Informal Logic*, 15(2). doi:10.22329/il.v15i2.2476
- Hall, S. (1995). *Gender, race, and class in media: a text-reader* (G. Dines & J. M. Humez, Eds.). Thousand Oaks, CA: Sage.
- Hall, S. (1997). *Representation: Cultural representations and signifying practices*. London: Sage in association with the Open University.
- Makus, A. (1990). Stuart hall's theory of ideology: A frame for rhetorical criticism. *Western Journal of Speech Communication*, 54(4), 495-514. doi:10.1080/10570319009374357
- Maxwell, J. A. (2012). *A realist approach for qualitative research*. Thousand Oaks, CA: SAGE Publications. https://us.sagepub.com/sites/default/files/upm-binaries/44131_1.pdf
- Räikkä, J. (2005). Global Justice And The Logic Of The Burden Of Proof. *Metaphilosophy*, 36(1-2), 228-239. doi:10.1111/j.1467-9973.2005.00364.x
- Rescher, N. (1977). Chapter 2 Some dialectical tools: burden of proof, presumption and plausibility. In *Dialectics: A Controversy-Oriented Approach to the Theory of Knowledge* (pp. 25-45). New York, NY: Sunny Press.
- Rooney, P. (2012). When Philosophical Argumentation Impedes Social and Political Progress. *Journal of Social Philosophy*, 43 (3): 317-333.

With all due respect: Controversial beliefs and the limits of responsible argumentation

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This paper considers whether there are limits to responsible argumentation when confronting positions that are a manifestation of bigotry, are racist, misogynistic, homophobic, or highly offensive in other ways. Can responsible arguing become irresponsible in such contexts? And are there situations in which a refusal to engage is the most responsible way to deal with a particular position?

KEYWORDS: Virtue argumentation theory, deeply-held beliefs, responsible inquiry

1. INTRODUCTION

I start this paper by addressing the need for critical thinking in the context of the sorry state of public discourse and the challenges presented by a general disinclination to engage critically and responsibly. Noting the ways in which many intransigent positions are deeply-held, I move on briefly to consider deeply-held commitments and their origins. In the third section of the paper, I discuss the advantages of an agent-centred approach to argumentation over a standard approach, arguing that it offers better prospects for effective critical engagement. In the final section of the paper, I consider possible limits to this approach in certain contexts through consideration of various types of cases.

2. THE STATE OF DEBATE

It is commonly agreed that critical thinking and good argumentation provide an antidote to the current state of socio-public discourse and debate. As participants in public debate play fast and loose with the truth; present opinion as fact; pay scant regard to the evidence; and ever more polarised opinions are influenced and formed by rhetorical

appeal to emotion and prejudice, the observation (the origin of which is unknown, but commonly (mis)attributed to Winston Churchill) that, “A lie gets halfway around the world before the truth gets a chance to put its pants (boots) on.” seems ever more apposite. The burgeoning role of social media in coverage and debate of current affairs and social and cultural issues exacerbates these challenges for achieving truthful exchange. Reporting and debate via social media platforms means there are so many more potential sources of apparent information, including any individual contributing those platforms – and the sheer quantity of sources causes problems of quality. Reporting, debate and opinion are produced and published or broadcast much more rapidly, it is harder to check facts, harder to rebut falsehoods or seek clarity. Moreover, social media platforms are not held to the same standards of quality and professionalism that mainstream media outlets still, in the main, strive to uphold.

Despite this expansion of sources of reporting and debate and the acknowledgment and easily accessible evidence that social media platforms are often unreliable sources of reporting on political, economic, social and cultural matters, we see a reluctance to engage intellectually; an undermining or weakening of what Harvey Siegel has called “The Critical Spirit”. In his 2005 paper, *Arguments that Backfire*, Daniel Cohen, citing Tannen, 1998, remarks on the conventional wisdom that we live in an Argument Culture. Fourteen years on, it is probably fair to say that that culture is deeply entrenched in public life to the extent that it’s an *argumentative* culture. And, as Cohen says, argument occurs in its adversarial and pejorative guises, but much less frequently in the guise of critical engagement. In that 2005 paper Cohen goes on to remark that a benefit of that reluctance to engage has been a tendency to tolerate sectarian differences rather than fight over them, but today we witness erosion of that tolerance in the face of populist scare-mongering. So this looks like a moment to double-down on the value of critical thinking generally and of good argumentation more specifically.

Something else that this current state of affairs throws into sharp relief is the emotional genealogy of many of our deeply embedded commitments, such as those that are shaped and influenced by fear or resentment and ignore, misrepresent or deny relevant evidence. Examples are easy enough to identify: Communities with proportionately small immigrant populations will often demonstrate the strongest anti-immigration attitudes. Against the backdrop of a growing tendency to distrust expertise and reject authority, vaccination rates are dropping in some countries, and we see measles epidemics in places where the disease had been more or less eradicated. Cases such as these demonstrate the way in which (mis)perceptions can trump

facts and lived experiences when they serve to reinforce fears and prejudices or confirm stereotypes or biases.

3. DEEPLY-HELD COMMITMENTS

In Richard Paul's account of deep sense critical thinking, the ability to apply critical thinking techniques to one's own deeply-held beliefs takes centre stage (Paul, 1992). Here, while I borrow the idea of depth and entrenchment I also want to acknowledge that the commitments to which we are deeply attached and which we often fail to submit to critical scrutiny are complex commitments that have both cognitive and non-cognitive aspects. Commitments such as these can both derive from and contribute to our sense of self. Thus we often feel heavily invested in such commitments and they form part of our identity. Unsurprisingly given the ways in which they tend to be acquired, and given our unwillingness to subject them to critical scrutiny, they are prone to prejudice, implicit bias, confirmation bias, stereotypes and bias. These egocentric commitments make us more vulnerable to dog whistle politics, to manipulation and to propaganda. They are often acquired from and with our communities, and reinforced by them.. The depth of these commitments may be due to the way they have been acquired and reinforced via our upbringing and by people who have been influential in our lives – parents and other family members, teachers, religious and cultural leaders, our social or professional peers, or because they have been formed on the basis of our own lived experiences that serve consistently to reinforce them. They are part of what Wittgenstein calls the “mythology” that provides the narrative environment within which our cognitive and affective development take place. Wittgenstein 1969, §§95, 97. We may demonstrate a tendency to cling tightly to them coupled with an unwillingness to subject them to reflection. Of course, there is emotional and social comfort in holding onto commitments shared by those around us and with whom we regularly interact, and we take an emotional and social risk if we attempt to challenge their positions. The way in which we are emotionally attached to commitments such as these and the resulting way in which they often go unquestioned, can leads to cognitive illusions that generate fallacious reasoning.

For example, as part of research into the extent to which students who had taken our University of Waikato introductory, one-semester critical thinking course had developed the ability to bring critical scrutiny to bear on their own deeply-held commitments. Student participants were engaged via a one-on-one interview in arguments about the morality of eating meat. Many of the participants were from farming backgrounds. Agriculture in the Waikato region centres on

dairy production and dry stock. For many of them, meat-eating as a practice had always been, and remained, unquestioned. In the discussions we elicited we observed a tendency to commit the fallacy of ought from is or to make appeal to tradition. Meat-eating was frequently referred to as 'something we've always done'.

Our confidence in commitments that play this role in our lives, is often unjustified for it isn't earned by participating reasonably and by holding them up to critical scrutiny. In Paul's terms, we exhibit a lack of deep-sense critical thinking. My claim is not that those commitments that have an emotional aspect are misplaced or unjustified. Indeed, in the current *Zeitgeist*, emotions such as anger, fear and hope are deeply pertinent and a reasonable response to the political, social and cultural events and discourses that we witness and participate in, but without the stability of rational scrutiny, they remain easily manipulated and prone to being erroneous or inappropriate.

There are no necessary or sufficient conditions for a commitment's being deeply held. (Kingsbury and Howell, 2016). Some markers may be present, but aren't necessarily. Their content can be widely diverse. They are formed in various ways and may be held, expressed, and defended passionately; held, expressed and defended dogmatically, and may play a fundamental role in the way we represent the world to ourselves.

4. THE VIRTUES OF A VIRTUE-BASED ACCOUNT OF ARGUMENTATION

It is not principally because of the lack of an ability to recognise a valid inference or to recognise or avoid a fallacy that the critical spirit has been occluded. Standard approaches to critical thinking and argumentation have proved poorly equipped to confront the challenges of these types of deeply held commitments, which often prove immune to the tools and techniques of good critical thinking (Goldberg, Kingsbury, Howell and Howard, 2015; Howell, 2016). An virtue-based approach to good argumentation, such as those advocated in, among others, Cohen 2005 and Aberdein 2010, offers better prospects for engaging properly and effectively with commitments to which we have a deep emotional attachment. On the face of it, virtue argumentation's re-orientation towards the arguer herself and towards the question of what kind of arguer one should be, together with its emphasis on responsible argument, on being willing to engage, to listen, to modify one's position and to question the obvious points to a way of critically engaging with deeply held commitments that is better able to acknowledge and take account of their affective elements and to recognise when a particular commitment is justified and when it represents a rational response to a situation or to a claim.

Cohen, an early proponent of this approach to explaining good argumentation, identifies the following virtues of the ideal arguer:

1. *Willingness to engage in argumentation*
2. *Willingness to listen to others*
3. *Willingness to modify one's own position*
4. *Willingness to question the obvious* (Cohen, 2005, p. 64)

This way of characterising good arguing immediately draws attention to the motivational element of argumentative virtues, an element that is front and centre of virtue theories more generally. That element marks a crucial difference between virtues and skills – one might possess a skill, but be unmotivated to use it. For example, I possess skills as a cook. I once earned a living as a cook, but often I lack the motivation to employ my skills, opting to prepare something that requires minimal culinary wherewithal, or ordering take out. It is this lack of motivation to employ the skills they may have developed and refined in critical thinking courses that we see in students who have completed those courses successfully yet seem unable to employ those skills in contexts beyond the classroom and coursework. By contrast, the habits of good thinking and argumentation that constitute the virtues of argumentation encompass the motivations to inquire and argue at all, to do it well and in the service of good ends. Virtuous arguers are also motivated to seek a balance appropriate to the context of the argument situation and their role within it, between these habits, be it as a proponent of a position, a respondent, or an audience member or bystander.

An agent-centred approach to good argumentation offers a richer account of good argument, embedding recognition that argumentation is practised by people and consists of exchanges between people. It is better conceived to accommodate and recognise arguments as conversations (written and oral) between discussants who rarely come to the discussion as purely rational thinkers with their skills finely-honed by intensive conceptual and practical training in the skills of argumentation. This approach also allows for, and enables us better to recognise that we come to many discussions with emotional responses, both to what's said and to each other, and with our biases, both conscious and unconscious, intact. Of course, these are attitudes and reactions that can be counter-productive to arriving at reasoned judgements and understandings of the world and of each other. We need an awareness of the effects of our responses and biases in ourselves and in others, and strategies for dealing with them. There is nothing wrong with being passionate, but a sense of proportion and the ability to control or channel our passions to direct our thinking and acting towards the right outcomes is crucial to their having a positive role to play in good inquiry and argumentation., For instance, if

someone feels anger and frustration at a particular injustice, that emotional response might motivate them to work to argue against the injustice and work to find a solution.

An approach centred on the virtues of good argumentation also offers a framework that enables us to see what's lacking in the way we argue and in the way we respond to the arguments of others. It can show us what we do well and what we could do better by offering tools that identify what's going wrong in cases of poor argumentation and inquiry. In the next section I bring this idea to bear in a broad sense on cases in current socio-political discourses. But before moving on to that, we should turn to identifying which habits of good argumentation and inquiry the argumentative virtues are. Perhaps, the most comprehensive and well-known account is Andrew Aberdein's. He builds on Cohen's virtues of the ideal arguer and draws on Linda Zagzebski's responsibilist account of intellectual virtue to expand on and refine the traits more thickly delineated by Cohen, thereby producing a typology of the argumentative virtues that cluster around Cohen's set of four motivations, as laid out here. (I have truncated Aberdein's typology here. The complete version can be found at 2016, p. 415):

Table 1

| Willingness to Engage | Willingness to Listen to Others |
|--|---|
| Intellectual courage Having faith in reason Being communicative | The ability to recognise the salient facts Sensitivity to detail Open-mindedness Fairness Intellectual empathy The ability to recognise reliable authority |
| Willingness to Modify One's Own Position | Willingness to Question the Obvious |
| Epistemic humility Intellectual integrity Intellectual candour Common sense | Appropriate respect for public opinion Autonomy Intellectual Perseverance - Diligence, care and thoroughness |

Cohen reminds us that good argumentation consists of practices that are conducive to cognitive achievements broader than the pursuit of truth. (2007 p. 6) Similarly, Zabzebski (2001) argues that traditional epistemology has tended to lose sight of the value of understanding having privileged the traditional account of knowledge as justified true belief. In the same vein, standard accounts of good argument privilege validity and truth over understanding. By the lights of those accounts, one might be presented with a good argument, one might even identify it as such, be aware that one should be persuaded by it, yet not understand, or fully understand, the position argued for. This is particularly pertinent to my interests here, because the questions upon which I am focussed are nested in broader questions about how we can best understand each other, particularly across differences, and the limits on our efforts to do so responsibly.

To demonstrate the way in which a virtue-oriented approach to good argumentation and inquiry offers a valuable framework for seeing what goes wrong and what can be improved in arguing and inquiring about contentious issues about which commitments are deeply held, I consider some familiar examples from discussion of current events, such as Brexit, and immigration. It is fair to say, I think, that there is a swarm of falsehoods (some spread deliberately) and misrepresentations in these discussions, a good number of which have wrongly gained the currency of truth. Those who put the case for or against the UK's exit from the European Union or who argue an anti-immigrant or anti-asylum-seeker agenda may manifest a lack of open-mindedness; an unwillingness to consider alternative positions and to revise their own position when presented with the facts or with a stronger alternative. They manifest a lack of intellectual humility; an unwillingness to be open to being mistaken and to learn from others, particularly those on the wrong side of political and social power imbalances. They demonstrate an inability to recognise salient facts, and, if they are aware of the facts yet are ignoring or denying them, a lack of integrity that shades into a moral, as well as an argumentative, failing.

For their part, agents who constitute the audience for these arguments, in this case, the general public engaged in thinking about issues such as Brexit and migration, might demonstrate their lack of autonomy by unquestionably accepting arguments without seeking justification for doing so, or a lack of inquisitiveness by failing to fully acquaint themselves with the evidence for the positions argued for. Connectedly, they might lack the intellectual courage to seek out that evidence or to challenge positions advocated by either those who enjoy more social or political capital, or by those whom they want to avoid offending or otherwise upsetting. The ability to recognise reliable

authority is another element of responsible argumentation that is frequently missing from the ways in which arguments are received and responded to. The challenge of correctly acknowledging authority and expertise is intensified by the way in which, for many people, social media is the principal source of information and site of discussion of current issues. And, as we have seen, an overarching motivation to care about finding out how things actually are, to want to understand the world and others, and take the trouble and care to do so has to be triggered in order for the more finely delineated argumentative virtues to develop and manifest.

A recent case illustrates these points well: a former minister in the British government argued that funds for international development should be radically cut and redistributed to domestic priorities. To support her position that international development funds are wasted, she cited the case of an airport runway that was built with funding from the UK government, which she claimed was 'built facing the wrong way'. When asked in an interview where that had happened, she responded, 'It's in ...one of the continents...abroad.' As it turned out, the runway in question is in St Helena, which is a UK overseas Territory and thus doesn't receive 'foreign aid', as McVey had referred to the funding. Moreover, according to those responsible at the time the runway was built, it functions well given the (often extreme) wind conditions on the island. <https://www.newstatesman.com/politics/uk/2019/06/watch-esther-mcvey-has-no-idea-where-she-claims-foreign-aid-misspent>

For the audience of that TV interview (the claims were also repeated elsewhere), in the absence of any critical spirit being bought to bear, damage is already done because the truth is still getting dressed when the misrepresentation has already pulled on its boots and headed out of the door. Intellectual courage, autonomy, care, thoroughness, recognition of reliable authority all need to come in to play if the example of the runway is to be properly understood as not supporting McVey's case for cutting international development funding. By happy contrast, these were manifested by the journalists, and others, who laid out the facts and tracked down authoritative sources to show the truth of the matter and to enable those people motivated to engage critically that McVey was at best ignorant, at worst disingenuous and lacking in integrity.

5. LIMITS OF RESPONSIBILITY?

In this section, I address three different types of cases in which I think we might run up against the limits of obligations to inquire and argue responsibly. In each type of case we encounter instances of vicious argumentation, and I consider whether these are points at which the

responsible move is withdraw from engagement.¹ This may seem antithetical to the critical spirit, since the tradition of critical inquiry is to at least attempt to continue to the (bitter) end, to assume that reason will out and that argument itself offers a way of resolving deep differences. On the face of it, on a virtue-based account of good argumentation, a good arguer, a responsible inquirer, would engage not only with an arguer who simply lacks the argumentative virtues, but also with the vicious arguer who displays argumentative vice rather than virtue. The types of cases I will consider – denier discourses, common-or-garden bigotry and argument contexts where an asymmetrical power dynamic is in play – seem, however, to offer examples of situations where there may be justification for withdrawing critical engagement.

Denier Discourses, for example, Holocaust denial, climate change denial, denials that school shootings at Sandy Hook and other locations were genuine, and anti-vaxxer discourses, are often thought of as conspiracy theories. While they tend to involve at least one conspiracy theory, that rarely gives a complete account of what is in play. Denier discourses seem to be instances of vicious argumentation, usually involving a certain kind of bigotry.² This can be seen in more detail if we consider the various roles one might play within such discourses. Commonly, the denier herself may display intellectual dishonesty, a lack of intellectual integrity and a refusal to recognise reliable authority. Deniers often perceive themselves as intellectually courageous; as brave truth-seekers taking on, variously, ‘the experts’, ‘the Establishment’, ‘the Elite’, ‘vested interests’, or mainstream media. The denial move itself, denial of that which has been established on the basis of reliable evidence constitutes an indifference to the salient facts. Some of the virtues identified by Cohen as characteristic of the ideal arguer are displayed, but they are misplaced and deployed in ways that are inconsistent with the critical spirit. Clearly, the denier demonstrates a willingness to question the obvious. And seeking more evidence might be appropriate given a particular context, but she fails to display a willingness to listen to others or to modify her own position in the face of relevant evidence or positions stronger than her own. She is willing to engage in argumentation, but, as I have noted, not in ways that would suggest she is properly driven by a desire to achieve the ends associated with the critical spirit.

¹ Andrew Aberdein has developed an account of argumentative vices parallel to his account of argumentative virtues. See his 2016.

² Of course, there is a rich body of work on conspiracy theories in epistemology and psychology, among others. Here my interest is limited to denier discourses qua arguments and (pseudo)inquires as to whether or not some generally accepted fact(s) is true.,

Those amongst the audience for denier claims who are prepared to give credence to those claims to the extent of coming to adopt them as their own demonstrate an excess of open-mindedness which becomes gullibility. They also show a lack of common sense by being prepared to accept claims that lack credible evidence and to deny truths supported by sound, verifiable evidence, that is often scientific. Add to that a lack of perseverance, care and diligence – a responsible inquirer would persevere to find evidence other than hearsay and conspiracy theory for claims that are so clearly the converse of that to which the weight of evidence points. They would recognise that the burden of proof sits with the denier and seek to find ways in which it is met.

The anti-vaccination case shows the way in which the non-cognitive aspects of our deeply-held convictions can make us susceptible to accepting and acting on denier-type claims. Parents who are fearful about their children's well-being for some reason or other, and these could be well-grounded fears, are more likely to be open to considering anti-vaccination arguments and once those arguments intensify their fears, less likely to have their children vaccinated. Once the fear of the side-effects of vaccination is in play, it becomes harder to recognise the differences in the strength and quality of the evidence for the value of vaccinations compared with that of the evidence for some kind of wholesale risk of vaccinations that is central to most anti-vaccination claims.

Denial discourses often discredit victims and witnesses. This has become increasingly common in the case of mass shootings, especially school shootings, where deniers have claimed, inter alia, that the victims, survivors, and others involved, such as first-responders attending the scene and parents of the wounded and murdered, were actors who were part of an event staged to look like a mass murder to promote gun control, among others. Those courageous, or angry, enough to argue against and try to prove that these claims are false, display many of the motivations and habits of inquiry associated with the critical spirit. For example, the denial theory that the Sandy Hook school shootings didn't take place has been promulgated not only via social media, but also via a book (Fetzer & Palacek, 2016). Initially the parents of children at the school, including parents of children who were murdered, ignored the claims, attempting to spare themselves further suffering. But some had had enough of being bullied and harassed and sued for defamation. So they have bought cases against some of the deniers. One of these, bought by a father who the book falsely alleged, faked his son's death certificate, was recent found in his favour, while at least one more case is ongoing. <https://www.nytimes.com/2019/06/18/nyregion/sandy-hook-victim-court-ruling.html> The case itself required judicial standards of proof to

be found for the complainant and the authors' claims were thus subjected to standards of reason and failed to meet them.

The second type of case to consider here is best thought of as common-or-garden bigotry, for example the British Prime-Minister, Boris Johnson's comment, made before he became PM, but on which he has since doubled-down, that Muslim women who wear the burqa resemble letterboxes; or his description of gay men as 'tank-topped bum boys' <https://www.businessinsider.com.au/boris-johnson-record-sexist-homophobic-and-racist-comments-bumboys-piccaninnies-2019-6?r=US&IR=T> or a neighbour or colleague who proclaims that immigrants are taking all the jobs, that refugees aren't really victims of persecution, get all the best housing, shouldn't be entitled to any financial support from the state, and are mainly criminals. Should the responsible enquirer critically engage with these comments? If one's response is simply to call out the racism or homophobia, is one really engaging critically? Certainly doing so identifies the attitude as something harmful (possibly as hate speech), but what then? First off, the act of calling-out does not in itself seem to bear the overarching hallmarks of being motivated to inquire well, the four types of willingness identified by Cohen as characterising the ideal arguer. Critical engagement requires something more – acting in a way that enacts the virtues considered above, in a good measure appropriate to context and to one's (albeit shifting) role in a discussion or debate.

In the case of someone who may be subject to the influence of the bigot, but who doesn't isn't committed to the same attitudes in a deeply entrenched way, and demonstrates a willingness to engage in practices that *aim* to be properly critical and bring to bear the attendant virtues, as relevant to role and context, it does seem worthwhile to engage critically. For in those cases we are presented with an opportunity to influence attitudes and standpoints for the better and perhaps also to motivate at least some people to act in ways that address false claims or affect a situation for the better. But is there value in critical engagement when the other party does not engage on the same terms? When they aren't motivated to listen, to modify their position, to question what's seems obvious from their standpoint, where they hold deeply entrenched positions that they know cause offence and may lead to harm? Indeed, in some such cases the position might not even be held that deeply, but is being used cynically and to serve self-interests. Politicians and propagandists frequently seek to influence their audience in this way. There is also a practical question as to whether it is worthwhile engaging when the terms of engagement aren't shared, when only one party to the discussion is motivated to argue, to listen to others, to modify their position and to question the obvious.

I have noted that the virtues required to make inquiry responsible will shift according to a person's role in a discussion and the context of that discussion. Moreover, there may be aspects of an inquirer's role and of the context of inquiry that should, at least, give rise to caution about the type and extent of her engagement. In the final part of this presentation, I draw from work by Gail Pohlhaus (Jr) in feminist epistemology. In her 2011 paper *Wrongful Requests and Strategic Refusals to Engage*, Pohlhaus argues that there are cases in which requests to engage epistemically can be harmful. These are cases where a request takes place in contexts of power asymmetries such that the marginalised are being asked to engage from a position of vulnerability, specifically where they are asked to attempt to understand the standpoint of the dominant – to see where they might be coming from. Pohlhaus draws on two cases of feminist scholars' personal experiences which they discuss in their work: Patricia Williams' experience of racial profiling on attempting to enter a Benetton store (Williams, 1992) and Susan Brison's experience of attempted murder and sexual assault. (Brison, 2001) In each case requests for engagement occur in the context of Collins and Brison telling their stories and their interlocutors expecting them to extend epistemic empathy to the perpetrators or detractors. Pohlhaus comments,

In such cases it is worth noticing that there is something peculiarly epistemically violent about situations where someone is forced or even asked to understand the world in ways that asymmetrically limit her agency. (2011, 237)

She also notes the way in which extending empathy in such a context requires double consciousness. The marginalised person, who is the victim in the situation, is expected to inhabit two worlds - her own marginalised one in which her agency is limited, as well as that of the racist or rapist who is the perpetrator of harm and trauma against her.

A series of cases news of which became public in Aotearoa/New Zealand this year demonstrate the way in which the responsibility not to perpetrate argumentative harm may run up against the demands of critical engagement, such that in particular contexts, it becomes irresponsible to expect or try to elicit critical engagement on anything other than terms determined by the people who are marginalised in that context. The cases I have in mind involve the forced removal of babies from young Māori mothers by Oranga Tamariki, the Ministry for Children. The most publicised case involved a young woman and her new-born baby who were still in hospital when social workers deceived her whānau (extended family) into leaving the ward, removed her midwife's hospital access, and used police to remove the baby, who was

subsequently placed in foster care despite the desire and ability of the child's whānau to care for it. The mother, the baby and her whānau were made extremely vulnerable and their agency was clearly limited.

To be asked to understand the agency's position, as some commentators demanded, to understand that it has a responsibility to protect, and that its employees have a duty to perform, is a form of harm. Responsible inquiry does not include the expectation of a willingness on the part of the marginalised to engage critically on these socially and politically unjust terms, to listen to the voices of dominance and oppression, to modify their stance or to question the obvious. Other possible examples include rape cases where the victim's dress, or the fact that they were intoxicated, or had used recreational drugs is cited as some kind of mitigating factor and the victim is asked to engage with and to lend their understanding to the idea that they somehow contributed to their own harm.

In such instances there is an expectation of intellectual empathy, of open-mindedness, of intellectual humility, of fairness, of faith in reason, of intellectual integrity coupled with a need for excessive amounts of intellectual courage and of intellectual autonomy that is asymmetric with the absence of appropriate virtues on the part of the dominant in the discourse who demonstrate a lack of intellectual humility, a lack of the ability to recognise the salient facts, and to discount irrelevancies, and a lack of integrity, fairness, and intellectual empathy. I also suggest that what happens in such situations is that the enactment of argumentative vices occurs at a structural level; whereas the expectation of empathetic critical engagement - demands for understanding - come to bear at the level of individuals with the consequence that power asymmetries take on an additional dimension. When developing her argument that these types of demands for engagement are themselves a form of epistemic violence, Pohlhaus draws on Maria Lugones' insight that the worlds of the oppressed are lived out within the structures of the worlds of the dominant. (Lugones, 2003) Cases such as those discussed briefly here - where the critical engagement of the already marginalised is demanded in contexts located within state systems, such as the courts and child protection agencies, that help to reinforce and perpetuate that marginalisation, seem readily to exemplify Lugones' insight, as does the way in which they employ the language and concepts that both emerge from and structure those worlds. Responsible engagement, then, requires acknowledgment and careful, self-reflexive, navigation of those differences. Pohlhaus argues that by fore-grounding oppressive worlds, refusals to understand can lead to better understanding of how they are perpetuated. (238)

I will end by returning to the question of whether responsible inquiry requires critical engagement with racist, sexist, homophobic,

trans-phobic, anti-semitic, islamaphobic, and any other forms of bigotry. Terms of engagement that contribute to a better understanding of why a position is bigoted and wrong are useful and contribute to argumentative and ethical goals. But terms of engagement that presume an over-extension of virtues such as open-mindedness, inquisitiveness and fairness, that would have us debate racist claims as though there really were two sides at stake risk argumentative harm and, while such debates may share superficial similarities with critical thinking, they make no genuine contribution to achieving the ends associated with the critical spirit.

REFERENCES

- Aberdein, A. (2010). Virtue in argument. *Argumentation*, 24(2).
- Aberdein, A. (2016) The vices of argument, *Topoi*, 35.
- Bowell, T. (2016). On engaging with others: A Wittgensteinian approach to (some) problems with deeply held beliefs. *Educational Philosophy and Theory* 50(5).
- Brison, S. (2001). *Aftermath: Violence and the remaking of a self*. Princeton: Princeton University Press.
- Cohen, D. (2005). Arguments that backfire. In Hitchcock, D., & Farr, D., (eds.), *The uses of argument*. Hamilton, ON: OSSA.
- Cohen, D. (2007). Virtue epistemology and argumentation theory. In Hansen, H.V., et al (Eds.) *Dissensus and the search for common ground*. Windsor, ON: OSSA
- Goldberg, I., Kingsbury, J., Bowell, T., & Howard, D. (2015). Measuring critical thinking about deeply held beliefs: Can the California Critical Thinking Dispositions Inventory help?. *Inquiry: Critical Thinking Across the Disciplines*, 30(1)
- Kingsbury, J. M., & Bowell, T. (2016). Thinking critically about beliefs it's hard to think critically about. In L. Benacquista, & P. Bondy (Eds.), *Proceedings of the Ontario Society for the Study of Argumentation Conference: Argumentation, Objectivity and Bias* Vol. 11.
- Lugones, M. (2003). *Pilgrimages/peregrinajes: Theorizing coalition against multiple oppression*. Lanham: Rowan & Littlefield.
- Paul, R. (1992). *Critical thinking: What every person needs to survive in a rapidly changing world* (3rd ed.). Santa Rosa, CA: Foundation for Critical Thinking.
- Polhhaus, G. Jr, (2011). Wrongful requests and strategic refusals to understand. In Grasswick (Ed.) *Feminist Epistemology and Philosophy of Science: Power in Knowledge*. Springer: Dordrecht.
- Tannen. D. (1998). *The Argument Culture: Moving from Debate to Dialogue*. New York: Random House.
- Williams, P. (1992). *The Alchemy of race and rights*. Cambridge: Harvard University Press.
- Wittgenstein, L. (1969). *On Certainty*. Oxford: Blackwell.

Zabzebski, L. (1996). *Virtues of the Mind*. New York: Cambridge University Press

Zabzebski, L. (2001) Recovering understanding. In Steup, M., (Ed.) *Knowledge, truth and duty: Essays on epistemic justification, responsibility and virtue*. New York: Oxford University Press.

A Quantitative Corpus-Based Study of Evidentiality and Disagreement in Earnings Conference Calls

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This paper investigates the relationship between evidentiality and disagreement expressions in the realm of financial communication. Specifically, we consider earnings conference calls (ECCs), a dialogue situation where executives discuss corporate results and the reasons behind them with financial analysts. Our research confirms the existence of a relationship between evidentiality and disagreement expressions. Moreover, our empirical results underscore that the usage of different kinds of evidentiality is strategically different in the presence of expressed disagreement between executives and financial analysts.

KEYWORDS: argumentation intensity, disagreement, earnings conference calls, evidentiality

1. INTRODUCTION

The financial communication domain enables the observation of the entire communication process between corporate actors and investors, ranging from the exchange of information by executives to the making of informed decisions by investors. Such decisions, in turn, have an impact on stock prices and other financial metrics. Within the financial communication domain, the specific focus of our contribution is on

earnings conference calls (ECCs). ECCs are teleconferences held by top executives of listed companies on a quarterly basis to share information with financial analysts and, most importantly, to answer their questions.

ECCs are similar to press conferences in format and turn-taking structure, except the questioning comes primarily from securities analysts rather than from journalists. Analyst questioning in ECCs is part of an accountability process comparable to those enacted by journalistic questioning (Andone 2013) in other domains on the occasion of press conferences. Financial analysts are expected to act on behalf of investors enabling them to make informed decisions. In pragma-dialectical terms, this should cast analysts in the argumentative role of antagonists (cf. van Eemeren 2018: 23-24) critically testing the standpoints of executives. At the same time, analysts need to preserve a good relationship with executives to encourage more disclosure and to preserve access to them. The study of the questions of analysts and the replies of executives can reveal how analysts cope with these competing pressures.

ECCs tend to enjoy a substantial level of media coverage and often trigger non-negligible market reactions, even if the executives do not share any new information in their corporate presentation. For this reason, following (Palmieri, Rocci and Kudrautsava 2015), we claim that the most important part of an ECC is the Q&A session, and, specifically, the *argumentation* embedded therein. Palmieri, Rocci and Kudrautsava (2015) note that analysts are reluctant to challenge executives explicitly to back their opinions with arguments; instead, analysts prefer indirect strategies that typically involve drawing inferences about the company as well as asking executives to check the logic of their arguments confirming or disconfirming its conclusion. Rocci and Raimondo (2018) examine the “requests of confirmation of inference” showing how analysts mobilize various sources of information to exert an indirect pressure on executives to disclose more information, rectify false assumptions, provide better explanations, or offer more evidence for their forecasts. They show that *inferential evidential expressions* and *reportative evidentials* often appear in these questions.

In order to observe the impact of argumentation in ECC on investment decisions, we need to conduct a large scale quantitative study examining the correlation between the linguistic features of ECC and financial data of subsequent market movements. Existing approaches to financial text analysis are mostly limited to dictionary-based studies adopting a bag-of-words approach that is easily and transparently applicable to extremely large quantities of data. Argumentation is too complex a phenomenon to fit this approach. To overcome this hindrance, we propose a three-pronged approach that includes:

1. The development of context-specific computational methods for the automatic recognition and analysis of increasingly fine-grained argumentatively relevant discourse units. This effort falls into the *argumentation mining* research program (Stede and Schneider 2018). One of the advantages of context-specific methods is that mining can rely on the dialogical regularities of the argumentative activity types in question, which can be captured formally by a “dialogue system” (cf. Budzynska, Rocci & Yaskorska 2014).
2. The development of dictionary-based proxies of argumentation (argumentativity indexes) to study their distribution in the discourse units of ECCs. This is a short-term research strategy that can be expected to generate results that can be compared with and transparently measured against other shallow processing methods used in financial text analysis (Loughran and McDonald 2016).
3. The combination of the two above strategies at various levels of refinement and the extensive comparison with market data. This is the step that can potentially reveal the impact of arguments on financial decisions.

In this paper we carry out a preliminary quantitative investigation on a corpus of ECCs of listed companies to explore the distribution of linguistic cues related to *evidentiality* in questions posed by analysts and answers given by executives, as well as the co-occurrence of evidentials with disagreement indicators. Such an investigation can serve as a means of validating both *evidentiality* and *disagreement* expressions as candidate components of a dictionary-based *argumentativity* index.

2. RELATED WORK

In this section, we review the relevant literature pertaining to earnings conference calls (2.1) and the semantic category of evidentiality (2.2), focusing on what is more directly connected to argumentation. To date, the two phenomena have not been considered jointly; to the best of our knowledge, this paper is the first to consider the linguistic dimension within the context of ECCs, which have been shown to be a highly argumentative setting. (Palmieri, Rocci and Kudrautsava 2015; Rocci and Raimondo 2018).

2.1 Earnings conference calls

The effectiveness of earning conference calls (ECCs) have been discussed by finance literature across the last few decades. The study of ECCs has to be considered together with the general interest for voluntary disclosure

for listed companies. Starting from Diamond and Verrecchia (1991), the finance scholarship put in evidence the trade-off happening in not-mandatory corporate disclosure: from one side, corporations would like to communicate more to lower the perceived risk and therefore their cost of capital but on the other side they would like to retain all of the information to maintain their informational advantage and not to favour any competitors.

ECCs are a special case inside the voluntary disclosure toolbox, being mandatory but at the same time expected and very effective, both on the corporate decision and on the stock prices (Brown, Hillegeist, and Lo 2004; Bushee, Matsumoto, and Miller 2004) This is also because the earnings conference calls have proved to be particularly effective in affecting stock market dynamics, as they are able to change the beliefs and the behaviour of investors even when they do not share any previously unreleased information. (Price et al. 2012; Jiang et al. 2019). Nevertheless, the vast majority of research on this topic has focused on simple and shallow textual characteristics like positive or negative sentiments or complexity proxies; we claim a deeper understanding based on relevant linguistic features might be effective in grasping the meaning of such a genre. Next section will go deeper into the function of evidentials, generally and with a special focus on financial communication.

2.2 Evidentials and epistemicity in discourse

Evidentiality is the semantic category corresponding to the indication of the speaker's source of information of the propositional content of the utterance (cf. Chafe and Nichols 1986, Willett 1988, Dendale 1994, Boye 2012). As Chafe and Nichols (1986) put it, the category of evidentiality concerns "the linguistic coding of epistemology". While the concept of evidentiality originated in anthropological and typological linguistics especially in relation to languages (e.g. Quechua, cf. Faller 2002) where assertions based on direct perception, reports and inference are characterized by different obligatory morphological markings, it was later extended to cover also variety of non-grammaticalized lexical, phraseological and discursive strategies that speakers use to signal the source of information of what they are asserting.

In this broader perspective, Boye (2012: 2) considers evidentiality as one of the two main components of *epistemicity*, the other being *epistemic modality*. While epistemic modality, according to Boye, is concerned with specifying the *degree of epistemic support* for the asserted proposition, evidentiality specifies the *kind* of epistemic justification vouching for it. While the distinction between the two concepts is clear it is often the case that a linguistic expression carries at the same time both modal and evidential information, as it happens with a variety of

epistemic possibility and necessity expressions, which also point to inference as the source of information (cf. Miecznikowski, Rocci & Zlatkova 2013, Rocci 2017) - so that some linguists have started speaking of *epistential* expressions.

In a pragmatic perspective, which is the more directly relevant for our argumentation concerns, Sbisà (2014) sees evidentiality as covering the range of devices and strategies “that encode or implicate information about whether and how the preparatory conditions of an assertive speech act are satisfied”, i.e. specifies what kind of competence, authority or credentials the speaker has to make an assertion. It is therefore pretty natural to think that the interactional conditions in which the need of specifying credentials for assertion arise are often the same in which argumentative confrontations arise. While the use of evidentials in an assertive speech act is not necessarily immediately followed by the presentation of arguments in support of its propositional content, it has been shown that, at least certain evidential expressions act systematically and subtly as very precise argumentative indicators (see Musi 2014, Miecznikowski & Musi 2015, Rocci 2017, Musi and Rocci 2017).

A detailed map of the argumentative functions of different types of evidentiality remains to be done. In this perspective it seems promising to look at recent linguistic research on epistemicity conducted in a dialogical, interactional perspective, such as Pietrandrea (2018). In the interactional perspective *epistemicity* is not seen merely as an individual attitude pre-existing discourse that is merely expressed through discourse. Rather, the category is defined on the backdrop of the interactive management of a Hamblinian commitment store, as the range of expressions and strategies involved in *epistemic grounding*, i.e. the process of “shared validation of the truth-value of the commitments” (Pietrandrea 2018: 175). While processes of epistemic grounding are not necessarily argumentative, it is clear that an argumentative discussion, conceptualized in pragma-dialectical terms, is a relevant site for epistemic grounding in the confrontation stage (where differences of opinion are manifested), in the opening stage (where joint commitments are established) as well as in the concluding stage (where retraction and addition of commitment happens).

3. RESEARCH QUESTIONS

On the backdrop of the research goals stated in the introduction, and of the lines of investigation sketched in Section 2, we set out to provide a preliminary quantitative investigation of how corporate executives and financial analysts characterize the source of their assertions. We limit our investigation to lexical indicators and multi-word phraseological units, leaving aside grammatical or intonational markers.

Our hypothesis is that the distribution of evidential expressions in ECCs is a notable indicator of the presence and prominence of argumentation. This hypothesis has been refined by observing the distribution of a dictionary-based indicators of evidentiality in the parts and turns of ECCs.

We expect the distribution of evidentials to fit the picture of ECCs as argumentative interactions emerging from qualitative studies, in particular in what pertains to the characterization of the argumentative roles of corporate executives and financial analysts (cf. Rocci and Raimondo 2017). We also expect the distribution of evidential expressions to accurately reflect the different sources of information that executives (corporate insiders) and analysts (corporate outsiders) have at their disposal. In fact, an important step in validating the dictionary of evidential expressions is ascertaining how accurately it captures the social and epistemic structure of the ECC.

In order to validate evidentiality as an *argumentativity index*, we observe its co-occurrence with disagreement indicators. By definition, argumentation necessarily entails disagreement (cf. van Eemeren 2018: 1). In view of our hypothesis, we expect the distribution of lexical and phraseological evidential expressions to correlate positively with disagreement expressions across the corpus of ECC calls.

4. METHODOLOGY

4.1 Corpora and annotation

Two corpora are involved in this investigation: a small one containing 46 conference call transcripts with a total of 508,787 words (henceforth referred to as Small Corpus) and a relatively large one (henceforth referred to as Large) containing 1,134 call transcripts (with 3,797,907 words in the corporate presentations 1,605,855 words in the analysts' questions, and 4,229,270 words in the corporate replies).

The Small Corpus is manually annotated at multiple layers using the latest version (v. 3.3, 2019) of the UAM-CT annotation software (cf. O'Donnell 2008). The annotation labels cover the basic segmentation of the ECC, turn taking, as well as finer grained functional categories of argumentatively relevant dialogue acts. The annotation scheme and its significance is discussed in Palmieri, Rocci and Kudrautsava (2015), Budzynska, Rocci and Yaskorska (2014), Rocci and Raimondo (2017).

For the automatic quantitative analysis of the Large Corpus, we took advantage of the deterministic structure of the call transcripts. Since the presentation and Q&A sessions are always labelled and the participants are always listed along with their roles, the call dynamics are fairly predictable, with analysts asking questions and corporate players providing answers. Based on this, we performed coarse-grained dialog

act labelling with a Finite State Machine and ignored all operator segments. The advantage of this coarse-grained labelling is that it is completely unsupervised and requires no training (which means there is no need for a large labelled dialog act dataset). The main drawback of this approach is that it fails to isolate out analysts' acknowledgements. As part of our work in progress, we are currently investigating semi-supervised approaches that leverage transfer learning from contextualized word embeddings [Devlin et al., 2019]. The Finite State Machine employed for the coarse-grained labeling was implemented in Python using the Pandas library, while the NLTK library was employed for corpus segmentation and tokenization (based on regular expressions).

4.2 Evidentiality Dictionary

A dictionary of evidentials (208 n-grams) was assembled following corpus-based studies on evidentiality in English (especially Bednarek 2006) and progressively refined through the study of concordances in the Small Corpus. Expressions in the dictionary are associated with types of evidence according to the following taxonomy of evidential meanings:

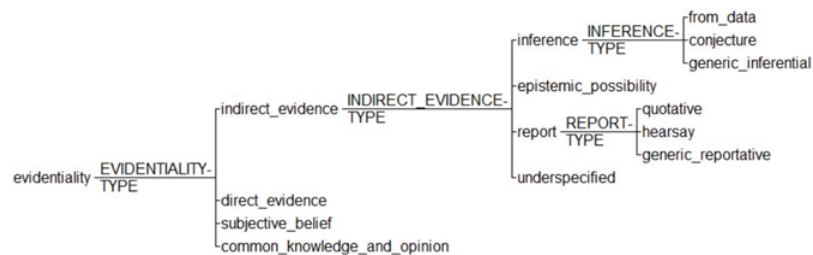


Figure 1. Typology of evidential meanings, implemented as a UAM-CT systemic network.

As customary in discussions of evidentiality (Willet 1988), we distinguish direct and indirect evidence. As usual, direct evidence includes sensory experience. In the financial context of ECC, however, it has to be understood that this experience is rarely primary: it typically refers to direct involvement in company operations and direct access to company data, data which presuppose a technological and bureaucratic apparatus processing information. Indirect evidence covers both inference and reports, with their respective subtypes. As usual, *quotatives* referring to a specific source are set apart from indeterminate *hearsay* within the reportative category. The distinctions between *inference based on data*, and *conjectures* relying on general knowledge is also well attested in the literature (see the works cited in Rocci 2017: 365). While closely related to inferential evidentials, epistemic possibility expressions (cf. Miecznikowski, Rocci and Zlatkova 2013) that suggest a

hypothesis based on its compatibility with the available evidence have been treated as a *sui generis* kind of indirect evidentiality. The typology of evidential meanings is completed by two categories that are somewhat negative in nature, as they refrain from locating the source of information either in direct or indirect evidence. *Subjective* epistemic expressions, defined according to Nuyts (2001), locate the source of information in individual subjective experience and correspond to the “speaker's indication that (s)he alone knows (or has access to) the evidence and draws conclusions from it” (Nuyts 2001: 393). Conversely, expressions situating information as part of common knowledge or part of commonly shared beliefs act as *markers of common ground*, signalling that the information does not need to be epistemically grounded through mention of a source.

4.2 Disagreement Dictionary

A disagreement dictionary (158 *n*-grams) was also created to include adversative and concessive connectives, lexical expressions of disagreement, negations and hedges. We assembled our disagreement dictionary based on the assumption that adversative and concessive connectives polyphonically index antagonist voices, pointing to a mixed dispute where actual or potential opposite standpoints are being countered by arguments. Another assumption is that negations are intrinsically polyphonic; if participants make copious use of negation, it is often because they expect an opposing standpoint to be put forth. Finally, in polite contexts, people use hedges or mitigating devices to introduce disagreement (e.g. to be honest). The dictionary, which partially draws on previous argument mining approaches to disagreement (Budzynska et al. 2016), and it contains a wide array of adversative and concessive connectives, negations, expressions that explicitly indicate disagreement, and hedges or mitigating devices to introduce disagreement (e.g. to be honest).

5. RESULTS AND INTERPRETATION

In this section, we present a number of empirical observations that have emerged from our quantitative corpus-based study.

5.1 Epistemic possibility

Our first observation concerns epistemic possibility expressions, such as *maybe*, *might*, or *perhaps*, which we kept as a separate category of indirect evidentiality. We note that the distribution of these epistemic possibility modals is markedly skewed towards the questions posed by analysts. The modal *maybe*, for instance, has a relative frequency (per thousand words)

of 3.83 in questions as opposed to 0.58 in answers. *Table 1* shows that most epistemic possibility modals exhibit the same behavior.

| # | Form | Evidence Type | Evidence Subtype | presentations | questions | answers | TOTAL | P/1000 W | Q/1000 W | A/1000 W | %P | %Q | %A |
|---|----------|-----------------------|------------------|---------------|-----------|---------|-------|----------|----------|----------|-----|-----|-----|
| 1 | maybe | Epistemic Possibility | | 187 | 6154 | 2440 | 8781 | 0.05 | 3.83 | 0.58 | 2% | 70% | 28% |
| 2 | might | Epistemic possibility | | 217 | 1341 | 1464 | 3022 | 0.06 | 0.84 | 0.35 | 7% | 44% | 48% |
| 3 | maybe | Epistemic Possibility | | 796 | 320 | 527 | 1643 | 0.21 | 0.20 | 0.12 | 48% | 19% | 32% |
| 4 | perhaps | Epistemic Possibility | | 72 | 578 | 336 | 986 | 0.02 | 0.36 | 0.08 | 7% | 59% | 34% |
| 5 | may have | Epistemic Possibility | | 128 | 148 | 295 | 571 | 0.03 | 0.09 | 0.07 | 22% | 26% | 52% |

Table 1. The table reports the presence of epistemic possibility evidentials in the corpus. The absolute and relative frequencies and the distribution of the occurrences are also detailed, taking into consideration the different parts of the calls.

While frequency of these expressions in questions may be due, in part, to politeness concerns (Crawford Camiciottoli 2009), it also reflect how analysts seek to expand the boundaries of corporate disclosure by raising hypotheses compatible with the available evidence (Rocci and Raimondo 2017).

5.2 Reportative forms

Reportative forms are also more frequent in questions, as reported in *Table 2*. Interestingly, the most frequent expressions refer to the interlocutor as the source, with analysts quoting corporate disclosures as well as information shared during the presentation at the beginning of the ECC (for instance, *you've mentioned, you're seeing, you said*). Expressions indicating hearsay are very rare (none of them are to be found among the top fifteen most common expressions). References to third-party sources are also comparatively rare.

| # | Form | Evidence Type | Evidence Subtype | presentations | questions | answers | TOTAL | P/1000 W | Q/1000 W | A/1000 W | %P | %Q | %A |
|----|---------------|---------------|------------------|---------------|-----------|---------|-------|----------|----------|----------|-----|-----|-----|
| 1 | you mentioned | Report | Quotative | 25 | 1356 | 357 | 1738 | 0.01 | 0.84 | 0.08 | 1% | 78% | 21% |
| 2 | you're seeing | Report | Quotative | 33 | 921 | 451 | 1405 | 0.01 | 0.57 | 0.11 | 2% | 66% | 32% |
| 3 | you said | Report | Quotative | 10 | 794 | 300 | 1104 | 0.00 | 0.49 | 0.07 | 1% | 72% | 27% |
| 4 | you talked | Report | Quotative | 25 | 890 | 101 | 1016 | 0.01 | 0.55 | 0.02 | 2% | 88% | 10% |
| 5 | you saw | Report | Quotative | 91 | 284 | 410 | 785 | 0.02 | 0.18 | 0.10 | 12% | 36% | 52% |
| 6 | i hear | Report | | 8 | 205 | 54 | 267 | 0.00 | 0.13 | 0.01 | 3% | 77% | 20% |
| 7 | says | Report | Quotative | 43 | 30 | 131 | 204 | 0.01 | 0.02 | 0.03 | 21% | 15% | 64% |
| 8 | i heard | Report | | 4 | 146 | 35 | 185 | 0.00 | 0.09 | 0.01 | 2% | 79% | 19% |
| 9 | we hear | Report | | 15 | 46 | 69 | 130 | 0.00 | 0.03 | 0.02 | 12% | 35% | 53% |
| 10 | we've heard | Report | | 7 | 49 | 35 | 91 | 0.00 | 0.03 | 0.01 | 8% | 54% | 38% |
| 11 | tells | Report | Quotative | 20 | 7 | 49 | 76 | 0.01 | 0.00 | 0.01 | 26% | 9% | 64% |
| 12 | when you say | Report | Quotative | 0 | 30 | 23 | 53 | 0.00 | 0.02 | 0.01 | 0% | 57% | 43% |
| 13 | you've said | Report | Quotative | 1 | 46 | 4 | 51 | 0.00 | 0.03 | 0.00 | 2% | 90% | 8% |
| 14 | we heard | Report | | 7 | 22 | 21 | 50 | 0.00 | 0.01 | 0.00 | 14% | 44% | 42% |
| 15 | they say | Report | | 3 | 8 | 34 | 45 | 0.00 | 0.00 | 0.01 | 7% | 18% | 76% |

Table 2. The table reports the presence of reportative evidentials in the corpus. The subtype, the absolute and relative frequencies and the distribution of the occurrences are also

detailed, taking into consideration the different parts of the calls.

5.3 Inferential expressions

| # | Form | Evidence Type | Evidence Subtype | presentations | questions | answers | TOTAL | P/1000 W | Q/1000 W | A/1000 W | %P | %Q | %A |
|----|-----------|---------------|------------------|---------------|-----------|---------|-------|----------|----------|----------|-----|-----|-----|
| 1 | sign | Inference | From data | 5963 | 869 | 4623 | 11455 | 0.23 | 0.54 | 1.09 | 52% | 8% | 40% |
| 2 | prove | Inference | From data | 5944 | 859 | 3072 | 9875 | 0.23 | 0.54 | 0.73 | 60% | 9% | 31% |
| 3 | guess | Inference | Conjecture | 164 | 6630 | 1982 | 8776 | 1.75 | 4.13 | 0.47 | 2% | 76% | 23% |
| 4 | should | Inference | Conjecture | 1492 | 2775 | 2269 | 6536 | 0.73 | 1.73 | 0.54 | 23% | 42% | 35% |
| 5 | obviously | Inference | Conjecture | 240 | 1653 | 4139 | 6032 | 0.44 | 1.03 | 0.98 | 4% | 27% | 69% |
| 6 | probably | Inference | | 168 | 537 | 3476 | 4181 | 0.14 | 0.33 | 0.82 | 4% | 13% | 83% |
| 7 | show | Inference | From data | 1621 | 344 | 1421 | 3386 | 0.09 | 0.21 | 0.34 | 48% | 10% | 42% |
| 8 | proved | Inference | From data | 1999 | 150 | 581 | 2730 | 0.04 | 0.09 | 0.14 | 73% | 5% | 21% |
| 9 | seem | Inference | From data | 101 | 1390 | 525 | 2016 | 0.37 | 0.87 | 0.12 | 5% | 69% | 26% |
| 10 | clearly | Inference | From data | 325 | 275 | 1182 | 1782 | 0.07 | 0.17 | 0.28 | 18% | 15% | 66% |
| 11 | assume | Inference | Conjecture | 629 | 582 | 445 | 1656 | 0.15 | 0.36 | 0.11 | 38% | 35% | 27% |
| 12 | proving | Inference | From data | 891 | 146 | 443 | 1480 | 0.04 | 0.09 | 0.10 | 60% | 10% | 30% |
| 13 | looks | Inference | From data | 112 | 821 | 506 | 1439 | 0.22 | 0.51 | 0.12 | 8% | 57% | 35% |
| 14 | seems | Inference | From data | 54 | 987 | 332 | 1373 | 0.26 | 0.62 | 0.08 | 4% | 72% | 24% |
| 15 | could be | Inference | From data | 159 | 367 | 738 | 1264 | 0.10 | 0.23 | 0.17 | 13% | 29% | 58% |

Table 3. The table reports the presence of inferential evidentials in the corpus. The subtype, the absolute and relative frequencies and the distribution of the occurrences are also detailed, taking into consideration the different parts of the calls

The distribution of inferential evidential expressions is less clear-cut. Yet it is possible to observe interesting asymmetries also in the distribution of these markers. We can observe that two “classic”, very transparent, inferential evidentials such as *looks* (#13) and *seems* (#14), corresponding to a medium level of confidence, have a marked preference for questions, together with lower confidence items such as *guess* (#3). High confidence inferentials such as *obviously* (#5) and *clearly* (#10) have a preference for answers.

5.4 Subjective expressions

Verbs such as *to think* and *to believe* that are used to anchor propositions in the subjective viewpoint of the speaker are also unequally distributed and clearly skewed toward managerial answers, because executives routinely underscore the subjectivity of their perspective by prefacing their answers with *we think* and *we believe*. Such subjective expressions are far more frequent in the answers as well as in the presentations given by executives than in the questions posed by analysts, as shown in *Table 4*.

| # | Form | Evidence Type | Evidence Subtype | presentations | questions | answers | TOTAL | P/1000 W | Q/100 OW | A/100 OW | %P | %Q | %A |
|----|------------------|---------------|------------------|---------------|-----------|---------|-------|----------|----------|----------|-----|-----|-----|
| 1 | i think | Subjective | | 618 | 3347 | 19914 | 23879 | 0.16 | 2.09 | 4.71 | 3% | 14% | 83% |
| 2 | we think | Subjective | | 292 | 1253 | 4123 | 5668 | 0.08 | 0.78 | 0.97 | 5% | 22% | 73% |
| 3 | we believe | Subjective | | 2629 | 11 | 1474 | 4114 | 0.69 | 0.01 | 0.35 | 64% | 0% | 36% |
| 4 | we feel | Subjective | | 197 | 10 | 1696 | 1903 | 0.05 | 0.01 | 0.40 | 10% | 1% | 89% |
| 5 | i don't think | Subjective | | 23 | 78 | 960 | 1061 | 0.01 | 0.05 | 0.23 | 2% | 7% | 90% |
| 6 | i believe | Subjective | | 234 | 219 | 518 | 971 | 0.06 | 0.14 | 0.12 | 24% | 23% | 53% |
| 7 | i feel | Subjective | | 51 | 26 | 288 | 365 | 0.01 | 0.02 | 0.07 | 14% | 7% | 79% |
| 8 | i do think | Subjective | | 8 | 10 | 290 | 308 | 0.00 | 0.01 | 0.07 | 3% | 3% | 94% |
| 9 | we're thinking | Subjective | | 9 | 34 | 175 | 218 | 0.00 | 0.02 | 0.04 | 4% | 16% | 80% |
| 10 | we do think | Subjective | | 5 | 1 | 184 | 190 | 0.00 | 0.00 | 0.04 | 3% | 1% | 97% |
| 11 | we do believe | Subjective | | 24 | 1 | 152 | 177 | 0.01 | 0.00 | 0.04 | 14% | 1% | 86% |
| 12 | i'm thinking | Subjective | | 1 | 51 | 34 | 86 | 0.00 | 0.03 | 0.01 | 1% | 59% | 40% |
| 13 | i do believe | Subjective | | 4 | 2 | 79 | 85 | 0.00 | 0.00 | 0.02 | 5% | 2% | 93% |
| 14 | i just think | Subjective | | 3 | 9 | 61 | 73 | 0.00 | 0.01 | 0.01 | 4% | 12% | 84% |
| 15 | we still believe | Subjective | | 10 | 0 | 60 | 70 | 0.00 | 0.00 | 0.01 | 14% | 0% | 86% |

Table 4. The table reports the presence of subjective evidentials in the corpus. The absolute and relative frequencies and the distribution of the occurrences are also detailed, taking into consideration the different parts of the calls.

5.5 Direct evidence

Forms typically associated with direct evidence and, in particular, forms of the verb *to see* are also typical of the answers of executives and, to a certain extent, of their presentations, as reported in *Table 4*. The verb *to see*, however, is not employed literally, but rather refers to the data accessibility, in particular with respect to accounting figures. Furthermore, *to see* is often used while referring to trends, with direct evidence bleeding into predictive inference.

| # | Form | Evidence Type | Evidence Subtype | presentations | questions | answers | TOTAL | P/100 OW | Q/100 OW | A/100 OW | %P | %Q | %A |
|----|--------------------|---------------|------------------|---------------|-----------|---------|-------|----------|----------|----------|-----|-----|-----|
| 1 | we see | Direct | | 718 | 228 | 2571 | 3517 | 0.19 | 0.14 | 0.61 | 20% | 6% | 73% |
| 2 | you see | Direct | | 117 | 1702 | 818 | 2637 | 0.03 | 1.06 | 0.19 | 4% | 65% | 31% |
| 3 | we saw | Direct | | 895 | 194 | 1416 | 2505 | 0.24 | 0.12 | 0.33 | 36% | 8% | 57% |
| 4 | we're seeing | Direct | | 280 | 172 | 1927 | 2379 | 0.07 | 0.11 | 0.46 | 12% | 7% | 81% |
| 5 | we've seen | Direct | | 254 | 269 | 1268 | 1791 | 0.07 | 0.17 | 0.30 | 14% | 15% | 71% |
| 6 | you can see | Direct | | 484 | 19 | 393 | 896 | 0.13 | 0.01 | 0.09 | 54% | 2% | 44% |
| 7 | we are seeing | Direct | | 326 | 26 | 504 | 856 | 0.09 | 0.02 | 0.12 | 38% | 3% | 59% |
| 8 | we continue to see | Direct | | 397 | 10 | 283 | 690 | 0.10 | 0.01 | 0.07 | 58% | 1% | 41% |
| 9 | we have seen | Direct | | 218 | 24 | 308 | 550 | 0.06 | 0.01 | 0.07 | 40% | 4% | 56% |
| 10 | i see | Direct | | 50 | 105 | 167 | 322 | 0.01 | 0.07 | 0.04 | 16% | 33% | 52% |
| 11 | we did see | Direct | | 39 | 5 | 189 | 233 | 0.01 | 0.00 | 0.04 | 17% | 2% | 81% |
| 12 | we also saw | Direct | | 110 | 2 | 33 | 145 | 0.03 | 0.00 | 0.01 | 76% | 1% | 23% |
| 13 | we can see | Direct | | 18 | 19 | 99 | 136 | 0.00 | 0.01 | 0.02 | 13% | 14% | 73% |
| 14 | i've seen | Direct | | 13 | 16 | 51 | 80 | 0.00 | 0.01 | 0.01 | 16% | 20% | 64% |
| 15 | as you've seen | Direct | | 18 | 4 | 55 | 77 | 0.00 | 0.00 | 0.01 | 23% | 5% | 71% |

Table 5. The table reports the presence of direct evidentials in the corpus. The absolute and relative frequencies and the distribution of the occurrences are also detailed, taking into consideration the different parts of the calls.

5.6 Common knowledge

Information is embedded in a common knowledge frame with expressions such as *as you know* or *we all know*. This is rather rare in questions and happens nearly exclusively in the presentations and answers given by executives. It should be noted that expressions indicating common knowledge can point to either an inclusive *we* or an exclusive *we* referring to the company insiders.

| # | Form | Evidence Type | presentations | questions | answers | TOTAL | P/100 OW | Q/100 OW | A/100 OW | %P | %Q | %A |
|----|----------------------|------------------|---------------|-----------|---------|-------|-------------|-------------|-------------|------|-----|------|
| 1 | as you know | Common knowledge | 293 | 18 | 927 | 1238 | 0.08 | 0.01 | 0.22 | 24% | 1% | 75% |
| 2 | we know | Common knowledge | 220 | 58 | 731 | 1009 | 0.06 | 0.04 | 0.17 | 22% | 6% | 72% |
| 3 | we all know | Common knowledge | 13 | 10 | 57 | 80 | 0.00 | 0.01 | 0.01 | 16% | 13% | 71% |
| 4 | people know | Common knowledge | 6 | 0 | 21 | 27 | 0.00 | 0.00 | 0.00 | 22% | 0% | 78% |
| 5 | you guys know | Common knowledge | 0 | 4 | 23 | 27 | 0.00 | 0.00 | 0.01 | 0% | 15% | 85% |
| 6 | everyone knows | Common knowledge | 10 | 0 | 16 | 26 | 0.00 | 0.00 | 0.00 | 38% | 0% | 62% |
| 7 | everybody knows | Common knowledge | 4 | 1 | 17 | 22 | 0.00 | 0.00 | 0.00 | 18% | 5% | 77% |
| 8 | as you probably know | Common knowledge | 1 | 0 | 17 | 18 | 0.00 | 0.00 | 0.00 | 6% | 0% | 94% |
| 9 | it's a fact | Common knowledge | 1 | 0 | 7 | 8 | 0.00 | 0.00 | 0.00 | 13% | 0% | 88% |
| 10 | people believe | Common knowledge | 0 | 2 | 2 | 4 | 0.00 | 0.00 | 0.00 | 0% | 50% | 50% |
| 11 | businesses know | Common knowledge | 1 | 0 | 0 | 1 | 0.00 | 0.00 | 0.00 | 100% | 0% | 0% |
| 12 | it's known | Common knowledge | 1 | 0 | 0 | 1 | 0.00 | 0.00 | 0.00 | 100% | 0% | 0% |
| 13 | it's well known | Common knowledge | 0 | 0 | 1 | 1 | 0.00 | 0.00 | 0.00 | 0% | 0% | 100% |

Table 6. The table reports the presence of common knowledge evidentials in the corpus. The absolute and relative frequencies and the distribution of the occurrences are also detailed, taking into consideration the different parts of the calls.

The data on the distribution of evidentials in ECC conversational turns show a remarkably consistent picture of this activity type and its epistemic asymmetries. Financial analysts are company outsiders aiming to learn more about a company in order to broaden their evidential basis for valuation; they are interested both in eliciting new information and in testing evaluative standpoints of executives. This is consistent with their use of inferential evidentiality as they deploy elaborate guesswork to elicit confirmation, disconfirmation, or further details from executives. In the same way, analysts refer back to what executives have previously disclosed as premises for further inferences or as pieces of a puzzle whose consistency has to be checked.

Executives are the insiders and leverage on their superior access to more direct information and rarerly present themselves as drawing inferences, but when they venture outside the region of the already disclosed, they bound to be extremely non committal. This is consistent with claims to knowledge put forth by executives as well as their use of direct evidentials, and it is also consistent with the use of feeling, thinking, believing frames in the answers (the very forms that are usually covered by the safe harbour statement read at the beginning of all ECCs).

5.6 The relation between evidentiality and disagreement

Having observed that the distribution of different evidential categories captured by the dictionaries reflects in interesting ways the different roles of analysts and managers in the ECC interaction it remains to be seen if differences in the overall frequency of evidential expressions across different ECCs reflect differences in the prominence of argumentation across these interactions. In order to do so we identify another proxy of argumentative confrontations through the disagreement dictionary introduced in section 4.2. This is, in fact, a first step to validate evidentiality frequency as an *argumentativity index*. As observed above, we expected the distribution of evidential expressions to correlate positively with disagreement expressions across the corpus of ECC calls, under the hypothesis that *both* dictionaries are proxies of the underlying argumentative discussions.

We compute the general level of disagreement and evidentiality for each ECC. In the graph below (Figure 2), each point is a single ECC and its x represents the evidentiality level while its y is the disagreement level (both measured as the number of relevant tokens).

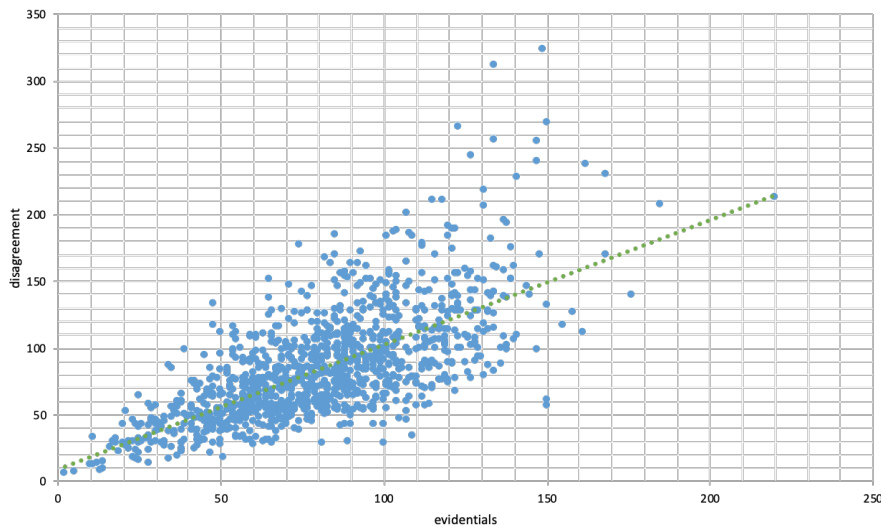


Figure 2. The figure reports the correlation between the usage of evidentials and disagreement expressions in the calls. Each point represents a single call, its x-coordinate representing the evidentials occurrences count and its y-coordinate the disagreement one.

We can observe in Figure 2 that an increase in the usage of evidentials clearly correlates with an increase in the usage of disagreement expressions. The correlation between disagreement expressions and

evidentials is equal to 0.69 on the whole sample (0.77 in presentations, 0.73 in questions, and 0.68 in answers).

The high correlation between evidentials and disagreement sheds some light on the argumentative content of the dialogues within the ECCs, suggesting a stronger presence of argumentation when either more evidentials are used or a stronger sense of disagreement is conveyed.

The significance of these findings for our research is twofold. Firstly, observing the correlation of evidentiality and disagreement represents a first step in developing a composite lexically based *argumentativity index* at the level of the whole ECC transcript. Such an index can be compared with other lexically based indexes, such as tone, used in financial text analysis and studied in relation to subsequent market developments. Secondly, evidentiality appears to be worth examining in greater detail in view of a deeper approach to the retrieval and reconstruction of argumentative discourse units (argumentation mining) in ECCs, be it in within an explicit rule-based approach or in the choice of features for machine learning.

6. CONCLUSION

Our corpus-based study served to highlight several key aspects of evidentiality and disagreement in ECCs. While our previous qualitative studies mainly focused on evidentiality in the questions of analysts, our empirical results reveal that the answers given by executives also use evidentials to achieve their intended goals. We also showed that the distribution of evidentials can be skewed toward questions or answers, depending on the specific type of evidentials. Moreover, our data shows a substantial correlation between evidentiality and disagreement that is not driven only by questions, but also by answers. These findings encourage us to pursue further studies based on the combination of automatic segmentation of discourse units and dictionary-based methods.

Furthermore, the empirical findings illustrated in this paper suggest a computationally efficient way of tracking and measuring the presence and the intensity of argumentation (argumentativity), paving the way to a large-scale study of argumentation in ECCs as well as in other areas of financial communication.

REFERENCES

Andone, C. (2013). *Argumentation in political interviews*. Amsterdam, Philadelphia: John Benjamins.

- Brown, S., Hillegeist, S. A., & Lo, K. (2004). Conference calls and information asymmetry \$. *Journal of Accounting and Economics*, 37, 343–366.
- Budzynska, K., M. Janier, J. Kang, B. Konat, C. Reed, P. Saint-Dizier, and O. Yaskorska, “Automatically identifying transitions between locutions in dialogue,” in Proceedings of 1st European Conference on Argumentation: Argumentation and Reasoned Action (ECA 2015), 2016
- Budzynska, K., Rocci, A., & Yaskorska, O. (2014). Financial Dialogue Games : A Protocol for Earnings Conference Calls. In S. Parsons & et al. (Eds.), *Computational Models of Argument* (pp. 19–30). IOS Press. <https://doi.org/10.3233/978-1-61499-436-7-19>
- Bushee, B. J., Matsumoto, D. A., & Miller, G. S. (2003). Open versus closed conference calls: the determinants and effects of broadening access to disclosure. *Journal of Accounting and Economics*, 34(1–3), 149–180.
- Crawford Camiciottoli, B. (2009). “Just wondering if you could comment on that”: Indirect requests for information in corporate earnings calls. *Text and Talk*, 29(6), 661–681. <https://doi.org/10.1515/TEXT.2009.034>
- Devlin, J. & Chang, M. & Lee, K. & Toutanova, K. (2019). Pre-training of Deep Bidirectional Transformers for Language Understanding. Proceedings of the North American Chapter of the Association for Computational Linguistics (NAACL 2019).
- Diamond, D. W., & Verrecchia, R. E. (1991). Disclosure, Liquidity, and the Cost of Capital. *Journal of Finance*, 46(4), 1325–1359.
- Eemeren, F. H. Van. (2018). *Argumentation Theory: A Pragma- Dialectical Perspective*. Dordrecht: Springer.
- Faller, M. T. (2002). Semantics and pragmatics of evidentials in Cuzco Quechua. Stanford University PhD Thesis, Stanford.
- Jiang, F., Lee, J., Martin, X., & Zhou, G. (2019). Manager sentiment and stock returns. *Journal of Financial Economics*, 132(1), 126–149.
- Loughran, T., & McDonald, B. (2016). Textual analysis in accounting and finance: A survey. *Journal of Accounting Research*, 54(4), 1187–1230.
- Miecznikowski, J., & Musi, E. (2015). Verbs of appearance and argument schemes: Italian sembrare as an argumentative indicator. In B. G. Frans van Eemeren (Ed.), *Reflections on Theoretical Issues in Argumentation Theory* (pp. 259–278). Amsterdam: Springer .
- Miecznikowski, J., Rocci, A., & Zlatkova, G. (2013). Le funzioni inferenziali e polifoniche dell’ avverbio epistemico italiano “forse.” In D. Pirazzini & A. Schiemann (Eds.), *Dialogizität in der Argumentation. Eine multidisziplinäre Betrachtung* (pp. 201–230). Frankfurt am Main: Peter Lang.
- Musi, E. (2014). Evidential Modals at the Semantic- Argumentative Interface: Appearance Verbs as Indicators of Defeasible Argumentation. *Informal Logic*, 34(4), 417–442.

- Musi, E., & Rocci, A. (2017). Evidently epistential adverbs are argumentative indicators: A corpus-based study. *Argument and Computation*, 8(2), 175–192. <https://doi.org/10.3233/AAC-170023>
- Nuyts, J. (2001). Subjectivity as an Evidential Dimension in Epistemic Modal Expressions. *Journal of Pragmatics*, 33(3), 383–400.
- O'Donnell, Mick. 2008. Demonstration of the UAM CorpusTool for text and image annotation. In *Proceedings of the 46th Annual Meeting of the Association for Computational Linguistics on Human Language Technologies: Demo Session*, 13– 16. Association for Computational Linguistics.
- Palmieri, R., Rocci, A., & Kudrautsava, N. (2015). Argumentation in earnings conference calls. Corporate standpoints and analysts' challenges. *Studies in communication sciences*, 15(1), 120-132.
- Pietrandrea, P. (2018). Epistemic constructions at work. A corpus study on spoken Italian dialogues. *Journal of Pragmatics*, 128, 171–191. <https://doi.org/10.1016/j.pragma.2017.10.006>
- Price, S. M., Doran, J. S., Peterson, D. R., & Bliss, B. a. (2012). Earnings conference calls and stock returns: The incremental informativeness of textual tone. *Journal of Banking and Finance*, 36(4), 992–1011.
- Rocci, A. & Raimondo, C. (2017). Dialogical Argumentation in Financial Conference Calls: the Request of Confirmation of Inference (ROCOI). In *Argumentation and Inference: Proceedings of the 2nd European Conference on Argumentation* (Oswald and Maillat editors), vol. 2: 699-715
- Rocci, A. (2017). *Modality in Argumentation*. Springer. <https://doi.org/10.1007/978-94-024-1063-1>
- Sbisà, M. (2014). Evidentiality and illocution. *Intercultural Pragmatics*, 11(3), 463–483. <https://doi.org/10.1515/ip-2014-0021>
- Stede M. & Schneider J. (2018). Argumentation Mining. volume 40 of Synthesis Lectures in Human Language Technology. Morgan & Claypool.
- Wu, X. & Koller V. (2017) Financial Analyst Discourse, Politeness Behaviour and Identities: Evidence from Earnings Conference Calls. *Unpublished*
- Willett, T. (1988). A Cross-Linguistic Survey of the Grammaticization of Evidentiality. *Studies in Language: International Journal Sponsored by the Foundation 'Foundations of Language*, 12(2), 51–97.

Five approaches to argument strength: probabilistic, dialectical, structural, empirical, and computational

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Originating from the 2019 Symposium on Argument held at the 3rd European Conference on Argumentation (ECA 2019) in Groningen, The Netherlands, this paper outlines and briefly compares central tenets in five approaches to argument strength: the probabilistic (Bayesian), the dialectical, the structural, the empirical, and the computational approach.

KEYWORDS: acceptability, argument, attack, Bayesian, computation, defense, empirical, experiment, defeat, diagram, dialectical, empirical, force, map, model, measurement, probability, relevance, semantic, strength, structure, sufficiency, obligation, permission, probability, retract

1. INTRODUCTION

The symposium's purpose was to review approaches to argument strength as a central notion for a theory of natural language argumentation. This paper presents five such approaches, namely: the probabilistic (Bayesian) approach, the dialectical, the structural, the empirical, and the computational approach.

Already in the planning phase we bracketed the rhetorical approach. It would presumably have suggested discourse items that the empirical approach might test statistically, or have provided post-hoc explanations why persuasion did (not) occur. A more complete overview of theoretical approaches to argument strength would no doubt include this approach.

Prior to the symposium, authors independently developed their own analyses of the three main arguments in *Epicureans on Squandering Life* (Aikin & Talisse, 2019). The motivating idea was to reveal differences between the five approaches (if any) as applied to the *same* text. The symposium not only included initial empirical findings regarding the perceived strength of these three arguments, but also addressed their structure. Visualizations thereof are part of the slide-set available at <http://tiny.cc/ArgStrth>. Here we present the approaches' theoretical gist (Sects. 2 to 6), the section-order mirroring the speaker-order at the symposium. Our discussion suggests that all five approaches can relate fruitfully (Sect. 7). Instead of conclusions, we give a brief summary (Sect. 8).

2. THE BAYESIAN APPROACH¹

If one interprets probability values subjectively, they represent not objective chances of singular or repeatable events, but *degrees of belief* (credences) or *graded commitments* in reasons and claims (Korb, 2004; Oaksford & Hahn, 2004). To a given natural language argument featuring at least one reason and a claim, the Bayesian machinery applies readily given these abbreviations:

C = claim, conclusion, or standpoint

R = reason, or the set of conjoined premises $\{R_1 \& R_2 \& \dots \& R_n\}$

P = probability (a measure of credence, subjective belief, or commitment)

$P(C/R)$ = probability of a claim given a reason

$P(R/C)$ = probability of a reason given a claim

t = an arbitrary threshold value

\sim = negation

¹ Section adapted from Godden & Zenker (2016), which explicates formal steps here omitted and provides additional references (see Zenker, 2013).

Bayes' Theorem (BT) (Bayes, 1763) defines the posterior probability of a claim C given a reason R as the probability of the claim *and* the reason, divided by the probability of the reason irrespective of the claim:

$$(BT) \quad P(C | R) = [P(R|C) \times P(C)] / (P(R))$$

The factor by which the prior probability of claim C , $P(C)$, is multiplied to yield the posterior probability of C conditional on the reason R , $P(R|C)$, we may call the *impact* of the reason, $i = P(R|C) / P(R)$. In full form:

$$(\text{Impact term}) \quad i = P(R|C) / [(P(R | C) \times P(C) + P(R | \sim C) \times P(\sim C))]$$

The impact term thus *is* the ratio of how probable the reason is given the claim to how probable the reason is regardless (irrespective of the claim). Under the constraint that $P(\sim C) = 1 - P(C)$, the impact term thus expresses a conditional expectation *of the reason* if the claim holds, as against a prior expectation on the reason regardless. The priors, $P(C)$ and $P(\sim C)$, express commitments to (or degrees of belief in) the truth or falsity of C given background information.

The other two terms, $P(R|C)$ and $P(R|\sim C)$, express *likelihoods*, i.e., prior judgements about (or attitudes towards) the probative value of reasons under the constraints $P(R|C) = 1 - P(\sim R|C)$ and $P(R|\sim C) = 1 - P(\sim R|\sim C)$. The first term, $P(R|C)$, expresses the *sensitivity* of the reason to the claim. When evaluating the reliability of an empirical test, for instance—and given that ‘hypothesis (H)’ replaces ‘claim’, and ‘evidence (E)’ replaces ‘reason’— $P(R|C)$ reports the *true positive rate* (i.e., the ratio of *correct* positive test-results to all test-results). The second term, $P(R|\sim C)$, expresses the complement of the *specificity* of the reason to the claim: the *false positive rate* (the ratio of *incorrect* positive test-results to all test-results). Both terms together express how well R “correlates” with C , except that this correlation *need not* ground in the frequency of event tokens. Thus, if C logically entails R , then $P(R|C) = 1$; and if no “correlation” obtains (statistical independence), then $P(R|C) = P(R|\sim C) = P(R)$.

Sensitivity and specificity are readily meaningful for long-run frequencies of event tokens. In contexts of natural language argumentation, however, reasons can provide support for claims *irrespective* of frequency considerations. A suitable non-frequentist interpretation that leaves both likelihood terms meaningful is: reason R is *sensitive* to claim C to the extent that R supports C more than R supports *any* other claim C^* (itself entailing $\sim C$), i.e., $P(C|R) > 0.5 > P(\sim C|R)$. And: R is *specific* to C to the extent that R rather than *any* other reason R^* (itself entailing $\sim R$) supports C , i.e., $P(C|\sim R) < 0.5 < P(\sim C|\sim R)$. Drawing sensitivity and specificity together, the extent to which R supports C thus

depends on the extent to which the C -supporting-reason R *fails* to support $\sim C$, and that to which argumentative support for C *cannot* be generated by reasons besides R .

In the two extremal cases, $P(C|R)=1$ and $P(C|R)=0$, support thus is strongest if R is an *exclusive and decisive* supporting reason-for- C ; and support is weakest if R is a *common and indecisive* supporting reason-for- C . An example of an exclusive and decisive supporting reason (outside the argumentative domain) is a modern litmus test in the form of a universal pH-indicator (hydrogen ion), where the indicator paper's coloring red is a causal effect of a solution's hydrogen ion concentration. Assume, unrealistically, that the test is *perfectly* sensitive, i.e., $P(R|C)=1$. This means any pH-level <3 always turns the indicator paper red. Equally unrealistically, assume the test is *perfectly* specific, i.e., $P(C|\sim R)=0$, so that any pH-level ≥ 3 always fails to color the paper red. And again unrealistically, assume that for this purpose *no* other test is available. The paper's *not* turning red now *decisively* indicates that the solution is basic (not strongly acidic), so that $P(\sim R|\sim C)=1-P(R|\sim C)=1$ —and it does so *exclusively* too, for by assumption no other test can. In this case, $i=1/P(C)$; thus BT (equation 12) reports $P(C/R)=1$. (For application to arguments denying the antecedent or affirming the consequent, see Godden & Zenker, 2015).

Given non-extremal prior probability values for R and C , selecting suitable values for the sensitivity and selectivity terms provides one way of modeling the comparative support that R provides to C , e.g., as $P(C|R)-P(C)$. (Other measures are possible (see, e.g., Pfeifer, 2013). What these suitable values *are*, this depends on what arguers believe or commit to, or on what they recognize as evidence. In fact, advice on which values to select is not an integral part of the Bayesian approach, but rather pertains to considerations originating as much in philosophy of science as in practical philosophy. Presupposed in an analysis, moreover, is access to the structure of reasons and claims themselves, via an argument map, for instance, or a Bayesian network.

What particularly recommends the Bayesian approach to modeling argument strength is that the threshold t can specify not only arguers own commitments to the 'is a (necessary, insufficient, sufficient, supererogatory) reason for'-relation with sufficient numeric precision (Spohn, 2012). The threshold can also serve to spell our contextual constraints on this relation. Indeed, the approach specifies the informal logic criteria of relevance, sufficiency, and acceptability ("RSA conditions"), and thus connects them with quantitative notions of *evidential strength* in applied statistics, for instance, or *evidential value* in (criminal) law (Godden & Zenker, 2016).

The Bayesian approach is a *Pascalian* approach to probability. Among others, it requires that changing one's credence in a proposition P (in response to reasons) entails a corresponding and well-defined

change of credence in its negation, $\sim P$. This constraint runs counter to an important intuitions that the so-called *Baconian* approach to probability seeks to secure (Cohen, 1980; Spohn, 2012; Zenker, 2015, Sect. 5.3).

3. THE DIALECTICAL APPROACH

3.1 Overview

There are two classes of dialectical theories of argument: *informal* (van Eemeren & Grootendorst 2004; Walton, Reed & Macagno 2008) and *formal* (Barth and Krabbe 1982; Hamblin 1970, 1971; Kieff 2011; Krabbe 2013, 2017; Krabbe & Walton 2011; Rescher 1977; Walton & Krabbe 1995). Dialectical approaches to modelling argumentation represent the turn-by-turn sequence of conversational moves, or speech acts, in an argumentative exchange, thereby facilitating their analysis and appraisal (e.g., van Eemeren & Grootendorst 2004, Walton & Krabbe 1995). The analytical task involves reconstructing argumentative text or discourse into a sequence of such moves. Once a set of protocols, or rules for the dialogue game, are provided, moves and move sequences can be appraised.

Dialectically, argumentative norms are modelled as procedural rules (protocols) that permit, oblige, or prohibit particular moves or move sequences. Thus, the force of argumentative norms is operationalized in terms of creating obligations, or granting permissions, for discussants to make moves of specified kinds at future stages in the dialogue. For example, discussants have the right to assert any standpoint. Having asserted a standpoint, a proponent undertakes the obligation to defend that standpoint if challenged (thus acquiring a “burden of proof”), while respondents gain the right to challenge asserted standpoints.

Argument strength, then, is modelled as the set of commitments, entitlements, and obligations pertaining to discussants at any stage in an argumentative dialogue. Collectively, these comprise the “move space” available to that discussant. In this context, argument strength can be operationalized as the (un)availability of participant moves that constrain further interlocutor moves. Minimally, argument strength thus is a function of the (un)availability of non-losing future participant moves. In this sense, the strongest proponent-argument leaves no further opponent-move except concession (i.e., retraction of either a standpoint or of critical doubt), and the weakest proponent argument constrains *no* opponent-move, given the “move-space.”

3.2 Informal Dialectical Theories

Informal dialectical theories draw from a conceptual, analytical, and evaluative toolkit that includes argumentation schemes, critical questions, and fallacies. In presenting reasons, arguers draw upon a repertoire of schematic argument forms (i.e., argument schemes) to construct and compose their arguments. These schemes are rather like recipes, prompting arguers to provide all the right ingredients, properly assembled, for the argument they seek to produce.

One way to distinguish different discursive domains (or fields of argument) is according to the currency that a schematic argument has in each domain. Thus, the moves available to an arguer at any point in an argumentative dialogue are a function of both the claims they may draw upon as ingredients (i.e., premises) and the repertoire of schematic arguments (i.e., moves, or rules) that may be activated if those ingredients are provided as inputs.

By contrast, the fallacies represent a negative move space in the discursive domain. While fallacies schematically represent arguments, they are arguments of the unacceptable variety, which may be criticized merely on the grounds that they instantiate the fallacy. Typically, however, the fallaciousness of a given episode of argumentation depends not merely on its schematic form but also on background information and various contextual features specific to that episode.

To help determine whether a given instance of an argument scheme is deployed felicitously or fallaciously, one applies a prescribed set of critical questions accompanying each scheme. These questions are designed as tools to test the argument for stereotypical ways that arguments of that schematic type can default.

Dialogue moves are made by applying these tools on a turn-by-turn basis in ways such that the burden-of-proof shifts (back and forth) between discussants over the course of the dialogue according to *which* discussant has incurred *what* obligation to provide reasons, grant concessions, or retract standpoints. If at the end of the dialogue a proponent has failed to discharge their initial burden of proof, then they must retract their standpoint. For, their argument was not strong enough to support the standpoint. Alternatively, if the proponent meets their burden of proof, then the respondent must withdraw their critical doubts, and so the argument was strong enough, dialectically speaking.

In determining argumentative norms, these informal tools are of *heuristic* value. But whether singularly or in combination, no such tool yet delivers a *comprehensive* catalogue of (im-)permissible arguments, let alone a *complete* list of the cogency-criteria that would apply. None, for instance, provides an exhaustive list of the (im-)permissible discussant moves. This makes a more systematic approach desirable, as found in formal dialectical theories of argument.

3.3 Formal Dialectical Theories

Formal dialectical theories of argument depict arguments as *profiles of dialogue* that are distinguished by their different protocols (Krabbe 1999, 2002; Walton 1999, 54f.; 2015, 96f.; van Eemeren et al., 2014, 366-367). Structurally, dialogue profiles are directed graphs with a tree-structure. Nodes represent possible moves in the argumentative dialogue. Edges (joining the nodes) represent paths to permissible discussant-moves (that are *available* according to the dialogue game's rules) given a particular dialogue-state. Actual dialogue can thus instantiate some "branch" (i.e., a specific path from root to tip). An obligatory move is a single path emanating from the previous move; while several paths lead to permissible moves. Thus, as all edges are weighted equally, *path connection strength* is modeled as a constraint on the available response moves.

Each participant's goal is to strategically execute a move sequence that compels their interlocutor to make a game-ending move: either proponent standpoint retraction or respondent standpoint concession. A discussant has a *winning strategy* just in case they have available to them a sequence of moves such that, whatever response their interlocutor makes, each branch ends in a losing interlocutor move.

3.4 Argument Strength, Dialectically Conceived

Following such an analysis, what can be said about argument strength? Viewed dialectically, argument strength is a function of the (un)availability of permissible move sequences originating at the present dialogue stage, and ending in a discussant's role-specified goal being achieved.

Since the dialectical role of a respondent is to raise critical doubts, rather than to defend a standpoint from critical doubt, respondents technically don't offer arguments understood as presentations of reasons in support of standpoints, unless they advance counter-arguments (e.g., claims motivating their critical doubt, or alternative standpoints). As such, "argument strength" as it applies to each discussant might be better labelled "position strength," understood as the opportunity of the discussant to make a non-losing move. Positively, this amounts to the (un)availability of participant moves that lead to losing interlocutor moves. Minimally, it is a function of the (un)availability of non-losing future participant moves.

3.5 Further Considerations

Nevertheless, other evaluative considerations also might be brought to bear, as argument strength, generally understood, seems also to depend on them. Consider, for example:

(a) *Background Commitments*: Determinations of the availability of a discussant's non-conceding moves requires knowledge of their other commitments. It cannot be assumed that material that goes unchallenged is accepted. Rather, proponents strategically select as premises claims that they think are most invulnerable to challenge or likely to go unchallenged, while respondents strategically direct their critical attentions to those moves they deem most vulnerable to challenge or most likely to be indefensible.

(b) *Commitment Set Dynamics*: Dialectically, one "wins" an argument by obliging the opponent to retract either their standpoint or their critical doubt. Seemingly, arguments that are better positioned for such "wins" are stronger. But respondents can "win," as skeptics do, by persisting with their critical doubts simply by refusing to grant proponent claims that are otherwise unobjectionable. Similarly, proponents might "win" only by taking on so many otherwise implausible commitments that, were they not committed to their standpoint, they would rather give them up. Sometimes, to constrain an interlocutor's dialectical room to maneuver, discussants end up giving up, or denying, so much of the rest of their ordinary commitments that they come away from the argumentation bearing little cognitive resemblance to the discussant who entered into it. Especially if retraction is permitted, a more complete evaluation of argument strength would incorporate a measure of minimum mutilation (Quine, 1961, 44; 1992, 14-16) and considerations of (in)coherence when comparing the opening and closing commitment sets of each discussant.

(c) *Meta-argumentation*: The ordinary transaction of reasons arguably involves the meta-argumentative task of evaluating them, as well as the meta-dialogical critique of the applicable rules and standards (Finocchiaro, 2007; 2013; Krabbe, 2003). Because fallacy accusation, for instance, constitutes a meta-argumentative move, the "move space" available to discussants should include *meta-argumentative* moves. In fact, the critical point of the Squandering Argument (SA) (Aikin & Talisse, 2019) is meta-argumentative, pertaining not to what is said but *to being entitled to say it*. For the SA attributes a pragmatic inconsistency (performative absurdity) not to the speech act's content, but to the discussant's *performing* the act of asserting their view. A dialectical analysis and appraisal therefore requires that meta-argumentative moves are part of a dialectical system.

In sum, dialectical theories offer a straightforward account of argument strength, operationalized in terms of the availability of non-

conceding moves to a discussant and the lack of availability of non-conceding moves to their interlocutor. Yet the application of this apparently clear and simple standard can be complicated by many factors, both situational and structural.

4. THE STRUCTURAL APPROACH

4.1 Overview

We present the structural approach as a framework for evaluating the strength of structured arguments and counterarguments based on the kinds of diagrams used in informal logic. Evaluation here is bottom up, general and abstract, making it easier to compare specific models of evaluation and to formulate a consistent methodology (Tokarz, 2006; Gordon & Walton, 2006; Prakken, 2010; Selinger, 2019). The generalized model, after all, abstracts not only from the particular set of values that represent argument strength, but also from particular algorithms that transform the acceptability of premises into the acceptability of conclusions.

4.2 The underlying idea of argument structure

According to the underlying model of argument structure we apply here, the focal objects consist of separate inferences constituting atomic (simple or linked) arguments. Complex arguments are formed from atomic ones via syntactic operations corresponding to convergent, divergent and serial arguments (standard part), as enriched with counter-considerations and undercutters (dialectical extensions). Counter-considerations (or ‘con-arguments’ vs. ‘pro-arguments’) attack sentences—underminers attack premises, rebuttals attack conclusions—while undercutters attack inferences, i.e. inferential links between sentences. Such structures consist of the sentences of some predefined language L . They can be represented symbolically as finite, non-empty sets of *sequents*, i.e. quadruples of the form $\langle P, c, d, R \rangle$, where $P \subseteq L$ is a finite, non-empty set of premises; $c \in L$ is a conclusion; $d \in \{0, 1\}$ is a Boolean value (1 for pro- and 0 for con-sequents); $R \subseteq 2^L$ is a finite set whose elements are non-empty, finite sets of (linked) undercutters (Selinger, 2019).

4.3 Abstract evaluation

For the purpose of evaluation, two types of values are introduced. Those that are assigned to sentences we simply call *values*. By contrast, those assigned to inferential links between sentences we call *weights*. The set of values V can be any set containing at least two elements, which are

assigned to the sentences of L by a partial function v . The elements of a distinguished (non-empty) proper subset $V^* \subseteq V$ are assigned to audience-accepted sentences. The set of weights W is any set containing at least two elements assigned to the strengths of direct inferences, regardless of the premises' actual values. Also in this set, we distinguish a proper (non-empty) subset $W^* \subseteq W$ whose elements correspond to valid inferences.

Both sets, V and W , are ordered by the 'being stronger'-relation. Each specific way of ordering thus determines the corresponding concept of argument strength (if unordered, V and W determine no such concept). A linear (total) order is *prima facie* a natural choice. However, the minimum assumption imposed on such an ordering is that any distinguished value/weight be stronger than any undistinguished one. If an order is linear, then each two computable arguments are comparable. The greatest element of V , if any, can be interpreted as corresponding to full acceptability of sentences, and the least element, if any, to their total rejection. The greatest element of W , if any, can be interpreted as corresponding to deductive (strict) inference, and the least, if any, to deductive rejection.

In the evaluation process, the (bottom) values of the first premises combine with the weights of the component inferences in an appropriate order, corresponding to the structure of the examined whole. Thus, by using suitable *operations* on both values and weights, the domain of the evaluation function is extended step by step to eventually obtain the (upper) value of the final conclusion. Per definition, this value is the *strength* of the focal argument.

This procedure can be viewed as an implementation of the RSA-triangle requirements (Johnson & Blair, 1977; see our Sect. 2). The initial evaluation function corresponds to premise acceptability, the weighing function corresponds to premise relevance, and the suitable combination of both values and weights regarding the structure of argument corresponds to premise sufficiency.

4.4 Evaluation of counter-arguments

Since counter-arguments are arguments, they too can be evaluated as separate arguments. But they may also be combined, or aggregated, with the arguments they themselves attack, so as to evaluate the aggregated whole (Selinger, 2019). The *relative strength* of a counter-argument can thus be defined as the "gap" between the strength of the attacked argument and the strength of the aggregated argument. Such an attack can be called *successful* if the value of the aggregate's conclusion does not belong to the set V^* .

4.5 Problematic issues

The components of examined arguments exhibit various kinds of logical interdependencies. These can impede the evaluation in particular *argumentation systems* that are defined by (i) specific sets of values and weights, (ii) their distribution, and (iii) operations on them. When gathering convergent arguments, this can result in overestimating argument strength (*double counting fallacy*), or in underestimating the overall acceptability of sets of sentences when computing the value of linked premises or undercutters (a dual form of the *double counting fallacy*). The recalculation of values that are already assigned to sentences (e.g., to some undermined first premises) is also vulnerable to this fallacy. On the other hand, if some interrelations among components are overlooked in the course of analysis, then their impact upon argument strength may remain uncounted at all. In specific cases, for example, one may well ask whether a rebuttal only rebuts some conclusion, or whether it also undercuts each (or some) of the convergent pro-arguments supporting the conclusion. After all, pro-arguments may constitute a kind of rebuttal to con-arguments, and perhaps pros also undercut cons.

5. THE EMPIRICAL APPROACH

5.1 Introduction

Rather than *define* argument strength, the empirical branch of communication studies *operationalizes* this concept. Experimental persuasion research regularly manipulates argument strength as a variable relevant to message content. In constructing this variable properly, special attention is paid to questions such as: How to properly pre-test strong/weak argument-stimuli, and how to operationalize the focal concept reliably?

5.2 The underlying idea of argument strength

Although lots of research within the empirical approach to argument strength has been carried out, there remains significant disagreement among researchers concerning the evaluation of this concept (Zhao & Cappella, 2016). One typically distinguishes a direct from an indirect way. The direct way relies on the pre-given features of argument strength, for instance the presence of evidence (Kononova et al., 2017). By contrast, the indirect way determines argument strength based on cognitive responses of a (sampled) population.

The indirect way is of particular interest because it presents a data-driven account that can be tailored to meet specific contextual or

situational factors. An indirect pre-test procedure typically involves three steps: (1) develop a pool of (non-)cogent arguments regarding some attitude-object (e.g., an issue, person, place, etc.); (2) gather cognitive responses by sampling from a relevant population; (3) select those arguments with the highest and lowest acceptability ratings for further investigation.

A central problem is the reliability of the (open-ended or closed) techniques that this procedure incorporates. For instance, the main limitation of an open-ended technique such as thought listing—itsself developed within the Elaboration Likelihood Model (ELM)—is the focus on a single dimension of argument strength, i.e. the valence of the population's thoughts. As Darke & Chaiken's (2005) study shows, some factors that interact with the valence of the population's thoughts are not included into the ELM method. To refine stimuli, the ELM generally elicits participants' thought-profiles in a high elaboration condition, where participants are asked to think carefully about a message (Petty & Cacioppo, 1986; Borgstede et al., 2017). If subjects list favourable thoughts with reference to it, then the message is perceived as strong, whereas a weak message is expected to generate unfavourable thoughts.

Several researchers have expressed doubts about the ELM's technique, because the valence of thoughts is not an exclusive indicator of argument strength (Zhao & Cappella, 2016). A number of attempts have also been made to either elaborate on the valence factor or to find alternative argument strength indicators (see Carpenter, 2015).

5.3 Extending the ELM evaluation

An operational definition of argument strength in the ELM omits the question whether a pre-test must standardize the relations between valence and personal gains and losses. In attempting to overcome the ELM's limitations, Darke & Chaiken (2005) do standardize those relations through a manipulation check. They suggest that evaluating a message (in terms of eliciting favourable, unfavourable or neutral thoughts) should give room for degrees of self-interest within the thought profile. Specifically, the self-interest component should be considered in relation to both 'immediate personal benefit onset' vs. 'delayed benefit onset' and 'immediate personal costs' vs. 'delayed costs'. In their manipulation check, messages producing immediate personal benefits were seen as stronger than those producing delayed benefits for the population. More so than the presence of immediate personal benefits, however, what proved to be a decisive factor for argument strength indication was the expectation of immediate personal costs, which decreased the strength of arguments irrespective of the kinds of benefits being presented.

Since experimental settings see the argument strength-variable interact with a host of other variables (Stiff & Mongeau, 2016), Darke and

Chaiken's manipulation provides a valuable insight into the relation between a thought-favourability aspect of argument strength and such additional message features as benefits and costs for the self. The main weakness of the manipulation, however, is that the presumed direction of the interaction effects does not reflect the comprehensive nature of argument strength itself. In other words, it is difficult to foresee whether similar persuasive effects would obtain if aspects other than valence and self-interest were manipulated.

5.4 A multi-item scale evaluation

In search of alternative methods, scholars have proposed multi-item scales that go beyond a single indicator of thought-favourability. For instance, Munch and Swasy (1988) pre-tested argument strength using a multi-item scale including strong vs. weak contraries, as well as five additional binary opposites for factors such as relevance, convincingness, importance, logicity and agreement. Unfortunately, they provide no data on internal consistency for the set of factors. A more comprehensive method (Lavine & Snyder, 1996) not only pre-tested ten factors for evaluating argument strength, it also showed a satisfactory level of internal consistency for the chosen set of factors.

For a given data set, both an internal consistency check and a confirmatory factor analysis (CFA) is required to tell how well the scale's model is suited for the specific data. Neither of the two pre-tests, however, was followed by checking the inter-factor reliability of the perceived argument strength scale or by the investigation of their factorial validity for the specific data.

Based on previous work, Zhao et al. (2011) offer a model of a multi-item scale and subsequently adjust it to evaluate the strength of arguments extracted from anti-drug and anti-smoking public service announcements (PSAs). To overcome one of the thought listing-procedure's potential limitations, viz. no capacity or need to provide precise thoughts among younger populations, Zhao et al. (2011) performed two studies in different age groups. In study 1, a model of a perceived argument strength scale was given to adolescents who assessed arguments from anti-drug PSAs. In study 2, the model was presented to adults who used it to evaluate arguments from anti-smoking PSAs. In both studies, the scale's model included nine indicators of argument strength (believability, novelty, convincingness, importance, confidence, friend, thoughts, agreement and reason).

These indicators were used to gather argument strength-ratings from a relevant population, and a CFA served to evaluate how well the multi-item model fitted the data. Inter-correlations of the perceived argument strength scale, Comparative Fit Index (CFI) and Root Mean Square Error of Approximation (RMSEA) were also provided. As a result,

only if CFI and RMSEA values were at an acceptable level did the model adequately fit the data. To improve the fit, variables with the lowest loadings on the latent factor were removed from the model. Although removing convincingness and novelty from the model in study 1, and novelty from study 2, improved the model's fit, the overall fit still remained unacceptable. Proper fit was obtained only after allowing for (easily explainable) error correlations in the CFA.

5.5 Problematic issues

In Zhao et al.'s (2011) multi-factor scale, itself a rating procedure that introduces a standardized model of argument strength indicators, the rationale for choosing a factor is generally unclear. Factors such as valence of thoughts, agreement, importance, believability and novelty belong to prior close-ended measures of argument strength. Although Zhao et al.'s scale is well-grounded in the experimental literature, its application is often based on an unsystematic choice of factors used in pre-tests of argument strength. It stands to reason that the choice of factors should instead be supported by using critical questions relevant to an argumentation type or scheme (Walton et al., 2008). Therefore, future research should investigate the factorial validity of indicators having been extracted from critical questions to better understand the nature of argument strength.

6. THE COMPUTATIONAL APPROACH

6.1 Overview

Whilst there are many computational models of argument, for example structured approaches reminiscent of those in Sect. 4, the computational perspective has predominantly, but not exclusively, focussed upon Dung's (1995) abstract approach to evaluating arguments. Rather than studying the exact statements used to express an argument and evaluating how those statements work together to strengthen or weaken a position, the computational approach instead abstracts away the linguistic detail, subsuming premise-conclusion structures into distinct, individual, atomic, abstract arguments. Each argument still has internal structure, the premises and conclusions still exist. But the focus in many abstract computational approaches has shifted from studying the nature of support *within* an argument, to studying the nature of conflict *between* arguments.

This approach is, admittedly, a gross simplification of the rich domain of argumentative discourse. But it enables powerful computational machinery to be deployed whilst recognising the limits of what computers can currently do. More plainly, human analysts can make

leaps of intuition and tease out meaning from unexpressed, underformed, or badly written texts, something that machines cannot yet achieve. By momentarily setting aside many of the rich historical, socio-psychological, and linguistic aspects of argumentation, we establish a basic context in which arguments can be handled computationally.

6.2 Conflicts & Semantics

Abstract arguments are studied in terms of their conflicts with other arguments, for example when one argument undercuts or rebuts another, leading to the notion that one argument can *attack* another argument (Walton, 2009). A network of such abstract arguments and attacks forms a directed graph and is referred to as an *argumentation framework*. The status of each argument can then be computed in relation to the pattern of attacks that exist within any given framework. For example, if an argument is attacked, and the attacker is in turn attacked, then the first argument is said to be *defended* by the second attacker. This idea of attack and defence can also be applied to sets of arguments so that an argument can be deemed *acceptable* to a set of arguments if the argument is defended by a member of that set. Any set of arguments can also be *conflict-free* if there are no attacks between members of the set.

Taken together, any set of arguments that is both conflict free and whose members are reflexively acceptable is an *admissible set*. These properties (conflict-freeness and acceptability) and the derived property (admissibility) subsequently play a central role in the identification of subsets of the overall framework, a process referred to as the application of a semantics. Semantics are, in essence, an evaluation process, determining which consistent groups of arguments, referred to as extensions, can be accepted.

Given that the application of a semantics can lead to multiple, consistent sets of arguments, which set of the multiple extensions should a person adopt as their position? This would appear to be a problem where the strength of arguments could play a role. The obvious answer might be: the strongest extension. However, there is very little explicit reference to the strength of arguments within the computational literature.

6.3 Notions of Strength

Nevertheless, some notions can be wrestled from the computational approach and shown to align with common concepts of strength. These relate to, firstly, the relationship between different semantics, secondly, the relationship between sets of arguments calculated by a given semantics, and finally, to the use of preferences to order the members of an argumentation framework.

If we pose the question, ‘Given an argument framework, which argument is the strongest?’, Dung and subsequent abstract argumentation authors actually have little to say on the subject. A *first* concept of argument strength could be based upon the output from a given semantics by applying the “gunfighter” analogy. Those arguments (gunfighters) that are acceptable (survive) at the end of the evaluation process (gunfight) can be deemed to be strong on the basis that they were not defeated. Put more plainly, for a given framework and a specified semantics, an argument that is acceptable is objectively strong.

A *second concept* of argument strength might be to compare how the set of arguments identified by one semantics can be considered to be stronger or weaker than those identified by another semantics. Note that there are many semantics, and an equivalent, slightly more expressive approach called labelling (Verheij, 1996). But these approaches all fit within a hierarchical organisation (Baroni et al., 2018) such that the stable semantics is a semi-stable semantics, which is in turn an instance of the preferred semantics, and so on until the base condition is reached with the conflict-free set. A difference in strength could be identified based upon the difference in requirements for set-membership under a semantics such that, for example, the members of an extension under the complete semantics are stronger arguments than those that are merely members of the admissible set.

In both these cases, however, the size of the extension could be very large, yet neither notion can tell us which individual argument within the extension is the strongest. This leads us to a *third concept* of argument strength. People are convinced for many reasons, whether by good or poor arguments, and often by things whose status as arguments we might debate. An argument that persuades one person might not persuade another, and might even be counterproductive. An argument defined as objectively strong under the gunfighter criteria, then, need not entail that that same argument would also be persuasive to an individual.

Recognizing that human psychology is problematic in this respect yields a more subjective sense of strength. It manifests in the computational approach through the use of preferences (Amgoud & Cayrol, 2002). Based upon a set of criteria, an ordering can be made over the members of any given set of arguments within a framework. Thus, when a set of acceptable arguments is identified, these can be arranged in a preferred order such that the most preferred argument can be deemed the strongest argument. One approach to defining an ordering over a set of arguments could stem from the kind of empirical approach discussed in Sect. 5. In this approach, however, neither is there an agreed and generally applicable method for constructing a preference ordering, nor a guarantee that the specific ordering is accurate for the audience in whose context it is being applied.

To summarise, *three concepts of argumentative strength* have been identified from the abstract argumentation literature: as a function of survival of the application of a semantics, as a result of comparison between semantics, and due to preference ordering. The first two of these concepts are objective, scalable, algorithmic, and generally applicable, but also highly granular—leading to possibly many, equivalent sets of “strong” arguments. In contrast, the third is a subjective, effort-intensive, more specific sense that can be finely tuned to an individual in terms of their preferences. In all cases, however, the computational literature rarely refers explicitly to the strength of an argument.

7. DISCUSSION

All five approaches are in some sense computational. In the Bayesian, the structural, and the strict computational approach, one first reconstructs structures by diagramming them, then computes some final value. (While the Bayesian approach rests on a probabilistic semantics, the other two approaches can deal with various, different semantics). On the dialectical approach, by contrast, analysts must first compute participants’ possible moves, obligations, and scenarios. The subsequent reconstruction of argumentation as a diagram does not so much prepare the grounds for a computation; it rather is the computation itself. On the empirical approach, finally, computations are used to process, elaborate, and present empirical data.

The dialectical method prescribes, indeed only provides for, a procedural account of argumentative norms, including norms that operationalize argument strength. This gives rise to a responsibilist picture of argumentative norms expressed in terms of entitlements and obligations (i.e., permissible and required moves). A consequence is that the norms determining argument strength are accessible to the arguers, as norms they can apply themselves.

The empirical approach should, in order to avoid an unlimited, unsystematic, or unpredictable addition of factors to multi-item scales, rely more strongly on informal dialectical tools. As an example, the critical questions for argument schemes provide direction whenever empirical researchers must select plausible indicators for multi-item scales. For instance, one of the critical questions for the symptomatic argumentation scheme—“Is (characteristic) Y indeed typical of (property) Z ?”—motivates adding a believability-factor to empirical models that evaluate the strength of symptomatic argumentation. Extracting such factors from the critical questions thus operationalizes argument strength as the comparative degree of argument scheme-complicity.

Insights transfer not only from dialectical to empirical research. Empirical research also informs the third concept of argument strength

on the computational approach, insofar as preference orderings would increase in validity were the preferences themselves based on dialectically-informed multi-item scales that fit well to data. Similarly, although the structural and the computational approach both abstract away from the order of dialogue moves, both nevertheless incorporate dialectical elements. One difference is that in Dung's frameworks the attack relation is primitive, while in the structural approach it must be defined. The Bayesian approach, by contrast, simply models attacks as evidence-nodes that, if relevant, bear on a claim's posterior probability.

8. SUMMARY

Each of the five approaches deals with the intricacies of modelling and evaluating an *order* among arguments given as their comparative strength.

The *Bayesian approach* models any argument's strength, provided that non-zero prior probabilities are assigned. Posterior probabilities then are derived given likelihoods (or vice versa). This approach "scales up" to networks of arguments. 'Argument strength' narrowly refers to the numerical difference, as measured, that credences in reasons make to credences in claims. The all-things-considered *best* formal measure of argument strength (rightly) remains contended. The model's subjective "bent" shows when a *specific* reason-claim complex (RCC) rests on, or conveys, a single-event probability (as some RCC's do). But in argument evaluation, one cannot readily ground this probability in objective frequencies *other than* the number of those adhering to RCC's content. As a decisive evaluation criterion, however, this would only invite circularity.

On the *dialectical approach*, argument strength is modelled as the set of commitments, entitlements, and obligations pertaining to discussants at any stage in an argumentative dialogue. These collectively comprise the "move space" that discussants have available to them. Argument strength is operationalized as the (un)availability of discussant-moves that constrain further discussant-moves. Minimally, argument strength is a function of non-losing future participant moves: the strongest proponent-argument leaves no available opponent-move, while the weakest proponent-argument constrains *no* opponent-move, given the "move-space."

The structural approach's focal objects are separate inferences constituting atomic (simple or linked) arguments. Complex arguments are formed from atomic ones via syntactic operations (that correspond to convergent, divergent and serial arguments) (standard part), as enriched with counter-considerations and undercutters (dialectical extensions). To evaluate arguments, analysts combine the values of first premises with the weights of component inferences in an order

corresponding to the structure of the examined whole. By using suitable operations on both values and weights, the domain of the evaluation function can be extended, to thus obtain the value of the final conclusion. This value represents the focal argument's *strength*.

On the empirical approach, analysts typically study argument strength either in a direct or an indirect way. The *direct way* relies on a prior notion of argument strength, determined, for instance, by the presence and quality of evidence). Rather than offer a measure of argument strength, the direct way presupposes one. The *indirect way* determines argument strength based on the cognitive responses of a (sampled) population. A data-driven account, it can be tailored to specific contextual factors. The challenge is to identify the set of measurement dimensions that provide an all-things-considered best model of perceived argument strength, i.e., an empirically adequate descriptive model that fits well to the data.

The computational approach rarely refers explicitly to the strength of an argument. One can nevertheless distinguish three concepts of argumentative strength: (i) as a function of survival of the application of a semantics, (ii) as a result of comparison between semantics, and (iii) due to preference orderings. The first two concepts are objective, scalable, algorithmic, and generally applicable. But their high granularity can possibly lead to many, equivalent sets of “strong” arguments. By contrast, the third concept offers a subjective, effort-intensive, and more specific sense of argument strength. It can be fine-tuned to individual arguers in terms of their preferences.

REFERENCES

- Aikin, S. F., & Talisse, R. B. (2019). Epicureans on squandering life. *Three Quarks Daily*.
URL=<https://www.3quarksdaily.com/3quarksdaily/2019/02/epicureans-on-squandering-life.html> (accessed 5 OCT 2019).
- Amgoud, L. & Cayrol, C. (2002). A reasoning model based on the production of acceptable arguments, *Annals of Mathematics and Artificial Intelligence*, 34 (1-3), 197-215.
- Barth E., & Krabbe, E. C. W. (1982). *From axiom to dialogue*. Berlin: de Gruyter.
- Baroni, P., Caminada, M., & Giacomin, M. (2018). Abstract argumentation frameworks and their semantics. *Handbook of Formal Argumentation* (chapter 4, pp. 159-236.) London: College Publications.
- Bayes, T. (1763/1958). An essay towards solving a problem in the doctrine of chances. *Philosophical Transactions of the Royal Society of London*, 53, 370-418. (Reprinted in *Biometrika*, 45, 296-315.)
- Darke, P. R., & Chaiken, S. (2005). The pursuit of self-interest: Self-interest bias in attitude judgment and persuasion. *Journal of Personality and Social Psychology*, 89, 864–883.

- Dung, P. M. (1995). On the acceptability of arguments and its fundamental role in non-monotonic reasoning and logic programming and n-person games. *Artificial Intelligence*, 77, 321-357.
- Finocchiaro, M. (2007). Arguments, meta-arguments, and metadialogues: A reconstruction of Krabbe, Govier, and Woods. *Argumentation*, 21, 253-268.
- Finocchiaro, M. (2013). *Meta-argumentation: An approach to logic and argumentation theory*. London: College Publications.
- Godden, D., and Zenker F. (2015). Denying antecedents and affirming consequents: The state of the art. *Informal Logic*, 35, 88-134.
- Gordon, T. F., & Walton, D. (2006). The Carneades argumentation framework. In P. E. Dunne & T. J. M. Bench-Capon (Eds.), *Computational Models of Argument: Proceedings of COMMA 2006* (pp. 195-207). Amsterdam: IOS Press.
- Hamblin, C. (1970). *Fallacies*. London: Methuen.
- Hamblin, C. (1971). Mathematical models of dialogue. *Theoria*, 37, 130-155.
- Johnson, R. H. & Blair, J. A., (1977). *Logical self-defense*. Toronto: McGraw-Hill Ryerson.
- Keiff, L. (2011). Dialogue logic. In E. Zalta et al. (Eds.), *Stanford encyclopedia of philosophy*. Stanford, CA: Center for the Study of Language and Information.
<http://plato.stanford.edu/archives/sum2011/entries/logic-dialogical/>
 (accessed 5 OCT 2019)
- Korb, K. (2004). Bayesian informal logic and fallacy. *Informal Logic*, 24, 41-70.
- Krabbe, E. C. W. (1992). So what? Profiles for relevance criticism in persuasion dialogue. *Argumentation*, 6, 271-283.
- Krabbe, E. C. W. (1999). Profiles of dialogue. In J. Gerbrandy, M., Marx, M. de Rijke, & Y. Venema (Eds.), *JFAK: Essays dedicated to Johan van Benthem on the occasion of his 50th birthday* (pp. 25-36). Amsterdam: Amsterdam University Press.
- Krabbe, E. C. W. (2002). Profiles of dialogue as a dialectical tool. In F.H. van Eemeren (Ed.), *Advances in pragma-dialectics* (pp. 153-167). Amsterdam-Newport News, VA: Sic Sat/Vale Press.
- Krabbe E. C. W. (2003). Metadialogues In: van Eemeren F.H., J.A. Blair, C. Willard C., and A.F. Snoeck Henkemans (Eds.), *Anyone who has a view* (pp. 83-90). Dordrecht: Springer.
- Krabbe, E. C. W. (2013). The topical roots of formal dialectic. *Argumentation*, 27, 71-87.
- Krabbe, E.C.W. (2017). The formalization of a critical discussion. *Argumentation*, 31, 101-119.
- Krabbe, E. C. W., & Walton, D. (2011). Formal dialectical systems and their uses in the study of argumentation. In E. Feteris, B. Garssen, & A.F. Snoeck Henkemans (Eds.), *Keeping in touch with pragma-dialectics* (pp. 245-263). Amsterdam: John Benjamins.
- Kononova, A., Yuan, S., & Joo, E. (2017). Reading about the flu online: How health-protective behavioral intentions are influenced by media multitasking, polychronicity, and strength of health-related arguments. *Health Communication*, 32(6), 759-767.

- Lavine, H. & Snyder, M. (1996). Cognitive Processing and the Functional Effect in Persuasion: The Mediating Role of Subjective Perceptions of Message Quality. *Journal of Experimental Social Psychology* 32(6), 580–604.
- Munch, J. M., & Swasy, J. L. (1988). Rhetorical question, summarization frequency, and argument strength effects on recall. *Journal of Consumer Research*, 15, 69-76.
- Oaksford, M., & Hahn, U. (2004). A Bayesian approach to the argument from ignorance. *Canadian Journal for Experimental Psychology*, 58, 75-85.
- Prakken, H. (2010). An abstract framework for argumentation with structured arguments. *Argument and Computation*, 1, 93–124.
- Petty, R. E., & Cacioppo, J. T. (1986). *Communication and persuasion: Central and peripheral routes to persuasion*. New York, NY: Springer-Verlag.
- Pfeifer, N. (2013). On argument strength. In F. Zenker (Ed.), *Bayesian argumentation: The practical side of probability* (pp. 185-193). Dordrecht: Springer.
- Quine, W. V. O. (1961). Two dogmas of empiricism. In *From a logical point of view* (pp. 20-46). Cambridge, MA: Harvard UP.
- Quine, W. V. O. (1992). *Pursuit of truth*. Cambridge, MA: Harvard UP.
- Rescher, N. (1977). *Dialectics: A controversy-oriented approach to the theory of knowledge*. Albany, NY: SUNY Press.
- Selinger, M. (2019). Towards defining the relation of attack. In B. Garssen, D. Godden, G. R. Mitchell, & J. H. M. Wagemans (Eds.), *Proceedings of the Ninth Conference of the International Society for the Study of Argumentation* (pp. 1064-1073). Amsterdam: Sic Sat.
- Spohn, W. (2012). *The Laws of Belief*. Oxford: Oxford University Press.
- Stiff, J. B. & Mongeau, P. A. (2016). *Persuasive communication*. New York: The Guilford Press.
- Tokarz, M. (2006). *Argumentacja, perswazja, manipulacja [Argumentation, persuasion, manipulation]*. Gdańsk: Gdańskie Wydawnictwo Psychologiczne.
- van Eemeren, F. H., & Grootendorst, R. (2004). *A systematic theory of argumentation*. Cambridge: Cambridge UP.
- van Eemeren, F.H., Garssen, B., Krabbe, E.C.W., Snoeck Henkemans, A.F., Verheij, B., & Wagemans, J. (2014). Formal dialectical approaches. In van Eemeren et al. (Eds.) *Handbook of argumentation theory* (ch.6, pp. 301-372). Dordrecht: Springer.
- von Borgstede, C., Andersson, M., & Hansla, A. (2014). Value-congruent information processing: The role of issue involvement and argument strength. *Basic and Applied Social Psychology*, 36(6), 461-477.
- Verheij, B. (1996). Two approaches to dialectical argumentation. Admissible sets and argumentation stages. *Proceedings of the eighth Dutch conference on artificial intelligence (NAIC'96)* (pp. 357-368). Utrecht: Utrecht University.
- Walton, D. (1984). *Logical dialogue-games and fallacies*. London: Lanham.
- Walton, D. (2009). Objections, rebuttals and refutations. *Argument Cultures: Proceedings of OSSA 09*, CD-ROM (pp. 1-10), Windsor, ON: OSSA.
- Walton, D. (2011). Modeling burden of proof in a modified Hamblin dialogue system. *Informal Logic*, 31, 279-304.

- Walton, D. (2015). Profiles of dialogue: A method of argument fault diagnosis and repair. *Argumentation & Advocacy*, 52, 91-108.
- Walton, D. & Krabbe, E.C.W. (1995). *Commitment in dialogue*. Albany: SUNY Press.
- Walton, D., Reed, C. & Macagno, F. (2008). *Argumentation schemes*. New York: Cambridge University Press.
- Zenker, F. (Ed.) (2013.) *Bayesian argumentation: The practical side of probability*. Dordrecht: Springer.
- Zenker, F. (2015). Denying the antecedent probabilized: a dialectical view. In: Eemeren, F.H. van, Garssen, B., Godden, D, and Mitchell, G. (eds). *Proceedings of the 8th International Conference of the International Society for the Study of Argumentation (ISSA)*, July 2014 (pp. 1-14). Amsterdam: Rozenberg.
- Zhao, X., Strasser, A., Cappella, J. N., Lerman, C., & Fishbein, M. (2011). A measure of perceived argument strength: Reliability and validity. *Communication Methods & Measures*, 5, 48-75.
- Zhao, X., & Cappella, J. N. (2016). Perceived argument strength. In D. K. Kim & J. Dearing (eds.), *Health Communication Research Measures* (pp. 119-126). New York: Peter Lang.

Responsible Agent Deliberation

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Our question is whether by adhering to the designed rules of today's deliberation dialogue protocols, intelligent rational agents can act fairly, transparently and responsibly. In this paper, we propose some reflections and guidelines on how deliberation dialogue should be held to these principles using norms to define protocols.

KEYWORDS: Deliberation dialogue, multiagent systems, responsibility

1. INTRODUCTION

In recent years, advances in the development of Artificial Intelligence systems have called for a reflection on principles that such systems should adhere to. Fairness, responsibility and transparency in decision making among others are essential in today's design of agent systems. Agents engaging in deliberation to make a decision or to solve a problem act on behalf of their users and the development of such systems should be held to these principles. In this paper, we reflect on the effect that current design choices in deliberation dialogue frameworks have towards fairness, responsibility and transparency of protocols for such a dialogue.

Formal dialogue protocols define how to move forward in a dialogue prescribing how an agent might respond to a particular statement, and when they are allowed to speak. This approach is commonly used in current deliberation systems, such as the McBurney, Hitchcock, and Parsons (MHP) model (2007). Commenting on these conversational policies among agents, Maudet et al (2002) suggest that they may or may not represent deliberations of the kind found in natural conversation. In a more general context, Shi et al (2010) show

that even in a flexible protocol, undefined sequences or unexpected additional sub-sequences of speech acts occur in natural dialogue. Later protocols have suggested that additional elements are required to represent more natural deliberation (Walton et al, 2016). However, by observing instances of human dialogue, we note that the design of dialogue protocols rules on how the agents are required to act might have consequences on the information shared, on the decisions taken, and beyond, to affect the resulting actions.

Hence our question is whether by adhering to the designed rules of today's deliberation dialogue protocols, agents will behave fairly, transparently and responsibly. In this paper, we propose some reflections and guidelines on how deliberation dialogue should be held to these principles using norms to define protocols. Fairness requires that protocols are designed to not discriminate against agents. Our initial observations show that the turn-taking function may cause unfair behavior, and that this function is not typical of deliberation, even though it is typical of persuasion dialogue. In deliberation dialogue, dialogues need to be more transparent so all can see the reasons given supporting or attacking the various alternatives (Yu et al, 2018).

Responsibility of agents has been studied in many contexts, predominantly in social and ethical behavior. Here we reflect on the problem of omission of information and attribution of responsibility due to protocol prescriptions. Castelfranchi (2000) holds that agents will inevitably deceive each other, and one way is by making an agent ignore something crucial for them. We show that the dialogue protocol rules may cause agents to be unable to state crucial information about an action. An agent may then be held responsible later if that action causes serious negative consequences. Responsibility should be considered as one of the principles for protocol design. We conclude our paper with some desirable properties that deliberation dialogue protocols should adhere to, to achieve better fairness, responsibility and transparency in decision making.

For the purposes of this paper, we define an *intelligent autonomous agent* (IAA) as an entity minimally having the following five capabilities, following in broad outline the approach of (Wooldridge, 2009). First, an IAA has the capability for perception and for collecting information. Second, an IAA can foresee some (but not all) of the future consequences of its actions and can change its planned actions accordingly. Third, an IAA can communicate with other agents so they can act together. Fourth, it can be inferred from the speech acts of an IAA that it is committed to a proposition, an action or a goal. Fifth, an IAA has the capability to add or retract commitments from its commitment store.

2. AGENT DELIBERATION

Deliberation can mean a wide variety of things in natural language (pretty much any activity involving some kind of thought can be called deliberation), but in recent computer science it has been given a more precise meaning. McBurney et al. (2007) cite three characteristics that have been widely adopted. First, deliberation is concerned with actions rather than propositions (and so is different from inquiry). Second, there are no initial commitments on either side (and so it is different from persuasion). Third, deliberation is cooperative rather than adversarial. The object is to achieve consensus, rather than conversion (persuasion) or compromise (negotiation).

Below is a simple example of a deliberation dialogue adapted from Kok et al (2011).

Ann: Where should we go for dinner?
Bob: We should go to the Italian restaurant.
Ann: Why?
Bob: It serves very tasty pizza.
Ann: But it is too expensive. We should go to the Japanese restaurant.
Bob: Why?
Ann: It's close to my place.
Bob: But I have to go home early and the Japanese restaurant is too far.

So far the deliberation dialogue has reached an impasse. But suppose the dialogue continues when Ann offers some new information which gives rise to a new option.

Ann: I noticed this new Greek restaurant on my way to work today, it is close to your place, and much cheaper.
Bob: OK.

Ann has offered two arguments supporting this new option. Bob indicates that he is OK with the proposal she has made, and so the dialogue has reached a successful resolution. They can go ahead with this proposal.

What made the dialogue terminate with a good outcome based on the arguments and proposals put forward by both sides? The introduction of the new information that Bob intended to go home early guided the subsequent identification of a new option revising the initial issue, helping the parties to find a suitable agreement.

In order for agents to engage in this dialogue, an agent model requires a representation of plans, actions, commitments and goals. A model of arguments is then required for agents to construct instantiated arguments about plans and actions to put forward in the dialogue. Finally, a dialogue protocol must be defined to identify when one agent is allowed to speak and what arguments can be stated. At each turn, the agent will identify from the protocol the possible speech acts that can be used to respond to a previous speech act. These will include arguments that could be exchanged, identified according to plans, actions, and goals. A selection of the next move is then to be made among the set of potential answers available. Figure 1 shows the layered representation of the agent knowledge as adapted from Prakken and Sartor (2002).

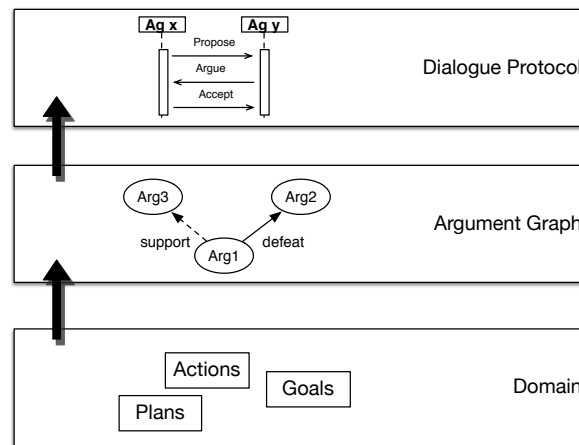


Figure 1. An agent layered dialogue model.

Arguments exchanged during the dialogue can be woven into an argumentation structure represented by an argument map (argument diagram). So we can use the familiar argumentation tools to evaluate the whole sequence of connected argumentation to get a big map showing all the supporting and attacking arguments for each of the proposals.

3. FORMAL DIALOGUE MODELS OF DELIBERATION

The seminal MHP model (McBurney, Hitchcock and Parsons, 2007) has three stages: an opening stage, an argumentation stage and a closing

stage.¹ During the opening stage the issue is settled concerning the choice to be made. During the argumentation stage, there are four kinds of distinct intervals. During the first interval the agents seek for information concerning the circumstances of the case where the decision is to be made. During the second interval, the agents put forward proposals offering potential solutions to the problem that is to be solved in the deliberation dialogue. During the third interval, the agents consider and revise the proposal that has been put forward. During the fourth interval the agents recommend a particular proposal as the one best suited to solve the problem or to make the best decision based on the information that has been collected and assessed. The third stage of the dialogue is the closing stage where the agents reach agreement on what action to take, based on the evidence collected and the recommendations made during the argumentation stage.

An interesting problem with applying the MHP model to realistic cases of deliberation is that the knowledge bases that the agents have tend to be incomplete, and may need to be updated once new information comes in. For this reason Walton, Toniolo, and Norman (2016) proposed a model in which an open knowledge base enables information about changed circumstances to come in. During the argumentation stage there is a cyclical flow of argumentation as new knowledge comes that requires re-evaluation of proposals.

According to this revised model of deliberation dialogue, an additional feature is a knowledge base that is continually collecting new information about the circumstances as the agents are deliberating. In the Walton, et al. model, this information is used to continually update the knowledge base as new circumstances are retrieved. Naturally, as new knowledge comes in, this will affect the framing of the choice to be made, which may have to be updated as some options turn out to be unrealistic while others are supported by the new evidence. In the example dialogue in Section 2, the Ann's solution to the problem was based on new information that came in.

The argumentation stage of the revised model is comparable to that of the MHP model. In the first interval, where the agents find the circumstances of the decision to be made, new information continually streaming in from the updated knowledge base affects the other three intervals during the argumentation stage where proposals are put forward, revised and evaluated.

Based on this reconstruction of the argumentation stage, the revised model moves to a closing stage in which the best proposal is

¹ Subsequent models of deliberation dialogue include (Kok, Meyer, Prakken, & Vreeswijk, 2011), (Medellin-Gasque, Atkinson, McBurney, & Bench-Capon 2011) and (Walton, Toniolo, & Norman, 2016)

accepted as the course of action best suited to the findings carried out in the argumentation stage.

4. CONTROL OF AN INTELLIGENT AGENT

To move toward providing a framework defining moral responsibility in section 5, we introduce the technical term 'control' to stand for the capacity of an agent to act, as represented by the set of capabilities of an IAA defined in Section 1.

Control, in this sense of the term is *"the capacity to intervene in the course of events so as to be able both to make something happen and to preclude it from happening, this result being produced in a way that can be characterized as in some sense intended or planned or foreseen"* (Rescher, 1969, 329). On this view, a rational agent has control over its actions (or refraining from actions) of a sort that can change its circumstances. It can set goals for itself, direct its actions based on these goals, and can retract or modify its goals, for example if it sees that its goals conflict.

To extend the notion of control beyond the account of the capacities of an agent in Section 1, we can add seven further capabilities relating to goals and actions by expressing them in the language of control.

- (1) An agent has control over carrying out actions (or refraining from actions) of a kind that can change its circumstances.
- (2) An agent has goals, can set goals for itself, and direct its actions based on these goals.
- (3) An agent can retract or modify its goals, as it might do if it sees that its goals conflict.
- (4) An agent can grasp how actions to achieve a goal fall into an ordered sequence where some actions are required to carry out others.
- (5) An agent can organize goals and actions into a hierarchy of levels of abstraction.
- (6) An agent will generally keep trying to achieve a goal even if it has previously failed (plasticity), unless it has reasons to stop trying.
- (7) An agent will not continue trying to carry out an action that it knows is impossible.

These capabilities can be formulated even more precisely by classifying the different types of control that can be distinguished. A classification system has been drawn up (Walton, 1974, 163), distinguishing six types of control: (1) complete positive control, (2) complete negative control, (3) positive partial control, (4) partial negative control, (5) full partial control, and (6) complete full control. The only kind of control not

defined yet is that of full partial control. Full partial control can be explained by looking at Figure 2.

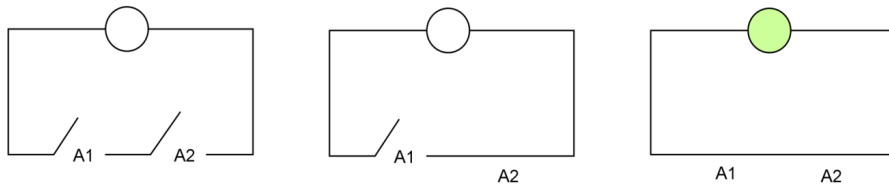


Figure 2: Parallel Circuit

Figure 2 represents the kind of case where agents A1 and A2 jointly, but not individually, have both positive and negative control over the outcome. An example of full partial control would be one where A1 and A2 are separately at the mercy of A3 with respect to the outcome, but where A1 and A2 can team up and get control of the outcome from A3. Individually, A1 and A2 are powerless to produce or prevent the outcome which is fully controlled by A3, yet jointly they can either produce or prevent the outcome. The existence of this type of control suggests the usefulness of modeling control as a teleological notion that needs to be defined within a framework of multiagent deliberation.

Next let us look at Figure 3. As shown by the two right circuits, A1 can keep the light on whether A2 turns her switch off or on. The only way for the light to be off is if both agents keep their switch in the open position, as shown in the left circuit.

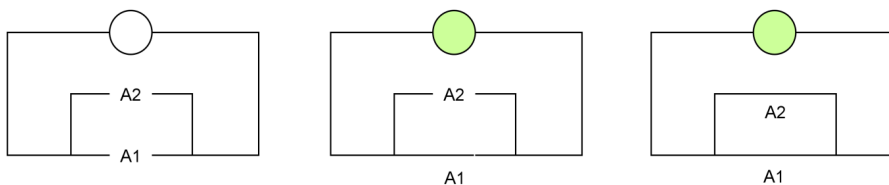


Figure 3: Series Circuit

Each agent, for example A1, can illuminate the light by closing his/her switch, thus exercising positive control over the outcome that the light is on, but A1 cannot make it so that the light is off unless A2 also decides to keep her switch open. Thus although A1 has positive control, he lacks full control because he lacks negative control. Neither agent individually has negative control. But each has positive control. Each has partial control. If they act together, they can exert positive control on whether the light is on or off (Walton, 1974, 164).

However, the requisite notion of control has not yet been defined completely enough to handle all problem cases. To conclude this section we set out two problems for defining the notion of control in this technical sense more fully.

The first example is posed by asking the question: does the moon control the tides (Rescher, 1969, 332)? Rescher answers that, in the proper meaning of the term ‘control’, it does not. Although he concedes that the movements of the moon determine the ebb and flow of the tides, he asserts that it is not proper to say that in the sense of the word ‘control’ he has in mind, the moon controls the tides. We agree with Rescher that in order to retain the intuitive idea of control, there has to be some aspect of deliberative agency or goal-directed action on the part of a controller present in the background.

The second example is the case of the berserk traffic light. Rescher argues this is not really an instance of control because *“it is not possible to retain the intuitive idea of control without retaining some aspect of deliberative agency or purpose contrivance on the part of the controller”* (Rescher, 1969, 332). He argues that the traffic light may still determine the flow of traffic, but the flow is no longer a controlled one, so in his (and our) sense of the word, the terminology of control has become inappropriate.

5. MORAL RESPONSIBILITY OF INTELLIGENT AGENTS

An IAA is only morally responsible for actions that actions it controls (carries out voluntarily, could have done otherwise). Such an agent must be autonomous (have self-control). Traditionally in philosophy this factor is called “free will” (a contested term. One way to reframe this notion so it can be made more precise for application to multiagent systems is to say that such an agent can control its actions). It is generally assumed in moral and legal philosophy that moral responsibility is *“the status of morally deserving praise, blame, reward, or punishment for an act or omission, in accordance with one’s moral obligations”* (Eshleman, 2016, 1).

An intelligent rational ethical agent is an IAA that is committed to social (ethical) norms specifying that certain actions, or kinds of actions, are obligatory, permitted or forbidden in a group it is part of, in addition to the defining features of an IAA given above. This means that to have a formal deliberation system in which to frame ethical judgments about responsibility, deontic logic has to be brought in.

An open question, however, remains on how a deliberation model for an ethical IAA should be designed to yield a fair, responsible and transparent deliberation, particularly if that agent’s role is to

deliberate on behalf of a user in a team of agents or a mixed team of agents and users.

Desirable properties in our dialogue model include the ability to explain why a decision was taken, walking back through the dialogue exchange. Key information needs to be exchanged to identify a new option, as well as the selection of a new option. Reasons why a particular dialogue step was taken need to be allowed, according to the dialogue protocol formalization. We note that with the use of argumentation-based deliberation dialogue, dialogues are more transparent through reasons supporting various alternatives (Yu et al, 2018). Argumentation-based explainable AI (e.g. Fan and Toni, 2015) can be used to compute a set of arguments that form relevant explanations to the acceptability of an argument. Tintarev and Kutlak (2014) propose a system of dialogue to better understand the steps of a plan for example “Why does the system NOT say that I should do Y?” The user can ask why an option is rejected.

Consider a follow up to our example in Section 2. Ann and Bob agree that they will go to the Greek restaurant, but next they have to decide how to get there. Ann suggests that the fastest way to get there is to take the tube to the place, but in the end they decide to walk to the main square and then take the bus from there because the tube is too busy. Assume that Charlie joins the discussion later. If so, Charlie should be provided with an explanation on why they are not taking the fastest route.

The second desirable property is that of fairness, which requires that protocols are designed not to discriminate against agents. From one side, agents should be allowed to exchange actions and plans that better represent their interests and that of the group. Our focus however is to understand whether this is always possible given a specific protocol. By using a group turn-taking algorithm, agents can eventually voice all the proposals that they have available, provided that they can continue to discuss previously moved proposals, skip a turn, or advance new proposals.

However, we noticed that this function together with other constraints might prevent agents to exchange proposals or information leading to an unfair situation. For example, in Toniolo, Norman, and Sycara (2012), adopting components from Kok et al’s (2011) dialogue framework, an agent can only make a relevant move in a dialogue. A relevant move is one that changes the acceptability status of a proposal, but this may prevent an agent from stating other proposals or further information. The dialogue protocol rules may then prevent agents from being able to state crucial information about an action because the statement no longer contributes to changing the acceptability of the proposal. However, this information may be essential to identify a

different proposal. An agent may then be held responsible later if the action or plan chosen causes negative consequences. In our example, assume that Bob has also a different reason for not wanting to go to the Japanese restaurant: not only is it far, but it can only be reached on foot, and his knee is painful. Assume that Bob shares this second reason, instead of stating that he wants to go home early. Note that in this example, only one of these reasons would be considered relevant. Ann would not receive the critical information that the place needs to be close by. Hence the dialogue could take longer to explore the space of proposals with closer locations, and might end with a less favorable option or end with no acceptable option.

6. ELEMENTS OF MORAL RESPONSIBILITY

Aristotle (1969) suggested that knowledge is an element of moral responsibility (*Nichomachean Ethics*, 1110 b1 17) when he wrote that everything that is done by reason of ignorance is nonvoluntary. Aristotle argued that for a man to have acted voluntarily in the ethical sense of the term, he must know what he was doing when he acted (1110 b1 18). He also holds that an action can be a candidate for praise or blame only if it was voluntarily undertaken by its agent.

This approach suggests a way of modeling the inferential structure of the sequence of evidence-based argumentation used in legal and ethical cases to arrive at a conclusion about how to assign praise or blame. We argue that an agent acts voluntarily only if the action he carried out was under his control at the time.

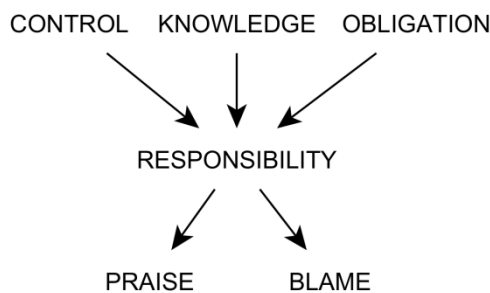


Figure 4: Factors for Arguing from Responsibility to Praise and Blame

On this approach, the three elements required to draw a conclusion about the responsibility of an IAA are control, knowledge and obligation, as shown in Figure 4. However, after some discussion at the

ECA conference in Groningen, we became convinced that in many cases, the notion of causation has to be factored in as well. Our initial reaction was that the concept of causation is too complex and not always needed for judging ethical responsibility. However, we accepted that a partial definition of causation could be used based on the INUS conditions.² On this approach, one event or action *A* *causes* another event or action *B* if and only if *A* is a member of a set of necessary conditions that, taken together, provide a sufficient condition for the occurrence of *B*. However, following the theory of causation in law of Hart and Honoré, such a selected event is generally a voluntary (human) action or an event or action that is “abnormal”.

The next question is how to define the concept of a voluntary action. It is a contested concept and there is much literature on it in law, philosophy, and other fields. But H. L. A. Hart had a way around this. He saw remarkably (in 1949) that voluntariness is best defined in law as a defeasible concept (Hart, 1949, 180). That is, instead of seeing voluntariness as some elusive internal event or state in the human mind, he wrote that it should be defined by excluding a number of other concepts. This means that it serves to *exclude* a heterogeneous range of cases such as physical compulsion, coercion by threats, accidents mistakes, etc. In today’s terms, he saw it as a defeasible concept. This insight anticipates the later AI view that case-based reasoning of the kind used in ethical and legal reasoning is inherently defeasible.

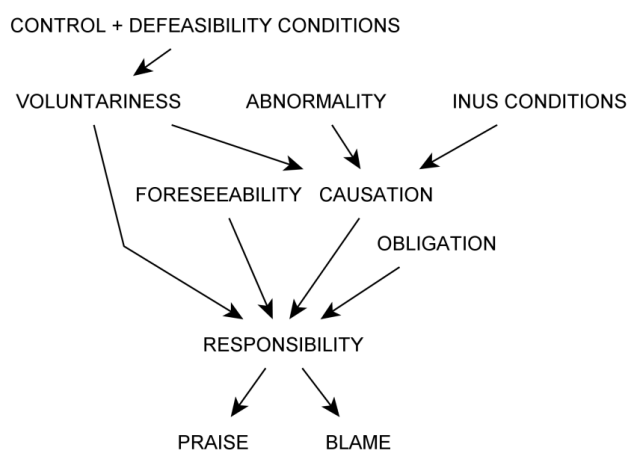


Figure 5: Factors for Arguing from Responsibility to Praise and Blame

² INUS conditions are insufficient but non-redundant parts of a condition which is itself unnecessary but sufficient for the occurrence of the effect according to the account of (Mackie, 1974).

What advantage can we derive from the insights of these early British analytical philosophers? To accommodate them we could modify the attempted defining conditions on how responsibility should be arrived at shown in Figure 5 as follows.

As indicated in Figure 5, we distinguish four basic components of responsibility. These are voluntariness, foreseeability, causation and obligation. We define causation in an admittedly simplistic way by using the INUS conditions, leaving the concept open to further refinement. Although causation is not always required to be considered, it is important in some cases, and therefore useful to include.

Foreseeability fits in well with the account of capabilities of an IAA listed in Section 1. In such systems, a rational agent has only a bounded rationality: it is aware of some (but not all) of the consequences of the actions it carries out or is contemplating carrying out. How foreseeable such a rational agent is expected to be in legal and ethical settings is variable. It is circumscribed by the granularity of the common sense reasoning that needs to be applied to the given situation in which the agent is situated. Our proposal then is that when the notion of ethical responsibility is redefined in this way, it would integrate formal models of deliberation with requirements for defining the notion of responsibility in a manner suitable for use in artificial intelligence.

Responsibility for omissions should be considered as one of the principles for protocol design based on the scheme for blame for omissions shown below.

Argumentation Scheme for Blame for Omissions

Major Premise: Agent A1 failed to carry out action S1.

Minor Premise 1: A had control over carrying out action S1.

Minor Premise 2: A1's failure to carry out S1 had negative consequences (NC).

Conclusion: A is to blame for NC.

Critical Questions

CQ1: What kind of control was involved, such as full control or partial control?

CQ2: Did A1 have knowledge about the reasonable likelihood of NC?

CQ3: Did A1 have an obligation to carry out S1 or otherwise to prevent NC?

CQ4: Did A1's carrying out S1 run into conflict with some other obligation of A1?

CQ5: Could NC have been prevented by other agents who were involved?

If we consider this scheme in the context of an agent deciding which argument or proposal to move forward in the deliberation, an agent may fail to inform another agent about an action T1 that could have been carried out at a particular time. If we assume that this lack of

information leads to carry out T2 instead, which is revealed to yield negative consequences, the scheme above can be used to reason about whether A1 is to be blamed for these consequences.

7. CONCLUSIONS

We have presented a typology of deliberation dialogue that can be used to model ethical and legal responsibility in agent deliberation. Fairness, responsibility and transparency in AI decision making, among other properties, are essential in today's design of agent systems. We have shown that argument-based models of dialogue are useful for achieving more transparent decisions and that responsibility has many components that should be considered, including control and obligations. Protocols (and related constraints) should be further studied to consider how to block unfair moves in deliberation dialogues.

REFERENCES

- Aristotle (1984). *Nicomachean Ethics* (trans. W. D. Ross, revised by J. O. Urmson). In Jonathan Barnes (ed.), *The Complete Works of Aristotle*. Princeton: Princeton University Press.
- Castelfranchi, C. (2000). Artificial liars: Why computers will (necessarily) deceive us and each other. *Ethics and Information Technology*, 2(2), 113-119.
- Eshleman, A. (2016). Moral Responsibility, *The Stanford Encyclopedia of Philosophy* (Winter 2016 Edition), Edward N. Zalta (ed.). <https://plato.stanford.edu/archives/win2016/entries/moral-responsibility>.
- Fan, X., and Toni, F. (2015). On computing explanations in argumentation. In *Twenty-Ninth AAAI Conference on Artificial Intelligence*.
- Hart, H. L. A. (1949). The Ascription of Responsibility and Rights, *Proceedings of the Aristotelian Society, New Series*, 49(1948-1949), 171-194. Published by: Wiley on behalf of The Aristotelian Society. <http://www.jstor.org/stable/4544455>.
- Hart, H. L. A. and Honoré, A. M. (1959). *Causation in the Law*. Oxford: Clarendon Press.
- Kok, E. M., Meyer, J.-J., Prakken, H. and Vreeswijk, G. (2011). A Formal Argumentation Framework for Deliberation Dialogues. In *Argumentation in Multi-Agent Systems*, ed. McBurney, P., Rahwan, I. and Parsons, 31-48. Springer Berlin Heidelberg.
- Maudet, M. and Chaib-draa, B. (2002). Commitment-based and Dialogue-based Protocols: New Trends in Agent Communication Languages: <http://www2.ift.ulaval.ca/~chaib/publications/maudet-chaib-ker-revised2.pdf>
- Mackie, J. L. (1974). *The Cement of the Universe: A Study of Causation*. Oxford: Clarendon Press.

- McBurney, P., Hitchcock, D., and Parsons, S. (2007). The Eightfold Way of Deliberation Dialogue. *International Journal of Intelligent Systems*, 22(1), 95–132.
- Medellin-Gasque, R., Atkinson, K., McBurney, P., and Bench-Capon, T. J. M. (2011). Arguments over co-operative plans. In *Theory and Applications of Formal Argumentation*, Lecture Notes in Computer Science, 7132, 50–66. Springer Berlin Heidelberg.
- Prakken, H. and Sartor, G. (2002). The role of logic in computational models of legal argument: a critical survey. In *Computational Logic: Logic Programming and Beyond*, Lecture Notes in Computer Science, 2408, 342–381. Springer Berlin Heidelberg.
- Rescher, N. (1969). *The Concept of Control. Essays in Philosophical Analysis*. Pittsburgh. Pittsburgh University Press.
- Shi, H., Ross, R., Tenbrink, T. and Bateman, j. (2010). Modelling illocutionary structure: Combining empirical studies with formal model analysis. In *Proceeding of the 11th International Conference in Computational Linguistics and Intelligent Text Processing*, 340-353.
- Tintarev, N., and Kutlak, R. (2014). SAsSy: Making Decisions Transparent with Argumentation and Natural Language Generation. In *Proceedings of the International Conference on Intelligent User Interfaces*, 29-32.
- Toniolo, A., Norman, T. J., and Sycara, K. (2012). An empirical study of argumentation schemes for deliberative dialogue. In *Proceedings of the Twentieth European Conference on Artificial Intelligence*, 242, 756–761.
- Walton, D. (1974). Control, Behaviorism, 2(2), 162-171.
- Walton, D., Toniolo, A. and Norman, T. J. (2016). Towards a Richer Model of Deliberation Dialogue: Closure Problem and Change of Circumstances, *Argument and Computation*, 7(2-3), 155-173.
- Wooldridge, M. (2009). *An Introduction to MultiAgent Systems*, 2nd ed., John Wiley & Sons.
- Yu, H., Shen, Z., Miao, C., Leung, C., Lesser, V. R., and Yang, Q. (2018). Building ethics into artificial intelligence. In *Proceedings of the 27th International Joint Conference on Artificial Intelligence*, 5527-5533.

From Dialogic to Argument-Based Teaching: Introducing Pragmatic Criteria to Analyse Whole-Class Interactions

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Argument-based teaching, broadly defined as the use of argumentation as part of the teacher's everyday pedagogical toolkit, implies dialogic teaching, meaning a shift in teacher's attitude from being authoritative to being more open to student's talk and agency. Nonetheless, the limits between allowing students to talk and enabling them to think argumentatively are still not well-defined. This empirical work addresses that gap through looking at an extended corpus of teacher-mediated whole-class interactions.

KEYWORDS: argument-based teaching, whole-class interaction, dialogic teaching, corpus, classroom discourse

1. INTRODUCTION

Argument-based teaching is generally defined as teaching that implies argumentation as a central pedagogical practice. Argumentation is defined as “a set of complex activities that people engage in together for the sake of making decisions, solving problems, and generally managing disagreements” (Wenzel, 1990; p. 15). It embraces at least three complementary perspectives: (a) the rhetorical, focusing on the natural language efforts of participants to persuade each other; (b) the dialectical, focusing on cooperative methods for decision-making; and (c) the logical, focusing on identifying and establishing standards of soundness of the produced arguments (Wenzel, 1990). When applied in the classroom, argument-based teaching may take several forms, such as: argument-oriented discussions in small groups (with no or little

teacher orientation), argument-oriented whole-class discussions facilitated by the teacher, and more or less structured one-to-one debates. The present paper focuses on whole-class discussions within different disciplinary fields in the middle grades.

In this kind of teacher dialogues with students, the tradition of so-called dialogic teaching, a broader and older term than argument-based teaching, is long and it goes back to the 1970s. It is within this tradition that the more recent term argument-based teaching was born to refer explicitly to the use of argumentation as part of the teacher's everyday pedagogical toolkit. Argument-based teaching implies the adoption of a dialogical stance, meaning a shift in the teacher's attitude from being authoritative to being more open to student's talk and agency. Nonetheless, the limits between allowing students to talk and enabling them to think argumentatively are still not well-defined. A possible reason behind this problem lies in the analytical tools applied so far in the study of teacher-student interactions, which tend to be ultimately descriptive and binary (authentic vs non-authentic, exploratory vs non-exploratory, dialogic vs non-dialogic). There is a lack of pragmatic criteria at the time of deciding which dialogue sequence is of higher quality (more authentic, exploratory, productive) than another.

The exploratory empirical study here presented proposes a method of classifying dialogue moves and sequences using criteria from argumentation theory, with the goal of identifying a hierarchy in terms of dialogue productivity in whole-class classroom discourse.

2. BACKGROUND

Dialogic teaching has been proposed as an alternative to authoritative teaching and it mainly refers to an attitude teachers must adopt in order to allow for more authentic dialogue to take place in the classroom. Following, is a brief explanation of how authoritative and authentic dialogic teaching are referred to in the literature.

Authoritative teaching is usually described as teaching that mainly, if not exclusively, uses an interaction pattern consisting of one or more adjacency pairs of the structure Initiation-Response-Evaluation, also known as IRE, or IRF (Initiation-Reply-Feedback) (Mehan, 1979; Sinclair & Coulthard, 1975). This means that the teacher initiates a query, one or more students reply to it, and the teacher gives a short evaluation or feedback using his/her authority. The structure of this triadic pattern of interaction is shown in Figure 1.



Figure 1 – The IRE pattern structure (Mehan, 1979).

By “authentic”, authors usually mean the replacement of the typical IRE/IRF teacher-guided discourse pattern by other, more interactive ways of engaging with the students. Teachers gradually became more aware that instead of assessing students’ answers (recitations) they could do “other things” as well, such as: re-voicing, mirroring, expanding, or clarifying (Wells, 1993). Even when the prevailing discourse structure has the form of triadic dialogue, classrooms can be places in which knowledge is dialogically co-constructed (Wells & Arauz, 2006). The idea of “dialogic teaching” was established: the more teachers open up the “dialogue space” for students to interact with them and with each other, the better the learning and dialogic quality of the class (Alexander, 2008; Vrikki, et al., 2018).

Broadly speaking, dialogic education research focuses on five characteristics of verbal interaction in the classroom: (a) teacher initiation moves should include open questions, rather than only closed questions; (b) participants should make extended contributions elaborating previous contributions made by themselves and others; (c) differences of opinion should be acknowledged, probed and critiqued, ideally bringing in the reasons on which opinions are based; (d) integrated lines of inquiry should be pursued through explicit links between contributions and attempts to co-ordinate; and (e) a meta-cognitive perspective of interaction should be adopted by the participants (Howe et al., 2019).

Within this body of research, some studies focus on the description of different discourse moves that teachers and students make during their interactions (e.g. Henessy et al., 2016; Vrikki et al., 2018). However, the description of dialogue moves remains at a conversational (rhetoric) level without any pragmatic (dialectical) criteria for judging their dialogic quality. Other studies focus on generally describing the quality of talk in different dialogic situations, varying between three main qualities, namely disputational, cumulative, and exploratory. Of these, the latter is considered the most productive for educational dialogue (Mercer, 1995; Mercer, Wegerif & Dawes, 1999), as it is the only one that combines both construction and critique

(Ford, 2008). However, the description of types of talk leaves out the micro-level of identifying which types of exploratory sequences are most dialogic, and why.

Argumentation dialogue taking place between teacher and students in the classroom is a type of pedagogical dialogue that is critically oriented (Rapanta, 2019a). This view differs from the traditional view of pedagogical dialogue as a dialogue in which “someone who knows the truth instructs someone who is in error” (Skidmore, 2006; p. 293), to a dialogue in which the initial situation is that of a critical inquiry and construction of knowledge, and the goal of participants is to co-construct the intention and contents of the dialogue, which are embedded in the use of evidence-based discourse. The more these criteria are applied, the more dialogicity is increased, in the sense of transforming the IRF structure into an authentic instructional discussion (Wells & Arauz, 2006). This idea (explained further in Rapanta, 2019a) consists of a top-down approach to defining argumentation as a type of dialogue that is critically oriented and therefore pedagogically more authentic. This paper takes a different approach, as it tackles a different problem. The problem here is not to define the nature of argumentation as a pedagogical dialogue type, but to identify what pedagogical dialogic practices, manifested in sequences of teacher-guided whole-class dialogue, are more argument-oriented than others.

3. METHODOLOGY

The goal of this study is to distinguish between more and less argument-oriented teacher-student dialogue in whole-class discussions. To do this, we will propose pragmatic criteria for deciding on types of moves that open the space for (constructive) argumentation. We will then see how these moves link together to form different types of sequences of different levels from a dialogical argumentation point of view.

3.1 Corpus description

The data for this study were collected during a one-year exploratory project which took place in two public schools in Lisbon, Portugal. The goal of the project was to support middle-grade teachers from different disciplinary areas in their gradual implementation of argumentation strategies in their everyday teaching practice (see also Rapanta, 2019b).

Two science, three history, and one citizenship education middle-grade teachers were accompanied in their classrooms for a six-month period, during which they were trained on how to “transform” from non-dialogic to dialogic teaching, and from dialogic to argument-

based teaching. Thirty-nine (39) lessons of 45 minutes each, distributed among the six teachers' 9th grade classes (average age of students 13.8 years old) were observed using the non-participant observation method and audio-recorded. All classes were then fully transcribed in their original language (Portuguese) by native language transcribers. The final corpus consisted of 9144 discourse moves emerging in 680 sequences, following the segmentation rules described below.

3.2 Segmentation

Both the criteria of segmentation and analysis of our corpus are pragmatic, in the sense that they imply rules of communicative structure and context, and the inter-relations between the two.

In particular, in terms of dialogue structure, we build our proposal of dialogue moves onto the prototypical structure of IRE/IRF, distinguishing into Initiation, Response/Feedback and Other moves. In addition, we consider IRE/IRF as the minimum dialogue sequence to be identified, leaving out incomplete sequences (e.g. single adjacency pairs) or monological discourse (including "monological interactions", see Scott, Mortimer & Aguiar, 2006).

In terms of dialogue context, we characterise Initiation moves as those expressing a specific dialogue goal proposed by any of the participants. These goals/moves are: Information-seeking, Inquiry, and Discovery (i.e. three of the four argumentation dialogue goals initially proposed by Walton, 1998, 2010 and recently discussed in Rapanta, 2018 as the most relevant when studying teacher-student dialogues). Persuasion was not expressed at a move level because, it refers to a final state rather than a process of interaction.

For a new dialogue sequence to be identified, at least one primary initiation move is necessary. The same sequence may contain more, secondary initiation moves without starting a new sequence, as long as speakers' shared communication goal is identified as being the same (i.e. the one marked by the primary initiation move). In the contrary; a new sequence is marked when participants' shared communication goal changes (even if such 'sharedness' is limited to one triadic exchange of the form IRE/IRF).

3.3 Coding scheme

The following types of moves formed part of our coding scheme as presented in Table 1. All moves may be performed equally by the teacher or by the students.

Table 1. Types of moves proposed in the coding scheme.

| Initiation | Response & Feedback | Other |
|-----------------------------------|--|-----------------------------------|
| Information-seeking open (IS.o) | Elaborate own previous initiation/response (El.own.I/El.own.R) | Discourse regulation (DR) |
| Information-seeking closed (IS.c) | Elaborate other's previous initiation/response (EL.other.I/El.other.R) | Task management (TM) |
| Inquiry closed (IN.c) | Accept (AC) | Meta-dialogue/Meta-discourse (MD) |
| Discovery (DS) | Discard (DC) | Off-task (OT) |
| | Invite (IV) | |

The decision for “closed” versus “open” versions of Information-seeking (IS) and Inquiry (IN) initiation moves lies in the speaker’s intention of: (a) guiding the interlocutor in his/her search for a response; (b) limiting or not the space of interpretation to given information; and (c) eliciting a fact, an interpretation of facts, or a viewpoint about a phenomenon or aspect(s) of it. For instance, the “closed” version of IS is about recalling previous knowledge without a further elaboration of it, whereas the “open” version of IS is about using previous knowledge to come up with a first-level inference. Similarly, the “closed” version of IN is about guiding the interlocutor in a particular search for information to interpret a variable or relation between variables, whereas the “open” version of IN is about opening the space of inquiry towards several interpretations of a given variable or set of variables. Finally, the Discovery move is about coming up with a new variable or relation between variables (e.g., a phenomenon mentioned in the textbook is related to real life contexts). Table 2 shows an example of teacher-generated and student-generated initiation moves for each one of the five types.

Table 2. Examples of initiation moves.

| Initiation move type | Teacher example | Student example |
|-----------------------------------|--|---|
| Information-seeking closed (IS.c) | In which year did Portugal enter the European Union? | Is water a simple or a double covalent bonding? |
| Information-seeking open (IN.o) | Look at the first graph: Why is not Portugal appearing among the EU countries? | What do the letters of our alphabet represent? |

| | | |
|-----------------------|--|---|
| Inquiry closed (IN.c) | (comparing two paintings) Do you think the figures on the right are similar to the figures on the left? | Isn't it enough to just draw a diagonal line between 'a' and 'b'? |
| Inquiry open (IN.o) | (projecting a slide) Why does Hitler's image appear next to Versailles' Treaty? | What did the Brazilians think in relation to the Portuguese colonizers? |
| Discovery (DS) | Do we nowadays have <i>direct</i> or <i>indirect</i> economy? | Did White slaves exist? |

The inter-rater reliability among the two authors was calculated on a randomly selected 20% of the corpus, and it was acceptable (Cohen's K = 0.809). Figure 2 shows a coded excerpt of the corpus.

| | | | |
|----|---|---|----------|
| 1 | T | Look at the two images I projected on the board. There is the Treaty of Versailles and then I put that other one over there (Slide 2 has a photo of Hitler and of the atomic bombs). Can you say why? | IN.c |
| 2 | T | Is there any relationship between the Treaty of Versailles and that personality there? | EL.own.I |
| 3 | T | Vasco | DR |
| 4 | S | Yes because it was the Treaty of Versailles.. | CO |
| 5 | T | It was the Treaty of Versailles that... | DR |
| 6 | S | That was Hitler's propaganda | EL.own.R |
| 7 | T | Why was it Hitler's propaganda? | IV |
| 8 | T | What was the feeling that was predominating and enabled him to use the Treaty as his propaganda, was it because it had some kind of effect for the German population? | IN.c |
| 9 | S | Because it was humiliating and considered very unfair. | CO |
| 10 | T | Right, exactly. | AC |

Figure 2 – A coded excerpt of the corpus.

Figure 2 represents a sequence in which the main initiation move is a closed Inquiry (IN.c) proposed by the teacher (T) in Line 1. The teacher participates with three more requests, related to this primary move: an elaboration of the initiation move (line 2), an invitation for the student to reflect further on her first answer (line 7), and another closed Inquiry move (line 8), which builds on the previous moves without initiating a new sequence (intention-wise, or topic-wise). The student participates with two contributions (lines 4 and 9) and one elaboration of her own response (line 6).

4. RESULTS

The following four types of sequences emerged from the analysis:

- (a) Low(er) dialogical IS sequence: a series of known information questions replied to by one person at a time, followed by no or brief elaboration. An example of this type of sequence, which can be called simply “knowledge check,” is presented on Table 3.
- (b) High(er) dialogical IS sequence: multiple answers by different students on the same known information question. An example of this type of sequence, which resembles a “cumulative exploration”, appears on Table 4.
- (c) Low dialogical IN sequence: Several viewpoints are invited on the same issue or several issues are interlinked on the same viewpoint, constructing an interpretation of the phenomenon/variable at hand without critically confronting ideas. An example of this type of sequence, which we call “constructive exploration,” is presented on Table 5.
- (d) High dialogical IN sequence: Several viewpoints are interlinked on the same issue dialectically, i.e. through confronting and/or challenging ideas without necessarily arriving at consensus. An example of this type of sequence, which we call “joint or critical exploration,” is presented on Table 6. Figure 3 presents the continuum between low and high dialogicity manifested by each of the identified types argument-based teaching sequences.



Figure 3 – The four types of emerged argument-based teaching sequences.

Table 3. An example of a “knowledge check” argument-based teaching dialogue (in bold, the types of moves that mark this characterization; here, they are closed information-seeking moves).

| | | |
|---|-----|--|
| 1 | T | We had seen the arrival in India. We finished the arrival in Calcutta. Did we read everything? Ok, now let’s summarize (.). How did the preparation of the overseas trip to India take place? The first trip, who was the leader? |
| 2 | All | Ahh, Cristopher Colombus. |
| 3 | T | King João II, isn’t it? Pay attention, who was the one who started to prepare everything beforehand, first he took care of what? |
| 4 | S1 | [inaudible] in the Atlantic |

| | | |
|----|----|--|
| 5 | T | In the Atlantic, no; in the Atlantic he knew how things were, didn't he? (.) It was in the Indian ocean, wasn't it? He even sent the missionaries knowing that, didn't he? What were their names? (.)Pero de Covilhã and Afonso de Paiva, isn't it? |
| 6 | T | In addition, he even explored which coast? |
| 7 | S2 | The African. |
| 8 | T | The occidental African coast. Through some important navigators, through whom? |
| 9 | S3 | Diogo Cão. |
| 10 | T | What did Diogo Cão explore? |
| 11 | S4 | The coast. |
| 12 | T | The coast of what part of Africa? |
| 13 | S1 | Of Angola. |
| 14 | T | Of Angola and Namibia, isn't it? |

Table 4. An example of a “cumulative exploration” argument-based teaching dialogue (in bold, the types of moves that mark this characterization; here, they are open information-seeking moves).

| | | |
|----|----|---|
| 1 | T | There are more health indicators which we haven't mentioned yet. Such as? |
| 2 | S1 | Mental health? |
| 3 | T | We already mentioned that. There are other indicators as well.. |
| 4 | S2 | Respiratory diseases? |
| 5 | T | Haven't we talked about that? Luis, we already talked about the mortality rate, and we said that it may be caused by Cardiovascular diseases, respiratory diseases... I want you to say something different. Today I said something about... |
| 7 | S4 | Diets. |
| 8 | T | We already talked about food, that it must be balanced and varied. Another indicator which also says that our society, in particular the Portuguese, is not in great health. |
| 9 | S5 | Child mortality. |
| 10 | T | We talked about that. Things we haven't said yet. Have we talked about all mortalities. Iris? |
| 11 | S6 | Prevention and control of infection and resistance against the... Something.. |
| 12 | T | Say, say it. |
| 13 | S5 | Infected hospital beds. |
| 14 | T | Beds? Are the beds infected? |

Table 5. An example of a “constructive exploration” argument-based teaching dialogue (in bold, the types of moves that mark this characterization; here, they are closed inquiry moves).

| | | |
|----|---------|---|
| 1 | Maria | Respect the space where we live (students brainstorm about values related to the concept of “home”). |
| 2 | Teacher | Respect the space where we live. Who agrees with this rule by Maria, does everyone agree? Or no one? |
| 3 | Paul | Yes. |
| 4 | Teacher | This “yes” is nice! Why do you agree? |
| 5 | Paul | (.) |
| 6 | Peter | Because it is a nice rule. |
| 7 | Teacher | Because it is a nice rule... Say, Luke. What would you like to say in regard to this rule by Maria, what do you think? |
| 8 | Luke | I think it is correct. Because I hate it when my brothers come into my room and start to mess it up. |
| 9 | Teacher | Your brothers start doing what? |
| 10 | Luke | To disorganize it. |
| 11 | Teacher | To disorganize your space. So, respect the space of everyone. What do you all think? Respect the space of everyone. Ok... Do you all agree? Respect the space of everyone... |
| 12 | George | I don’t know. I just have a room all by myself. |
| 13 | John | I don’t. |
| 14 | Michael | Oh, I do. |
| 15 | Teacher | So, when you don’t have a room just for yourself... |
| 16 | Michael | We should respect the space of the others... Respect the other inhabitants (students laugh). |
| 17 | Luke | Respect the other residents. |

Table 6. An example of a “critical exploration” argument-based teaching dialogue (in bold, the types of moves that mark this characterization; here, they are open inquiry moves).

| | | |
|---|--------|--|
| 1 | Andrew | Ok, the point is about the spaces ... in closed spaces there is more transmission of bacteria and viruses between people ... so, everyone gets sick if someone gets sick. In the exterior, there are also bacteria and viruses, this is why we can also get sick. But... there is more oxygen than an interior space, because the air... is always the same, and when we inhale and exhale, it is ... there is more carbon dioxide getting out ... and therefore the concentration of carbon dioxide in the space starts to increase and that of oxygen to decrease... |
|---|--------|--|

| | | |
|----|---------|--|
| 2 | Laura | One of the problems of doing sports in the open air is solar exposition ... we have to carry ... if we are not protected, it can affect our skin, even when the sun is not ... even when it is cloudy ... [inaudible] (she goes on her reasoning mentioning also vitamin D) |
| 3 | Teacher | And how is it that vitamin D relates to that? Explain! |
| 4 | Laura | When ... if we are doing sports in the open air ... but being protected ... we can collect the sun's energy but not the vitamin D... |
| 5 | Teacher | When we wear sun protection, do we absorb vitamin D? |
| 6 | choir | Yes! |
| 7 | Teacher | Do you agree with her? |
| 8 | choir | Noooo! |
| 9 | Teacher | So, how is it? |
| 10 | Laura | ...I may be mistaken, but when the vitamin D, it only gets absorbed, if we have...if we don't wear sun protection ... |
| 11 | Teacher | It is not about being protected or not protected. It is ... when... when the sun... it projects on our skin, isn't it? There is a substance, let's say, in our skin, called pro-vitamin D and the sun helps this substance to be transformed into vitamin D ... and so, go on with your reasoning... how is it now? |
| 12 | choir | [inaudible] (students talk simultaneously) |
| 13 | Andrew | We can be outdoors during the hours that it is not as hot ... that is ... we cannot be at the sun between 10 in the morning and 4 in the afternoon. |

What about persuasion? A persuasion sequence can be defined as engaging in peer-to-peer confrontation exploring one or more aspects of a phenomenon trying to reach a compromise or a consensus through the negotiation of meaning and concepts. This type of authentic argumentation was not present in the corpus, possibly because it only contained teacher-guided whole-class discussions, and not peer-to-peer interactions. Persuasion sequences were only present in a group presentation format, following small-group discussions, in which a group representative presents their arguments/conclusions to the other groups, as a kind of sharing conclusions. Confrontation may take place, but it is not spontaneous.

5. CONCLUSION

A pragmatic-argumentative analysis approach was necessary to lead to the distinction of different qualities of what is generally defined as "exploratory talk" (Mercer et al, 1999). By introducing pragmatic criteria inspired by Doug Walton's Argumentation Dialogue Theory we

were able not only to identify dialogic qualities of different moves, but also to distinguish between different manifestations of the same types of sequence. In particular, two types of Information-seeking dialogue sequences were identified: one of low dialogicity, based on closed Information-seeking moves, and one of high dialogicity, based on open Information-seeking moves. Similarly, two types of Inquiry dialogue sequences were identified: one of low dialogicity, based on closed Inquiry moves, and one of high dialogicity, based on open Inquiry moves. In whole-class discussions, authentic persuasion dialogue sequences were not present. These findings may have a double reading. On one hand, they confirm Reznitskaya's and colleagues' (Reznitskaya & Gregory, 2013; Reznitskaya & Wilkinson, 2017) intuition to exclusively focus on inquiry dialogue, as the most appropriate type of dialogue to take place in the classroom. On the other hand, they stress the importance of peer-to-peer discussions and small-group interactions for persuasive argumentation to take place.

Future work will consist in the quantitative analysis of the inter-relations between moves and sequences in order to identify micro-patterns of productive pedagogical dialogue, as well as distinguishing between teacher-initiated and student-initiated sequences.

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REFERENCES

- Alexander, R. (2008). *Towards dialogic teaching: Rethinking classroom talk*. Cambridge: Dialogos
- Ford, M. (2008). Disciplinary authority and accountability in scientific practice and learning. *Science Education*, 92(3), 404-423.
- Hennessy, S., Rojas-Drummond, S., Higham, R., Márquez, A.M., Maine, F., Ríos, R.M., ...Barrera, M.J. (2016). Developing a coding scheme for analysing classroom dialogue across educational contexts. *Learning, Culture and Social Interaction*, 9, 16-44.
- Mehan, H. (1979). 'What time is it, Denise?': Asking known information questions in classroom discourse. *Theory into practice*, 18(4), 285-294.
- Mercer, N. (1995). *The guided construction of knowledge: Talk amongst teachers and learners*. Clevedon, UK: Multilingual matters.
- Mercer, N., Wegerif, R., & Dawes, L. (1999). Children's talk and the development of reasoning in the classroom. *British Educational Research Journal*, 25(1), 95-111.
- Rapanta, C. (2019a). Argumentation as critically oriented pedagogical dialogue. *Informal Logic*, 39(1), 1-31
- Rapanta, C. (2019b). *Argumentation strategies in the classroom*. Delaware: Vernon Press.

- Rapanta, C. (2018). Potentially argumentative teaching strategies and how to empower them. *Journal of Philosophy of Education*, 52(3), 451-464.
- Reznitskaya, A., & Gregory, M. (2013). Student thought and classroom language: Examining the mechanisms of change in dialogic teaching. *Educational Psychologist*, 48(2), 114-133.
- Reznitskaya, A., & Wilkinson, I. A. (2017). *The most reasonable answer: Helping students build better arguments together*. Cambridge, MA: Harvard Education Press.
- Scott, Ph. H., Mortimer, E. F., & Aguiar, O. G. (2006). The tension between authoritative and dialogic discourse: a fundamental characteristic of meaning making interactions in high school science lessons. *Science Education*, 90(4), 605-31.
- Sinclair, J.Mc.H., & Coulthard, M. (1975). *Towards an analysis of discourse: The English used by pupils and teachers*. Oxford: Oxford University Press.
- Skidmore, D. (2006). Pedagogy and dialogue. *Cambridge Journal of Education*, 36(4), 503-514.
- Vrikki, M., Wheatley, L., Howe, C., Hennessy, S., & Mercer, N. (2018). Dialogic practices in primary school classrooms. *Language and Education* [Online first].
- Walton, D. (1998). *The New Dialectic. Conversational contexts of argument*. Toronto: University of Toronto Press.
- Walton, D. N. (2010). Types of dialogue and burdens of proof. In P. Baroni et al. (Eds.), *Computational models of argument* (pp. 13-24). Amsterdam: IOS Press.
- Wells, G. (1993). Re-evaluating the IRF sequence: A proposal for the articulation of theories of activity and discourse for the analysis of teaching and learning in the classroom. *Linguistics and Education*, 5(1), 1-37.
- Wells, G., & Arauz, R.M. (2006). Dialogue in the classroom. *The Journal of the Learning Sciences*, 15, 379-428.
- Wenzel, J. W. (1990). Three perspectives on argument: Rhetoric, dialectic, logic. In J. Schuetz & R. Trapp (Eds.), *Perspectives on argumentation: Essays in honor of Wayne Brockriede* (pp. 9-26). Prospect Heights: Waveland.

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